

ANCESTORS: JAKE THE RASCAL
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Ancestors come in all shapes, sizes and personalities. Some are good, some are not so great. Some make us happy; some make us sad. Some of them inspire us. Each and everyone one of them was unique and we are indebted to all of them.

I would like to share with you what I know about an ancestor I fondly call "Jake, the Rascal." I say fondly because I know Ellers who share some of Jake's characteristics, and I'm fond of them. Jake was my fourth great grandfather.

John Jacob Eller²
of Rowan Co., NC; Sullivan Co., Tennessee;
and Buncombe Co., NC

1754 John Jacob Eller was the eldest son of the German immigrants, Jacob Eller-land Eve Getchey Eller. Record of his birth has not been found. His parents being married in December of 1753, his birth date is placed late 1754 or early 1755. Montgomery Co. PA is the logical place of his birth, his parents being married there.

At an early age before 7 years, he traveled with his parents over the Great Wagon Road into North Carolina. Jacob, Sr. bought land on the Yadkin River in 1762.

1776 The first record found of Jake is his marriage to Marlena Bueffel. We know her as Mary Biffle. They were married May 7, 1776, in Davidson Co., NC. Jake would have been approximately 21 years of age, possibly serving in some capacity in the Revolutionary War.

Their children:

1) Elizabeth	born ca. 1780	m. William Edmonds
2) female	born ca. 1782	
3) Martha	born ca 1785	
4) Rosannah	born 1787	m. Calvin Fore
5) Jacob, Jr.	born 25 Dec. 1789	m. Susannah McCarty
6) female	born ca. 1791	
7) Joseph	born ca. 1793	m. 1) Sarah Stephens 2) Elizabeth C. Hamilton
8) female	born ca 1794	
9) Adam	born 25 Jan. 1795	m. Elizabeth Fields

- 1779 The State of North Carolina issues a land grant to Jacob Eller in Sullivan County, in what is now the state of Tennessee. (2) Was he a soldier of the Revolution? I have found no record of service in the army or militia. Land grants were also given by the recently formed government of the United States of America to pay for services during the Revolution other than military service. Perhaps he served as a scout, hunter or supplier for the Army.
- 1782 May 7, 1782 the will of Jacob Eller was probated in Rowan County, NC. Jacob refers to Jake as "my eldest son" and gives him the responsibility of keeping the chest and clothing of his step mother Barbary Eller, to give to the 2 children of Barbary.

Jacob's will also refers to the sum of 14 pounds previously given him and "22 pounds hard money in silver or gold to be paid to the others of my children. If my son, Jacob Eller, does not agree to give the said sum for a certain improvement that was formerly his property and sold me, the said place must be sold as the other part of my estate.

- 1787 October 25, 1787. Surveyors statement that he had surveyed In pursuance of warrant issued from entry #1493 for Jacob Eller, 100 acres of land on the south side of the Holston River."
- 1789 November 26, 1789. Grant #543 issued according to surveyors' plat of 1787.
- 1793 September 30, 1793 Grant #543 registered in Fayetteville, NC Jake was awarded, for the sum of fifty schillings, a land grant of 100 acres recorded Sept. 30, 1793.
- 1798 February 14, 1798 Jake bought from Frederick Kellor 150 acres for the sum of \$250.00
- 1799 May 22, 1799 John Sevier, being the highest bidder, acquires the 100 acre tract of land belonging to Jacob Eller, at Sheriff's auction, for the sum of \$12.54.
- 1799 September 12, 1799 John Sevier, Jr. attorney at law, acquires the 150 acre tract of land Jake purchased from Frederick Kellor for the sum of \$90.00 and legal services rendered.
- 1800 Buncombe Co. NC lists a Jacob Eller household

Records show that Jake and Mary moved from Tennessee to Buncombe County, NC and were enumerated in the 1800 census of that county and state. Mary's sister Elizabeth Biffle Weaver lived there.

- 1806 November 29, 1806 Mary Biffle Eller petitioned the State of North Carolina for a divorce.

In 1806 it was very hard to secure a divorce. At that time women were regarded as chattel of the husband, unable to hold property or money in their own name. The children and all house hold goods were property or chattel of the husband. Members of the upper class, who might be acquainted with politicians (members of the House of Representatives) or have money held and administered by a guardian might be able to divorce their husband. Most women members of the common people would never consider a divorce because they were completely dependent on their husband.

Mary Biffle had to petition the General Assembly of the State of North Carolina and have Petition for Divorce read at three sessions.

December 20, 1806 Mary Biffle Eller was granted a divorce or annulment. In 1806 this required an act of the Legislature.

To the Honorable the General Assembly of the State of North Carolina now setting at Raliegh.

The petition of Mary Eller, wife of Jacob Eller, of the county of Buncombe, most humbly she wth that about five years ago the husband of your petitioner absconded and left your petitioner in a distressed situation with a number of small children and no one to assist her to support them, during which time the husband of your petitioner has been back as often as twice and stript your petitioner of what little she had acquired for the support of herself and children and she hears he is about to return the third. Your petitioner prays that your Honorable Body would take her case under your consideration and grant to relieve her by securing to her what property she has or may hereafter acquire, and to enable your petitioner to dispose of it in future as she may think proper, and whereas your petitioner, not being acquainted with the law, has warranted for debts due her and obtained judgements in her own name and by appeal is now pending before the court of Buncombe, your petitioner further prays that nothing she may have pending in law may be abated in consequence of her bringing suit in her own name and your petitioner as in duty bound will ever pray.
(signed) Mary Eller

A Bill to secure to Mary Eller of Buncombe County, wife of Jacob Eller, such property as she now has or hereafter may acquire.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Mary Eller of the County of Buncombe, shall from and after the passing of this act be entitled to and possess in her sole right all such property, either real or personal as she now has or hereafter may acquire by purchase, device and -?- or otherwise in as full and ample manner as if she had never never been married to the said Jacob Eller, and shall have full power to sue for and recover in any court of Record, having cognizance thereof all debts which is or may be due, any law to the contrary notwithstanding and be it further enacted that this act be in force from and after the passing thereof.

The petition of Mary Eller - in Senate November 29, 1806. Read and referred to the Committee on Divorce and Alimony. On December 20, 1806 the petition was read for the third time in the House of Commons and was passed.

Mary Eller raised her children and prospered. She died in 1837 and is buried in Weaverville Cemetery, Buncombe Co., NC.

1807 Superior Court special proceedings Buncombe Co. NC Vols. A, B 1798-1812 page 321

State vs. Jacob Eller and William Edmonds - Charges not stated - Trial by jury finds the defendants not guilty in manner and form as charged in the Bill of Indictment.

Jake seems to have lived a very reclusive life after Mary divorced him, I find no record of a Jacob Eller that I can prove beyond a doubt as being our Jake until his grandson, my great great grand-father, JACOB Eller⁴ of Macon County, Tennessee writes in the Goodspeed Histories of Tennessee. "My Mother's father was with General Jackson in the Indian War and participated in the famous fight at Horse Shoe Bend, where he was killed." "My ancestors are noted for their long life, my grandfather reaching the age of 108 years, being actively engaged in the work of his trade until his death"

This would have Jake dying ca. 1855-1860. I have found no record to prove or disprove this statement of longevity. Also the work of his trade is unknown.

Of all my ELLER ancestors, I find Jake the most intriguing. Records on him are few. Was he a real frontiersman, traveling farther West as the Eastern states become settled and to some of those early pioneers "overcrowded". Did he feel hemmed in when he could "smell the smoke of his neighbors fire" as did Daniel Boone and others of that day? Or did he live the reclusive life of a bachelor, not responding to census takers and other "government" agents?

As Jacob⁴ knew of his death, did he return to Tennessee? If he lived among members of his family, why doesn't he appear on census records?

Jake left many unanswered questions when he died. Jacob⁴, told us just enough to excite our imaginations. If there are any answers out there among Jake's descendants, please contact me.

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