Richard Upshaw Sr.

(c1780–1840/50)

Son of Capt. Leroy Upshaw & Elizabeth Bradley,

Husband of Mary Parham & Rebecca Elder

by Timothy Dean Hudson

Richard Upshaw was born about 1780 in Amherst County, Virginia, the son of Captain Leroy Upshaw and Elizabeth Bradley. On 12 January 1799, Richard witnessed the will of his grandfather, William Bradley, in Elbert County, Georgia [1]. Between 1800 and 1803, Richard married Mary Parham, daughter of John Parham and Mary Booth. John Parham made his will on 2 August 1804, naming Mary Upshaw as one of his children to receive an equal division of his estate. Parham died by February 1805, when his will was filed in court. On 17 July 1806, Richard Upshaw made his mark to a receipt of $9.12½ *"in part of my Legacy of thirty five Dollars"* from William Davis, Executor of John Parham [2].

Given the many years he resided in Elbert County, surprisingly few records there mention Richard Upshaw. He did not register for the 1805 Georgia Land Lottery between 1803 and 1804 [3]. Since virtually all adult males registered, one wonders if he had temporarily moved away with his father, Leroy Upshaw, who had returned to Virginia about this time. The first known record to mention Richard after 1799 was in July 1809, when the Elbert County Inferior Court appointed him, along with John and Isham Parham, to work on *"that part of the Road from Dudley old ferry to the Old field crossroads leading to Elberton…"* [4]. On 16 July 1810, the Inferior Court appointed Richard's father-in-law, John Parham, as the overseer of

> *that part of the road beginning upon the Hill on the road below Thomas Johnstons crossing North Doves Creek above said Johnstons thence on crossing the south fork of said Creek at Upshaws old plantation to the ridge road leading from Dudley old ferry to Thomas Olivers*

The Court assigned Richard Upshaw, Isham Parham, and Thomas Ridgeway to work under John Parham. The reference to *"Upshaws old plantation"* could be the old plantation of Richard's father, Leroy [5]. On 22 February 1814, the Inferior Court selected Richard Upshaw to serve a juror at the July 1814 term of court [6].

Richard's wife, Mary Parham Upshaw, died sometime between about 1810 and 1819, and on 27 February 1820 in Elbert County, Richard Upshaw married Rebecca Elder [7]. In 1820, Richard Upshaw's household included a male and female couple, he and Rebecca, together with three

young males and three young females, presumably his children with his first wife, Mary Parham Upshaw. Their household was listed next to that of Dixon Parham, the brother of Mary Parham Upshaw, and near Isham Parham, another brother [8].

On 7 December 1819, Richard Upshaw paid $250 to Austin Webb for an 82-acre tract of land on the waters of Broad River in Elbert County. On 8 May 1822, a second transaction of this property was made from Austin Webb to Richard Upshaw, this time describing it as an 81-acre tract on the waters of Broad River adjoining Thomas Oliver and known as the *"Dardin's tract."* This second deed indicates that Upshaw paid Austin $100 for the land. On the same day as the latter record, 8 May 1822, Richard sold the 81-acre tract to Robert Booth for $250 [9].

Richard Upshaw's father-in-law, Edmond Elder, had two fortunate draws in the 1820 Georgia Land Lottery, drawing both a 490-acre tract in Irwin County and a 250-acre tract in Walton County [10]. In 1821, both Edmond Elder and Richard Upshaw moved their families from Elbert to Walton County and presumably settled on the elder man's new land. On 1 January 1822, Edmond Elder sold his son, Littleberry Elder, a 50-acre tract of his grant for $500. Five months later, on May 8, Edmond Elder sold Richard Upshaw a 100-acre tract of his grant for $300. Edmond Elder sold the remaining 100 acres of his grant to Littleberry Elder on 4 February 1823 for $500 [11].

After 1823, it appears that Edmond Elder and his wife lived on the farm of his daughter and son-in-law, Rebecca and Richard Upshaw. In 1830, the households of Richard Upshaw and Edmond Elder adjoined [12].

In 1831, Richard Upshaw and Edmond Elder both registered for the 1832 Gold Land Lottery as residents of Alberson's District, Walton County, Georgia. Both men had one fortunate draw each in that lottery, drawing a 40-acre lots in Cherokee County [13].

In 1834, Richard Upshaw paid his taxes on his 100-acre farm in Walton County, but the following year on 2 October 1835, he sold his farm in Walton County to Joshua Callaway for $384. The next day, Richard witnessed a transaction between Joshua Phillips and Joshua Callaway [14].

It is not clear where Richard and Rebecca Upshaw went after selling their Walton County farm, since their household does not appear on Georgia's 1840 Federal Census. The Richard Upshaw household on the 1840 Walton County Federal Census is not Richard and Rebecca's, and it is presumably that of Richard Upshaw Jr. [15]. Since census records indicate that the birth of their youngest son, Jonathan W. Upshaw, occurred in Georgia about 1840, it appears they remained in Georgia until after 1840.

Richard Upshaw's father-in-law, Edmond Elder, still resided in Walton County on 24 May 1836, when he sold his 40-acres in Cherokee County to Isaac Sewell of Morgan County, Georgia for $157

[16]. In 1840, Edmond Elder and his wife lived alone in their own household in Newton County, Georgia, which adjoined Walton to the southwest [17]. On 1 April 1841, Edmond Elder had a letter remaining in the Covington Post Office, Newton County, Georgia. During that month, the post office advertised that it would become a dead letter by July 1st [18]. The April 1841 newspaper notices are the last known records of Edmond Elder.

Since Elder lived with Richard and Rebecca, this suggests that the Upshaws remained in Walton County until at least the latter 1830s. Richard and Rebecca may have left Walton and settled on the land Richard drew in the 1832 Gold Lottery. Originally in Cherokee County, Richard's grant later fell into Bartow County. There is no record in either Cherokee or Bartow County of his disposing of this 40-acre tract.

During the 1840s, it appears that Richard Upshaw Sr. and his younger brother, Leroy Upshaw Jr., moved their families to Butler County, Alabama and settled on vacant government land then in Butler, but now in Crenshaw County. In 1850, the widowed Rebecca lived there with her younger children [19].

Richard Upshaw Sr. died between 1840 and 1850, presumably soon after his arrival in Alabama.

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Children of Richard Upshaw Sr.

Richard Upshaw Sr. had children by both of his known wives, but documentation for his children by Mary Parham is scarce and circumstantial. His children by Rebecca Elder are documented by her 1850 federal census listing and the association of Alexander Wilson Upshaw with her known children.

Although they probably had additional children for which we have no record, these are the presumed children of Richard Upshaw Sr. and Mary Parham [20]:

1. **Richard Upshaw Jr.** (c1804–aft. 1840) was apparently the head of household listed in Walton County, Georgia in 1840.
2. **Mary Upshaw** (c1805–aft. 1860) appears to have remained single. In 1860, she lived in the household of her step-mother, Rebecca Elder Upshaw, near Spearsville, Union Parish, Louisiana. An alternate possibility that Mary was the widow of one of Richard Upshaw Sr.'s children, possibly the widow of Richard Upshaw Jr.
3. **Adkins Upshaw** (Dec 1817–aft. 1886) married on 30 November 1837 in Walton County, Georgia to Elizabeth Perkins (c1820–1870/1871) [21]. In 1850, Adkins and Elizabeth lived in Morgan County, Georgia, where he worked as an overseer [22]. In 1860, they lived in Wilkinson County, and he worked as a *"Wood Chopper"* [23]. During the 1860s, they moved to Jones County, and he farmed there in 1870 [24].

   Elizabeth died between late 1870 and early 1872, and Adkins married on 4 September 1872 in Baldwin County, Georgia to Sarah Ann R. Holder (Nov 1851–aft. 1900) [25], daughter of Jesse J. Holder (c1821–c1883) and Martha Hardie (c1826–1850/1858). In 1880, Adkins and Sarah lived in Wilkinson County with their three young children, while several of Adkins' older children lived nearby. At the age of sixty-one, Adkins performed farm labor, but he apparently did not own his own farm [26].

   Adkins Upshaw fathered several additional children in the early 1880s, the last being Idelle Upshaw, born in September 1886. He died sometime after that. In 1900, the widowed Sarah Holder Upshaw lived with her children on a rented farm in Wilkinson County, Georgia [27].

Richard Upshaw Sr. married Rebecca Elder in 1820, and the 1830 federal census enumeration of their household in Walton County, Georgia indicates that they had four daughters born in the 1820s [28]. We have no record of any of those daughters. The known children of Richard Upshaw Sr. and Rebecca Elder come from the 1850 federal census listing of her household in Butler County,

Alabama, and their close association with Alexander Wilson Upshaw after they moved to Union Parish, Louisiana strongly implies that he is also their son:

4. **Alexander Wilson Upshaw** (c1826–11 Feb 1883) married on 10 June 1847, presumably in Macon County, Alabama, to Zilleann Frances Barron (9 Nov 1824–c1895), daughter of Henry Barron (4 Aug 1803–7 Apr 1870) and Sarah Callaway (12 Jan 1802–28 Jun 1863). They moved to Spearsville, Union Parish, Louisiana in 1852 and farmed there until their deaths. Alexander Wilson Upshaw and Zilleann Frances Barron are buried in the Spearsville Cemetery.
5. **Edmond Upshaw** (c1830–aft. 1860) married in the 1850s to a woman only identified as *"M. E. Upshaw"* in 1860. She was born about 1837 in Alabama. It is not known what became of them after 1860, when they lived near Edmond's mother near Spearsville, Union Parish, Louisiana.
6. **William Elisha Upshaw** (28 Feb 1833–8 Jan 1882) married on 9 May 1864 in Union County, Arkansas to Laura Ann Rockett (13 Jun 1831–13 Jan 1867), daughter of James William Rockett (4 Jun 1792–22 Oct 1857) and Eudocia Holdombe (30 Oct 1809–23 Feb 1879). Laura was the widow of Alva Jackson Hunt (2 Apr 1826–5 Sep 1862). After Laura's death, William Elisha Upshaw married on 1 February 1868 in Union County, Arkansas to Julia Ann Garner (23 Dec 1836–23 Nov 1903), daughter of Thomas Jefferson Garner (15 Mar 1815–Mar 1878) and Elizabeth Kelly (c1813–aft. 1870). William Elisha Upshaw farmed near Spearsville, and both he and his wives are buried in the Spearsville Cemetery.
7. **Frances Upshaw** (c1834–aft. 1850) lived with her mother and brothers in 1850, but we have no further record of her. She could have married in Butler County, Alabama before they emigrated, or she could have moved with them and married in Louisiana.
8. **Jonathan W. Upshaw** (c1840–18 Jul 1862) enlisted with his brother in the Confederate Army in 1861. Details of his military service and wounding at the Battle of Secessionville in South Carolina in 1862 are provided in his biography. His body was buried in South Carolina, but there is a memorial marker erected for him in the Spearsville Cemetery, Spearsville, Union Parish, Louisiana.

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Notes

1. Elbert County GA Wills–Estates (1803–1806), Book 2, pp. 178–180 [recorded will]; Wills, Inventories, Returns (1791–1806), pp. 462–464 [typed will]; Original Estate Papers, William Bradley, Images #194–196 [original will].
2. Elbert County GA Estate Papers, John Parham, LDS film #4968031, Images #300, 302, 313–315.
3. Graham, Paul K. *1805 Georgia Land Lottery: Persons Entitled to Draws.* Decatur, GA: The Genealogy Company, 2005, p. 567.
4. Elbert County GA Inferior Court Minutes & Records, Book (1809–1850), p. 1.
5. Elbert County GA Inferior Court Minutes & Records, Book (1809–1850), p. 13.
6. Elbert County GA Inferior Court Minutes & Records, Book (1807–1815), LDS Film #008628621, Images #181, 185 [pages not numbered; images are the numbers from LDS microfilmed originals].
7. Elbert County GA Will Book L (1816–1821), p. 475; Marriages Box M1 (1818–1821), Images #436–437 (Richard Upshaw to Miss Rebecca Elder, 27 February 1820).
8. 1820 Elbert County GA Federal Census, p. 162, line #24: Isham Parham; #30: Richard Upshaw; #31: Dixon Parham.
9. Elbert County GA Deed Book T, p. 33 (Austin Webb to Richard Upshaw, 7 December 1819); Deed Book T, p. 27 (Austin Webb to Richard Upshaw, 8 May 1822); Deed Book T, p. 28 (Richard Upshaw to Robert Booth, 8 May 1822).
10. Georgia Surveyor General, 1820 Lottery Grants, Irwin County, District 12, p. 273 (State of Georgia to Edmond Elder, Lot #158); 1820 Lottery Grants, Walton County, District 1, p. 168 (State of Georgia to Edmond Elder, Lot #42).
11. Walton County GA Deed Book C-D, pp. 49–50 (Edmond Elder to Littleberry Elder, 1 January 1822); Deed Book E, p. 45 (Edmond Elder to Richard Upshaw, 8 May 1822); Deed Book E, p. 153 (Edmond Elder to Littleberry Elder, 4 May 1823).
12. 1830 Walton County GA Federal Census, p. 158, line #6: Richard Upshaw; line #7: Edmund Elder.
13. Georgia Surveyor General, 1832 Land Lottery Grants (Gold), Cherokee County, Section 2, District 2, Vol. 1, p. 464 (State of Georgia to Edmond Elder, Lot #782); Section 3, District 4, p. 72 (State of Georgia to Richard Upshaw, Lot #95).
14. 1834 Walton County GA Tax Digest, Capt. Henderson's District, p. 5, #4: Richard Upshaw. Walton County GA Deed Book L, p. 85 (Richard Upshaw to Joshua Callaway, 2 October 1835); Deed Book L, p. 84 (Joshua Phillips to Joshua Callaway, 3 October 1835).
15. 1840 Walton County GA Federal Census, p. 120, #25: Richd Upshaw. This household consists of one male aged 30–40, and females aged 15–20, 20–30, 30–40, and 50–60. This is clearly not the household of Richard Upshaw Sr. and his second wife, Rebecca Elder Upshaw, as they had children born between 1820 and 1840, while this household has no young children.
16. Cherokee County GA Deed Record D, pp. 489-490 (Edmond Elder to Isaac Sewell, 24 May 1836).
17. 1840 Newton County GA Federal Census, p. 19, #25: Edmond Elder.
18. *"Federal Union"* (Milledgeville, GA), April 6 (p. 3, column 6), 20 (p. 4, column 3), and 27 (p. 4, column 3), 1841.
19. 1850 Butler County AL Federal Census, Township Seven, p. 246b, Household #39: Rebeca Upshaw.
20. No known primary source document proves the children of Richard Upshaw Sr. The claim that Adkins is a son of Richard is based upon circumstantial evidence, including his residence in Walton County, Adkins' naming his eldest son as *"Richard Upshaw,"* and his naming his second son as *"Wilson A. Upshaw."* Circumstantial evidence also indicates that Richard Upshaw Sr. was the father of Alexander Wilson Upshaw, known to his family as *"Wilson A. Upshaw."*
21. Cornell, Nancy J. *1864 Census for Re-Orzanizing the Georgia Militia.* Baltimore: Genealogical Publishing Co., 2010, p. 892. Walton County GA Marriage Records. Georgia's 1864 militia reorganization is effectively a statewide census of all males between the ages of 16 and 60, Adkins Upshaw was enumerated in Wilkinson County, 21st Senatorial District, 331st Militia District. It described him as a farmer born in Georgia, aged 46 years and one month. As the census was taken in January 1864, this puts his birth in December 1817.
22. 1850 Morgan County GA Federal Census, 63rd District, pp. 126b–127a, Dwelling #325: *"Hespin"* Upshaw [sic]. Atkins' given name is difficult to decipher, and this is presumably a nickname. The family structure of this 1850 listing is identical to that of the 1860 listing, other than the births of children between 1850 and 1860.
23. 1860 Wilkinson County GA Federal Census, Ramah District, P.O. Gordon, p. 899, Dwelling #261: Adkins Upshaw.
24. 1870 Jones County GA Federal Census, P.O. Clinton, p. 194b, Dwelling #589: Adkins Upshaw.
25. Baldwin County GA Marriage Book D (1869–1874), p. 192 (Adkins Upshaw to Sarah J. Holder, 4 September 1872).
26. 1880 Wilkinson County GA Federal Census, 331st G.M.D Ramah, ED #142, p. 335a, Household #15: Wilson E. Upshaw; p. 337a, Household #47: Adkins Upshaw; p. 344a, Dwelling #183, line #28: Alex Davis (age 33, farmer); line #31: Dave Upshaw (age 21, farm laborer).

27. 1900 Wilkinson County GA Federal Census, Militia District #330, ED #104, pp. 65a–65b, Dwelling #159: Sarah R. Upshaw.
28. 1830 Walton County GA Federal Census, p. 158, line #6: Richard Upshaw.

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