

Merrill

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HOW DO YOU SPELL YOUR NAME?

There are numerous ways of spelling the family name. Oftentimes in the same document it is written in several forms, e.g., in one Court Record we find Merrill, Merel, Meril, and Merrell. In another record Marrell and Morrell are used. When the French family De Merle went to England it was necessary for them to use an English spelling, so they changed their name to *Merrill*. In most of the documents, writings et cetera this—Merrill—spelling is used. Since it is the most commonly used and the oldest it has been adopted for use throughout this book.

"Captain Benjamin Merrill and The Merrill Family of North Carolina"
by William Ernest Merrill 1935

CHAPTER I.

THE MAN

Captain Benjamin Merrill, one of the first North Carolinians to give his life for the sake of Liberty, was hanged¹ by the British at the Courthouse in Hillsborough on the 19th day of June, 1771.

He was a descendant of Richard Merrill² who had come across from England about 1665 to make a home in the New World. The freedom loving and adventuresome spirit which marked his ancestors as far back as 1572 was very clearly shown in the life of Benjamin Merrill, for he, in his turn, left his home in Hopewell, New Jersey to make a journey into a far and little known southland, where he encountered many hardships and became known as a courageous and distinguished man. Perhaps another reason, other than adventure, for his departure from New Jersey was the fact that his father died without giving him a plantation as was the custom of that day. Benjamin's southern journey ended in the Jersey Settlement of Rowan County, now Davidson County, North Carolina. This particular part of the old North State was supposed to have been settled by a group of New Jersey Baptists. The Merrill plantation was located about two miles east of the Jersey Church and on the edge of the settlement, which was about five miles south of the now prosperous little city of Lexington. Land records³ show that he purchased 1042 acres in the Parish of St. Luke on the north side of the Yadkin River from George Smith on September 9 and 10, 1760. The old plantation home was surrounded by a grove of beautiful and majestic oaks and cedars. One old cedar stands today to mark the old house place. One writer⁴ laments the fact that these venerable old trees cannot speak, for they could tell us much valuable history of the eventful years between 1760 and 1800. Tradition says that Benjamin was a gunsmith and that a small creek, at the foot of the hill near where his residence stood, afforded the power necessary to operate the simple machinery used in boring out the barrels. In the evening he would arrange a barrel for boring, start his crude machinery and leave it running all night. By morning the barrel was ready for the next step in its manufacture.

We know that our hero was in the Jersey Settlement in 1756, four

1. North Carolina Colonial Records, Vol. 8, Pages 643, 648.
2. Clute, J. J., "Annals of Staten Island," Pages 406-407.
3. Deed Book 4, Pages 363-5, Rowan County.
4. Sheets, Henry, "History of Liberty Baptist Association," Page 159.

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years before any land deeds were recorded, for, "on January 24, 1756, Benjamin Merrill and others (were) named to appear (in court) to show reasons for not going out against the Owens, who it was thought committed several misdemeanors, etc."⁵ We know further that he was a young married man when he started to North Carolina. He had married Jemima Smith, the daughter of Andrew Smith⁶ of Hopewell, New Jersey, and their second son, John⁷, was born at Hopewell on December 11, 1750. It is evident that the dangerous and weary trip to North Carolina came in the five years between 1761 and 1756.

5. Rowan County Court Minutes, 1756.
6. Andrew Smith's Will, Proved 1794, Liber 35, Folio 114, Department of State, Hopewell, New Jersey.
7. Pension Record of John Merrill, claim number S.7220, Veterans Administration, Washington.



CHAPTER II.

THE REGULATORS AND CAPTAIN BENJAMIN MERRILL

The Battle of Alamance Creek is more important in its results than many of the more highly vaunted incidents of later times, and yet few of us have any knowledge of this exploit. "Men will not be fully able to understand North Carolina till they have opened the treasures of history and become familiar with the doings of her sons, previous to the Revolution; during that painful struggle; and the succeeding years of prosperity."—W. H. Foote.

The people of North Carolina had been sorely tried by ten long years of weary struggle against the unjust rule of England. Their money was wrung from them by a horde of greedy officers of the law as well as by the Governor himself. When they could no longer endure their great wrongs they rose up against them, though the struggle cost them tears and blood.

Governor Tryon not only permitted but instigated his officers to heap taxes upon the people when money was exceedingly scarce in the colony. This scarcity was due to the continuous seizure of the gold by the mother country, and by the rapacious colonial officers. As one instance of this oppression, we find that fifteen dollars was required for a marriage license although the fee allowed by law was one dollar. When the people complained to the governor, he treated their complaints with contempt and scorn.

At last the men of Orange County declared they would no longer submit to this robbery. They resolved to find out whether their taxes were legal, and to pay only such as the law required. They met at Maddock's Mill, near Hillsborough, on the 4th of April, 1767, and formed themselves into a body called Regulators, an association for regulating public grievances and abuse of power. From this time on there was constant friction between the Governor's officials and the Regulators. With little excuse or none, Tryon threw their leaders into prison, while the Regulators in turn lost no chance of annoying his hated officers. The cause of the Regulators was popular through the central counties, and numbered among its followers some of the best people in the colony. The disturbances were but the outflashings of a spirit of deep resentment against corrupt officials which prevailed in the whole Piedmont section of the colony, and was felt on the distant sea-board even before the Stamp Act bred defiance in the East. The

people of the middle counties had long been groaning under the exactions of the officers of the law, and simultaneously, though without concert of action, "pleading in the anguish of their souls" for deliverance from the extortions and abuses of power under which they suffered. It would hardly be possible for discontent so widespread not to evoke some lawlessness. When men bred to count themselves freemen have seen law disregarded and justice trampled under foot, what wonder if they fail to respect the law and its officers.

The Governor finally decided to teach the Regulators a lesson, as well as enhance his personal prestige. The Regulators were to have no more meetings. They were to concede to the graft executed by the attorneys, clerks, tax collectors, and other petty officers, who practiced extortion in every possible way. So with a force of three hundred men, six cannons, and a baggage train, he left Newbern to terrify the Regulators. He was joined at several points along the road by companies of militia brought up from other sections by his trusted officers. With eleven hundred men, on the 14th day of May, 1771, he encamped on the banks of Alamance Creek in Orange County which is now a part of Alamance County.

The news had spread quickly that Tryon was coming with his army to compel the Regulators to obey him. It was a call to duty to all patriots. The whole country had been aroused. From far and near came crowds of brave men to whom freedom was dearer than life. So it came about that on the evening of the 14th of May, only five or six miles west of Tryon's camp, about two thousand Regulators were gathered.

Few of these men came expecting to fight. They had no commander. Not more than half of them had guns. Tryon had again and again made promises to right their wrongs, but had not kept his word. Still they hoped that he would now be willing to hear their complaints and settle their grievances. They wished to make one more appeal for JUSTICE, and if he refused to hear them, then they would defend their liberties with their lives.

On the morning of the 15th of May they sent a message to Tryon, once more asking him to regard their rights. He promised them an answer by noon the next day.

Early the next morning Tryon marched his army within half a mile of where the Regulators were encamped, and drew his men up in line of battle. He then sent a paper which was read to the Regulators, declaring that they must lay down their arms, go home, and obey their King.

The Regulators refused to do these things.

Both parties advanced. As they drew near to each other, Robert Thompson, who had been sent by the Regulators to intreat with the Governor, turned to join the ranks of the patriots, the irritated Tryon snatched a gun from the hands of a militiaman and shot Thompson dead. It was necessary for him to give the second order before the troops would fire upon the Regulators. The battle lasted for two hours. The Regulators, being poorly armed and short of ammunition, could not successfully cope with Tryon's forces and soon took to tree fighting and later dispersed to escape capture and execution, which fate, however, overtook several of the leaders and others.

Before noon that day the Regulators received Tryon's answer to their petition—an answer written in their own blood.

When the Governor returned to Hillsborough, he had six of the leaders sentenced to be hung, and just a month after the Battle of Alamance these six men, martyrs to liberty, gave up their lives on the gallows, this being the 19th day of June, 1771. Just before the execution there was a grand parade through the town, this parade was led by the Governor and his troops.

We are justly proud that the soil of North Carolina is hallowed by the blood that was shed in the first battle fought for the cause of freedom in the colonies. Bancroft says, "the blood of the Rebels against oppression was first shed on the branches of the Cape Fear River." Dr. Caruthers states, "The Regulation is now regarded by our greatest men as the very germ of the Revolution in this state." Some historians, Bassett in particular, feel that the cause of the Regulators was only an insurrection, nevertheless it is worth while to note on page XIV of Book 8 of the North Carolina Colonial Records, "Of the 47 sections of the State Constitution adopted in 1776, thirteen, more than one-fourth, are embodiment of reforms sought for by the Regulators. And yet, though many men have maligned the unhappy Regulators, no man has dared to reflect upon the "patriots of 76" who thus brought to such glorious end the struggle the Regulators began and in which they fought, bled, and died. The War of the Regulation ended, not with the Battle of Alamance in 1771, but with the adoption of the State Constitution in 1776."

Benjamin Merrill came from New Jersey prior to 1756 and settled in the Jersey Settlement near Salisbury. He was a Captain of the Rowan County Militia prior to the movement of the Regulators. Captain Merrill was one of the unfortunate victims of Tryon's brutal tyranny. He was on his way to join the Regulators at Alamance, with

a company of over three hundred men, when he intercepted Gen. H. Waddell and forced him to flee to Salisbury, after taking most of Waddell's men as prisoners. He and his men were within a day's march of Alamance when the roar of the battle met them, and after hearing of the victory of the Governor's army he disbanded his men and returned home. He regretted that he was not present at the battle so he could fight with his fellow patriots. Some accounts give him credit for being in the actual battle. He was taken prisoner by Colonel Fanning and his men, and brought to Tryon's Jersey Settlement Camp on June 1, 1771. After being put in chains with the other prisoners and dragged through the country to Hillsborough, he, on June 19, 1771, paid forfeit with his life. "The Supreme Court of Oyer and Terminer, for the Tryal of the Regulators in the Back Country, Began at Hillsborough on the 30th of May, and continued to the 20th of this Instant—(June 1771); during which, twelve were tryed and condemned for High Treason. The Governor was pleased to suspend the Execution of Six, till his Majesty's Pleasure be known; the other six were executed on Wednesday the 19th of June at Hillsborough. Among the last, the most distinguished was Benjamin Merrill, who had been a Captain of Militia in Rowan County. When the Chief Justice passed Sentence he concluded in the following manner: 'I must now close my afflicting Duty, by pronouncing upon you the awful Sentence of the Law; which is, that you, Benjamin Merrill, be carried to the place from whence you came, that you be drawn from thence to the Place of Execution, where you are to be hanged by the Neck; that you be cut down while yet alive, that your Bowels be taken out and burnt before your Face, that your head be cut off, your Body divided into Four Quarters, and this be at his Majesty's Disposal; and the Lord have Mercy on your Soul!'"¹

In this crucial situation he gave his friends satisfactory evidence that he was prepared to die, for he not only professed faith in Christ, his hope of Heaven, and his willingness to go, but sang a Psalm very devoutly, and died like a Christian soldier. On being permitted to speak just before the execution, he said that fifteen years previously he had been converted, but had back-slidden, yet now felt that he was freely forgiven and that he would not change places with anyone on the grounds, in concluding he referred to his wife and eight children. It is said that one of Tryon's soldiers was heard to declare that if all men went to the gallows with a character such as Captain Merrill's, "hanging would be an honorable death." Captain Merrill was a man held in general esteem for his honesty, integrity, and piety.

1. North Carolina Colonial Records, Vol. 8, Pages 642-3.

CHAPTER III.

HIS LINEAGE

Those who have made an extensive study of the English and French histories, genealogies and works of heraldry tell us that the Merrill Family of England was descended from the French Huguenot family De Merle of the Province of Auvergne in central France. This family migrated from this mountainous section of France after the bloody events of St. Bartholomew's Day in Paris in 1572. The tragedy of St. Bartholomew's Day marked the culmination of the great struggle between Catholics and Protestants which devastated France in the latter half of the sixteenth century. During the reign of Francis I and his three successors the Huguenot (French Protestant) character was formed and the nation gradually separated into two parties so fanatically hostile that the extermination of the weaker seemed the only possible means of reestablishing the unity of France. The Massacre of St. Bartholomew's Day is one of those historic crimes which defeated its own purpose by reacting against perpetrators and advancing the cause of those who suffered. One eminent author¹ stated that the evidence presented in the old Coat of Arms, taken along with all the other facts, was conclusive that the Merrill family of England was of French Huguenot origin.

The Coat of Arms as used today is described as, "Arms. Argent, a bar azure between 3 peacocks' heads, proper. Crest, a peacock's head erased proper."

About a hundred years passed from the time the Merrill family came to England and the time its descendants appeared in America.

Richard² and his wife Sarah Wells Merrill of the little country town of Warwickshire, on a rocky hill on the right bank of the Avon, left their English home and sailed for America and settled in Northfield, Staten Island, New York, about the year 1675. They had five sons, William, who went out west; Richard, who became a member of the Colonial Assembly and Judge of the County Court; Thomas, Philip and John.

William,¹ the eldest son of Richard and Sarah Merrill, started on a western journey. Going west in those days did not mean what it does today; a journey of a few miles was a great undertaking. We are able

1. Merrill, Samuel, "A Merrill Memorial," Cambridge, Mass.
2. Clute, J. J., "Annals of Staten Island," Pages 405-407.