

John Michael Upchurch**XID – 5127**

Commentary: John Michael “Dump” Upchurch was the son of Charity Upchurch and the grandson of Charles, head of Upchurch Clan 2.

Acknowledgements: The following Biofile was transcribed by Carla J. Michaels, a volunteer and tireless contributor, who administers the UAFA center in Cary, NC

(no number) See Sparks Family for article “Tracing the Sparks Family History”, Page 13 -16, Received 18 Feb 1996 from Ray Olan Sparks

New Information:

I. Francis Marion Sparks – a blacksmith [see reference for ancestors] born about 1813 (SC) died after 1870 (AL)

married (probably SC) Elizabeth Horn. This couple was in Butts Co, GA for 1850 but soon moved to Aurora, Etowah Co, AL [which is about 8 miles from Boaz, Marshall Co, AL where **John Michael Upchurch** “Dump” lived.]

A. James Robert Sparks “Bob” born 8 May 1832 (SC) [born just before parents married but made legitimate by adoption in Marshall Co, AL in 1859] married 4 Jan 1855 (DeKalb Co, AL) Margaret E Brock died 8 Oct 1895. They soon moved to adjoining Marshall Co, AL. [They were in Marshall Co, AL for 1860 and 1870 Census but about 1880 moved to Eutaw, Greene Co, AL after selling inheritance in Marshall Co, AL of 160A in 1877 & 500A in 1878]. [*Richard Upchurch, III Clan and Charles Upchurch Clan, respectively.]

1. James Harris Sparks born about 1861 married 29 Aug 1878 (Marshall Co, AL) *Mary Delaney Upchurch born 26 Dec 1855 [married by Jesse F Miller, JP in hoe of her father D Upchurch – presume D = “Dump” = ***John Michael Upchurch** – RPU]. James was underage and required permission of his father to marry. Mary was 7 months older than James. Their first child “Leola” was born a month after the marriage. Their 10 children were born – 4 in AL, 3 in TX. Georgia Ann Matilda D Upchurch, her daughter Mary Delaney Upchurch and Mary’s son Zea Frank Sparks are buried at Pleasant Valley Cemetery, Clay Co, TX. Matilda in an unmarked grave. James Harris Sparks and his mother are buried in Drakestand Cemetery, 8 miles from Sallesaw, OK. Earlier reports had James an Indian and born in TN, but not so per Iva Edmonson of Albertsville, AL.

(no number) See Sparks Family for article “Tracing the Sparks Family History”, Page 13 -16, Received 18 Feb 1996 from Ray Olan Sparks

I. Richard Upchurch, III – Head of Clan

A. Claburn Upchurch, I

1. Lunsford Upchurch

a. Georgia Ann Matilda D Upchurch

i. Mary Delaney Upchurch
 married James Harris Sparks

This excerpt based on Sparks research tracks Mary and James from AL to TX. Matilda traveled with her daughter Mary. Matilda married **John Michael Upchurch** “Dump”, son of Charity Upchurch and grandson of Charles Upchurch – Head of Clan. There is no sign of “**Dump**” in this excerpt.

At that time the West was starting to attract settlers from the southern states who were suffering from the stultifying aftermath of the Civil War, the influx of "carpetbaggers" from the North, and the general social upheaval. Moving was made easier by the railroads that were penetrating into areas that had formerly only been accessible by horseback or wagon. The rails got to Nocona, Texas about 1887 from the East. Then Bowie was connected to the rail system on July 1, 1882, as the Fort Worth and Denver City Railway Company laid track toward Wichita Falls. To attract customers and develop freight business the various railway companies advertised heavily in the southern states about the bountiful conditions out west, where land was cheap, fertile, well watered, and available at the end of the rails. That was all true, of course, but they didn't talk much about the Indians.

Well, James and Mary surely read the advertising and made the decision to move. It is even likely that other members of the very large families, both the Sparks and the Upchurches, had already preceded them and wrote them letters of encouragement. The gravestones in the various cemeteries in Texas and Oklahoma attest to their presence in those days.

So James and Mary traveled to Texas probably by rail to Nocona, and by wagon over to Pleasant Valley where they bought eighty acres of farm land in what was known as Block No. 87 of Wood Co. School Lands. Their next three children were born there in Clay County.

We can only guess what happened to make them dissatisfied in Pleasant Valley. It is likely that some of the extended family, both Sparks and Upchurch, had moved into Indian Territory and had written letters about the fertile land, with abundant rainfall, and how much more profitable it was to farm up there. Probably James made a trip to Sallisaw to check it out for himself. Anyhow, the decision was made and they sold their eighty acres on Sept. 27, 1893 to J. C. McGowan for \$625. The legal document of sale is found at the Court House, Henrietta, in book #4537. Both James and Mary signed their names with an x.

The family moved to the area around Sallisaw where the rest of their children were born. We do not know where their farm was located but they apparently did fairly well. It is likely that they had cattle and horses, pigs and chickens as was customary in those days. Probably the children did not receive much schooling. The worst part of it was the lack of protection from bands of rebellious Indians. Sure, peace treaties had been signed, and the leaders and most of the tribes were willing to abide by the laws. But, even as now, some Indians were poor, resentful and willing to steal in order to even things up. And so James and the family experienced repeated thefts of their horses, cows, etc. and when they would hole up in their log cabin, aim their guns through the cracks to shoot at the intruders they got return fire. We are told that on one of these raids, James was shot by an Indian and he died January 23, 1902. As of now, June 1993, we do not know how the estate was settled, but somehow Mary got some money out of it and returned to the same area in Clay County where she and James had lived before.

The County Clerk of Clay County in Henrietta has in the book of records Vol. 44, page 184 a deed dated Nov. 20, 1902 showing that Mrs. M. D. Sparks paid \$1450, cash, to buy 145 acres of land in Pleasant Valley from Mr. and Mrs. H H. Morgan. It was again, a part of the Wood Co. School Land. Mary at that time was almost 42 years old, widowed, with eight or nine children at hand. Charles had stayed in Sallisaw, but she had her granddaughter, Ida Mae Rogers, to rear following the death of Leola, who was Mary's firstborn. Mary must have been a very courageous and tough frontier woman in order to cope with that situation. We can just guess that some kindly neighbors, friends and relatives helped her from time to time.

There was at least one big improvement over Sallisaw, no renegade Indians. And there was a nearby school and a Freewill Baptist Church, occupying the same small building, making it possible to expose the kids to a bit of civilizing polish. The children gradually grew up and by 1918 they were all married and gone. Mary was 58 years old. In order to keep the farm going, she had a small three room house built about 150 feet from the main farm house where she could live alone, while she rented out the main house to whatever family that would come in and work the farm for her. At various times there was R. M. (Rob), and James W.(Will), and Mattie's husband, J. "Doug" Thompson, and Nettie's husband, George McGowan. Maybe there were some others. The farm was not well managed nor consistently. Farm animals were sold to cover bad management, and a debt was incurred of \$350. against the property. Mary's mind began to slip about 1927, and for several years the land taxes were not paid. Family members took advantage of her. Finally some of the family arranged to have the County Judge declare her incompetent, and let her affairs be handled by an administrator. Mary died November 11, 1933 without leaving a will.. It was in the midst of a general depression, and farms were not worth much money. When the Judge had the property appraised, and sold to the highest bidder on the courthouse steps in Henrietta, there was only one bidder, and that was A. D. Cozart. He paid about \$9.00 an acre, but only \$600 in cash, assuming all the unpaid taxes and the debt incumbering the property. When all the doctors bills, and other final expenses were paid, there was only about \$290. of Mary's estate to be distributed to her ten heirs. About \$29. for each family, or their heirs.

(no number) From letter 18 Feb 16 Ray Olan Sparks to RPU [1900 CE SUS Indian Territory, OH – Cherokee Nation Flint TSP17 NR.23E]

James H Sparks – Head	born Jul 1860 (AL)	age 39 [James Harris Sparks]
Mary D Sparks – wife	born Dec 1859 (AL)	age 40 [nee Mary Delaney Upchurch]
Charles W Sparks – son	born Jul 1883 (AL)	age 16 [Charles Washington Sparks, Sr]
¹ Robert M Sparks – son	born Dec 1885 (AL)	age 14 [Robert Michael Sparks]
James W M Sparks – son	born Apr 1888 (AL)	age 12 [James William Sparks]
Pearly Sparks – dau	born Sep 1889 (TX)	age 10 [Pearl Leola Sparks]
Nettie B Sparks – dau	born Aug 1891 (TX)	age 8 [Nettie Belle Sparks]
Mattie E Sparks – dau	born Mar 1895 (IT*)	age 5 [Mattie Ella Sparks]
Frank Z Sparks – son	born Aug 1897 (IT*)	age 2 [Zea Frank Sparks]
Ivy O Sparks – son	born Apr 1900 (IT*)	age 1/2 [Doy Oral Sparks]
² Marion Upchurch – boarder	born Sep 1861 (AL)	age 38 [Marion Franklin Upchurch]
² Arcola Upchurch – boarder	born Dec 1890 (TX)	age 9 [Arcola Upchurch]

[*IT = Indian Territory – CJM 5 Dec 2020]

Notes of RPU:

¹Note that Mary Delaney Upchurch named her son “Michael” presumably after her father John Michael Upchurch

²The Census shows “BO” presumably for “Boarders” which could well be true. However, Marion Franklin Upchurch is a brother of Mary Delaney Upchurch. Tentatively, it is assumed

that Arcola is his daughter. Note that Arcola was born in TX so Mary and Marion must have moved from AL to TX more or less together and then from TX to OK more or less together.

(no number) Census Records – 1830 – Henry Co, GA

Charity Upchurch Family

M	0 – 5	(born 1825 – 1830)	[son – J Michael Upchurch, age 1]
M	5 – 10	(born 1820 – 1825)	[son – William Jesse Upchurch, age 7]
F	20 – 30	(born 1800 – 1810)	[Charity S Upchurch, age 32]

(no number) Census Records – 1840 – Henry Co, GA

Charles Upchurch Family

M	5 - 10	(born 1830 – 1835)	[son – <u>James Monroe Upchurch, II</u> , born 16 Jan 1834 – age 6]
M	5 – 10	(born 1830 – 1835)	[son – J Michael Upchurch, born 1 Jul 1829, age 11]
M	15 – 20	(born 1820 – 1825)	[son – William Jesse Upchurch, born 1823, age 17]
M	80 – 90	(born 1850 – 1860)	[Charles Upchurch, born 11 Feb 1775, age 85, pensioner, Revolutionary War]
F	20 – 30	(born 1810 – 1820)	[Charity S Upchurch, born 1798, age 42]

(no number) See letter 1 Nov 2002 Phyllis Annis Campbell to RPU

“I have been working with Michael Upchurch [**John Michael Upchurch**] and Matilda Michael Upchurch [**JMU**] born 1 Jul 1829 died 3 Mar 1903
Matildy McNey* born 22 Feb 1840 died 28 Mar 1940”

[*McNey part is new to RPU – For death date for her I have died 22 Jan 1821 – RPU] [1921? – CJM 5 Dec 2020]

“I found them in Clay Co, TX on 1900 Census with one son John S Upchurch. They are buried in Pleasant Valley Cemetery, Clay Co, TX”

(no number) Conclusions/ Assumptions regarding the family of Charity S Upchurch – 27 Apr 2002 – RPU

There is strong circumstantial evidence that Charles Upchurch, Head of Upchurch Clan No 2 had 3 sons (Thomas Gay Upchurch, Sr, Keaton Upchurch, Eaton Upchurch) and two daughters (Susan Upchurch, Charity S Upchurch). It is likely that all 5 children were born in Franklin Co, NC or possibly just across the county line in Wake Co, NC. Some of the children married and possibly had issue in NC prior to the time in the early 1800s when Charles and all five of his children moved to GA. They may not have all moved at the same time or to the same place in GA. Charles also had other close relatives who moved from NC to GA in the early

1800s. See biofiles of all for more details except for Charity S Upchurch on which note the following:

Charity S Upchurch never married but had 3 children possibly by more than one man one of whom is presumed to have been a Mr Green. The three were William Jesse Upchurch AKA William Lewis Huston Green born 1823, **J Michael Upchurch** “Dump” born 1829 and James Monroe Upchurch, II born 1834. There are appropriate slots on the 1830 and 1840 Census for the 3 children. Details regarding the child born 1823 may be found in the William Jesse Upchurch biofile.

(no number) Notes from RPU/ SSU visit on 5 Apr 1996 in Cass Co, TX with Morris Sheppard Upchurch re: information handed down in the family about the presence of early Upchurches in Cass Co, TX.

Inspected the land originally purchased in 1885 by James Monroe Upchurch, II when he and Sarah Elizabeth Upchurch moved to Cass Co, TX. Morris said his older brother told him that a brother of James Monroe Upchurch, II was already in Cass Co, TX in 1885 – that he owned adjoining Upchurch land that he was called “Dump” but that his real name was **John Upchurch**. This person soon moved about 70 – 80 miles west to Mt Vernon, TX. Morris does not recall if **John Upchurch** had issue. Morris is aware of the connection of his ancestors to Charity Upchurch and that the Green family was also involved.

Morris recalls that his Grandmother, sister Charity Ann Lavenia Ann (Upchurch) Ballard visited them. He does not recall if they had children and is not aware of her husband being buried in Cass Co, TX. However, he says there are Ballard family members in the county today, and there is some interest in family history. There is also interest in Olive family history.

Much of the Upchurch land from 1900 is still in the family. This land is located along both side of County Road 3548 just before it enters County Road 3546. This rolling land was originally cleared and farmed to cotton and peas. It is now all in pasture or pine woodland.

Originally the Upchurch family attended church at Courtland which is on County Road before 1850. James Monroe Upchurch, II and his wife are buried there (inspected the monuments). The church is currently active. When Morris first married he adopted his wife’s church at Antioch as they had a more active program.

I. Richard Upchurch, III – Head of Clan

A. Claburn Upchurch, I

1. Sarah Elizabeth Upchurch
married () James Monroe Upchurch, II
 - a. Walter Jackson Upchurch
 - i. Morris Sheppard Upchurch
2. Charity Lavonia Ann Upchurch
married () Phillip Ballard

I. Charles Upchurch – Head of Clan

A. Charity Upchurch

common law husband = --- --- Green

1. **John Michael Upchurch** “Dump”
2. James Monroe Upchurch, II
3. William Lewis Green [AKA William Lewis Upchurch]

[Note: This information from Morris Sheppard Upchurch provides the basis for the “J” in **JMU** being John – RPU]

(no number) From notes of RPU/ SSU sojourn TX, Page 22, 16 Apr 1996

Went to Franklin Co, TX. Mt Vernon and checked for presence of **John Upchurch**, son of Charity Upchurch – no luck. Looked through various reference books in the Mt Vernon Public Library and in the county court house. Only one Upchurch found (did not get name). He was referenced in 1991.

Cross-reference:

John Upchurch = **John Michael Upchurch**

Mt Vernon, Franklin Co, TX

(10) See Census 1880 – Marshall Co, AL

Michael Upchurch	w	m	51	born GA	[J Michael Upchurch]
Matilda Upchurch			40	born GA	wife
William M Upchurch			17	born AL	son
Franklin M Upchurch			13	born AL	son
Vice G Upchurch			11	born AL	dau
Ulas F Upchurch			8	born AL	dau
Martha M Upchurch			4	born AL	dau
Miney A Upchurch			2	born AL	dau
Charita Upchurch			82	born NC	mother [Charity S Upchurch]

(11) See letter 2 Dec 1996 Doris Jean Acklin to RPU

Her great grandfather is **John Michael Upchurch**. She reports that the 1880 Census (see (10) above) shows the father of **JMU** was born in VA. Doris says JMY died 5 Mar 1905 (Clay Co, TX).

(12) See letter 13 Nov 1981 Mayfred Upchurch to RPU

CSA M Upchurch – Co K, C46 AL INF Pvt/Pvt

[Assume M Upchurch = **JMU** – RPU]

(13) From letter 2 Dec 1996 Doris Jean Acklin to RPU

I found a microfilm of Confederate's Widow's Application for a Pension in the Okla. Historical Library. I have a copy of **Michael**'s widow, Matilda, application with Affidavits showing **Michael** was a member of Co k, Regiment 46th Ala Infantry. This was verified Aug 11, 1915 by the War Dept showing **he** enlisted April 24th (no year). **He** was listed on a bounty roll May 16, 1862 and listed as captured May 16, 1863 at Champion Hill (also shown captured May 17, 1863 at Big Black) paroled July 3, 1863 at Fort Delaware, Delaware.

(14) See letter 24 Feb 1997 Doris Jean Acklin to RPU

“For **JMU** I find only Michael Upchurch, no “J”. He was born 1 Jul 1829 (Henry Co, GA) died 3 Mar 1903 (Clay Co, TX). Death date: family records show died 3 Mar 1903 but widow's confederate pension application dated 6 Jul 1916 in Marlow, Stephens Co, OK shows he died 5 Mar 1905. I have a photocopy of the application. Re: parole in (13) was “delivered 6 Jul 1863, City Point, VA”. Application shows married Apr 1854 (Randolph Co, AL). They had only 10 children.

(7) See letter 9 Sep 1986 Edna Marie Brown to RPU

[Author did not want this information published – CJM 5 Dec 2020]

(8) See Census – 1850 – Henry Co, GA

C Upchurch	52	f	born NC	[Charity S Upchurch]
M Upchurch	19	m	born GA	[J Michael Upchurch] attending school
J Upchurch	16	m	born GA	[James Monroe Upchurch] attending school

(9) See letter 18 Jun 1988 Virginia Diann Kenney to RPU

1860 Census – Randolph Co, GA (800)

Michael Upchurch	30	m	farmer	born GA	[J Michael Upchurch]
Georgia A M Upchurch	19	f	housewife	born GA	[Georgia A Matilda D Upchurch]
Charity S Upchurch	3	f		born AL	[Charity Serina Upchurch]
Mary D Upchurch	6/12	f		born AL	Mary Delaney Upchurch]
Charity S Upchurch	66	f		born NC	

(3) See letter 20 Jun 1978 Elna Era Burkhalter to RPU

“I did some work for an Upchurch descendant of Seymour, TX and they seemed to know that Michael “Dump” Upchurch stopped in OK (Hawton (?), OK). I gave her the address of:

Alton E Burkhalter
PO Box 246
Childers, TX 79201

(in AF)

A descendant of Eben B and Lovicie Upchurch and asked him to find out for sure if Michael Upchurch did die at Wellington, TX. “No reply yet.” --- “yes – Michael “Dump” Upchurch is the name he used. ---“

(4) See letter 30 Jun 1983 J Marie Bell to RPU (Info from Elna Era Burkhalter)

Shows above as M J Upchurch rather than as J M Upchurch (J Michael Upchurch). Shows his mother as Charity Upchurch born 1798 (NC). Shows he born 1 Jul 1829 (Hancock Co, GA) and died 3 Mar 1903 (Wellington, TX).

(5) See letter 15 Sep 1983 Jewel Marie Bell to RPU

For Matilda D Upchurch I have just the census which doesn't not give the marriage. I have **Michael J Upchurch** and his family on the 1880 census in Marshall Co. Beat #20. That was the source of my info.

(6) See letter 19 Oct 1982 Roy Edwin Upchurch to RPU

My grandfather (Jessie Lee Upchurch = grandson of Sarah Elizabeth Upchurch and one James Monroe Upchurch) (Jessie Lee Upchurch = son of James Columbus Upchurch = 1st cousin of Matilda D Upchurch (daughter of Lunsford Upchurch) who married **J Michael Upchurch** knew about James Monroe Upchurch and **J Michael Upchurch** marrying 2nd cousins but he did not have much to say about their parents.

(2) See letter 10 Jul 1980 Elna Era Burkhalter to RPU

Page 12 Matildy D Upchurch born 22 Feb 1840 (Henry Co, GA) married 1856 J Michael Upchurch

Page 17 J Michael Upchurch “Dump” born Henry Co, GA 1 Jul 1829 died 3 Mar 1903 (Wellington, Collinsworth Co, TX) married 1856 (Henry Co, GA) Matilda D Upchurch born 22 Feb 1840 (Henry Co, GA) died 22 Jan 1921 (Wellington, TX)

Page 2 [Author asked that this information not be published – CJM 5 Dec 2020]

(1) From Land Records File – to RPU from Gilbert Kendrick Alford, Jr 11 Nov 1998

3 Alabama entries for Michael Upchurch

(see records below)

ACCESS_NR AL3350__.493
 IMAGE_NAME 0000066
 VOL_ID 068
 DESCRIP_NR 1
 ALIQUOT_PT NESW
 SECTION_NR 20
 TOWNSHIP 21S
 RANGE 11E
 BLOCK_NR
 MERIDAN_CD HUNTSVILLE
 TOTAL_ACRE 40.0800
 FRAC_SECT N
 PATENT_L_N UPCHURCH
 PATENT_F_N MICHAEL
 PATENT_M_I
 L_O_CODE CENTRE
 DOCUMENT_N 21372
 MISC_DOC_N
 TITLE_AUTH CASH ENTRY SALE
 SIGNATURE Y
 SIGN_DATE 1860/02/01
 SUBSU_RESV N
 METES_BOUN N
 SURVY_DATE
 WARR_L_NAM
 WARR_F_NAM
 CANCEL_DOC N
 MULT_PATEN N
 MULT_WARR N
 REMARKS

ACCESS_NR AL4600__.322
 IMAGE_NAME 00008174
 VOL_ID 070
 DESCRIP_NR 1
 ALIQUOT_PT E½SW
 SECTION_NR 31
 TOWNSHIP 21S
 RANGE 9E
 BLOCK_NR
 MERIDAN_CD HUNTSVILLE
 TOTAL_ACRE 0.0000
 FRAC_SECT N
 PATENT_L_N UPCHURCH
 PATENT_F_N MICHAEL
 PATENT_M_I
 L_O_CODE MONTGOMERY
 DOCUMENT_N 962
 MISC_DOC_N 2479
 TITLE_AUTH HOMESTEAD
 SIGNATURE Y
 SIGN_DATE 1880/02/20
 SUBSU_RESV N
 METES_BOUN N
 SURVY_DATE
 WARR_L_NAM
 WARR_F_NAM
 CANCEL_DOC N
 MULT_PATEN N
 MULT_WARR N
 REMARKS

ACCESS_NR AL4600__.322
 IMAGE_NAME 00008174
 VOL_ID 070
 DESCRIP_NR 2
 ALIQUOT_PT W½SE
 SECTION_NR 31
 TOWNSHIP 21S
 RANGE 9E
 BLOCK_NR
 MERIDAN_CD HUNTSVILLE
 TOTAL_ACRE 160.4500
 FRAC_SECT N
 PATENT_L_N UPCHURCH
 PATENT_F_N MICHAEL
 PATENT_M_I
 L_O_CODE MONTGOMERY
 DOCUMENT_N 962
 MISC_DOC_N 2479
 TITLE_AUTH HOMESTEAD
 SIGNATURE Y
 SIGN_DATE 1880/02/20
 SUBSU_RESV N
 METES_BOUN N
 SURVY_DATE
 WARR_L_NAM
 WARR_F_NAM
 CANCEL_DOC N
 MULT_PATEN N
 MULT_WARR N
 REMARKS

(2) Note: A best guess is that this Michael Upchurch is **J Michael Upchurch**, son of Charity Upchurch and grandson of Charles Upchurch – Head of Clan. Cross-list under **J Michael Upchurch** and Michael Upchurch.