

Commentary: Burton Upchurch was born (1838) and died (1895) in Pickens County, Alabama. He was the son of Bartley Upchurch and the grandson of Abel Upchurch SR, head of Upchurch Clan # 8. Except for his service in the Civil War, Burton spent his entire life in this one county. He married and produced seven children. If memory serves, he was the only one of many Upchurches who served on both sides in the war to become an officer. He would achieve the rank of Captain. In his later years he lived in Carrollton, Alabama where he served as Clerk of Court for the county.

- RPU May 9, 2017

Acknowledgements: This Biofile was transcribed by William "Bill" Gates, a valuable contributor to Allied Families.

(1) See Pg 12 Attach to 2 FEB 1978 Ltr Elva E Burkhalter to RPU

A. Records of Pickens Co AL assembled by Mrs Charles Polk McGuire -

In Bethesda Cem - a stone reads "**Burton U** 1 JUL 1838 - 3 JUN 1895." Another stone - "Emma T., wife of Burton U 3 AUG 1845 - 5 JUL 1885"

In Hebron Cemetery: "Emma T., wife of Benjamin U 3 AUG 1845 - 5 JUL 1885" and "Burton U 31 JUL 1838 - 8 JUN 1895" [Note: The entries in Bethesda & Hebron are so similar - explanation? - error in compiler?? - RPU]

(2) See William Kendrick U Sr file for sheet rec'd on 17 Jul 1981 by RPU from Fred Upton U, Sr.

Capt **Burt U** CSA b 31 JUL 1838 (Pickens Co, AL) d 8 JUN 1895 (Pickens Co, AL).

(3) Capt **Burt U** CSA (31 JUL 1838 - 8 JUN 1895 in Pickens Co, AL), sixth child of Bartley U, md [15 JAN 1858 [ERROR - Should be 15 JAN 1868 - RPU]] Emily Teresa Hanson b 3 AUG 1845 d 5 JUL 1885 (Pickens Co, AL), was the gs of Abel U, Sr. They had issue of whom John Burton U b 29 SEP 1871 (Pickens Co, AL) d 30 AUG 1936 (Montgomery, AL) was the first (28 Pg 85).

(4) See Ltr 22 MAY 1987 Eleanor NMN U to RPU

Burton U & his wife Emily were buried in the Bethesda Cem on Benevola Road in Pickens Co, AL. The grave of "Emma T" is next to that of Capt **Burt**. Her grave is in bad repair. On the stone for Capt **Burton U**:

"BURTON UPCHURCH b 31 JUL 1838 d 8 (or 3?) JUN 1895 - An honest man - The noblest work of God" - UPCHURCH across the bottom.

(I realize the birth date is different but I copied from the headstone - they were not easy to read! EU]

(5) See Ltr 2 JUN 1990 James Dolphus Johnson, Jr to RPU

I. Samuel Hanson md Peggy _____

A. John Wesley Hanson md Elizabeth Jane Best

1. Margaret Ann Hanson (GM of James Dolphus Johnson, Jr)

2. Sara Melissa Hanson md John U, son of Bartley U of the [William U, IV[error - WHG 1 AUG 2016]]/Abel U, Sr Subclan
 3. Emily Teresa Hanson md Albert U [Note: All other records show the hus of Emily Teresa Hanson to be **Burton U**. The corruption could have come from Burton Burt → Bert → Albert - RPU]
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(6) See Ltr 4 NOV 1990 Eleanor NMN U to RPU

“I can’t find anything on Capt. **Burt U** CSA but have a faint memory of Clara Thompson telling me a little tale about him - I’ll keep looking for it. I do not believe he had red hair. My Grandfather “Papa”, John Burton U had dark hair - My father and his brothers all had dark hair so I think that was the artist doing his thing” (when he showed Capt Burt U with red hair).

(7) Copy of Ltr 23 NOV 1990 Eleanor NMN U to RPU re Capt **Burton U**

E. U. Kennedy
2507 Stirrup Ln
Alex. Va. 22308
November 23, 1990

REC'D 26 NOV 1990

Dear Cousin Phil,

This is a bit of info on Capt. **Burt Upchurch** which I want to send you immediately

A newspaper acct. of the death of Capt. **Burt Upchurch**

“On last Saturday afternoon at 1:30 o’clock occurred the death of that beloved gentleman, at his home in the west end of town.

Capt. Upchurch was born 31 July, 1838 and was married to Miss Emma T. Hanson on Jan. 15, 1868. From this union were born four sons and three daughters, all of whom are now living with the exception of one son.

The deceased was a gallant soldier during the Civil War, entering the service as a private in May 1864, and as a reward for services was promoted to the rank of Captain. He was wounded three times. His wife died July 5, 1885, and he moved with his children to Carrollton (AL) in November 1886 to enter upon the discharge of his duties as clerk of the circuit court, to which office he had been elected by a people who loved him. In this capacity he served the people up to the time of his death and served them well. No word of complaint rests against him; his name will ever be honored and revered, and the hearts of all who knew him will be saddened at the mention of his name. Could we, by the adding of words, assuage the grief or mitigate the heartaches of his bereaved children we would endeavor to do so, but this grief is too deep and too poignant. We can only say that we know from his life that he was a noble christian man and that he is now enjoying sweet rest from the labor and pains of earth life.

On Monday morning at 10:00 o’clock loving hands tenderly lowered his remains beside her he loved so well. He sleeps well, and on beyond the dark stream which marks the confines of life, he lives a redeemed spirit waiting and watching for those who linger behind. God grant that the reunion in the last day will bring to him a meeting with all his loved ones. The

funeral services were conducted by the Rev. J. B. Small in the presence of a vast concourse of friends of Bethesda Presbyterian Church 16 miles southeast of Carrollton”.

He is buried at Bethesda Presby Church & when I come upon the picture I'll send a copy.

This is all for now - more later -
Love -
Eleanor

(8) See Ltr 28 Jan 1991 Eleanor NMN U to RPU

“My records show Capt **Burt U** b 31 JUL 1838 (Cem. Records) and that he and Emily Teresa md 15 JAN 1858. I realize that makes her “13 years old”. I also notice that her dau Julia was b 31 JAN 1869 and it stands to reason in the days of limited birth control she probably had her first child about a year after marriage. That would give credence to your date of 1869.”

“I think 7 children is correct for **Burton U**. My mother corresponded years ago with cousin Jennie Estelle Fullerton. Had there been children born between my father (b 1871) and Uncle William Howard U, II (b 1876), I think I would have known about it.”

(9) See Ltr 4 APR 1992 William C. Daniel to RPU

Burton U b 31 JUL 1838 d 8 JUN 1895 md 15 JAN 1868 Anna Emily T. Hanson. [Note: This is first reference to her as “Anna” - RPU - see her Biofile for speculations - RPU]

(10) Outline Per U B Vol 13 No 1 JAN 1992

- I. Richard U, II
 - A. Abel U, Sr. - Head of Clan
 - 1. Bartley U
 - a. **Burton U**

(11) From Ltr 28 SEP 1992 Kathleen S. Brown to RPU

[Her letter placed in Pickens Co, AL Library File]

[NOTE: This document reveals that **Burton U** purchased a number of lots in the City of Carrollton, Pickens Co, AL on 15 AUG 1892 from William G. Robinson and that notes were still outstanding as of the death of **Burton U** on 8 JUN 1895. This document requests Court assistance in gaining satisfaction on the said notes. In the process - the children of **Burton U** are listed along with their locations.

1. John B. U = John Burton U, I
2. W. H. U = William Howard U
3. Edward U = Edward Grey U
4. Mrs Minnie Johnson = nee Julia Minnett U
5. Harriet U = Margaret Harriet U
6. Emma U = Emily Hanson U
7. J. B. U Adm = same as #1

No. <u>673</u> <u>B33</u>	
The State of Alabama,	
<u>Pickens</u> <u>County.</u>	
CHANCERY COURT	
<u>Wm G Robertson</u>	
Complainant.	
vs.	
<u>John B. Upchurch</u>	
<u>et als</u>	
Defendant	
ORIGINAL BILL.	
Filed <u>January 21st</u> 189 <u>6</u>	
<u>W G Robertson</u>	
Register	
<u>M. B. Curry</u>	
Solicitor	
<u>Record Book No 10 Page 198</u>	
<i>William G. Robertson</i>	
vs	
<i>John B. Upchurch</i>	
<i>W. H. Upchurch</i>	<i>In Chancery</i>
<i>Edward Upchurch</i>	<i>at Carrollton,</i>
<i>Mrs Minnie Johnson</i>	<i>Pickens County,</i>
<i>Harriet Upchurch</i>	<i>Alabama</i>
<i>Emma Upchurch</i>	
<i>J. B. Upchurch, Admin of estate of Burt Upchurch died</i>	

To Hon. W. H. Taylor, Chancellor re:

Your orator, William G. Robertson, a resident citizen of Pickens County, Alabama, over the age of 21 years, showth unto your Honor the following statement of facts, towit:

1. That prior to the 15th day of August, 1892, he was seized and processed in fee simple title of the following described lands in the town of Carrollton, Pickens County, Alabama, towit: Lots 51, 52, 53, 54, 61, 62, 63, 66 and 67 as shown by the map and survey of the west part of said town, that on the 15th day of August, 1892, he sold said land to one **Burt Upchurch**, and put him in possession of the same, for the sum of four hundred and twenty five dollars, one hundred dollars of said account was paid cash and for the balance of the unpaid purchase money, the said Upchurch executed his several notes, the first payable November 15th, 1892 for \$100⁰⁰, the second payable May 15th, 1893 for \$100⁰⁰ and the third made payable on November 15, 1893 for \$125⁰⁰. The said Upchurch made the cash payment, and paid off the first note above described when the same fell due, but the second and third notes herein before mentioned, which are made Exhibit "A" to this bill of Complaint and prayed to be taken as a part thereof are now past due and have never been paid, and no part of said notes have been paid except the sum of \$27¹⁰, which is endorsed as a credit on said notes - See Exhibit "A".

2nd - Your orator further shows unto your Honor that the said **Burt Upchurch** died intestate in this County on or about the 8th day of June 1895, and that letters of administration on his estate were granted to J. B. Upchurch, on the 18th day of October, 1895 by the Probate Court of said County, that all the heirs at law and distributees of his estate are as follows: John B. Upchurch [JOHN BURTON U, I], adult, W. H. Upchurch [WILLIAM HOWARD U] and Edward Upchurch [EDWARD GREY U] minors over the age 14 years, both of whom reside with the said Jno B. Upchurch in Carrollton, Pickens Co, Ala, Mrs Minnie Johnson [JULIA MINNETT U], adult, wife of Rev. C. Johnson, Harriet Upchurch [MARGARET HARRIET U], minor over 14 years of age and Emma Upchurch [EMILY HANSON], a minor under the age of 14 years both of said minors now residing with the said Mrs Minnie Johnson [JULIA MINNETT U], their sister, in the city of Montgomery, Alabama.

3rd - Your orator avers that he is the bonafide owner of said notes, which are Exhibit "A", hereto and that the same were given by the said **Burt Upchurch**, now dec'd, for the unpaid purchase money of lands therein set out and for no other purchase; and that the same are now due and unpaid.

4th - Your orator avers that he has a vendor lien on said lands for the accounts due on said notes, Exhibit "A" hereto, with interest thereon.

Wherefore, your orator prays your Honor to take jurisdiction of this Cause that the process of this Court be caused to be served upon the said Jno B. Upchurch, W.H. Upchurch, Edward Upchurch, Mrs Minnie Johnson, Harriet Upchurch, Emma Upchurch and upon J. B. Upchurch, as administrator of the estate of said **Burt Upchurch**, died making their parties defendant hereto and requiring them and each of them to please answer or ? to this bill of Complaint according to the rules of this Honorable Court; that a suitable person be appointed to represent the said minors in this Cause as guardian ad lietem; that your orator may be decreed to have a vendor's lien upon the lands as described in this his bill of Complaint for the amount of purchase money due on

said lands together with interest thereon; that this Honorable Court will ascertain the amount so due your orator upon said notes and will decree that said lands be sold to satisfy said amounts together with a cost and expenses of this suit; that your Honor will grant all such orders and decrees as is necessary to effectuate orator's lien aforesaid upon said lands; and orator prays for such other further and general relief as in the premises he may be entitled. And as in duty bound he will ever pray here.

M. B. Curry
Solr for Complt.

Note - Defendants are required to answer paragraphs from 1 to 4 inclusive of said bill and their oaths to such answers are expressly ordered

M. B. Curry
Solr for Complt.

Exhibit "A" Filed Jany 21 1896 W. G. Robertson Registry

\$100⁰⁰ - On the 15th day of May, 1893, I promise to pay WG Robertson, or order, One hundred dollars, with interest from date, being, the third payment of the purchase money for the following described lands, to wit: Lots 51, 52, 53, 54, 61, 62, 63, 66 and 67, situated in the town of Carrollton, Pickens County, Alabama, as shown by the map and survey for the west part of said town. Witness my hand and seal this August 15th, 1892.

Burt Upchurch LS

\$125⁰⁰, On the 15th day of May, 1893, I promise to pay WG Robertson, or order, One hundred and twenty five dollars, with interest from date, being the fourth and last payment of the purchase money for the following described lands, to wit: Lots 51, 52, 53, 54, 61, 62, 63, 66 and 67, situated in the town of Carrollton, Pickens County, Alabama, as shown by the map and survey for the west part of said town. Witness my hand and seal this August 15th, 1892.

Burt Upchurch LS

(12) Cemetery Records - Bethesda Presbyterian Cemetery, Benevola, Pickens Co, AL
See Cemetery Records for a picture of the tombstone for **Burton Upchurch**

(13) Ltr 13 NOV 1981 Mayfred U to RPU
CSA - **Burton U** - Co B, 47 AL Inf 2Lt - 2 Lt