

John Upchurch**XID – 13893**

Commentary: John Upchurch, XID 13893, was a son of Jubal, head of Upchurch Clan 6. There is much confusion about this individual as seen in the Biofile below.

Acknowledgements: This biofile was transcribed by Carla J. Michaels of Cary NC. She is both a marvelous contributor to UAFA and a member of the UAFA board. She is also a noted local historian in the Cary area.

(no number) Item in letter 14 Mar 1984 Eleanor Grace Williamson to RPU

[In search for info on 1803 Upchurch → Carpenter name change]

Franklin Co, NC Tax Records

A. 1835	Dunn's District	John Upchurch	--	--	--
B. 1810	Ferrell's District	John Upchurch	0A	1WP	1BP
C. 1811	Ferrell's District	John Upchurch	0A	1WP	1BP
D. 1812	Thomas District	John Upchurch	--	--	--

Note: B, C, and D fit as to age for John Upchurch, possible son of Richard Upchurch, II and A could be for the same John Upchurch, if he lived that long. [XID - ---]

A Could be for **John Upchurch**, son of Jubal Upchurch which son was born about. [XID – 13983]

RPU update 29 Apr 2004 – Details of this note still apply except that I now believe that John Upchurch, son of Jubal Upchurch, I was born about 1814 – not 1805. Still a John Upchurch cited in 1835 could easily be for a John born 1814. As before B, C, D fit a John Upchurch possible son of Richard Upchurch, II which John Upchurch would have been born before 1790. Thus here we have the hints of 3 Upchurches named John Upchurch – as follows:

John Upchurch born before 1790 Possible son of Richard Upchurch, II

John Upchurch born 1805 (or 1803) Son of ??

John Upchurch born 1814 Son of Jubal Upchurch, I

(no number) See 1850 Census Franklin Co, NC.

There is a John Upchurch age 45 (thus born 1805) in prison.

(no number) Re: John Upchurch sentenced to be hung 1849 – RPU

Notes 29 Apr 2004 – There are 3 Upchurches by the name of John Upchurch to whom this sentence could apply as follows:

A. John Upchurch – born before 1790. Presumed son of Richard Upchurch, II

B. John Upchurch born 1805; son of ??

C. John Upchurch born 1814; son of Jubal Upchurch, I

As of this date it is not clear which of the three Johns was sentenced to be hung. However, note that the 1850 Franklin Co, NC Census has a John Upchurch age 45 (born 1805) shown as being in prison. His age fits #B above. The court record is shown attached copies are being placed in biofiles for A, B, & C.

(no number) See NC Supreme Court Case – Franklin Co, 1849

A. Previously on 10 Apr 1849 at Louisburg in Superior Court of Franklin Co, NC – Judge = Thomas Settle – Grand Jurors:

William P Williams, foreman	Alexander McKnight
Willis Tharrington	Daniel S Hill
Hartsfield Perry	Jacob H Cooley
Wilson Bolten	Lucian Sherrod
Peyton J Brown	Edward Stallings
Joseph Allen	John Westers
John G Leonard	Etheldred Green
Willared R Martin	David Hewita
Joseph Landeaster	Thomas A Person

The Grand Jury brings into court an indictment of John Upchurch, laborer of Franklin Co on 26 Sep 1848 who set fire and burned a sawmill house of Malthus D Freeman and who enlisted to help him a slave Lewis. property of John Pearce. Also burned a second saw mill house owned by Matthew D Freeman. Witnesses:

Malthus D Freeman	Martha Gay (his wife)
Jacob H Cooley	Elias Williams
James Locus	William Privet
Rowena Locus	Kesar Alford
John Griffin	Lacy Young
Henry Barr	Martha Faison?
Wilson Gay	Zelpha Lasson?
RRS Lawrence CSC	Benjamin Pearce

So the two prisoners are brought to the bar as is John; Pearce, the latter agreeing to have his slave tried.

Plead – not guilty; prosecutor B F Moore; separate trials

Jury: Thomas K Duke	Thomas N Charlock
George ---	Joseph R Bobbitt
David Collier	Dempsey Bowden
Sherwood Shaye	Richard Height
James Gilliam	Clifton Collier
	William Edwards (possible reading – words cut off)

Jury declared John Upchurch guilty on 1 count, not guilty on 2nd sentence “--- be taken to the Franklin County jail & from thence to the place of execution on Friday 11 May next and hanged by the neck till he be dead between 10 a m and 3 p m. John Upchurch appeals to the Supreme Court and pleads poverty and is granted appeal without security. John Upchurch claimed the act cited was repealed in 1846 & he therefore could he convicted of a misdemeanor but not a felony. Record certified by CSC 4 Jun 1849

(no number) See letter 10 Jan 1983 Grace Williamson to RPU

Grace searched the NC Supreme Court Records and found several pertaining to Upchurches including "Case No 4828 was Franklin Superior Court 1849 to Supreme Court – **John Upchurch** indicted for willfully burning the saw mill house of Malthus D Freeman."

(no number) Franklin Co, NC Tax Lists 1785 – 1829 (Two Bradley Books) [1987, 1920]
 [Note: Names that follow are included in the tax chart below.]

Names: Abel Upchurch, Sr, Ambrose Upchurch, Benjamin Upchurch, Britton Upchurch, I, Buckner Upchurch, Claburn Upchurch, I, Eaton Upchurch, James Upchurch, John Upchurch, Jubal Upchurch, Larkin Upchurch, Little Berry Upchurch, Moses Upchurch, Nancy Upchurch, Richard Upchurch, III, Sion Upchurch.

Tax Districts: Denson, Dunn, Ferrell, Hammons, May, Strickland, Taylor, Upchurch, Webb, Williams

FRANKLIN CO, NC TAX LISTS 1785-1820 (TWO BRADLEY BOOKS) [1987, 1920]

YR/DIST	BENJAMIN	JAMES	JUBAL	RICHARD, III	MOSES	JAMES	BUCKNER	ABEL, SR	EATON	SION	BRITTON, I	JOHN	NANCY	LARKIN	LITTLE BERRY	AMBROSE	CLABURN, I
1798 A	610%	200%	100%	451%	632%												
1798 B																	
1799 A	610%	200%	165%	251%													
1799 B																	
1804 A	516%	400%	525%	451%				175%									
1804 C												143%					
1804 D												250%					
1805 A	616%	400%	765%	451%			200%										
1805 C													143%				
1805 D																	
1806 A	616%	400%	725%	441%			200%										
1806 C																	
1806 D													50%				
1807 A	616%	400%	760%	451%			200%										
1807 C																	
1807 D																	
1808 A	616%	400%	925%	450%													
1808 C																	
1809 A	616%	400%	975%	450%													
1809 C																	
1809 D																	
1810 A	616%	400%	975%	450%													
1810 C																	
1810 D																	
1820 A		487 1/2	2165														
1820 C																	
1820 E																	

DISTRICTS

A. UPCHURCH (1798), DUNN (1809); STRICKLAND (1805-1809); DUNN (1810), WILLIAMS (1820)

B. WEBB (1798, 1799)

C. TAYLOR (1809-1808); HAMMONS (1809, 1810); DENSON (1820)

D. FERRELLS (1809-1810)

E. MAYS (1820)