

# **A NARRATIVE HISTORY OF MERRILL ANCESTORS**

**THROUGH CAPTAIN BENJAMIN MERRILL  
and his descendants in North Carolina**

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Interest in the Merrill ancestry was first piqued by a review of the book *Captain Benjamin Merrill and the Merrill Family of North Carolina* (Dec. 1935) by William Ernest Merrill, M. S. (28 Feb. 1906 - 1981). William Ernest Merrill, a genealogist and descendant of Captain Benjamin Merrill, identified many of the Captain's descendants and supplemented the manuscript with contributions from many different branches of the Merrill family. In 1951, the booklet was reprinted with corrections and additions. This examination led to various other sources: some information was obtained from Merrill historians via postal and electronic mail; much information was obtained via the internet and some information was obtained from personal interviews from Merrill family members. Extensive research was completed by Robert Davidson, who is continually updating a manuscript on the Merrill/Merrell family, a draft of which is posted on the Internet under <http://genealogy.patp.us/davidson.shm>. James Mark Valsame also provides detailed and well documented information at <http://www.geocities.com/mv66nc/merrill/benjaminmerrill1.html>. The leads were many and the stories were fascinating. Except for those posted on the internet, however, few original source documents were personally examined, so this paper should be viewed as a recitation of other researcher's interpretations and retelling of source materials.

The name "Merrill" has been spelled many different ways throughout the history of the descendants. Even within the same document or family, the name has been spelled Merrill, Merrell, Merel, Meril, Merriell, Marrell and Morrell. The spelling "Merrill" and "Merrell" however, are the most common spelling.

Some believe that the Merrill family of England were originally French Huguenots who emigrated from the Province of Auvergne in central France in 1572. The French Merrill equivalent, it is theorized was De Merle, anglicized to Merrill to be more "English". The origination of the Merrill family in France however is likely myth, as there has been recordings of Merrill names in England earlier than the assumed immigration.

Two Merrill brothers (or possibly close cousins), Richard and **William**, immigrated to Northfield, Staten Island, America in approximately 1680 from Warwickshire, England. Richard and **William** were preceded by another pair of apparently unrelated Merrill brothers, Nathaniel and John, who immigrated from England to Newbury, Massachusetts in 1637/38 and who also have many descendants in this country. To the knowledge of Merrill historians, almost all of the Merrill's in this country can be traced to these pairs of brothers and most of the Merrill's in this country actually descend from Nathaniel and John.

It was originally believed that it was Richard's son William who moved south to New Jersey and North Carolina and began the line of southern Merrill's. Subsequent research, however, has determined that the Merrill's of North Carolina descended from Richard Merrill's brother, **William**, not his son, William. Richard Merrill's descendants appeared to have stayed in the New York area at least through the initial generations. **William Merrill**, Richard's brother, moved south to New Jersey, and it was William's grandsons, William and **Benjamin** who began the Merrill family line in North Carolina. It is with (**Captain**) **Benjamin Merrill**, William Merrill's grandson, that William Ernest Merrill essentially begins the story of the Merrill family line. The longstanding early

confusion between the identity of Richard's son and Richard's brother made it difficult to correctly identify who their spouses were, what lands they owned and where they lived. Also, early records often failed to include wife's names in deeds and other records. The clarification and distinction between uncle and nephew have unraveled previously confusing facts.

Richard Merrill (1641/42 - May 1727) and **William Merrill** (abt. 1657 - Feb 1723/24) were born in Temple Tysoe, Warwickshire, England, a small village southeast of Stratford-on-Avon. Assuming that Richard and William were brothers, their parents were **William Merrill** (bapt. 30 Jan 1614/15 at Honington, Warwickshire - 18 Sept 1687) and **Alice Duppa**, (bapt. 22 Mar 1617 in Shipston-upon-Stour, Warwickshire - 14 Oct 1692), who was the daughter of **Richard Duppa**. **William Merrill** and **Alice Duppa** were married at Whit Chapel in Shipston-upon-Stour, Warwickshire, England 21 Sept. 1637 (Davidson, Robert, *Merrill-Merrell Genealogy, Staten Island, NJ and South 1680 - 1860*). **William Merrill** and his wife **Alice Duppa Merrill** resided for a few years in Stretton-on-Fosse before settling in Shipston-upon-Stour and they are both buried at Shipston-upon-Stour, Warwickshire, England.

Merrill genealogist Robert Davidson uncovered information on sixteenth century Merrill's in England in Honington, Warwickshire. There, he discovered a **William Merrill** (abt 1540 - buried 30 Nov 1610) and his wife **Elizabeth** (? - buried 30 Nov 1583). **William Merrill** left a will dated October, 1592 which was proven February, 1610. They had at least one son, **Richard Merrill** (abt 1575 - buried on 30 Oct 1652 at Honington, Warwickshire) who on 12 Oct 1612 married his first wife, **Elizabeth West** (bapt. 8 Sept 1594 at Honington - buried 19 Oct 1616 at Honington ) the daughter of **John West, Sr.** On 21 Sept 1618, **Richard Merrill** married his second wife, Elizabeth Hobday (abt 1598 - Jan 1631/32). During the 1620s, **Richard Merrill** was an innkeeper and grocer in Shipston-upon-Stour along with his associate **Richard Duppa**. **Richard Merrill** and wife **Elizabeth West**'s son was **William Merrill** (bapt. 30 Jan 1614/15 at Honington, Warwickshire - 18 Sept 1687) who married **Alice Duppa** (bapt. 22 Mar 1617 in Shipston-upon-Stour, Warwickshire - 14 Oct 1692), the parents of the two Merrill brothers who came to Staten Island, New York to begin the one of Merrill lines in America.

Richard Merrill married Susanna(h) Wells/Welles (1649 in Tysoe, Warwickshire, England - 21 Oct 1722 in Staten Island, NY) in approximately 1667. Susannah's baptismal record in a Tysoe parish church shows that she was baptized 16 Nov 1651, the daughter of Philip Wells. **William Merrill** married a woman named **Grace**. There is disagreement about the surname of **William Merrill**'s wife, **Grace**. Some researchers have found records of a "Grace Staats/Stouts" in the census of Staten Island and in other documents and have made the assumption that she was the Grace married to William (See: *GEDCOM: 12 generations from John Stout and More* by Bill Stout. Others cite Staten Island census data to dispute this theory. See *Valsame, James Mark*, <http://www.geocities.com/mv66nc/merrill/benjaminmerrill1.html>. No marriage records or other evidence, however, has been found to document her surname.

Together, the Merrill brothers and their wives came to America in approximately 1680, arriving in Staten Island, New York. Richard Merrill is first found in Staten Island court records in

Feb 1681, and **William Merrill** is found in Staten Island records in July 1681 for jury duty. There is a record of his ownership of land which appears in a deed in 1683, where Philip Welles, (Susanna's brother?) surveyor, laid out 85 acres on the west end of Staten Island for him. A patent was later granted to **William Merrill** by then New Amsterdam Governor Kieft for this land on 1 Apr 1686.

Richard Merrill and Susannah Wells had eight children: William (bapt. 13 Apr 1668 in Tysoe -1714); Mary (bapt. 6 May 1673 in Tysoe - ?); Ann (bapt. 31 Jan 1675 in Tysoe - ?); Philip (bapt. 17 Sept. 1679 in Tysoe - 18 Apr. 1739/40); Richard ( 6 July 1682 in Staten Island - 6 Sept. 1760); John (1685 in Staten Island - 25 July 1730); Thomas (1689 in Staten Island - 12 January 1773); and Elizabeth (bef 1700 in Staten Island -1746). Tysoe, Warwickshire, England parish records indicate the christening of the four oldest children of Richard and Susannah Merrill from 1668 to September 1679. The remaining children were baptized in Staten Island. There were no marriage or other records in this country that can be found on Mary and Ann, so it is surmised that they did not survive into marrying years. Richard and Susannah Merrill reared their children in Northfield, Staten Island, New York, where they spent the rest of their lives. Their sons, Philip, Richard, John & Thomas Merrill married into Dutch families, joined the Dutch Reformed Church and stayed in the Staten Island, New York area.

Richard's son, William, is mentioned in Staten Island records between 1692 and 1700. After an apparent dispute with his father, William, the oldest son, moved "west", which was highly likely to St. Mary's County, Maryland, where he married Ann Angel. In 1732, in St. Mary's County, Maryland, three of William's adult children, Philip, Luke and Mary gave Simon Simot power of attorney to collect debts allegedly owed to them from the estate of their grandfather, Richard Merrill, of New York. Accompanying the power of attorney were two depositions, one from a James Angel, (age 49) who stated that Philip, Luke and Mary were the children of William Merrill, formerly of New York and late of St. Mary's County, and Ann Angel (James Angel's sister) and that he, James, had attended their wedding and had heard that William had been excluded from land and money by his father, Richard and that William had expressed a desire to return to New York to sue his parents for said money and land. No records have been found in New York that William did actually sue his father or that Simon Simot filed suit against Richard's estate, but this is evidence of the separation of Richard's son William from his original family and of some apparent family discord. William Merrill of Maryland began another branch of the Merrill line in the Maryland area.

**Grace Merrill's** name does not appear in the original patent in 1686 deeding to **William Merrill** the "81 acres of woodland and eight meadow acres", lying on the west end of Staten Island surveyed by Philip Wells; however, **William and Grace Merrill** deeded this property to John Reay on 2 Apr 1687, (see *Richmond County NY Deed Book B, p 87*) and moved approximately 16 miles south to Middletown, Monmouth County, New Jersey where they bought 120 acres of land from Richard Stout and wife Frances, on 24 Nov 1687. They appear in Monmouth County records until 1701. In 1704, **William Merrill** and his family, along with three families of Stouts, moved from Middletown to Hopewell, an area in the northern part of New Jersey which was then in Burlington County. In 1814, the area became known as Hunterdon County and today it is Mercer County.

**William Merrill** is recorded as a Hopewell landowner in 1705 and he was listed as a juror in the Burlington County Court on 4 Sept 1705. He was also designated a town constable on 4 Jun 1716 in the Burlington County Court. The tax rolls in Hopewell in 1722 shows "William Merrel Senior" taxed for 24 cattle and horses, 20 sheep, two servants, and 300 acres....” He remained in Hopewell until his death. His will, dated on 23 February 1723/24 in Hopewell, New Jersey, left to his wife **Grace** “all moveable estate including 40 cattle, 2 Negro men, 16 horses and all my sheep...”. It was probated on 5 May 1724.

**William Merrill and his wife, Grace** had an unknown number of children, among them: **William, Jr.** (1690 on Staten Island, Richmond Co, NY - 25 June 1740 in Burlington/Hunterdon/Mercer Co, NJ); Benjamin (1700? - ?); Joseph (? - ?) plus a possible fourth son, Richard (? - ?) and a daughter named Alice/Ailse/Else (1690 ? - aft 1749?).

**William Merrill, Jr.** was married two times, first to an undetermined woman (some historians suggest Anna Parker; others, Rachel Merrell) with whom he had at least three daughters (Ann [1707 - 7 Jun 1801], Margaret [bapt. 11 Jun 1712 -?], and Rachel [abt 1715 - 3 May 1795]). His second marriage in 1729 in Hopewell was to **Penelope Stout Jewell** (20 May 1700 in Hopewell, Mercer County, NJ - 11 July 1776 in Hopewell, Mercer County, NJ), the widow of Thomas Jewell. **William Merrill, Jr.** was a cooper and a substantial farmer in Hopewell. He was recorded as a juror in Maidenhead (Lawrenceville) Hunterdon County, NJ on 13 Jun 1714 and he also appears in court records on 20 May 1719 where an action was brought against him and his mother **Grace Merrill**. On the 1722 tax list, he is recorded as owning 130 acres, 20 cattle and horses and 7 sheep. On 8 August 1730 he purchased 156 acres in Hopewell Township from Daniel Coxe of Trenton. (*Hunterdon County, NJ Deed Record Book D page 488*). His death in 1740 appeared to have been accidental - by lightening, as recorded in the, *Court of Common Pleas, Minute Book 5*, p 135 (*Hunterdon County, New Jersey State Archives, Trenton New Jersey*): “*the said William Merrell was the 25th of June... killed with lightening at Sheriff Hunlake’s door at Burlington...*”.

**Penelope Stout Jewell Merrill** married at least three times: First to a man named Jewell, with whom she had six children (see (See Stout, Nathan, *The History of The Stout Family, First Settling in Middletown, Monmouth County, New Jersey* 1823, published on the web at [http://home.earthlink.net/~bstout02/Stoutwebpage/History\\_of\\_the\\_Stout\\_Family.pdf](http://home.earthlink.net/~bstout02/Stoutwebpage/History_of_the_Stout_Family.pdf)); secondly to **William Merrill**, and thirdly to Isaac Herrin/Herring. **Penelope Stout Jewell Merrill’s** original family, the Stout’s, was among the wealthiest and most prominent in Hopewell and she was not in financial need enough to become administrator of her husband **William’s** estate at his death in 1740, expecting that her family would take care of her and her children. A letter to her lawyer, Mr. Fenwick Lyall of Perth Amboy, dated 19 Aug 1740, refusing the status as administrator may be found in the *New Jersey Wills*, New Jersey Archives, Trenton, (Item 136J) and stated in part: “*I am informed by my brother Benj’n Stout that you Desire me to take an inventory of ye estate of Will’m Merrill Deceased - which I do refuse to do or concern my Self about that Estate which will only be a profitless trouble for me which I am not able to undergoe...*”

At the time of her death in 1776, the *Town Records of Hopewell, New Jersey* recorded that: “July 11, 1776 - died Penelope Herring a member of this church in a good old age and chose the fourteenth of John and 19 verse to be preacht from at her funeral...” [*Yet a little while and the world seeth me no more but “ye see me” because I live, ye shall live also. John Chapter 14, Verse 19*].

Penelope was the granddaughter of **Richard Stout and Penelope Van Princess Stout**, who were among the first and most distinguished settlers of Hopewell, New Jersey. (Note that it was from Richard Stout that the elder **William Merrill** purchased land in Middletown and it was with the Stout families and others that he moved to Hopewell, New Jersey.)

There were eleven Merrill household in Staten Island in 1790 and fifteen households in 1800, per the census of those years. The Bloomfield section on the western shore of Staten Island, originally known as Daniell’s Neck when settled in the 17<sup>th</sup> century, became known as “Merrell Town” until 1874 when it acquired its present name. Merrill Ave. still exists (source: Leng, Charles William, *Staten Island and its people, a history, 1609-1929*, New York, Lewis Historical Publishing Company, 1929-1933).

### Stout Ancestry

The Stout family, as a prominent and wealthy family in New Jersey at that time, was well documented historically. **Penelope Stout Jewell Merrill’s** parents were **James Stout** (1648/55, Gravesend, Kings County, NY - aft 1714 in Amwell township, Hunterdon County, NJ) and **Elizabeth (Truax ?)** (1650/53 in New Amsterdam (modern day New York) - 5 Nov 1718, in New Castle Co., Del). They were married in approximately 1671.

There exists disagreement among genealogists as to whether James Stout’s wife, Elizabeth, was actually a Truax. James Mark Valsame, a North Carolina archivist, has done a careful examination of the source of the Truax name during that time period and concludes that James Stout was NOT married to Elizabeth Truax, but rather to an as yet unidentified “Elizabeth”. He espouses the belief that Elizabeth was erroneously identified as a Truax in the mid-twentieth century. He outlines his persuasive argument at <http://www.geocities.com/mv66nc/stout/jamesstout.html>. Valsame argues credibly that Elizabeth’s surname as “Truax” is an assumption that was made by some historians and carried forward as fact, but that her probable date of birth and the dates of James Stouts’ children do not support the fact that she is a Truax.

The confusion about whether Elizabeth was a Truax has likely contributed to the puzzle as to the Truax ancestry. Some historians allege that Elizabeth Truax’s father was **Abraham DuTrieux** (1632, New Amsterdam - bef 1660/62 Albany, NY). Another source names **Jacob DuTrieux** (bapt. 2 Dec 1645 at the Dutch Reformed Church in New Amsterdam, New Netherlands - ?). (See internet, *Descendants of Phillippe du Trieux*.) If her father was **Abraham Du Trieux**, her mother was a woman named Rosella or Hester and they were married in approximately 1650; both names appear in records, perhaps indicating that he was married twice. If her father was **Jacob DuTrieux**, then her mother was Lysbeth Post, (bapt. 18 Jul 1655 - ?) daughter of Lodewyck Corneliszen Post and

Agnietje Boons/Bonen, however, this fact is highly unlikely, since it is documented that Jacob and Lysbeth were married on 26 Aug 1674 in the Dutch Reformed Church in Amsterdam, and Elizabeth Truax was supposedly born in 1650/53, which predates their date of marriage (1674). Abraham DuTrieux was documented as being in Beverwyck, (now Schenectady, NY) in 1656. It is believed that Abraham DuTrieux was a ship's captain on the Hudson River. (source: Internet, *Pat Patterson's Web Pages*). Both Abraham and Jacob DuTrieux, however, are believed to be sons of **Philippe Anton DuTrieux**, so if either of these men were her father, Elizabeth Truax's paternal grandparents presumably are **Philippe Anton DuTrieux** (Jul 1586/87, Roubaix, Normandy, France - 1649/1653 New Amsterdam, NY) and **Susannah DuChesne** (c1601 Sedan, Lorraine, France - aft 1654). Philippe was baptized into the Leyden Church in Amsterdam 10 Feb 1619 and married 30 Aug 1621 in the Walloon Church, Amsterdam. This church was established by French speaking Protestants who in the 16<sup>th</sup> century were driven by religious persecution from their homes. Philippe and Susannah left for New Netherlands (New York) by ship 30 Mar 1624 and arrived May or June 1624 and were among its first citizens. Philippe was appointed "Court messenger" (sheriff) at New Amsterdam by Dutch Governor Kieft and on 22 May 1640, he received a patent for land on Manhattan Island. There is some speculation that he, along with members of his family, was killed by Indians during attacks on the settlers of Manhattan Island. There exists an active association of Philippe DuTrieux descendants who are tracing his lineage and a web page devoted to recording the information. (See Internet: *Descendants of Phillippe du Trieux*.)

**James Stout's** parents, **Richard Stout** (1611/12 in Burton Joyce, Nottinghamshire, England - will proved: 23 Oct 1705 in Middletown, Monmouth County, NJ) and **Penelope Van Princess/Prince** (c1620/22 in the Netherlands - 1712 Gravesend, Kings County, NY) were prominent settlers, who married in 1648/49 in Gravesend, Kings County, NY. They were among six white families living in Middletown in 1648. (See Stout, Nathan, *The History of The Stout Family, First Settling in Middletown, Monmouth County, New Jersey* 1823, published on the web at [http://home.earthlink.net/~bstout02/Stoutwebpage/History\\_of\\_the\\_Stout\\_Family.pdf](http://home.earthlink.net/~bstout02/Stoutwebpage/History_of_the_Stout_Family.pdf))

**Richard Stout** allegedly left Nottinghamshire after a disagreement with his father over his choice of a fiancée. His father believed that the woman was "below his rank". He joined the English Navy, served approximately seven years and was discharged in America. He accompanied Lady Deborah Moody and a colony of settlers from Massachusetts Bay Colony to found Gravesend in Brooklyn sometime between June and October, 1643 (source: Lamb, Martha J., *History of the City of New York, Its Origin Rise and Progress* Vol 1 (1877); and Stillwell, John M.D., *Genealogy of the Stout Family*, Vol 4). By Spring of 1643, **Richard Stout** was a resident of New Amsterdam where he was employed by Governor Kieft as a soldier in the Spring uprising between the Indians and the Dutch.

Deborah Moody, (1586, London, England - 1659) was an American colonial religious leader who emigrated in 1639 to Massachusetts Bay and settled in Saugus (now Lynn, MA). Because of her religious disagreement with the Puritan church, (she was an "Anabaptist", a Protestant who rejected infant baptism in the belief that baptism should be administered only to adult believers), she left Massachusetts Bay and was given permission by the Dutch to settle at the Dutch colony at Gravesend

in what was then known as Breukelen (now Brooklyn) New York. She was granted a town charter in 1645 by the Dutch government guaranteeing freedom of worship and self-government.

The inhabited part of Gravesend consisted of four squares of a little more than four acres each, with two main roadways bisecting north-south and east-west. Each of the four sections had 10 house lots surrounding a one-acre commons. Outside of the village itself were the individual, triangular pieces of 100-acre farms, called boweries, radiating out from the center like spokes from a wheel.

By 1661, **Richard Stout** was the largest landowner in Gravesend (source: *Salter, Richard, historian of Monmouth County, NJ*) and most of his land was cultivated with tobacco. He lived in Gravesend for many years; however, in 1663, he, along with a group of settlers obtained permission from Dutch Governor Peter Stuyvesant to settle on the banks of the Raritan River. The Raritan River is a river in central modern day New Jersey which empties into the Atlantic Ocean at Raritan Bay. The party crossed the bay in Dec 1663 and negotiated with the Indians for the purchase of land in Monmouth County. **Richard Stout** and was one of the founders of that new colony, Middletown, approximately 16 miles south of Gravesend. His name, along with others, appears on the charter for the Monmouth, New Jersey settlement. The first purchase of land from the Indians was dated 25 Jan 1664 and was deeded to six grantees, one of whom was Richard Stout. (**Liber 3, pl. County Clerk/Albany**). He was also among the founders of the first Baptist church in New Jersey. (*Salter, Richard, historian of Monmouth County, NJ*).

The English, under Richard Nichols, took possession of New Amsterdam (now New York) from Governor Stuyvesant and the Dutch, on 8 Sept 1664 and Nichols reaffirmed the grant of the Monmouth land to Richard Stout and others at that time. The text of the Monmouth Patent was recorded in the East Jersey records in 1675. New Jersey subsequently became a proprietorship, granted to George Carteret and Lord Berkeley. Carteret became the first governor of the now English New Jersey. The designation of New Jersey as a proprietorship was the instigation of the land turmoil which ultimately cause a substantial group of residents, including Merrill descendants, to move south to the Carolinas.

**Richard Stout** acquired 1430 more acres in 1676 and 285 acres a year later (*Liber 1 East Jersey Patents*) and he was a very influential and wealthy landowner.

**Richard Stout** died sometime between 19 June 1703 (date of will) and 23 October 1705 (date of proof of will). His will is recorded in *Liber 1, p 120, of Wills at Trenton, New Jersey* and states as follows:

“Know all men by these presents that I, Richard Stout of Middleton, in the county of Monmouth, in East Jersey, being of Sound Mind and disposing memory, do make and ordain this to be my last testament which is as followeth: I will that all my just debts be paid: I give and devise unto my loving wife, during her natural life, all my orchard and that part of rooms of the home she now lives in, with the cellar, and all

the land I now posses. I give and bequeath unto my loving wife, all my horse kind, excepting one mare and colt my son Benjamin is to have for keeping my cattle last year. I give unto my sons, John, Richard, James, Johnathan, David and Benjamin, one shilling each of them. I give unto my daughters, Mary, Alice and Sarah, each of them one shilling. I give to my daughter-in-law, Mary Stout, and her son John one shilling each of them. I give and bequeath unto my kinswoman Mary Stout, the daughter of formerly Peter Stout, one cow to be paid within six days after my wife's death. All the remainder of my personal estate whatsoever, I give and bequeath unto my loving wife, and to this, my last will and testament, I make my son John and my son Johanathan my executors to. For this my will performed, in witness hereof I have hereunto put my hand and seal, June the ninth day, in the year one thousand seven hundred and three." Signed, sealed and published in the presence of us: Richard Hartshorne John Weekham Peter Vandervere Proved before Lord Cornsbury, Governor, Captain General & Etc., 23 October 1705 at Perth Amboy.

The story of Richard Stout's wife, **Penelope Van Princess/Prince** was extensively recorded in the early history of New York/New Jersey and is quite colorful. She was believed to have been born in Amsterdam, Noord, Holland in 1620/22. With little corroboration and lack of documentation, her maiden name has been recorded as Thomson, and her first husband has been identified as Kent Van Princis. Throughout historical records her surname has been carried forward and recorded as Van Princess or Van Prinzen, the Dutch equivalent of the English name "Prince". Despite this disagreement, historians seem to agree, however, that she was born of English parents in Holland. Penelope Prince's father's first name is unknown, but he was believed to have been born in England or the Netherlands in approximately 1595.

With her first husband, **Penelope** came to the shores of present day Long Island on a boat which was shipwrecked on present day Sandy Hook, NY. Both made it to shore, but her husband was killed by Indians. Her story is documented in the *History of New Jersey*, by Samuel Smith, Burlington County, New Jersey, 1775. At page 65, it is recorded:

"Case of a stranger, remarkably saved among the Indians.

While New York was in possession of the Dutch about the time of the Indian War in New England, a Dutch ship coming from Amsterdam was stranded on Sandy Hook, but the passengers got on shore; among them was a young Dutchman who had been sick most of the voyage; he was taken so bad after landing that he could not travel; and the other passengers being afraid of the Indians, would not stay until he recovered, but made what haste they could to New Amsterdam; his wife however would not leave him, the rest promised to send as soon as they arrived: They had not been gone long, before a company of Indians coming down to the water side, discovered them on the beach, and hastening to the spot, soon killed the man and cut and mangled the woman in such a manner that they left her for dead. She had strength enough to crawl up to some old logs not far distant, and getting into a hollow one, lived mostly in it for several days, subsisting in part by some excrescences that

grew from it; the Indians had left some fire on the shore which she kept together for warmth; having remained in this manner for some time, an old Indian and a young one coming down to the beach found her; they were soon in high words, which she afterwards understood was a dispute; the former being for keeping her alive and the other for dispatching: After they had debated the point a while, the first hastily took her up and tossing her upon his shoulder, carried her to a place near where Middletown now stands, where he dressed her wounds and soon cured her:"

This story is well established in history, as it appears again in the *History of the Stout Family* by Nathan Stout, (See: Stout, Nathan, *The History of The Stout Family, First Settling in Middletown, Monmouth County, New Jersey* 1823, published on the web at [http://home.earthlink.net/~bstout02/Stoutwebpage/History\\_of\\_the\\_Stout\\_Family.pdf](http://home.earthlink.net/~bstout02/Stoutwebpage/History_of_the_Stout_Family.pdf)).

"About the same time a ship from Amsterdam, in Holland, on her way to the said New Amsterdam, was driven on the shore that is now called Middletown in Monmouth County, in the State of New Jersey, which ship was loaded with passengers, who with much difficulty got on shore. But the Indians not long after fell upon them and butchered and killed the whole crew, as they thought, but soon after the Indians were gone a certain Penelope Van Princes, whose husband the Indians had killed, found herself possessed of strength enough to creep to a hollow tree, where she remained for days. An Indian happening to come that way, whose dog coming to the tree, occasion him to examine the inside of the tree, where he found Penelope in a forlorn, distressed condition. She was bruised very severely about the head, and her bowels protruded from a cut across her abdomen; she kept them in with her hand. She had been in this fearful condition seven days when the Indian found her. In his compassion, he took her out of the tree and carried her to his wigwam where he treated her kindly and healed her wound....."

In 1915 while investigating a study of the Delaware branch of the Stout family, a Dr. Thomas Hale Stout questioned the then longstanding recorded birth date of Penelope (1602) and the shipwreck date on 1622. His theory was that all the dates recorded were about 20 years too early. More realistically, he theorized that her birth would be 1620, the shipwreck about 1640, and Penelope's date of marriage to Richard Stout about 1644. The logic on this theory was sound: there was no New Amsterdam or Middletown in 1620, and, most telling, is that the birth of Penelope's last child, if the original dates were accurate, would have make Penelope a mother at age 67 and Richard a father at 85. If the original dates of birth and death are accurate, Penelope would have lived to be 110 years old; if the years are off by 20, her life would have still spanned a long 90 years. These revised dates appear to be accepted dates today.

Further uncorroborated evidence of the date of the shipwreck was deduced by Linda Stout Deak (date unknown, but she posted the following account on the Stout Family website on the Internet). She reviewed the records of the Scheepsvaart (maritime or Ship Navigation, esp. Atlantic) Museum in the Netherlands where she was looking for a ship manifest with Penelope's name. What

she found was an entry of a boat named “Kath” which sailed from Holland on 6 Jun 1647 and was beached on Sandy Hook and never returned. Her further research indicated that approximately 5 ships per year departed Holland for America between 1639 - 1648 and it is unlikely that a ship other than the Kath was beached at Sandy Hook. From these facts she surmised that this was the ship that carried Penelope Van Princess/Prince, but this is just speculation.

Penelope lived with the Indians several years and became familiar with some of their language and culture. She was, however, reunited with the settlement in New Amsterdam as recorded in the *History of New Jersey*, by Samuel Smith, Burlington, New Jersey, 1775:

“ After some time, the Dutch in New Amsterdam hearing of a white woman among the Indians, concluded who it must be and some of them came to her relief; the old man her preserver, gave her a choice to go or stay; she chose the first.”

The first record of Penelope in New Amsterdam appears in the Gravesend Town Book, Volume 1, on 12 Sept 1648, where her name appears as “Penellopey Prince” when she was staying at the home of Thomas Applegate, where she gave testimony about an action for slander accusing the wife of Thomas Applegate of milking the Plaintiff Ambrose London’s cow.

Penelope’s friendship with the Indian who saved her continued, and he visited her frequently. This friendship probably saved the settler’s lives. As Samuel Smith in the *History of New Jersey*, recorded further:

“A while after marrying to one Stout, they lived together at Middletown among the other Dutch inhabitants [sic: the families at Middletown were English, not Dutch]; the old Indian who saved her life, used frequently to visit her; at one of his visits she observed him to be more pensive than common and sitting down he gave three heavy sighs; after the last she thought that herself at liberty to ask him what was the matter? He told her he had something to tell her in friendship, tho’ at the risk of his own life, which was, that the Indians were that night to kill all the whites and advised her to go off for New Amsterdam; she asked him how she could get off? He told her he had provided canoe at a place which he named: Being gone from her, she sent for her husband out in the field, and discovered the matter to him, who not believing it, she told him the old man never deceived her, and that she with her children would go; accordingly, going to the place appointed, they found the canoe and paddled off. When they were gone, the husband began to consider the thing, and sending for five or six of his neighbors, they set upon their guard: About midnight, they heard the dismal war-whoop; presently came up a company of Indians; they first expostulated, and then told them, if they persisted in their bloody design, they would sell their lives very dear: Their argument prevailed, the Indians desisted, and entered into a league of peace, which was kept without violation. From this woman, thus remarkably saved, with her scars visible, through a long life, is descended a numerous posterity of the name Stout, now inhabiting New Jersey: At that time, there were supposed to

be about fifty families of white people and five hundred Indians inhabiting those whole parts .”

The ancestry of **Richard Stout** has also been traced. **Richard Stout's** father was identified as **John Stout** (1580 in Burton Joyce Parish, Nottinghamshire, England - abt 1620 in Burton Joyce Parish, Nottinghamshire, England) who was married 13 Nov 1609 in Burton Joyce Parish, Nottinghamshire, England to **Elsabeth Bee/Kee** (1589/90/91/92, Burton Joyce Parish, Nottinghamshire, England - abt 1620). John Stout's father was **Thomas Stout** (abt 1560 England - ?). **Elsabeth Bee/Kee's** father was believed to be **William Bee/Kee** (b.1567 - ?) (source: *11 Generations of Stouts*, by Duston Stout; GEDCOM: *12 Generations of Descendants from John Stout and More!* By Bill Stout (23 May 2002); GEDCOM: *The Gene (Eugene) Henderson and Judi (Judith) Whorton Family Tree* by Judith Henderson, *Ancestry World Tree*, Ancestry.com).

### Merrill Descendants

**Richard and Penelope Van Princess/Prince Stout's** granddaughter, **Penelope Stout Jewell Merrill** (20 May 1700 in Hopewell, Mercer County, NJ- 11 July 1776 in Hopewell, Mercer County, NJ) and her husband **William Merrill II** (1690/1700 on Staten Island, Richmond County, NY - 25 Jun 1740 in Burlington/Hunterdon/Mercer County, NJ) had four children, all of whom were born in Hopewell, New Jersey: **William III** (1729/30 in Hopewell, Hunterdon/Mercer County, NJ - bef 20 Mar, 1782/83 in Randolph County, NC); **Benjamin** (approx. 1730/31 in Hopewell, Hunterdon/Mercer County, NJ - 19 June 1771 in Hillsborough, Orange County, NC); **Thomas** (19 Apr 1732 in Hopewell, Hunterdon/Mercer County, NJ - 12 May 1798 in Montgomery County, NY), who married Dorothy Morgan; and **Penelope** (c 1734 in Hopewell, Hunterdon/Mercer County, NJ - aft 3 Dec 1780/82), who first married Thomas Anderson and second Ralph Hart.

**Benjamin Merrill** and his wife, moved to Rowan County, North Carolina in approximately 1750 - 1754. Several years later, he wrote to his brother, William Merrill (III) in New Jersey and told him about how well he was doing and promised to help him secure land in North Carolina. In 1758, William Merrill and his wife, Mary Cornell Merrill moved to Rowan County. (Hendricks, Garland A., *Saints and Sinners at Jersey Baptist Church, The Story of the Jersey Baptist Church*, p. 19).

A large number of New Jersey Baptists settled in Rowan County and it became known as the “Jersey settlements”. It is located near present day Lexington, Davidson County, NC. William Merrill III and Mary Cornell Merrill (1724 - 15 Aug 1813) had three sons, all of whom were born in New Jersey, but who grew up in Rowan County, North Carolina and all of whom fought in the Revolutionary War. Tradition has it that William was apparently kidnaped and killed by British Tory soldiers and his body was never found. The grave of Mary Cornell Merrill can be found on top of a mountain in the old Merrill cemetery, Mountain Road, Randolph County, NC near Thomasville, North Carolina. Near the graveyard were dilapidated houses, believed to be the old William Merrill homestead. The area is currently home to many blacks, believed to be descendants of the slaves of the Merrill family.

One interesting point to note is that Benjamin Merrill (son of William Merrill III and Mary Cornell Merrill, and nephew of **Capt. Benjamin Merrill**) fought at the Battle of Cowpens, South Carolina, during the Revolutionary War where John Allbritten, one of the ancestors of Mary Ruth Howard Merrill, wife of Roy Lovett Merrill, also fought (source: *Register of South Carolina Patriots in the American Revolution* by Moss, Bobby Gilmer, Limestone College, Genealogical Publishing Co. Inc. (1983). Further information on the descendants of William and Mary Cornell Merrill is omitted since they are a collateral line. Suffice it to say that their descendants were numerous and lived in Rowan, Randolph, Buncombe and Transylvania Counties, North Carolina as well as in Merrillsville, Missouri and Texas.

**(Captain) Benjamin Merrill**, (1730/31 in Hopewell, NJ - 19 June 1771 in Hillsborough, NC) son of **William Merrill** and **Penelope Stout Jewell Merrill**, is the ancestor of the large Merrill family in the Carolinas. The Merrill families were extremely large, with many of them marrying more than once or twice and producing many children from the multiple marriages. Eventually, the descendants spread all over the United States, from New York down the East Coast to the Mid Atlantic States to Texas, Utah and California. The Merrill line in North Carolina descend from **Benjamin Merrill**.

**Benjamin Merrill** married **Jemima Smith** (abt 1730 - bet. 7 May 1801 [date of will] and 2 Feb 1803 [date of proof of will]) in approximately 1748 and they were the first of the Merrill family to move south to the Jersey settlement near Salisbury, Rowan County (now Linwood, Davidson County), North Carolina. The trip south was made shortly after the birth of their first few children during the period 1750 - 1755. We know that he was in Rowan County by October, 1755 since he was accused, along with seventeen other settlers, of assaulting "with guns, swords, clubs and staves", a surveyor and his assistants while they were re-surveying a land grant. (See Sink, M. Jewell and Mary Green Matthews, *Pathfinder Past and Present, A History of Davidson County, North Carolina, at page 10.*)

It is likely that **Benjamin Merrill** moved to escape the debt which arose from the land swindle he left in Hopewell, New Jersey. It was a few years later that Benjamin's brother, William and his wife, Mary, also moved south and settled on a farm near his. **Benjamin Merrill's** name was found in the court minutes of Rowan County on 24 Jan 1756. The Merrill plantation, purchased 9 Sept 1760, was located about five miles south of Lexington, North Carolina and consisted of about 1042 acres. (*Rowan County, NC Deed Book 4*, pp 363-5). The property was located on the north side of the Yadkin River, St. Luke's Parish, about 2 miles east of the Jersey Baptist Church. He built a machine on the creek on his property and arranged it in such a way so that the water would bore out the gun barrels during the evening making them ready for further gun manufacture. On 8 Dec 1762, he acquired two more tracts of land (*Rowan County, NC Deed Book 6*, pp 370-371). Tradition has it that **Benjamin Merrill** was a hardworking, ambitious gunsmith, blacksmith and farmer. His valuable plantation was well cultivated and his garden contained an apiary. Both he and his wife were early members of the Jersey Baptist Church organized in 1754, and he was a deacon in the Church. He and his wife educated their children in their home and it is recorded that other children also convened at the Merrill home to study reading and arithmetic. (Hendricks, Garland A., *Saints and Sinners at Jersey Baptist Church, the Story of the Jersey Baptist Church, page 18*)

The connection between Hopewell, New Jersey and the Jersey Settlement of Rowan County, North Carolina is an interesting one, which likely explains the inception and fervor of the “Regulators” and explains why many of Hopewell’s prominent citizens abandoned Hopewell. Some of the first settlers of the Jersey Settlement in North Carolina were Hopewell, New Jersey citizens who were swindled by the “Proprietors and Royal Governors”. After the English claimed New York from the Dutch, New Jersey (separated into East and West Jersey) became a proprietorship, and was awarded to George Carteret and Lord Berkeley, the Duke of York. The New Jersey land included in the proprietorship was land already owned and occupied by the Merrill’s, Stouts and others. George Carteret and Lord Berkeley subsequently deeded their interests to others, including Dr. Daniel Coxe, of London. He asserted his proprietary interest to the lands, requiring that the original settlers pay him rent or re-purchase the land they had already acquired from the Indians or Richard Nicholls. When proof of transfers of land from the Indians could not be produced, “Writs of Ejectment” were served upon some of the settlers. After the New Jersey Supreme Court validated the proprietary deeds and invalidated the settlers’ ownership to thousands of acres, many of the families abandoned Hopewell township and resettled to Rowan County, North Carolina, a safe haven for refugees beyond the reach of royal law. Among those who fled Hopewell was **Benjamin Merrill**, who escaped lawsuits for debts brought after the invalidation of deeds. (See: *Virginia Everett, Clerk of the Hunterdon County Court, Flemington, New Jersey.*) Perhaps one of the attractions of this new location was that North Carolina was well governed by honest governors, Gabriel Johnston and Arthur Dobbs. Upon Governor Dobbs’ death, William Tryon, a soldier by training, took control on 3 April 1765, and matters changed. He ruled with a heavy hand and many of these settlers, having suffered once with the loss of their lands, understandably reacted violently against Tryon and his officials when they imposed what the settlers believed were unfair and illegal taxes. The Governor denied many of the Western counties of North Carolina the right of representation and vetoed several acts of the North Carolina general assembly.

Historically, there are numerous reasons why families emigrate. Many colonists came for religious reasons. Many of the settlers of the Jersey Settlement likely moved to escape the debts in Hopewell, New Jersey. In central and western North Carolina, which included the Jersey Settlement, however, there were many other settlers who came for religious reasons. The twenty to thirty thousand colonists who occupied this area represented various religious groups: Quaker, Baptist, Presbyterian, Lutheran, Moravian, German Reformed and Methodist, as well as the Church of England, the “official” church of the colonies. The religious differences between these various religions and the established church sowed the seeds of political dissent; the settlers were required to pay taxes to support not only the government, but also the official church of the government. Those settlers of the Jersey Settlement who belonged to the Jersey Baptist Church, did not believe in paying taxes to support the Church of England and they opposed the imposition of this tax. (Hendricks, Garland A., *Saints and Sinners at Jersey Baptist Church, The Story of the Jersey Baptist Church, page 15*) This fact, along with the imposition of other overbearing taxes, motivated **Benjamin Merrill** and others to oppose the Royal government.

**Benjamin Merrill** attained the rank of Captain of the Rowan County Militia and distinguished himself as being one of the first patriots of this country by joining with other

Carolinians and participating in the Regulators uprising, an uprising consisting of North Carolina settlers who opposed corrupt colonial officials under Governor Tryon, and who opposed the increasing and overbearing tax burden imposed upon the North Carolina colony. The settlers, mainly from the western part of the state, who called themselves the Regulators, were a group formed to “judiciously examine whether the true men of the country labor under any abuses of power, and in particular to examine into the Publick Taxes and inform themselves of every particular thereof” (from *Regulator Advertisement Number 2*, appearing in *Some Neglected History of North Carolina* by William E. Fitch on file in the archives of the *Colonial Records of the State of North Carolina*). Their goal was to oversee and attempt to regulate the abuse of power, oppose governmental officials who collected taxes for their own gain, and oppose the imposition of taxes greater than the legal amount (for example, charging \$15.00 for a marriage license instead of the legal rate of \$1.00 or charging more for recording a deed than in other North Carolina counties.) The Regulators unsuccessfully attempted to appeal these inequities directly to Governor Tryon and to officials higher than the Governor.

The Regulators and Governor Tryon were constantly at odds. The “War of the Regulation” lasted from approximately 1764 to 1771. The “war” consisted mainly of skirmishes. One skirmish occurred in Mecklenberg County in 1765 whose name subsequently gave rise to the “Mecklenberg Declaration of Independence” signed 20 May 1775; another altercation occurred in September 1770 during which the home of Colonel Edmund Fanning in Hillsborough was destroyed. After many disturbances, and in an attempt to quell the Regulators, Governor Tryon pressured the general assembly of North Carolina into passing the Johnston Riot Act of 1771 and further issued a handwritten proclamation prohibiting the assembly of “no more than ten persons”, specifically directed toward quelling the assembly of the Regulators. Despite his proclamation, the regulators continued to meet. The Johnston Riot Act of 1771 was an act prohibiting the assembly of more than ten persons who, when requested to disperse by the appropriate authorities, fail to do, upon a finding of guilty, could be sentenced to death. The act, by its terms, was in effect for only one year.

The execution of **Captain Benjamin Merrill** and other regulators at Hillsborough was deemed justified under the terms of the Johnston Riot Act Of 1771; Indeed, the act was designed for just this group. Excerpts of the act are as follows:

***“An Act for Preventing Tumultuous and Riotous Assemblies, and for the More Speedy and Effectually Punishing the Rioters, and for Restoring and Preserving the Public Peace of This Province.***

*Whereas of late many seditious riots and tumults have been in divers parts of this Province to the Disturbance of the Public Peace, the Obstruction of the Courts of Justice, and tending to subvert the Constitution, and the same yet continued and fomented by persons dissatisfied with his Majesty's Government. And whereas it hath been doubted by some how far the Laws now in Force are sufficient to inflict Punishment adequate to such heinous Offenses.*

*Be it therefore enacted by the Governor, Council and Assembly, and by the Authority of the same, That if any persons, to the number of ten or more, be unlawfully, tumultuously and riotously assembled together, to the disturbance of the public peace, at any time after the first Day of February next, and being openly required or commanded by any one or more justices of the Peace or Sheriff to disperse themselves, and peaceably to depart themselves to their Habitations, shall, to the number of ten or more, notwithstanding such command or request made, remain or continue together by the space of one Hour after such Command or Request, that then continuing together to the number of ten or more, shall be adjudged Felons and shall suffer Death as in Case of Felony, ....*

*And be it further enacted by the authority aforesaid, that if such persons so unlawfully, riotously and tumultuously assembled, or ten or more of them, after such request or command made in manner aforesaid, shall continue together and not disperse themselves in one hour, then it shall be lawful to and for every justice of the Peace or Sheriff of the County where such Assembly shall be, and also to and for such Person or Persons as shall be commanded to be aiding and assisting to any such justice of the Peace or Sheriff, who are hereby authorized and empowered and required to command all His Majesty's subjects of this Province of Age and Ability to be assisting to them therein to seize and apprehend such persons so unlawfully, and riotously and tumultuously continuing together after such Request or Command made aforesaid, and forthwith to carry the Persons so apprehended before one or more of His Majesty's Justices of the peace of the County where such persons shall be apprehended in Order to their being proceeded against for such Offenses according to Law. And that if such persons so unlawfully and riotously and tumultuously assembled together, shall happen to be killed, maimed, wounded or hurt in the dispersing, seizing, or apprehending, or endeavoring to disperse, seize or apprehend them, by reason of their resistance, that in every such case, the justice of the Peace, Sheriff, or under sheriff, and all other persons being aiding or assisting to them or any of them, shall be free, discharged and indemnified, as well as the King, his Heirs and Successors, as against all and every other person and Persons of, for and concerning the killing, maiming or hurting any of such person or persons so unlawfully, riotously and tumultuously assembled.*

*And be it further enacted by the Authority aforesaid, that if any Persons to the Number of Ten or more, unlawfully, riotously and tumultuously assembled together to the disturbance of the Public Peace, shall unlawfully and with force at any time after the first Day of March next, during the sitting of any of the Courts of Judicature within the Province, and with the intention to obstruct or disturb the Proceedings of such Court, assault, beat or wound or openly threaten to assault, beat or wound any of the judges, Justices or other officers of such Court, during the continuance of the term, or shall assault, beat or wound or openly threaten to assault, beat or wound, shall unlawfully and with Force hinder or obstruct any Sheriff, Coroner, or Collector*

*of the Public Taxes in the discharge or execution of his or their Offices, or shall unlawfully and with force demolish, pull down or destroy any church or Chapel or any building for religious worship or any Court House or Prison, or any Dwelling House, Barn, Stable or other House, that then every such offense shall be adjudged a Felony. ..., Be it enacted by the authority aforesaid, that it shall and may be lawful to and for the Attorney-General of this Province for the time being, or his deputies, to commence prosecutions against any person or persons who may have at any time since the first Day of March last, or shall at any time hereafter commit or perpetrate any of the crimes herein before mentioned, in any superior Court within this Province, or in any Court of Oyer and Terminer, by the Governor or Commander-in-Chief for the time being, specially instituted and appointed, and the judges or justices of such Court, are hereby empowered and required to take cognizance of all such crimes and offenses, and proceed to give judgment and award execution thereon, although in a different County or District from that wherein the crime was committed, and that all proceedings thereupon shall be deemed equally valid and sufficient in law as if the same had been prosecuted in the County or District wherein the Offense was committed, any, Law, Usage or Custom to the Contrary notwithstanding. ...*

*And whereas by the great Riots and insurrections at the last superior Court held for the district of Hillsborough it may be justly apprehended that some endeavors will be made to punish those who have been guilty of such Riots and Insurrections, as well as those who may hereafter be guilty of the crimes and Offenses herein before mentioned: For prevention thereof and restoring Peace and Stability to the Regular Government of this Province, Be it enacted by the Authority aforesaid, that the Governor or Commander-in-Chief for the time being is hereby fully authorized and empowered to order to attend Regiments of Militia in this Province, to be under the command of such Officer or Officers as he may think proper to appoint for that purpose, at the Public Expense, to be by him employed in Aid and Assistance of the execution of this Law, as well as to protect the Sheriffs and Collectors of the Public Revenue in Discharge of their several duties, which draught or Detachments of Officers and Soldiers when made shall be found, provided for, and paid, in the same manner and at the same rates, and subject to the same rules and Discipline as directed in case of insurrection in and by Act of the Assembly made in the year One Thousand seven hundred and sixty-eight, entitled An Act for establishing a Militia in this Province.*

*...  
And be it enacted by the authority aforesaid, that this Act shall continue and be in force for one year, and no longer. Read three times in Open Assembly and Ratified the 15th Day of January, 1771. WILLIAM TRYON, Governor. JAMES HASSELL, President. RICHARD CASWELL, Speaker. A true Copy of an Act passed last session of the Assembly. ROBERT PALMER, Secretary (Col. Rec. of N. C., Vol. VIII, PP. 481 to 486).*

On 14 May 1771, the Governor led a militia of approximately eleven hundred men to enforce his order. Governor Tryon and his men entered into the only true battle in the “War of the Regulators”, at Alamance, North Carolina with approximately two thousand Regulators, few of whom had guns. The battle lasted only a few short hours, and the Regulators were badly beaten. Although **Captain Benjamin Merrill** did not fight at Alamance, he was on his way there with three hundred men, when he intercepted British General Hugh Waddell and his troops, who was also en route to assist Governor Tryon’s militia. Members of both Waddell’s and **Captain Merrill’s** troops were allegedly killed in the skirmish, but the Regulators forced Waddell’s troops to disperse and some British soldiers were taken prisoner. When **Captain Merrill** learned that the Governor's army had been victorious at Alamance, he disbanded his group and returned home to his plantation. For his actions, however, he was taken prisoner by Colonel Edmund Fanning, and brought along with other Regulator leaders, to Governor Tryon who had camped in the Jersey settlement on or very near **Captain Benjamin Merrill’s** land on 1 Jun 1771. It is recorded that while camped, members of Tryon's army attempted to steal honey from **Benjamin Merrill’s** apiary, and in the darkness several beehives were overturned and the bees began stinging both men and horses. The horses belonging to the army had been turned loose at night to graze, and each animal had a bell tied to its neck to assist in finding it should it stray. The horses ran around and through the camp, ringing several hundred discordant bells, causing the Tryon’s men to raise their arms in defense. Once the cause of the tumult was ascertained, quiet was restored. (*State Records of North Carolina, Vol. 19, p. 849.*) In retaliation for the allegedly traitorous actions of the regulators, Tryon’s militia laid waste to homes and land, including that of **Benjamin Merrill’s** on 3 June 1771.

On 11 June 1771, Governor Tryon issued a proclamation offering pardon to any persons who would lay down arms, pay taxes as assessed, and pledge allegiance to the governing body. The Proclamation specifically excepted from pardon sixteen men, among them, **Benjamin Merrill**.

Pursuant to the Johnston Riot Act, Governor Tryon convened a special term of court of oyer and terminer presided over by Chief Justice Howard, with Associate Justices Maurice Moore and Richard Henderson (*Colonial Records of North Carolina, Vol. 8, p. 650*) in Hillsborough, to try the twelve Regulators, who were indicted for high treason. When Governor Tryon was informed that an extra day had been granted to two of the prisoners, by the court, to send for witnesses, who established their innocence and saved their lives, Tryon sent an aide to the judges and Attorney-General, advising them that he was dissatisfied with the pace of the trial, and threatened to present them unfavorably in England if they did not proceed “with more spirit”. (*See the "Atticus" letter, published in Virginia Gazette, November 7, 1771.*) The accused men were subsequently found guilty and condemned to death. The Chief Justice proclaimed the death sentence upon the condemned Regulators using the form prescribed by the laws of England in cases of treason: "That the prisoner should be carried to the place from whence he came; that he should be drawn from thence to the place of execution and hanged by the neck; that he should be cut down while yet alive; that his bowels should be taken out and burned before his face; that his head should be cut off, and that his body should be divided into four quarters, which were to be placed at the King's disposal, and may the Lord have mercy on your soul." (*Colonial Records of North Carolina, Vol. 8, p. 643.*) Six of the men, including **Benjamin Merrill**, were hung on 19 June 1771 at Hillsborough, North

Carolina, while the remaining six were referred to the Royal Crown for further handling, although there is no proof that the sentence was carried out as proclaimed.

The justifiable and persuasive claim that **Benjamin Merrill** was one of the first American Revolutionary patriots is buttressed by the fact that the Riot Act by which he and the other regulators were sentenced to death, was one of the many overbearing laws and grievances to which the American colonists objected and which motivated them to pursue independence.

Shortly after the hangings, Tryon moved to New York and Josiah Martin succeeded him as governor of North Carolina in August 1771. A letter, attributed to Judge Maurice Moore and identified as the “Atticus” letter, which was addressed to now New York Governor William Tryon, was published in the Virginia Gazette on 7 Nov 1771. In it, Governor Tryon was publicly chastised for allowing the executions at Hillsborough and besmirching the reputation of the town of Hillsborough and the Hillsborough courts.

Discontent within the colony of North Carolina was great, as it was in the other British colonies for some of the same inequities, and the seeds of revolution were present. Some historians consider the Regulation movement one of the catalysts to the American Revolutionary War.

**Benjamin Merrill** went to the gallows willingly “as a Christian soldier” and was revered as a man of honesty, integrity and piety. (*Captain Benjamin Merrill and the Merrill Family of North Carolina* (Dec. 1935) by William Ernest Merrill, M.S. and *Colonial & State Records of North Carolina*.)

Normally, a person convicted of treason forfeited his property to the Crown, but **Captain Benjamin Merrill** entreated the Governor from the gallows, to allow his soon to be widow and ten children (records actually seem to indicate that he had nine) to be allowed to keep his farm. The petition was granted and Governor Tryon deeded the land and all the goods and chattels upon it to his wife, **Jemima Merrill** and her children. This action was likely an attempt to relieve tension among the populace at that time.

**Captain Benjamin Merrill’s** speech from the gallows was recorded by Morgan Edwards a Baptist minister and historian, in his manuscript *Materials towards a History of the Baptists in North Carolina* (1772), and later published in Benedict, David, *General History of the Baptist Denomination in America* (1813, Vol 2, pp. 117-118):

*“I stand here exposed to the world as a criminal. My life will soon be a change. God is my comforter and supporter. I am condemned to die for opposing government. All you that are present, take warning by my miserable end, when I shall be hung up as a spectacle before you. My first seducers were Hunter and Gelaspie. They had often solicited me, telling that a settlement only was contended for with regard to publick officers, who, they said, had oppressed the people; and that unless these measures were taken, there would be no remedy or redress hereafter. Thus they pressed me on,*

*by assuring me the disputes (as they called them) then existing might be settled without shedding of blood. I considered this unhappy affair, and thought, possibly, the contentions in the country might be brought to some determination, without injury to any; and in this mind I joined the Regulation. After I had enlisted under the banner of the Regulators, I was ever after pressed to be made a leading man among them; and was one of the number who opposed Col. Weddel with his troops; information prevailing that the Governor was on his march to lay waste this country and destroy its inhabitants, which I now find to be false, and propagated to screen old offenders from justice. As to my private life, I do not know of any particular charge against me. I received, by the grace of God a change, fifteen years ago; but have, since that time, been a backslider; yet Providence, in which is my chief security, has been pleased to give me comfort, under these evils, in my last hour; and although the halter in now round my neck, believe me, I would not change stations with any man on the ground. All you, who think you stand, take heed lest ye fall. I would be glad to say a few words more before I die. In a few moments, I shall leave a widow and ten children; I entreat that no reflection may be cast on them on my account; and if possible, shall deem it as a bounty, should you, gentlemen, petition the Governor and Council, that some part of my estate may be spared for the widow and fatherless; it will be an act of charity, for I have forfeited the whole, by the laws of God and man.”*

There has been a great deal of puzzlement over why there is a discrepancy in the number of children recorded for **Benjamin Merrill**. He claimed ten children from the gallows; his wife, **Jemima** listed nine children in her will. It is possible that **Benjamin** was including among his children, the orphan that he raised. Per Rowan County court minutes on 21 Jan. 1761, it was “*Ordered ... that John Hicks an Orphan Child be bound to Benjn. Merrel [until] he arrive to the age of twenty one Years being now adjudged fifteen years last June & said Master to learn the said orphan the common Rules of Arithmetic and the Blacksmiths trade.*”

After Benjamin was hanged, Jemima returned to the Merrill Plantation with her children, and it was reputed that she never fully recovered from the death of her husband. As recorded in his book *A History of the Liberty Baptist Association* (1907, p. 161), an elder in the Baptist church, Henry Sheets quoted as follows:

“After his execution the widow remained on the old homestead. The late Miss Susie Turner, a very worthy and aged lady, told the author that she recollected well, when a young girl, of hearing her aunt Mary Workman tell of calling in to visit the widow while on her way to meeting at Jersey church. Her aunt told her that the widow was blind. Whether this blindness was caused by some natural defect or from excessive grief at the sad and untimely death of her husband was not known. She was never herself after the death of her husband - she never recovered from the shock. She was almost crazed at the cold, cruel fate which befell her in thus being bereft. She suffered great mental distress and spent much of her time in walking to pass off the

melancholia which clung to her only to darken her days of grief and bitterness. Her mind was scarcely ever free from her affliction while awake.”

In 1773, **Jemima Merrill** left the Jersey Baptist Church where her husband had been a deacon, and moved to Boone’s Ford Baptist Church. (Hendricks, Garland A., *Saints and Sinners at Jersey Baptist Church, the Story of the Jersey Baptist Church* at page 23) On 28 February 1775, she married Harmon Butner, the recording of which appears in the official records of Rowan County, North Carolina. She subsequently rejoined the Jersey Baptist Church in 1786 as Jemima Butner. (Hendricks, Garland A., *Saints and Sinners at Jersey Baptist Church, the Story of the Jersey Baptist Church* at page 27)

It is known that the Merrill’s owned slaves because certain of them were bequeathed to her children, by the will of **Jemima Smith Merrill Butner**, dated 7 May 1801. **Jemima Merrill Butner** died sometime between 7 May 1801 (date of her will) and 2 February 1803 (proof of will). Her will appears in the *Rowan County, North Carolina Court Minutes*, 1800-1807, (10 February 1803) at p. 207:

*“In the name of God Amen*

*I JEMIMA BUTNER of the County of Rowan and State of North Carolina Being in perfect mind & memory But weakley in Body and calling to mind my Mortality think proper to make and ordain this as my Last wil and Testament knowing That it is apointed unto men once To dy do think proper to Confirm my intentions By these presents and in the first place commending my sole into the hands of all mighty God and My Body to Be Decently Buried at the discretion of My Executors and as Touching such worldly Estate as it hath pleased God to Bless me with I dispose of devise and give in Manner and form following that is to say First, I give and bequeth To my Eldest Son SAMUEL MEREL fourteen pounds which I paid for the improvement whereon SAMUEL MERIL now Lives also Twenty Seven pounds which I paid in taking up a judgment that was against him also my sorrel horse also an Equel part of all my moveble property with the Rest of my sons my negroes excepted. Secondly I give and bequeth to my daughter NANCY My negro woman Hager which is to be vallued and JOHN MEREL WILLIAM MEREL and CHARLES MEREL is to have an Equel part of the vallue of said negro in money also I give one half of my Waring Clothes to my daughter NANCY.*

*Thirdly I give and Bequeth to my Daughter ELLINER one negor garl Named Rose which is also to Be vallued & the above JOHN MEREL WILLIAM MEREL and CHARLES MEREL is to have an equal part of her vallue in money I also give to my Daughter ELLINER the other half of my [wear]ing Clothes.*

*Fourthly I give and Bequeth to my son ANDREW MEREL my Negro Boy Named James which is also to be vallued and the above JOHN MEREL WILLIAM MEREL & CHARLES MEREL to have an Equel part of the vallue in money also I give to my son ANDREW an Equel part of my Movable property That I do not mention in my wil.*

*Fifthly I give To my son JONATHAN MERIL My Negro boy named David and he is*

*to pay to My son CHARLES MEREL Ten pounds current money Two years after my Deseace I give also to my son JONATHAN MEREL an Equal part With the Res[t] of my sons of my Moveable property which is not here Mentioned or given. Sixthly I give to my son ELIJAH MERIL an Equal part of My Moveable property which is Not Mentioned as given in this wil. Lastly I also apoint Constitute and ordain My sons A[N]DREW MEREL & JONATHAN MEREL whole and Sole Executors of this my Last Wil and Testament and I do hereby Revoke all other wils or Testements at any time by me made in witness whereof hereunto set my hand and seal this 7th day of may 1801.”*

The swift implementation of the sentence by Governor Tryon and the hangings at Hillsborough contributed to the disintegration of the Regulator movement and dispersed the opponents of the Royal government. Indeed, the population of the Jersey Settlement area dropped significantly by 1772, as many families moved to safer abodes. (Hendricks, Garland A., *Saints and Sinners at Jersey Baptist Church, the Story of the Jersey Baptist Church* at page 22.) This successful repression by Governor Tryon and other Royalists likely contributed to the minor historical recognition that the North Carolina colonists were given in the American Revolution. The remaining colonies continued to carry the torch of revolution and with it, the concomitant recognition. The North Carolina uprisings were perhaps an unrecognized but influential catalyst in the War of Independence.

### Smith Ancestry

The ancestry of **Jemima Smith Merrill** has also been extensively researched and can be traced back to the early sixteenth century. Although some of her ancestors hail from France, most find their roots in England.

**Jemima Merrill's** parents were also early and prominent settlers in Hopewell, New Jersey. Her father, **Andrew Smith III**, was born on 4 Nov 1709 in Hopewell, Burlington/Hunterdon/Mercer County, New Jersey and died 20 Mar 1794, in New Jersey. He was married to **Anne Mershon** (1709 in Maidenhead, Mercer NJ - 12 Jan 1785). The name of Andrew Smith appears in various records in Hunterdon County Records: for example, in a court case before the Court of Oyer and Terminer and General Gaol Delivery for Hunterdon County held at Trenton on May 19, 1752 (D'Autrechy, Phyllis B., “*Records of the New Jersey Court of Oyer and Terminer, 1749-1762,*” *The Genealogical Magazine of New Jersey*, Volume 71, No. 2, May, 1996, p. 86); as a taxpayer in Hunterdon County, New Jersey for the years 1778-1781 and 1785 (*Hunterdon County, New Jersey Taxpayers, 1778-1797*, p. 160); as a judge in Hunterdon County, New Jersey in 1739 (Colegrove, John, as quoted in Internet, *Pat Paterson Web Pages*) and in the Muster Roll of a Detachment from Hunterdon County under the Command of Capt. David Stout from May 9, 1757 to June 11, 1757 (Wilson, Thomas B., “*Muster Rolls of Forces on the Frontiers of New Jersey, 1757-1758,*” *The Genealogical Magazine of New Jersey*, Volume 62, No. 1, January, 1987, p. 13). He made a will dated 17 Oct. 1774 bequeathing to his daughter, Jemima:

*“one Spanish Pestole to her forever, if it should so happen that my daughter Jemima should become poor and needy in this life I do require my Execs to give her reasonable relief out of my estate. I also give and devise to my daughter Jemima’s children that she bear to Benjamin Merrill to wit: Saml, John, Andrew, Wm. Chas, Elijah, and Jonathan Merrill, Anna McCleary and Penelope Merrill to all and each of them severally 50 pounds.”* (Merrill, W.E.; ***Liber 35 folio 114 Dept of State at Hopewell***)

Jemima Smith Merrill’s mother, **Anne Mershon Smith** died 12 Jan 1785, and is buried at the Hunt Farm Burial Ground off Harbourton-Woodsville Road in Hopewell Township, Mercer County, New Jersey in Row 4, Grave 13. Her grave reads January The 12/ Departed This/ Life Ann Smith/ In The 78 Year/ Of Her Age 1785.” Her father was **Henri Mershon** (1672 Normandy, France - 20 Sept. 1738, Lawrenceville, Mercer County, NJ). Some family historians have identified her mother as **Ann Houghton** (c.1682 - aft. 1738, Mercer County, NJ), but this fact is disputed by the Descendants of Henry Mershon Inc. Association.

**Henri Mershon** was a Huguenot, who arrived in New York circa 1685 at the age of thirteen years. (source: material in ***Abstracts of Revolutionary War Pension Files***). He became a beekeeper and a weaver, settling in Newtown, Long Island, now Elmhurst. The Newtown census of 1698 lists Henri “Marshan” with a wife and one child, but the family moved to Maidenhead (Lawrenceville) New Jersey in 1700 where he bought extensive land. In August, 1733, **Henri Marshon** was presented to the Burlington, New Jersey Colonial Council three times in order to “naturalize” him. At his death, he was buried in the Great cemetery in Lawrenceville, New Jersey. His will was dated 19 Jul 1738, in which he was listed as a weaver, and among his property is listed 12 swarms of bees.

**Henri’s** parents were **Henri Marchand** (1648, Normandy, France - aft. 1685) and **Mary ?** (c.1652, Normandy France - ?). Assuming Henri Marchand’s wide is Ann Houghton, her parent’s were believed to be **John Houghton** (bef. 1665 - bef. 28 May 1710, Stony Brook, Middlesex, NJ) and **Dyna ?** (? - ?). John Houghton left a will dated 10 Jan 1699, and proved 28 May 1710, which appears in the Middlesex County Wills, New Jersey.

**Henri Marchand** came to Newhurst, New York with his 13 year old son, **Henri**, in approx. 1685. He returned to France for the rest of his relatives, but never made it back. (source: ***Abstracts of Revolutionary War Pension Files***, mostly supplied by Mrs. [Grace L.O.] Irving Mershon.) It is believed that the family left behind in France may have been victims of the persecution of the Huguenots, because no other immediate members of the Marchand family came to America. Son, **Henri**, grew up with Huguenot relatives in the New York area.

An association of the Descendants of Henri Merson Inc. was organized in Trenton, New Jersey in 1923. As easily surmised by the spelling of Henri Sr. and Jr.’s last name, the family name was spelled different ways depending upon their location: Marchand (French) Marchant (Middle English); Merchant (Modern English); Marschan (Dutch) and Mershon (phonetic).

The ancestry of Jemima's father, **Andrew Smith III** (4 Nov 1709 Hopewell, Mercer County, NJ - 20 Mar 1794, Hopewell, Mercer County, NJ) can be traced back seven generations:

**Andrew Smith III's** father was **Andrew Smith II** (8 Dec 1689/90 in Hopewell, Mercer County, NJ - 21 Mar 1767, Hopewell, Mercer County, NJ), who was married in 1708 in Hopewell to **Sarah Stout** (10 Sept 1689, Middletown, Monmouth County, NJ - 12 Jul 1761, Hopewell, NJ). **Andrew Smith II** was baptized on 28 Feb 1702/03 in St Anne's (later St. Mary's) Episcopal Church in Burlington, New Jersey, one of many Hopewell inhabitants who were baptised in the Church of England pursuant to English law in order to preserve inheritance rights. (Stillwell, John E., *Historical and Genealogical Miscellany of New York and New Jersey*, Volume 2, 1906, p. 4). He was also a surveyor in Hopewell, New Jersey as documented in Eli Cooley's *Early Settlers in Trenton and Ewing* (1883, pp. 264-265) as well as the *History of Burlington and Mercer Counties*, New Jersey by E. M. Woodward and John F. Hageman (1883, p. 827). **Sarah Stout** was one of the charter members of the Hopewell Baptist Church, which was first convened 23 Apr 1715. **Sarah Stout** and **Penelope Stout** were first cousins (daughters of two brothers), whose paternal grandparents were **Richard Stout** and **Penelope Prince Stout**.

Extant is an ancient bible known as the Pitt-Smith Bible documenting vital statistics for **Andrew Smith II** and the Smith family. Articles concerning the bible were published in the American Genealogist in 1932 (Vol 9 pp.222-223) 1948, (Vol. 24 pp.102-104) and 1976 (Vol. 52, pp 226-229) and an article by Gloria Smith Padach was published in the Rowan County Register (Vol 9, No 3, pp.2049-2056). The bible has also been microfilmed by the LDS Church (Film Number 0886968, Item 2). This is an important genealogical piece of historical documentation.

Members of the earliest generations of the Smith family are buried in a cemetery known as the Hunt Farm Burial Ground, located off Harbourn-Woodville Road, in Hopewell, Mercer County, New Jersey. An article and survey of the cemetery by Edward J. Raser, appears in the Genealogical Magazine of New Jersey (Vol 69, Number 1, pp 6-12). In the cemetery can be found the graves of **Sarah Stout Smith** (Jemima's grandmother) (10 Sept 1689, Middletown, Monmouth County, NJ - 12 July 1791, Hopewell, Mercer County, NJ) at Row 4 grave 11 and **Anne Mershon Smith**, (Jemima's mother) (1709 in Maidenhead, Mercer NJ -12 Jan 1785). Located west of the cemetery near the intersection of the Harbourn-Woodville Road and Poor Farm Road is the 1711 stone house attributed to **Andrew Smith II** and **Sarah Stout Smith**.

**Sarah Stout** was one of nine children of **Jonathan Stout** (1660/65, Gravesend, Long Island, NY - bet. 24 Nov. 1722 [date of will] and 25 Mar 1723, [date of proof of will] Hopewell, Mercer County, NJ) and **Anne Bollen** (c.1665/70 in Middletown, Monmouth, NJ - 1715/22, NJ), who were married in Middletown, NJ on 27 Aug 1685. (Sarah's granddaughter, **Jemima Smith**, married [**Captain**] **Benjamin Merrill**, son of **William Merrill and Penelope Stout Jewell Merrill**). **Jonathan Stout** was among the prominent settlers of Old Hopewell, living near the old Indian town of Minnepenasson. He was the son of **Richard Stout** (1611/12 - 23 Oct 1705 in Middletown, Monmouth Co., NJ) and **Penelope Van Princess/Prince**, (approx. 1620 in the Netherlands - 1712 Gravesend, Long Island, NY) described above. (This means that **Benjamin Merrill**, son of **William**

**Merrill and Penelope Stout Merrill** who was the daughter of **James Stout** and who was first cousin to **Sarah Stout Smith** married his second cousin once removed, **Jemima Smith** daughter of **Ann Mershon** and **Andrew Smith III**, who was the son of **Sarah Stout Smith**, who was the daughter of **Jonathan Stout** and first cousin to **Penelope Stout Merrill**.)

**Anne Bollen's** father was **James Bollen** (1629, England - bef 12 May 1683, Woodbridge, Middlesex Co, NJ) and it is believed, but not proven, that her mother was **Anne Vauquellin** (c.1633 - ? in NJ). There was a close association between the Bollen and Vauquellin families and the name "Anne" appears in various records at or near this time period, giving rise to the belief by many family historians that "Anne" was the name of James' wife (as well as his daughter). It is the theory of North Carolina archivist James Mark Valsame that the identification of James Bollen's wife as "Anne Vauquellin" is sufficiently enough in doubt as to require a disclaimer or qualification. Assuming Anne Vauquellin to be **Anne Bollen's** mother, her parents were believed to be **Robert Vauquellin** (c.1607, probably Normandy France - bef 10 Oct 1698, Woodbridge, NJ) and **Jeane ?** (c.1611 - aft 1698 Woodbridge, NJ). James Bollen's parents are unknown. He was a Justice of the Peace and a designated Secretary and register of the Province of New Jersey. The early records of New Jersey (1665-1667) appear in his handwriting. (*NJ Colonial Documents: Journal of Governor and Council*). This was the time period in the colonies when proprietary government was in effect. If a person obtained a patent from the Royal Sovereign to own the land, then with it came the right to govern it. James, Duke of York, on 24 June 1664 transferred a portion of his proprietary interest to Lord Berkeley and Sir George Carteret, land on which Governor Richard Nicolls had already issued patents to the settlers. It was James Bollen, as official register and first secretary of the province of East Jersey, who showed the letter from Berkeley and Carteret of their grant from the Duke to a dismayed Governor Nicolls, who had already conveyed the land to the settlers. This duplicate grant culminated in a political and military struggle for control. Ultimately proprietary government was abolished, but not until several families lives (including **Captain Benjamin Merrill**) were disrupted.

It is known that **James Bollen** died intestate when **Anne** and her brother, James were under age, as they were forced to select guardians, per a letter of administration dated 12 May 1683. See Sosin, J.M., *English America and the Restoration Monarchy of Charles II: Transatlantic Politics, Commerce and Kinship* (U NE1980).

Th resumed father of Anne Vauquellin was **Robert Vauquellin**, who had the title "Sieur des Prairies", of unknown origin, but perhaps related to his home in France. The Vauquelin family (spelled with one "L" in French) is a noted line in Normandy, near Caen and the Orne River. On 30 Jul 1669, Governor Carteret issued a patent to land to **Robert Vauquellin** which appears of record in the *East Jersey Patents*, Liber 1. Apparently **Robert Vauquellin** established himself well enough so that subsequent deed descriptions used as reference points "Vauquellin's Hill" and Vauquellin's Neck". **Robert Vauquellin** was the Surveyor General of New Jersey. In 1683, he was one of the commissioners named to run the boundary between New York and Connecticut. (Brodhead & O'Callaghan, *Colonial History of the State of NY* as quoted on the Internet in *Pat Patterson's web pages*). In March 1682/83, **Robert Vauquellin** was accused by the governing council of failing to

survey and properly record surveys of land. He was ordered to produce the official journals of surveys and warrants and a judicial hearing was had. His will was dated 5 Sept 1673, in which he left all his property to his wife, **Jeane**. The will was witnessed by James Bollen and another man and was probated on 10 Oct 1698.

**Andrew Smith II's** parents were **Andrew Smith I** (1640/45, Farsley, West Riding, Yorkshire, England - bet 16 Jan 1703/4 [date of will] and 7 Mar 1703/4 [proof of will], Hopewell, Mercer County, NJ) and **Olive** (possibly **Pitt**) (c.1650 Yorkshire, England - bef 1703 Hopewell, Mercer County, NJ). Some genealogists have assumed that Andrew Smith I's wife was Olive Pitt. This information derives from a publication by George W. Hart in 1972, *The Descendants of Andrew Smith* and Rosalie Coudray Smith's *The Smith Gentes* (Volume 2) (1990) in which she makes the assumption that the "Olive" recorded as the mother of Elizabeth Smith in the 1680 birth record in the Burlington Monthly Meeting of the Society of Friends is connected to the George Pitt of Grimethorpe whose name appears in the Pitt-Smith Bible and who is assumed to be the daughter of George Pitt, age 23 and Olive Walker, age 20 whose 1630 marriage license is recorded in Felkirk Parish, Yorkshire (*Paver's Marriage License Index 1630-1644, p 140*). Assuming that this information is accurate, then **Olive Pitt's** parents were **George Pitt** (1607, Yorkshire, England - ?, Grimethorpe, Yorkshire, England) and **Olive Walker** (1610 Yorkshire, England - ?), married in 1630 in Felkirk, Yorkshire, England.

Because of the prominence of **Andrew Smith I** in New Jersey, there also exists much source and interpretive material on him. Genealogist, Louis D. Cook of Philadelphia in his article *Andrew Smith of Hopewell Mercer Co. New Jersey* in the *American Genealogist*, Vol. 24 (Apr 1948), pp 102-104 [see also Vol. 9, pp. 222-223] says that **Andrew Smith** probably emigrated from England with the Yorkshire Friends via Burlington, New Jersey, but his name has not been found as a member of the Society of Friends in the registers of either Chesterfield or Burlington Monthly Meetings. He was, however, one of the original members of the Hopewell Chapel of St. Mary's.

On 20 Jan 1680, **Andrew Smith** acquired a 200 acre tract of land north of the Falls of Delaware (Trenton). On 24 Jun 1684, he acquired 200 more acres in West Jersey. (*Liber A, Revel's Book of Surveys 1680-1704, p. 14*). He acquired 250 more acres a month later (*Liber A, Revel's Book of Surveys 1680-1704, p. 70*) and on 21 May 1688, he acquired yet another 200 acres of a tract near Brandywine Creek (now Wilmington, Delaware) called "Hopewell" (*West Jersey deeds, Liber B, part 1, 1677- 1694, p. 214*). To him is given the credit of naming the Hopewell township. When application for a new township was made by him and other inhabitants in the Falls of Delaware on 20 Feb 1699, they requested that it be named "Hopewell". (source: Ege, Ralph, *Pioneers of Old Hopewell*, 1908, pp 114-115).

**Andrew Smith's** name appears throughout the history of Hopewell in various court and deed records. His children were baptized along with other Hopewell residents, in St. Anne's Episcopal church (now St. Mary's) on 28 Feb 1702/03, where their names were registered in the parish register.

**Andrew Smith's** will was dated 16 Jan 1703/4 and proved 7 Mar 1703/4 and although not recorded, is on file with the inventory of his estate in the office of the Secretary of State at Trenton, N.J. He bequeathed his plantation and half his goods and chattels to his son, Andrew. (Original will and inventory in *New Jersey Unrecorded Wills*, Vol. 8, pp. 23-28; Recorded copy in *New Jersey Unrecorded Wills*, Book 1, pp. 1-3)

It is the **Andrew Smith** ancestry, through both the paternal and maternal line, which has been traced to the early 1500s in England. According to Smith genealogist Rosalie Coudray Smith, Andrew Smith's father was also **Andrew Smith** (17 Jul 1619, Farsley, West Riding, Yorkshire, England - 16 May 1671, Farsley, Yorkshire, England), but his mother is unknown. The English Andrew Smith's father was **John Smith** (1579, Owlcotes, West Riding, Yorkshire, England - 1640, Yorkshire, England) and his mother was **Margaret Burnley** (1575, Idle, Yorkshire, England - aft 1620 England). They were married in 17 Nov 1600 in Calverly Church, Farsley, West Riding, Yorkshire, England.

John Smith's parents were **Andrew Smith** (aft 1550 Owlcotes, West Riding, Yorkshire, England - ?) and **Susan Waterhouse** (1555, Halifax, Yorkshire, England- ?), who were married about 7 Jan 1587 in Yorkshire, England. Andrew Smith's father was **William Smith** (abt 1520/30 Yorkshire, England - ? Farsley, West Riding, Yorkshire, England). His mother is unknown. Susan Waterhouse's parents were **Laurence Waterhouse** (bef 1524 Halifax, Yorkshire, England - June 1585 Skircote, Halifax, Yorkshire, England) who was married 31 Jan 1552 to **Genet Brigge/Bridge** (1530, Halifax, Yorkshire, England - ?).

Margaret Burnley's ancestry can be traced even further: Her father was **William Burnley** (c.1550 Eccleshill, Yorkshire, England - aft 1593, Yorkshire, England); her mother is unknown. William Burnley's father was **Thomas Burnley** (? Skircote, Yorkshire, England - ? Eccleshill, Yorkshire, England); his mother is unknown. Thomas Burnley's father was **William Burnley** (? Halifax, Skircote, Yorkshire, England - ? Skircote, Yorkshire, England).

#### Captain Benjamin Merrill Descendants

The significant detour to trace the ancestry of **Jemima Smith Merrill** demonstrates that on both sides of the Capt Benjamin Merrill family, there were several ancestors prominent in United States colonial history. Many of these ancestors appear in the annals of the founding of New York and New Jersey. Following is the continuing story of the descendants of **Captain Benjamin Merrill** and **Jemima Smith Merrill**.

Benjamin and Jemima Merrill had nine children:

**Samuel Merrill** (abt. 1748/9 in Hopewell, Hunterdon (Mercer) County, NJ - bet 1800 [when he appears in the census] and 10 Feb, 1803 in Rowan County, NC), who married **Sussanah (last name unknown)**;

John (11 Dec 1750 in Hopewell, Hunterdon (Mercer) County, NJ - 16 Oct 1838 in Monroe County, MS), who married Mary Wiseman, sister of Rachel Wiseman;

Andrew (abt 1751/55 in Hopewell, Hunterdon (Mercer) County, NJ - bef May 1826 in Giles County, TN), who married Rachel Wiseman, sister of Mary Wiseman;  
William (abt 1750/55 in Hopewell, Hunterdon (Mercer) County, NJ - aft. 28 Jul 1803), who married Salley Haden;  
Anna "Nancy" (abt 1750/60 in Rowan Co. NC - bef.7 Mar 1828 in Howard Co, MO) who married Boyd McCrary;  
Penelope (abt 1760 in Rowan Co, NC - 1830 in Buncombe Co, NC) who married her first cousin, Benjamin Merrill;  
Charles (Nov 1761 in Rowan Co, NC - 1822 in Pendleton District, SC);  
Elijah (abt 1763 in Rowan County, N.C - ?);  
Jonathan (abt. 1760/65 in Rowan Co, NC - bef. 4 Jan 1852 in Lincoln (Moore) County, TN) who married Nancy Elliot.

The Carolina Merrill family descends from the oldest son, **Samuel Merrill**, about whom information appears below. It was shortly after the birth of fourth son, William, that his parents, Benjamin and Jemima Merrill moved to North Carolina. John married Mary Wiseman and served in the Revolutionary War in 1776 as a drummer, artificer, captain and lieutenant. Shortly after the war, John and Mary Wiseman Merrill moved from North Carolina to Hancock County, Georgia, where he worked as a blacksmith. He and his wife moved again to Monroe County, Mississippi which is where he applied for his revolutionary war pension (*Revolutionary War Pension Application S7223*). John and Mary Wiseman Merrill's children moved to various states. One of their grandsons was William Washington Merrill who was admitted to the Georgia bar in September, 1845 and wrote his autobiography in 1880. In his autobiography, William Washington Merrill describes a terrifying incident which occurred between his grandmother (Mary Wiseman Merrill) and the Tories who terrorized the women and children left behind while their husbands went to War.

Andrew Merrill, the third son of **Benjamin and Jemima Merrill**, married Rachel Wiseman, whose sister, Mary, was married to Andrew's brother, John Merrill. Andrew and Rachel Wiseman Merrill and their descendants began one of the main branches of the Merrill relatives in Mississippi and their subsequent descendants moved to Louisiana and Texas. Benjamin and Jemima Merrill's fourth and fifth sons, William and Charles Merrill, served in the Revolutionary War. Jonathan, the youngest son, married and settled in Rowan County, North Carolina. He apparently was a tax collector from 1809 - 1813, owned much land and was considerably wealthy.

Also of interest is that their daughter, Penelope Merrill, married her first cousin, Benjamin Merrill, (1752 - 1836) son of William and Mary Cornell Merrill on 4 Feb 1778. Penelope Merrill and Benjamin Merrill had fifteen children. Soon after their twelfth child was born in 1799, Penelope and Benjamin Merrill moved to Buncombe County, North Carolina west of the Blue Ridge Mountains. Her sister, Anna (Nancy) Merrill McCrary, her husband Boyd McCrary and Benjamin's brother, John Merrill and his wife, Catherine, soon joined them. Their children married and had large families and spread out throughout various counties in North Carolina with a substantial number of them moving to Merrillville, Missouri and on to Iowa and Texas.

It was from Penelope and Benjamin Merrill that William Ernest Merrill, the author of *Captain Benjamin Merrill and the Merrill Family of North Carolina* descended.

More extensive information about the descendants of **Captain Benjamin Merrill** collateral to his son, **Samuel Merrill** and his progeny in North Carolina may be found at [www.thomaspaulmerrill.com/Benweb/default.htm](http://www.thomaspaulmerrill.com/Benweb/default.htm). a website produced by family historian, Thomas Paul Merrell.

**Samuel Merrill** was born in Hopewell, New Jersey in approximately 1748/49, the oldest son of **Benjamin and Jemima Merrill**. When he was still young, his parents moved to the Jersey Settlement in Rowan County, North Carolina. He married **Susannah** (last name unknown ? -?). It was Samuel who received his father's plantation, where he continued agricultural pursuits and became a master weaver. After his father's hanging, his younger brother, Elijah Merrill was apprenticed to **Samuel** to learn weaving and on 6 Feb 1778, **Samuel** became legal guardian of Charles and Elijah Merrill. There are records of **Samuel Merrill** having fought in the Revolutionary War between 1781 and 1784. He received a pension from the United States Government for his services, and received some military pay in the form of land. **Samuel Merrill** appears in the census of 1800 and was living in Salisbury, North Carolina at that time. He left a will, which was probated on 10 Feb 1803 (*Rowan County, NC Will Book G* p 5).

From **Samuel Merrill's** will and old bible records, it is determined that Samuel and Susannah Merrill had six children, five of whom follows:

Benjamin Smith (10 Sept 1774 - Sept 1849), who married Lucy Durham 8 Sept 1798 in Rowan County, NC;

Betty (2 May 1776 - ?) who married Henry Billings on 6 Apr 1802; (Betty does NOT appear in Samuel's will; it is surmised that she predeceased him.)

**Azariah** (20 May 1777 - 25 Jan. 1844 in Rowan/Davidson Co, NC) whose second marriage on 7 Mar 1806 was to **Abigail Frost**, daughter of **Elizabeth Frost** (? - will probated, 1825);

Jemima (6 Oct 1782 - Aug 1827), who married Thomas Yarborough; and

Sarah (Sallie) (15 Jul 1784 - 16 Sept 1846 in Washington Co, IN) who married John Goss on 21 Jan 1804 in Rowan Co., NC.

The minutes of the Jersey Baptist Church in 1802 indicate that Samuel Merrill's wife, **Susannah Merrill**; one of his sons, Benjamin Smith Merrill (identified as "Smith Merrill"); one of his daughters, Sarah Merrill; and his brother, Jonathan Merrill, were also members. (Hendricks, Garland A., *Saints and Sinners at Jersey Baptist Church, the Story of the Jersey Baptist Church* at p. 43) At various time throughout the history of the Church, however, both Jonathan Merrill and Benjamin Smith Merrill and his wife were dismissed or left the church and subsequently readmitted. Samuel's son, **Azariah Merrill**, also a member of the Jersey Baptist Church, continued to live on the old Merrill homestead and is buried in the cemetery behind the Jersey Baptist Church.

**Azariah Merrill's** first marriage to an unknown woman produced one child. His second marriage was to **Abigail Frost** (18 May 1781 - 4 Aug 1844) on 7 Mar 1806 with whom he had ten

additional children. His descendants are as follows:

Elizabeth (from first marriage) (16 Apr 1799 - 14 Apr 1857), who married Godfrey Winkler;  
Sarah (30 Dec 1806 - 7 Nov. 1807);  
Samuel (31 Dec. 1807 - ?);  
Elizabeth (#2), (14 Aug. 1809 - ?), who married James Clark;  
Frost (17 Oct. 1811 - 21 Jun 1853) who married Barbara Huffman (1 Feb. 1814 - Dec. 1889)  
on 18 Jul 1833, had nine children and lived in Tennessee;  
Amy (28 Aug 1813 - 2 May 1884) who married James Palmer;  
Ebenezer (9 Mar 1816-30 May 1884), who married Anna Turner (23 Feb 1813 - 9 Apr 1900);  
**Jonathan** (2 Apr 1818 - 29 Mar 1902), whose second marriage was to **Mary C. Wiseman**  
(17 Dec. 1817 - 18 Feb. 1888) on 27 Feb 1845;  
Benjamin Smith (13 Feb 1820 - 1 Apr 1902) who married Elizabeth Leach and lived in  
Davie County, NC and his descendants continued to remain in that area;  
Wilson (8 Jan 1822 - ?), who married twice, first to Mary Ann Owen and second to Elizabeth  
Snyder; and  
Iceann (5 May 1824 - 16 Sept 1832).

**Azariah and Abigail Frost Merrill**, along with their son, Ebenezer and his wife, Anna and at least some of Ebenezer and Anna's children are buried in the cemetery behind the Jersey Baptist Church in Salisbury, North Carolina. Ebenezer became a deacon in the Jersey Baptist Church and lived on the homestead that had been owned by his father, **Azariah Merrill**, his grandfather, **Samuel Merrill** and his great-grandfather, **Captain Benjamin Merrill**.

**Jonathan Merrill** (2 Apr 1818 in Rowan Co, NC - 29 Mar 1902 in Rowan Co, NC) had two daughters by his first marriage to an unknown woman: (Elizabeth [19 Jun 1839 - ?] and Amanda [19 Jun 1839 - ?]), and eight children with his second wife, **Mary C. Wiseman** (17 Dec. 1817 - 18 Feb. 1888 in Rowan Co, NC). They are the direct ancestors of the Carolina Merrill families. Their children were:

Sarah Jane (5 Feb 1846 - ?), who married John Hughes;  
Ellen Frances (4 Mar 1848 - ?) who married J. F. Justice;  
Alice Martine (26 Sept 1849 - ?), who married E. G. Morrow;  
**John Franklin** (27 Oct 1851 - 22 Jul. 1937, in Henderson County, NC), whose first marriage was to **Emily Murphy**, and whose second marriage was to Hastie Barnwell;  
George Washington (26 Aug. 1853 - ?) who married Sarah T. Justice on 8 Jan 1885;  
Marietta (9 Nov 1855 - ?) who married G. J. Justice;  
Ann Lessie (29 Jan 1858 - ?), who married Jake Ponder; and  
Lillian Virginia (26 Mar 1860 - ?), who married Sam Williams.

**Jonathan Merrill** was also a member of the Jersey Baptist Church. In the 1860 census, he was listed as a farmer in Rowan County, North Carolina.

The name Merrill has been spelled different ways by the ancestors, although most spelled it either Merrell or Merrill. At some point, **John Franklin Merrell** chose to use the spelling with an

“e” which he passed on to his children. He had seven children, three with his first wife, **Emily Murphy**, (1850/60 in Rowan County, NC - aft 1878 in Rowan Co, NC) and four with his second, Hastie Barnwell. (Via personal interview, **Roy Lovett Merrill** recalls that his father, **John Murphy Merrell**, was named for his father’s mother, whose maiden name he believed was Murphy. William Ernest Merrill, in his book, identifies **John Franklin Merrell's** first marriage as having been to an Emily Barnwell. The report from **Roy L. Merrill** is considered more trustworthy.) For the most part, **John Franklin Merrell** lived in Biltmore, Henderson County, North Carolina.

**John Franklin Merrell** (27 Oct 1851 - 22 Jul 1937) and **Emily Murphy** (1850/60 in Rowan County, NC - aft 1878) in Rowan Co, NC), married on 8 Apr 1875 in Henderson County, NC and had the following children:

**John Murphy Merrell**, (13 Jan 1876 in Henderson, NC - 21 Feb. 1956 Spartanburg, SC )  
who married Gertrude Williams (1) and **Beulah Ebbie Brannon (2)**;

George (17 Oct 1877 - ?), married to Ella J. Wilson;

Cora (? -?), married to John Clement.

John Franklin Merrell’s second marriage to Hastie Barnwell in 1888 produced four more children:

Mary Effie (? - ?) married to J. O. Bradley;

Eugene (? - ?), married to Hattie Johnson, then to Mary Ray Cooper;

Willard (17 Mar 1894 - ?), married to Pearl Hughes;

Arnold (? - ?), married to Daisy Green.

Examining one's ancestors is fascinating. It enlivens the history of this country through the eyes of those ancestors. The Merrill’s have numerous cousins of all degrees all over the United States, as well as distant relatives in England and France. There are many generations of Merrill’s who share the fascinating story of pre-Revolutionary war hero, Captain Benjamin Merrill, and that of shipwrecked and Indian captured Penelope Prince Stout. Accounts of early settlements in this country in present day New York abound with reference to the Merrill ancestors who have figured prominently in the settlement and development of the early townships. One can proudly review their accomplishments and wonder about the prominence and influence of future generations of Merrill’s.