

# John Wesley Eller

(John,<sup>4</sup> Joseph,<sup>3</sup> Jacob Jr.,<sup>2</sup> Jacob Sr.,<sup>1</sup>)

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According to family legend, my grandfather, John<sup>5</sup> Wesley Eller, of Buncombe County, North Carolina, fought in the Civil War, and was killed in East Tennessee near the end of the war. I had grown up thinking that he had fought for the South, and one brief Confederate record seemed to confirm this.

For over fifteen years, I searched for his Civil War records, but found only this single record: "Westley Eller, private, Co. B, 69th regt. (7th regiment Cavalry), reported on a bounty roll dated Sept. 20, 1864." (The North Carolina Troops, 1861-1865: A Roster, pp. 560-561). Company B, organized in Buncombe County, N.C., was part of John W. Woodfin's N.C. Battalion, which remained in Western North Carolina throughout the war under the control of Governor Zeb Vance.

I concluded that the Westley Eller of the above confederate record had to be my great grandfather, whose full and correct name was John<sup>5</sup> Wesley Eller. No other Westley or Wesley Eller is known to have existed in Buncombe County, North Carolina, at that time. That he was listed as a member of a Confederate unit was not surprising, because his grandfather, Joseph<sup>3</sup> Eller, was a slave owner, with two sons who fought for the Confederacy. His father, John<sup>4</sup>, was in Missouri during the war. I have no record of his position on the North-South question.

Then came a small booklet, THE CIVIL WAR DEAD From Buncombe County 1861-1865, by Eric Emory, published January, 2000. Listed on p. 38 is found, "Eller, John W., 3rd NC Mounted Infantry Regiment, USA, died of disease on June 13, 1865." This Union regiment operated out of Knoxville, Tennessee, under the command of the notorious, Col. George W. Kirk. Known as Kirk's Raiders, this regiment was made up of union volunteers from Western North Carolina and East Tennessee.

The booklet did not indicate the disease causing the death of John W. Eller on June 13, 1865. In a talk with the author, I learned that his unpublished notes showed that John<sup>5</sup> W. Eller died in a Federal Hospital at Greenville, Tennessee. My suspicion was aroused immediately that this very likely was a record for John Wesley Eller, because it fit the family story that he had died in East Tennessee.

When Mr. Emory reminded me that union soldiers and their descendants in Western North Carolina became staunch members of the Republican party, my instincts told me immediately that this was indeed my great grandfather, John<sup>5</sup> W. Eller, because his son, William<sup>6</sup> H., my grandfather, and my father, Jonathan<sup>7</sup> Wesley, had been strong Republicans. I had never before considered that their political affiliation traced from the Civil War.

Copies of John<sup>5</sup> W. Eller's military records, and pension records of his wife, Sarah Hamilton Eller, obtained from the National Archives, proves that John<sup>5</sup> W. Eller of the 3rd N.C. Regiment, Mounted Infantry, USA, was my great grandfather, John<sup>5</sup> Wesley Eller, who had married Sarah Hamilton in

Buncombe County, North Carolina, on 24th day of May, A. D., 1854. Four children were born to this marriage.

#### MILITARY RECORDS

These show Johns W. Eller, was born in Buncombe County, North Carolina, age 23 years at time of enlistment, but other records prove his age was 28. He was listed as a farmer, with blue eyes, dark hair, fair complexion, and stood 6 ft. 1 in. in height. He enlisted July 2, 1864, and was mustered into Co. B, 3rd Regiment, North Carolina Mounted Volunteers for 3 years on July 16, 1864, in Knoxville, Tennessee. He died in a Federal hospital in Greenville, Tennessee, on June 13, 1865. The disease listed as the cause of his death was identified as Scrofula (tuberculosis) .

#### PENSION RECORDS

A pension application, submitted 30 January, 1866, by J. R. Weaver, Clerk of County Court, Buncombe Co., N.C., for SARAH (HAMILTON) ELLER, age 33 years, wife of JOHNS W. ELLER, Private, Co. B, 3rd Regiment, North Carolina Mounted Volunteers, commanded by Col. G. W. Kirk; shows her husband died at Greenville (Green Co., Tenn.), 13th day of June, 1865, of Scrofula (Tuberculosis) while in the line of duty. Support of her pension application including the following affidavits:

##### WIDOW'S CLAIM FOR PENSION.

Affadavit of SARAH ELLER. The State of North Carolina, County of Buncombe. On the 30th day of January, A.D. 1866, personally appeared before J. R. Weaver, Clerk of the County Court, within and for the said county, SARAH ELLER, age 33 years, a resident of Buncombe County, N. C., who first being duly sworn according to law, on her oath, make the following declaration in order to obtain the benefit of the provision made by the Act of Congress approved July 14, 1862; that she is the widow of JOHNS W. ELLER who was a private in Company B commanded by Captain McEntery in the 3rd Regiment of N.C. Mounted Infantry, commanded by Col. G. W. Kirk in the war of 1861. That her said husband died at Greenville (Green County, Tenn.), 13th day of June, A.D. 1865, of Scrofula while in the line of duty in the service of the United States. She further declares that she was married to the said JOHNS W. ELLER at Reems Creek, Bunc. Co., on 24th day of May, A. D. 1854, by one George L. Penland, a Justice of the Peace; that her name before her marriage was SARAH HAMILTON and that ever since the death of her husband, she has remained a widow, as will more fully appear by reference to the proof attached. There is no public record of the marriage now existing; that the original marriage certificate cannot be obtained and an affadavit of the officer who married them is herewith filed being the best evidence obtainable. [The affadavit signed by Sarah with an X and J.R. Weaver, Clerk of Court and duly certified].

In further support of her pension application, Sarah had to prove she was married to JOHNS W. ELLER. For this purpose, an affadavit was submitted on her behalf by the person who had presided over their marriage ceremony, GEORGE W. PENLAND, Justice of the Peace for Buncombe Co., NC; he certified that he married JOHNS W. ELLER and SARAH HAMILTON on the 24th day of May, 1854 and stated, "there is no public record of the marriage now existing, that the original marriage certificate can not be obtained and an affadavit of the officer who wed them is herewith filed being the best evidence obtainable." Penland in a related affadavit said: "That during the existence of the aforementioned marriage there

were born to her and her said husband the following named children, who are now under the age of 16, viz: "John<sup>6</sup> H. Eller born 3rd day of March 1856 (Note: H. is for Henry) William<sup>6</sup> H. Eller, born the 15th day of Oct, 1858 (Note: H. is for Hughey; this was my grandfather) Laura<sup>6</sup> A. Eller born the 16th day of Dec, 1860. (Note: A. is for Ann) Lillie<sup>6</sup> S. Eller born the 16th day of Nov., 1863. (Note: S. is for Savana) "All of whom are living and residing in Buncombe Co. , N.C. She also declares that she has in no manner been engaged in, or aided or abetted, the Rebellion in the United States. She says her Post Office address is Reams Creek, Buncombe County, North Carolina." [Signed by George S. Penland and duly certified] . Note: Her marriage record was destroyed when the Buncombe County Courthouse burned. Her pension application was approved and she began to receive \$12.00 per month for the next eleven years until 1877, when she received the following notice from the Pension Office, Dept. of Interior, Washington, D.C.: Aug 23rd, 1877 Mrs. Sarah Eller Vanceville, Buncombe Co., N.C. Dear Madam: You are hereby informed that your name has this day been dropped from the Pension Roll, Certificate No. 78570, upon evidence showing that the disease of which your husband died did not originate in the military service. Very Respectfully, Signature illegible Note: Sarah began immediately to prepare an application for renewal of the pension.

An affidavit from the family physician, whose affidavit, dated Oct 3, 1877, and was marked Exhibit "F;" was filed. This suggested other documents were filed in support of her application. "I, J.A. Reagan M.D. testify upon oath that I was well acquainted with John<sup>5</sup> W. Eller, of Buncombe County, and was his only family physician for years before the late war, and can safely say that he was a sound man in body and mind when he left home for the army. If he was ever sick from the time he was married (except that he had a toothache at one time) I have no knowledge of it; and am sure he was not a diseased man when he left home as I have stated." Signed J.A. Reagan M.D. [The above was certified Oct 3, 1877 before C. L. Nichols, J.P., Bunc. Co. NC].

Note: Five years later she received the following message from the Office of Special Examiner, U.S. Pension Bureau: Aug 30th 1882. NOTICE OF SPECIAL EXAMINATION, Case of Sarah E. Eller, Ctf. No. 78570 To Sarah E. Eller, Claimant: "You are hereby notified that, by order of the Commissioner of Pensions, the undersigned will, on the 2nd of Sept., A.D. 1882, and continuing thereafter as long as may be necessary, at Asheville, County of Buncombe and State of North Carolina, and elsewhere if necessary, conduct a special examination of the aforementioned pension claim, at which time and place all material witnesses will be heard. "And you are further notified that you may have the privilege of being present in person, or by attorney, during said special examination, and cross-examining said witnesses and of introducing any material evidence on your own behalf if you so desire." Signed: J.L. Neagle Special Examiner

Sarah acknowledged the notice on 30th day of August 1882 and stated a desire for the examination to begin on the date specified above." She signs with an X, Attest: John H. Ballard]. Note: Only Page 1 of what must have been Neagle's official report was received from the archives. Dated Sept 6, 1882, this one page injects a new question about Sarah, "I have (made) an examination of the general merits of the claim with a view of ascertaining specifically whether the claimant's first marriage with Jamy Potts (sp.) was a legal marriage and if so, whether she (Sarah Hamilton) was legally separated from him, and

at liberty to contract the marriage with the soldier (John5 W. Eller). And whether the soldier was sound and healthy, and free from scroffula prior to, and at the date of enlistment.

The Claimant (Sarah Eller) was granted a pension commencing June 12, 1865, and increase on account of four children commencing July 25th, 1866. And was paid to include June 3rd, 1877, and dropped Aug. 7, 1877 on the ground that fatal disease existed prior to enlistment. The claimant was last paid on the Knoxville, Tenn. roll"

Note: This is the first mention of a possible marriage of Sarah to Jamy Potts that has been reported. Why this question was injected into the deliberations are unknown. The following record shows that Sarah's pension was reinstated prior to her death in 1901, but I have no record showing she received back payment for the period 1877 to 1882. The final record from the U.S. Pension Agency, Knoxville, Tenn. on April 12 1904. (Certificate, No. 78570; Pensioner, Sarah Eller; Soldier, Johns W. Eller, Service Pvt. B 3 NC Mt. Vols. Sir: I have the honor to report that the above named pensioner (Sarah Eller), who was last paid at \$12 to 4 Feb. 1901, has been dropped because of death. Died 24 Apr 1901. Note: The above is the only record I have found that lists her death date (24 Apr. 1901). Her place of death has not been fully documented.

Her children moved from Reerns Creek, Buncombe Co. NC, in the mid-1880's to a remote section of Graham County, North Carolina. Her two sons were Free-will Baptist ministers and family tradition says that Sarah used her pension money to help finance the building of their first church in the Little Snowbird community of Graham County, .

QUESTION: What can be make of the Confederate record: "Westley Eller, private, Co. B, 69th regt. (7th regiment Cavalry), reported on a bounty roll, dated Sept. 20, 1864." This date is little more than two months after he enlisted under the name of Johns W. Eller in the 3rd Mounted Infantry Regiment, USA, July 2, 1864. The only known explanation for the conflicting records comes from the history of events and circumstances arising from the deadly partisan war activities in Western North Carolina and East Tennessee where Union and Southern support were sharply divided in every community. Western counties of North Carolina had become a haven for outliers, deserters of both sides, bushwhackers, and family feuds. By 1864, every community was subjected to raids by gangs of marauders, and bushwhacking of neighbors was common, to say nothing of the continuation of federal raids launched from Tennessee by Union forces. Killing became an every day occurrence. The Home Guard and other civilian authorities were too weak to maintain order, and often were guilty of the same offenses. By 1864, it had become evident to most people that the cause of the South was lost.

Throughout the last year of the war, and military chaos reigned throughout Western Carolina. civil North Col. George W. Kirk: "Kirk's earliest assignment for the Federals gave him an intimate knowledge of the terrain and people of Western North Carolina. He would slip back and forth across the border almost at will. First acting as a 'pilot' for escaped prisoners of war and Unionist mountaineers, on both sides of the border, who wanted to get to Federal lines. While making his forays into Confederate territory, he took great pains to set up an informal kind of 'fifth column' network in North Carolina, establishing safe

houses for refugees, learning who could be trusted, and recruiting other men to act as guides and part-time guerrillas." William R. Trotter, BUSHWACKERS, John F. Blair Publishers. 1988, p. 113-114.

Was John W. Eller active in such roles in Buncombe County before he crossed the mountains into Tennessee to join Kirk? Did he accompany Kirk on any raid into Western North Carolina, such as the sacking of Waynesville in Haywood County? We will probably never know. Col. Kirk was the most hated Union officer in Western North Carolina because of his frequent raids into Western North Carolina. When only 26 years of age in 1864, he led a most audacious raid from Knoxville deep into North Carolina. He managed to lead his force through hostile Confederate territory undetected and captured Fort Vance near Morganton in Burke County. Then he proceeded to sack Morganton after which he had planned to commandeer a train to take his forces to Salisbury, North Carolina. There he planned to free Federal prisoners and move them back to Tennessee.

The quick response of Confederates to his presence in Burke County terminated these plans. He retreated back across the mountains to Knoxville, Tennessee, arriving there only days before John W. Eller joined this same 3rd Regiment. Kirk was given a hero's welcome in Knoxville, and received a congratulatory note from William Tecumseh Sherman. Kirk's soldiers were mounted and provided with the best rifles of the day, Spenser lever-action repeating rifles that carried 8 rounds of .52 caliber slugs and could be fired at the rate of 20 per minute. The greater firepower of the Spensers over the slow-firing muskets of the Confederates provided a decided advantage, allowing Kirk, with a relative small force, to overwhelm a much larger force, especially the Home Guard units in Western North Carolina which were their frequent target. Trotter says not all members of the 3rd NC Mounted Infantry served full-time in uniform, and the units were informally organized such that members frequently dispersed to their homes after a raid until the word went out from Kirk to reassemble.

North Carolina members who slipped back home were encouraged to gather helpful intelligence. Some, it is said, were encouraged to join Confederate units for this purpose and then desert and rejoin their Union units. Was this a role played by John W. Eller when he enlisted as Westley Eller in a Confederate unit being formed in Asheville in late 1864? To fully evaluate the possible reasons why John W. Eller chose to join the Union regiment, (and later a Confederate unit) one must study the troubled history of the war period in Western North Carolina.

No complete answer is likely, but the dilemma faced by him and other young men of that period will be better understood. It is known that Union soldiers from the Western Counties in North Carolina would deliberately arrange to get their name listed on a Confederate list in order to gain protection for their family and for themselves after the war from their Confederate neighbors. Further research has revealed that three other Ellers, all cousins of John Wesley Eller, were also Unionists, and served with the 3rd N.C. Mounted Infantry Reg't, USA. Two, brothers, Adams B. and Williams E. Eller, lived in Madison County, North Carolina, a hot-bed of conflict throughout the war. Two others, Adam F. and John Wesley Eller lived in northern Buncombe County.

The Ellers of Madison and Buncombe County, were all descendants of John Jacob Eller, Jr. and Mary Biffle Eller. Their two sons, Adam and Joseph, who lived in Buncombe County, were on opposite

sides; Adam<sup>3</sup> Eller and his descendants apparently favored the Union, while descendants of his brother Joseph<sup>3</sup> Eller, except for his grandson Johns Wesley, favored the Confederacy.

The most complete treatment of the war situation in Western North Carolina before, during, and following the conflict can be found in John C. Inscoe & Gordon B. McKinney, *The Heart of Confederate Appalachia Western North Carolina in the Civil War*, Univ. of NC Press, 2000, 368pp. A quote from p. 45 says: "Rev. J. P. 4 Eller, a Baptist minister in Madison County, assured (Gov.) Zebulon Vance of his area's support for the Union, which he qualified in closing: 'This people is As true to the south As Any people that ever trod the soil But let it [secession] be the Last Resort.

Correction: Rev. J. P. Eller was a Methodist rather than a Baptist minister; all other Eller families were Baptist, including his more famous grandson, Rev. J. Ben<sup>6</sup> Eller, son of the Williams E. Eller, mentioned above. From J. P. Eller's remarks, quoted above, it is not surprising that two of his sons, Adams B. and Williams E. Eller joined a Union regiment. His Union sentiments may have influenced his brother, Adam<sup>4</sup> F., and his first cousin once removed, Johns Wesley Eller, to join a Union regiment.

