

Identifying the Father of Elizabeth Roberts

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Was Elizabeth Roberts, named in John Merrill's will of 1833 in Buncombe County, North Carolina, the same Elizabeth Roberts who was the widow of James Roberts named in the 1849 lawsuit brought by William Springs against the Roberts heirs in Henderson County?

John Merrill, a patriot in the American Revolution, has four lines of descendants documented in applications to the National Society Daughters of the American Revolution. The currently documented descendants are through his son, Jacob, and daughters Sarah, Mary, and Catherine.¹

In John Merrill's will, recorded in Buncombe County, North Carolina, he mentioned his wife, Catherine, and eleven children, namely Sarah Garron, Jacob and Andrew Merrell, Susannah Owens, John Merrell, Mary Maxwell, Elizabeth Roberts, Catherine Edney, Nancy Patton, Joseph Merrell, and William Merrell.²

In Henderson County, which was formed from Buncombe in 1838, James Roberts wrote a will, probated in 1847, in which he named his wife, Elizabeth, and his friend, Joseph Merrill, as executors of his estate.³

One year later, administrators were appointed for Elizabeth's estate.⁴ The following year, her son-in-law, William Springs, filed a petition to force a sale of the land jointly owned by the

¹ Daughters of the American Revolution, "Ancestor Database," database, *DAR Genealogy Research* (http://services.dar.org/Public/DAR_Research/search_adb/?action=full&p_id=A077965 : accessed 20 June 2016), John Merrill entry.

² Buncombe County, North Carolina, Clerk of Superior Court Book of Wills A:28, January session 1834, Will of John Merrill; consulted in "North Carolina Probate Records, 1735-1970," images, *FamilySearch* (<https://familysearch.org/pal:/MM9.3.1/TH-195-2605612-1-49?cc=1867501> : 21 June 2016), browse path: Buncombe > Wills, 1831-1897, Vol. A-C > image 205 of 963; citing "county courthouses," North Carolina.

³ Henderson County, North Carolina, Clerk of Superior Court, Will book 1:23, will of James Roberts, written January 1847, recorded June 1847; consulted in "North Carolina Probate Records, 1735-1970," images, *FamilySearch* (<https://familysearch.org/pal:/MM9.3.1/TH-1951-20110-15757-6?cc=1867501>: 10 November 2016), browse path: Henderson > Wills, 1841-1886, Vol. 1 > image 30 of 185; citing "county courthouses," North Carolina.

⁴ Henderson County, North Carolina, Clerk of Superior Court, Estate records, administrator bond for the estate of Elizabeth Roberts, 6 April 1848; consulted in "North Carolina Estate Files, 1663-1979," database with

heirs.⁵ In this lawsuit, Springs named the children of James and Elizabeth Roberts, who were Nancy Springs, Catherine Rhodes, Susannah Justice, Mary Roberts, and Louisa Roberts, with Mary and Louisa to be represented by their guardian, Alexander Merrill.

No descendants of patriot John Merrill have been documented in the DAR database through his daughter, Elizabeth, possibly due to a loss of records in Buncombe County attributed to two courthouse fires, in 1830 and 1865.⁶ To date, the only known (by this author) record of her marriage is found in an authored work, a published family history and genealogy by a Merrill descendant, written in 1935.⁷ Merrill's book does not give a source for the marriage information, and although it indicates that her married name would have been Roberts, her husband's name was given as Dick, not James.

Was Elizabeth Roberts, named in John Merrill's will of 1833 in Buncombe County, North Carolina, the same Elizabeth Roberts who was the widow of James Roberts named in the 1849 lawsuit brought by William Springs against the Roberts heirs in Henderson County?

In comparing the evidence in John Merrill's will with evidence in the lawsuit, there are several items that suggest a connection between John Merrill's family and James and Elizabeth Roberts.

- An Elizabeth Roberts was named as his daughter in John Merrill's will.

images, *FamilySearch* (<https://familysearch.org/pal:/MM9.3.1/TH-1961-47276-12701-29?cc=1911121> : 25 October 2016), browse path: Henderson County > R > Roberts, Elizabeth (1848) > image 1 of 13; citing North Carolina State Archives, Raleigh.

⁵ Henderson County, North Carolina, Wills and Probate Records, 1665-1998, James Roberts estate, lawsuit by William Springs; images, *FamilySearch* (<http://familysearch.org> : accessed 24 Oct 2016), path: Henderson County > R > Roberts, James (1847) > image 6 of 44; citing North Carolina State Archives, Raleigh.

⁶ FamilySearch Wiki contributors, "Buncombe County, North Carolina Genealogy," *FamilySearch Wiki* (https://familysearch.org/wiki/en/index.php?title=Buncombe_County,_North_Carolina_Genealogy&oldid=2658337 : accessed 6 November 2016), see first section on County Courthouse. Also, DAR, "Ancestor Database," John Merrill entry with associated applications.

⁷ William Ernest Merrill, *Captain Benjamin Merrill and the Merrill Family of North Carolina* (Penrose, North Carolina, 1935), 54.

- Four children of Elizabeth and James Roberts have the same given names as children of John Merrill: Nancy, Catherine, Susannah, and Mary. Elizabeth Roberts may have named her daughters after her sisters.
- James Roberts named Joseph Merrill, John Merrill's son, as co-executor with his wife Elizabeth. Joseph may have been Elizabeth's brother.
- The guardian appointed for Louisa and Mary Roberts was Alexander Merrill, a grandson of John Merrill.⁸ It was a common practice for male relatives of the mother to be appointed as guardians.⁹

A review of other records provides more evidence that Elizabeth Roberts was John Merrill's daughter. One James Roberts household, consisting of a male and a female, was enumerated in the 1820 census for Buncombe County, with his age given as twenty-six to forty-five and hers as sixteen to twenty-six.¹⁰ In 1820, John Merrill's daughter Elizabeth would have been around the age of twenty-two. Since the census did not list any children, James and Elizabeth would likely have been newly married, possibly in 1819 when she would have been twenty-one, or early in 1820.

On the same page of this census the surnames of the neighbors include Rhodes and Justice. These are the married names of two of the daughters of James and Elizabeth when they were listed as heirs in the lawsuit. Wilson is also there, Louisa Roberts's married name after the lawsuit.¹¹ A few pages over, John Merrill's household was enumerated, along with other Merrill households.¹² Also between these pages, there are surnames matching John Merrill's sons-in-law: Owens, Maxwell, Edney, and Patton.

⁸ Merrill, *Captain Benjamin Merrill and the Merrill Family of North Carolina*, 57.

⁹ Judy G. Russell, "The Avuncular Guardian," *The Legal Genealogist*, 2 March 2015 (<https://www.legalgenealogist.com/2015/03/02/the-avuncular-guardian> : accessed 9 November 2016), para. 15; citing Blackstone.

¹⁰ 1820 U.S. census, Buncombe County, North Carolina, p. 78 (stamped on census page), line 38, James Roberts; image, Ancestry.com (<http://ancestry.com> : accessed 10 November 2016); citing NARA microfilm publication M33, roll 80.

¹¹ "North Carolina Marriages, 1759-1979," database, *FamilySearch* (<https://familysearch.org> : accessed 12 April 2016), entry for David Wilson and Lueza Roberts, 24 Nov 1865; citing "Madison [County], North Carolina; FHL microfilm 6,330,327."

¹² 1820 U.S. census, Buncombe County, North Carolina, p. 88 (stamped on census page), line 7, John Merrill (Sen.).

Complicating the identification of the James and Elizabeth Roberts household in this census, there is another James Roberts household, one page earlier, with a male over forty-five years old and two females between twenty-six and forty-five.¹³ Considering that John Merrill's daughter Elizabeth would have been around twenty-two and more likely to have married someone nearer her age, this James Roberts household does not seem to fit. It seems more likely to be an older couple with a daughter still at home, or a father with two adult daughters.

One more page earlier, and there is a third James Roberts household, this one with three children under the age of ten.¹⁴ The ages of these children do not fit with the ages of Elizabeth's children, and she was unlikely to have had 3 children by the age of twenty-two.

These James Roberts men could be the reason Elizabeth's husband was called by the nickname Dick instead of his given name of James in the William Merrill book.

It is possible that James Roberts, husband of Elizabeth, was the James R. Roberts who bought land in Buncombe County in 1843.¹⁵ Further, it is possible that his name was James Richard Roberts who may have gone by the nickname of Dick to distinguish himself from the many other men named James Roberts in the area. Additional research into the deeds of Buncombe and spun-off counties might produce evidence to prove or disprove this theory, as well as find additional information supporting a connection to John Merrill's daughter, Elizabeth.

¹³ Ibid., p. 76 (stamped on census page), line 14, James Roberts.

¹⁴ Ibid., p. 74 (stamped on census page), line 44, James Roberts.

¹⁵ Buncombe County, North Carolina, Register of Deeds, Book 22:487; images, *BuncombeCounty.org* (<http://registerofdeeds.buncombecounty.org> : accessed 10 November 2016).

The Lay of the Land

In 1838, Henderson County was formed from Buncombe County, and in the Edneyville township there is a small family cemetery that is known today as the Rhodes/Lyda cemetery.¹⁶ When the cemetery was formally established it was called the James Roberts graveyard, and descendants still know it by that name.¹⁷ The oldest legible grave marker is a Civil War headstone for Eli Rhodes, son-in-law of Elizabeth and James Roberts by marriage to their daughter, Catherine.¹⁸

It is likely that James and Elizabeth Roberts were buried in the James Roberts graveyard, and later, probably their daughter, Catherine, as well. Theirs could be the graves marked by the simple fieldstones near Eli's grave.¹⁹ There may be more information in the deed that established trustees and set aside the land for the cemetery.²⁰

A study of the land surrounding this small cemetery presents another clue to the relationship between Elizabeth Roberts and the Merrill family, illustrated on the map below. Not far from the James Roberts graveyard, there is a small log house known in the Rhodes family as Eli's cabin.²¹ It sits on land that has been handed down through the Rhodes family for several generations. Nearby there is other land that has been handed down through the Merrill family, most recently to heirs of Lindsey Nathan Merrill, second great grandson of patriot John Merrill, through his son, Jacob.²²

¹⁶ Jennifer "Jennie" Jones Giles, *Henderson Heritage*, (<http://hendersonheritage.com> : accessed 9 November 2016), "Rhodes/Lyda Family Cemetery."

¹⁷ "Sara Schrodetzki," obituary, *Asheville Citizen-Times*, 23 January 2001, p. B3, col. 2, service at James Roberts Graveyard; image copy, *Newspapers.com* (<http://newspapers.com> : accessed 9 November 2016).

¹⁸ Giles, *Henderson Heritage*, "Rhodes/Lyda Family Cemetery."

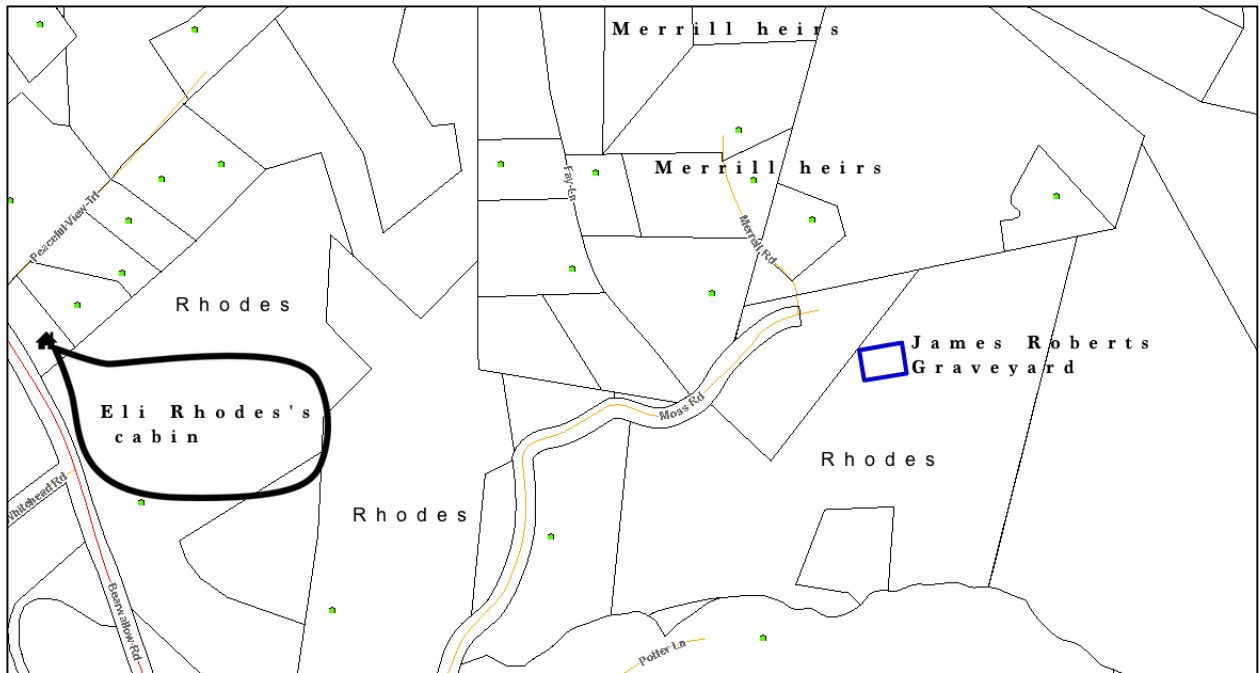
¹⁹ Henderson County Genealogical and Historical Society, *Henderson County, North Carolina Cemeteries* (Spartanburg, South Carolina: The Reprint Company, 1995), 300, col. 2, Rhodes Cemetery.

²⁰ Giles, *Henderson Heritage*, "Rhodes/Lyda Family Cemetery."

²¹ Larry Rhodes (Hendersonville, NC), interviews by Cathy Finnie, June 2016; typed interview notes, shared by permission, privately held by Finnie, 225 Acorn Oaks Dr., Salisbury, NC, 28146, 2016. Larry is a descendant of Eli and Catherine Rhodes and a trustee of the James Roberts cemetery, also known as the Rhodes-Lyda cemetery.

²² 1940 U.S. census, Henderson County, North Carolina, population schedule, Edneyville township, enumeration district (ED) 45-6, household 77, Lindsey Merrill household and neighbors; digital image, *Ancestry.com* (<http://ancestry.com> : accessed 9 November 2016), North Carolina > Henderson > Edneyville > 45-6 > image 10 ; citing National Archives microfilm publication T627, roll 2928.

Area Surrounding the James Roberts Graveyard



This map shows a small section of Edneyville, in Henderson County, that was previously part of Buncombe County.²³ The James Roberts Graveyard is located within land owned by descendants of Elizabeth and James Roberts through their daughter, Catherine, who was Eli's wife.²⁴ The adjoining land is owned by descendants of Elizabeth's supposed brother, Jacob Merrill.

²³ Henderson County, North Carolina, County Tax Offices Online Services, REID 9939762, cemetery; image from interactive map, *GoMaps/GIS* (<http://hendersoncountync.org/ca> : 10 November 2016). Map image was annotated with data from linked deeds. Also, Henderson County, North Carolina, Deed book 1129:610, "Estate of Roberta Fay Merrell," 18 February 2003; image in PDF format, Henderson County, North Carolina, *HendersonCountyNC.org* (<http://taxdata.hendersoncountync.org/PublicWebAccess/gisimages/Deeds/1129/1129p610.pdf> : 10 November 2016).

²⁴ Larry Rhodes, interviews, 2016. Larry is a descendant of Eli and Catherine Rhodes and a relative of the current landowners.

Summary and Further Research

The evidence gathered thus far strongly supports the theory that James Roberts's wife Elizabeth was the daughter of John Merrill, but it has not yet met the standard of reasonably exhaustive research. There are more records that need to be examined.

Information supporting the hypothesis that Elizabeth Roberts, wife of James Roberts, was John Merrill's daughter consists of the following:

- The points already listed in comparing John Merrill's will with the Springs lawsuit which were: John Merrill's daughter's name given as Elizabeth Roberts, the naming patterns of daughters between the two families, and the Merrill men as executor and guardian for Roberts family members.
- Proximity to Merrill families and various Merrill son-in-law families in 1820 suggests that Elizabeth and James may have settled near her family.
- Proximity of the James Roberts cemetery to the descendants of Elizabeth and James Roberts and descendants of Jacob Merrill, the landholders in current-day records, suggests that James and Elizabeth Roberts lived in the same area, near their daughter, Catherine, and Elizabeth's brother, Jacob. This area was part of Buncombe county before 1838.

The William Springs lawsuit is direct evidence that James and Elizabeth Roberts were the parents of Catherine Rhodes, wife of Eli Rhodes. Land was the subject of the suit. By further study of the deeds, estate, and court records in Henderson and Buncombe counties, a relationship between Mrs. James Roberts and patriot John Merrill might be discovered, although success in Buncombe county may be limited due to record loss in fires.

Another record set that might provide direct evidence that Elizabeth Roberts's maiden name was Merrill would be death certificates. In North Carolina, deaths were not recorded until 1913, so

there will not be a death certificate for Elizabeth Roberts.²⁵ However, if any of her children survived until after death records were established, death certificates might give their mother's maiden name. Elizabeth's daughter, Catherine (Roberts) Rhodes died in 1910, but she had two younger sisters, Louisa and Mary. Louisa married David Wilson in Madison County and later they moved to Kansas.²⁶ Louisa died after 1920, nine or more years after Kansas began recording deaths, so this record should be consulted.²⁷

Continue the Research to Prove the Original Hypothesis:

That Elizabeth Roberts was the daughter of John Merrill

To meet the standard of reasonably exhaustive research, the next steps should focus on these records:

- Obtain the death certificates for any of Elizabeth Roberts's children, beginning with Louisa Roberts in Kansas. Determine whether any other daughters survived until death records were established.
- If estate records for John Merrill can't be located due to record loss, follow the deeds in case any of his land passed to Elizabeth.
- Study the estate records and deeds for Elizabeth Roberts.
- Study the deeds for James Roberts and distinguish him from others.
- Supplement some of the evidence items from the Merrill book with original records wherever possible. An example would be census records, wills, etc. for identifying John Merrill's descendants, such as Alexander Merrill.

Repositories and Sources to examine:

- Order a death certificate for Louisa Roberts Wilson from the state of Kansas. Information provided at their website: http://www.kdheks.gov/vital/death_howto.html

²⁵ FamilySearch Wiki, "Buncombe County, North Carolina Genealogy," see first section on County Courthouse, beginning dates for records.

²⁶ "North Carolina Marriages, 1759-1979," entry for David Wilson and Lueza Roberts, 24 Nov 1865.

²⁷ 1920 U.S. census, Sedgwick County, Kansas, population schedule, Ninnescah, Clearwater, enumeration district 106, p. B9 (pre-printed B, penned 9), dwelling 97, family 105, Lew Wilson; digital image, *FamilySearch* (<http://familysearch.org> : 10 November 2016), Kansas > Sedgwick > Ninnescah > ED 106 > image 8; citing NARA microfilm publication T625, roll 548.

- Search Ancestry.com and FamilySearch for clues to the death date of Mary Roberts and Nancy Springs.
- Henderson County Courthouse, Register of Deeds Office, Hendersonville, NC
 - Examine deed indexes and books, particularly look for deeds by administrators of Elizabeth Roberts's estate
 - Follow deed "chains" for the land shown in the map on this report, tracking back to John Merrill and/or James Roberts. These deeds will likely lead back to Buncombe county deeds.
- Buncombe County Courthouse, Estates, Asheville, NC
 - Check (again) for estate records for John Merrill

Alternative Theory: A Different Elizabeth Roberts

Although it appears probable that Mrs. James Roberts was John Merrill's daughter, it is possible that she was related to the Merrill family some other way. She could have been patriot John Merrill's granddaughter or niece. In order to eliminate this possibility and disprove the alternative hypothesis, the research should be expanded to include all women named Elizabeth Merrill and Elizabeth Roberts that could fit with what is known about James and Elizabeth Roberts. By studying these same-named people, the records will either provide another candidate for John Merrill's daughter or a new candidate for the father of Mrs. James Roberts.

Repositories and Sources to examine:

- Search Ancestry.com and FamilySearch for records on Elizabeth Merrill and Elizabeth Roberts in Henderson and Buncombe counties
- Follow these records to relevant repositories