

James A Upchurch**XID-4432**

Commentary: James A. Upchurch was born about 1828 in Montgomery County, North Carolina. He was the son of Allen and the grandson of Harmon Upchurch, head of Upchurch Clan #16. He married Martitia Ross in 1853 and this union produced at least 4 children. Much more research is needed to complete this family. It does appear that James and Martisha (sic) appear in the 1880 US Census, living in Yell County, AR.

Commentary: This Biofile was transcribed by long time UAFA supporter and volunteer, Ginger Sisney.

(no number) Excerpt from book " THE UPCHURCHES " by Mae D. Cox Apr 2008

SIXTH GENERATION
Allen Upchurch
Pages 137 - 171 copied for his Biofile

1. Michael Upchurch I 1620 -1681
2. Richard Upchurch 1658 - 1700
3. John Upchurch I 1678 - 1758
4. James Upchurch III 1724 - 1784
5. Harmon Upchurch 1740 - 1815
6. Allen Upchurch 1779 - 1848
- + Mary Dudley 1790 - 1850
7. Elizabeth Ann Upchurch 1805 –
7. William Allen Upchurch 1808 - 1884
7. Catherine Upchurch 1810 –
7. Patrick Bogan Upchurch 1816 - 1885
7. Benjamin Upchurch 1819 –
7. John Dudley Upchurch 1824 - 1857
7. **James Upchurch** 1828 –

137

In Letter 15 Sep 1993 Truex Newman Upchurch to RPU Page 14 from Records of the Clerk of the Court, Stanly Co, NC S-88 Page 336:

James A. Upchurch to Benjamin Upchurch.

This Indenture made this the 9th day of November A D 1857 between **James A Upchurch** of the County of Stanly and State of North Carolina of the one part and Benjamin Upchurch of the County & State aforesaid, of the second part Witnesseth, that the said **James A. Upchurch** for and in consideration of the sum o- one Dollar in hand paid by the said Benjamin Upchurch the

receipt whereof is hereby acknowledged and for diverse other consideration hereinafter mentioned do bargain, sell & convey & confirm unto the said Benjamin Upchurch his heirs or assigns the following property to wit: - One mule one Bay mare, one 2 horse wagon, & harness, Eighteen head of hogs one hundred & fifty bushels of corn, Twenty bushels of wheat, two thousand pounds of seed cotton, all they ay, fodder, shuck & straw, that I now have, three head of cattle, one clock, one stand of Bees And whereas I the said **Jas A Upchurch** am indebted in the following sums to wit one judgment due to the said Benjamin Upchurch for twenty five Dollars, one ditto to same for twenty five Dollars both dated 13th of Augt 1857 one bearing int from 3rd of December 1856 with 40 o costs the other bearing Int. from the 10th Febry 1857, with 40 cents cost, two Judgment to J. O. Rose, one fifty Dollars with Int & cost, the other for about Seventeen Dollars with Int & cost, the execution on the first names fifty dollars Judgment, stayed by the said Benjamin Upchurch, one note made to Martin Shoffner, Admr. Of Jno. D. Upchurch for Twenty Seven Dollars & thereabouts, dated sometime in August 1857. & due on day after date with the said Benjamin Upchurch as security one note to A. J. Dargan for ten Dollars dated in August 1859. & due on day after date with Benjamin Upchurch for security & one note to Jas. L. Gaines, dated & due as above with the said B Upchurch as security & whereas the said **Jas A. Upchurch** being desirous to secure the payment of aforesaid debts, now therefore to the full meaning and intent of these premises, I the said **Jas A Upchurch** do hereby warrant & defend theright and title of the aforesaid property to the said Benjamin Upchurch in Trust for the payment of the aforesaid debts until the 1st day of November 1858 at and after which time should the aforesaid debts or any part thereof remain unpaid then the said Be. Upchurch to advertise according to Law and sell on the premises of the said **Jas. A Upchurch**, all the above mentioned property or so much thereof as shall be of value sufficient to pay the aforesaid debts or such part or parts of them as shall remain unpaid together with all the costs & expenses incident hereto the said Benjamin Upchurch being thereunto moved at his own discretion.

In witness whereof we the said parties have hereunto set our hands and seals the day first above written.

Witness

J. F. Stone

North Carolina: Novr 9th 1857

Stanly County: Then the Execution of this Deed of Trust was proved on the oath of J F Stone therefore let it be registered.

Registered Novr 9th 1857

J. A. Upchurch (Seal)

Benjamin Upchurch (seal)

R Harris Clk

S. S. Stone Regr

By

J. D. Hearn's Deputy

In Letter 15 Sep 1993 Truex Newman Upchurch to RPU Page 12 from Records of the Clerk of the Court, Stanly Co, NC S-88 Page 151:

This indenture made this 12th day of June 1858 Between **Jas A Upchurch** of the County of Stanly and State of N Carolina of the one part and Benjamin Upchurch of the County of Stanly & State of N Carolina of the second part Witnesseth that for & in consideration of the sum of one dollar in hand by the said **James Upchurch** to the said Ben Upchurch I the said **Jas A Upchurch** do bargain sell & convey unto the said Benj. Upchurch his heirs or assigns all my present growing crop of wheat & corn to have and to hold to the said Ben Upchurch for the purpose s hereinafter mentioned to wit whereas I the said **James Upchurch** being justly indebted to the said Ben Upchurch in the sum of sixty-five dollars due by note & dated Nor. 12 1857 also one other note for forty five dollars & dated 3rd of March 1858 and whereas the said **Jas A Upchurch** being honestly desireous to secure the payment of the same to the said Ben Upchurch so as to save harmless the said Ben Upchurch. Now therefore if the said debts or any part thereof shall remain unpaid on or before the first day of January next then in that case it shall be the duty of the said Ben Upchurch to advertise in three public places in Stanly County & sell said property for ready money to the highest bidder and if a remainder he covenants & agrees to pay over all except the expenses of this trust to the said **James Upchurch** his heirs or assigns. In testimony whereof we the parties hereunto set our hands & seals the day & year first above written. Signed sealed & delivered in presence of

J Marshall

J. A. Upchurch (Seal)
Benj. Upchurch (seal)

North Carolina: June 12 1858

Stanly County: Then the execution of deed of trust was proved on the oath of J Marshall
Therefore let it be registered.

R Harris Clk

Registered 12 June 9 oclock P.M. 1858

S. S. Stone Regr