(3—1776)

SERVICE		NUMBER
Vt.	Rudd, Joseph Sarah	W. 17,582

CONTENTS

Vermont — 2293

Sarah Rudd,

widow of Joseph Rudd, dec'd

who died on the 25th of May, 1818;
of Bennington in the State of Vermont
who was a Serg't & Lt. in the ——— commanded
by Captain ——— of the ——— commanded
by ——— in the Massachu-
setts for Sergeant 2 months.
Lieut. 7 mos. 6 dys
Maj.

Inscribed on the Roll of Vermont (Bennington)
at the rate of 106 Dollars ——— Cents per annum,
to commence on the 4th day of March, 1831.

Certificate of Pension issued the 29th day of August, 1838 and sent to Col. O. B. Merrill, Bennington, Vermont

Arrears to the 4th of March 1838 $742.00
Semi-annual allowance ending 4 Sept. 53:00

$795.00

Revolutionary Claim,
Act July 4, 1836,
Section the 3d.

Recorded by S. A. Elliot, Clk.
Book 18, Vol. 2 Page 55.

Date of death not ent.

State of Vermont } Town Clerk's Office
Bennington County, ss. } Bennington Sept. 21, 1837

Upon examination of the Records of the Town of Bennington I find the following.

Joseph Rudd and Sarah Story was joined together in the bands of Matrimony on the 28 day of Sept.r 1768—

Selinda Rudd the Daughter of Joseph Rudd and Sarah his wife was born the 6th Aug.t 1769—

Jeremiah Rudd Son to Joseph Rudd and Sarah his wife was born June 11th 1773—

Sarah Rudd Daughter to Joseph Rudd and Sarah his wife was born 30th May 1775—

Joseph Rudd Son to Joseph Rudd and Sarah his wife was born 13th April 1777—

Lucy Rudd Daughter to Joseph Rudd and Sarah his wife was born 10th March 1779—

Enos Rudd Son to Joseph Rudd and Sarah his wife was born 12th March 1781—

Martha Rudd Son to Joseph Rudd and Sarah his wife was born June 28 1783—

David Rudd Son to Joseph Rudd and Sarah his wife was born 16 March 1786—

I certify the foregoing to be a true copy from Town Record, Book 1. p. 269.

Attest

Wm Haswell
Town Clerk.

Bennington, Sept. 21. 1837.

2776

V2776

Sarah Rudd
widow of Joseph
Vt

State of Vermont }
Bennington County ss } On this 21st day of September A. D. 1837, personally appeared in open Court, before the Hon. the Court of Probate for the District of Bennington, now sitting, Sarah Rudd a resident of Bennington in the county of Bennington and State of Vermont aged 93 years next November, who being first duly sworn according to law, doth on her oath make the following declaration in order to obtain the benefit of the act of Congress ~~passed~~ in such case made and provided. –

And the said Sarah Rudd states that she was married to Joseph Rudd September 28, A. D. 1768, ~~that~~ she lived with him in the matrimonial relation of his wife until the 25th day of May A. D. 1818, when her said husband Joseph Rudd died. That she has been over 19 years a widow, and to this day remains his widow.

The said Sarah further states, that her said husband Joseph Rudd in the revolutionary contest was much devoted to the cause of his country for the sake of its freedom and independence and endured frequent campaigns in their defence, and that she endured many trials & privations and has never viewed the sacrifice then made too great, for the object obtained. – She remembers her husband was from home and out in the public service every year of the war. – She finds, however, that her memory does not aid her with that degree of certainty she could wish in determining how long a time her husband was out in each tour of duty in the respective years of the war. I however make the following statement according to my best recollection, knowledge and belief.

– That in the year 1775 – My husband was from home this family concerns, and as I understood on public service, for a period of time as much as two months. I have an idea that this year he went to Skeensb'ro'. –

That in 1776, my husband was from home out in service two months – and I should think longer. –

— That in the year 1777 — I should think Mr. Rudd, my husband, was from home in public service, and from his family & the business of his farm, six months — This year my own privations and the troubles and cares of the farm and household were trying. My husband was out this year in the spring, and in Bennington battle, and he was from home I think, except a few days, until awhile after the capture of Burgoyne.

— That in the year 1778, I should think my husband was out in public service and from home two terms — and I believe in all he was from home and in the public service this year three months. I remember that the father of Mr. Rudd, then about 60 years of age moved into this town from Norwich, Connecticut, this year, in the winter after the battle of Bennington, and that he resided with us, and in the summer season of this year he superintended the farming and home business while Joseph Rudd, his son, & my husband was from home and in public service — and that the circumstance of his aid was a great relief to me, and rendered the absence of my husband more bearable than the last year —

— That in the year 1779 — I remember our father did the same and took care of the farm & home affairs as last year, and from my best recollection it appears that my husband was a good deal from home as I understood in public service this year. I conclude I hazard nothing in saying he was from home and in public service two months, & I believe he must have been from home on public duty three months this year. —

— That in the year 1780 — I believe he was out in two or three tours of public service, and that I may safely state he was this year from home two months certain, and I have reasons to believe it was more. —

— That in the year 1781 — My husband, Mr. Rudd I

Should think was in public service two months. And if I am not mistaken as to the fact of the year, that this was the year when our near neighbor Lt. Fillmore returned home, and my husband as Lieut. Rudd remained with the troops — My husband must have been from home this year, for a longer period, than I have mentioned.

I think, the more I reflect upon it that I cannot be mistaken, that my late husband was out in the revolutionary service one year & one half — And I believe it was more if all could be gathered up & brought to the light. — I am however aware of the uncertainty of memory; having lived through three wars, & sensible the years of my pilgrimage count many, I have the admonition with me — still the more remote or earlier events of my life I retain in memory much better I think than I do those of more recent dates —

As to the grade in which my late husband acted in the public service I can only say he was in the first years of the revolutionary war a sergeant in the company to which he belonged. And that in most of the time I have mentioned he acted in the capacity or grade of Lieutenant. — I cannot speak with any certainty when or in what year he was appointed a Lieutenant, but I have a belief that he acted as a Lieutenant previous to the date of the commission I herewith send, which bears date the 23d day of April A. D. 1778.

The declarent hereby relinquishes every claim whatever to a pension or annuity, except the present, and declares that her name is not, nor is the name of Joseph Rudd her late husband ~~[illegible]~~ on the pension roll of the agency of any state.

And further declares that she was born in the town of Norwich, Connecticut, on the 22d day of November 1744 — that her late husband was born in the same town the 6th April, 1740 — She believes there is a record of their births in said town of Norwich, that she came to Bennington to reside in her 18th year — Her late husband came in the year 1764.

That she & her late husband Joseph Rudd lived in Bennington, county of Bennington & State of Vermont, when he was called into service, that they lived at Bennington afterwards until the death of her late husband who died May 25, 1818, and that she has ever since been, and is still a resident of Bennington aforesaid. –

That she and her late husband were known, and that she is still known to Martin Norton & David Robinson jun who reside in Bennington who can testify as to her character for veracity, and their belief of her late husband's services as a soldier of the revolution.

And further, that she has no documentary evidence except what is herewith transmitted, and knows of no other person living that can testify to any additional facts of her late husband's service, except the persons whose testimony accompanies this her declaration. –

She however submits her case, in the full belief, that if personal privation, suffering, & the weight of cares upon her during the revolutionary era from the absence & perils of her late husband in the public service for a period of time, probably longer than she has before mentioned – will, by the laws of her country entitle her to pension, she has not only a right to claim it, but that in her infirm state from the pressure of years upon her, it is her duty. –

Witness Wm Haswell,
O. C. Merrill

Sarah her mark Rudd

Sworn and subscribed, the day & year aforesaid. –
Aaron Robinson Judge of Probate

We Martin Norton & David Robinson jun residing in the town of Bennington hereby certify, that we are well acquainted with Sarah Rudd who has subscribed and sworn to the foregoing declaration, and have been acquainted with her for many years that we believe her to be 93 years

of age next November, that she has sustained the reputation of a woman of respectability, truth & veracity, we further certify that we were well, and for many years, acquainted with her late husband Lieutenant Joseph Rudd, and that he has been, and is, reputed and believed, in the neighborhood where during his life time he resided, to have been a Soldier of the revolution, and that we concur in that opinion. —

Martin Norton
David Robinson Junr

Sworn and subscribed the day and year aforesaid. —
Aaron Robinson Judge of Probate

And the said Court do hereby declare their opinion, after the investigation of the matter, that Joseph Rudd, the husband of the said Sarah Rudd, was a Revolutionary Soldier and served as she states. — And the said Court further testifies, that Martin Norton, and David Robinson, jun. who have signed the preceding certificate are credible persons, and that their statement is entitled to credit.

Aaron Robinson Judge of Probate

I, William Haswell, Register of the Court of Probate for the District of Bennington, do hereby certify that the foregoing contains the original proceedings of the said Court in the matter of the application of Sarah Rudd for a pension.

In testimony whereof I have hereunto set my hand and seal of office, this 21st day of September, A. D. 1837.

William Haswell.

Recapitulation of case. —

No. of months of service in each year

Declarant states she was the wife of Lt. Joseph Rudd — that they were married in the year 1768. This is confirmed by town record authenticated by certificate of ~~town~~ Clerk, and comprises the births of their children during coverture — & those born during the period of the revolution war — & is evidence of her trials & privations. — She states that her marriage relation was broken by the death of Lt. Rudd in the year 1818. See Enos & David Rudd's testimony. —

She states that since the death of Lt. Rudd she has lived a widow, still remains his widow & unmarried. —

The depositions of deacon Hubbell & others, neighbors, prove the fact of widowhood. — As to the service of Lt. Rudd she is aware of the difficulties & uncertainties of testimony at this remote period, & when Providentially nearly all witnesses of it are dead she states a period of service, as she believes, short of the actual service he performed — viz. —

In 1775, & in 1776 — The testimony of Mr. Searles and deacon Hubbell, corroborate her statement of ——— 4

In 1777 she states Lt. Rudd was in service ——— 6

In corroboration — Mr. Searles the same — Mr. Hubbell says he saw Lt. Rudd in service — Mr. Story says Lt. Rudd was in service from 3d. of May until after Bennington battle

In 1778 she states her husband in service 3 months ——— 3

Mr. Searles states the same — Mr. Denio states him in service one month, & presumes him out for a longer period —

In 1779 — she states husband in service ——— 3

Mr. Hubbell states his knowledge of Lt. Rudd's service —

In 1780 — She states her husband in service — ——— 2

Mr. Harwood did duty under Lt. Rudd 1 month —

Mr. Searles knew of his service 3 weeks ———

Mr. Hubbell thinks him in service that year ———

In 1781 — She states her husband in service 2 months or more — & thinks this the year, Lt. Fillmore her neighbor, came home, leaving her husband in service — if so, ——— 3

Mr. Harwood saw him in service 1 month — & as this year there was a detachment, that stayed longer, thinks Lt. Rudd might be out longer. — Mr. Searles knew him in service a fortnight. 21 mo.

March 19, 1935

xxxxxxxxxxxxxxxxx

Joseph Rudd-W.17582
BA-J/AWF

Helen Plummer Keech
202 E. Fourth Avenue
Johnstown, New York.

Dear Madam:

The Revolutionary War record of Joseph Rudd which follows was obtained from the papers on file in pension claim, W. 17582, based upon his service in that war.

Joseph Rudd was born April 6, 1740 in Norwich, Connecticut, names of his parents not given. He moved to Bennington, Vermont in 1764.

Joseph Rudd was "out in the Old French War" as a private; there are no further details relative to the service in this war.

While residing in Bennington, Vermont, Joseph Rudd, served in the Vermont militia, as follows:

In 1775, two months as sergeant; in 1776, two months as sergeant, names of officers for these tours not named; in 1777, six months in Captain Elijah Dewey's company, was in the battle of Bennington, then acting as lieutenant, in this battle he had a personal encounter with a Hessian soldier and captured his sword; he was commissioned, April 28, 1778, second lieutenant, and in that year served three months, officers names not stated; in 1779, three months as lieutenant, officers names not given; in 1780, two months as lieutenant in Captain William Hutchins' company, Colonel Herrick's regiment; in 1781, three months as lieutenant in Captain Isaac Tichenor's company, Colonel Ebenezer Walbridge's regiment.

Joseph Rudd married, September 28, 1768, Sarah Story; she was born November 22, 1744 in Norwich, Con-

necticut, and moved to Bennington, Vermont in 1761, names of her parents not shown. The marriage of Joseph Rudd and Sarah Story was recorded on the town records of Bennington, Vermont.

Joseph Rudd died May 25, 1818 in Bennington, Vermont. His widow, Sarah Rudd, was allowed pension on account of the Revolutionary War services of her husband, Joseph Rudd, on her application executed, September 21, 1837, then residing in said Bennington.

The widow stated that she had lived through three wars, and that her husband's father, moved in 1778(he was then aged about sixty years) from Norwich, Connecticut to Bennington, Vermont to superintend the farming, which was of great relief to her, also, his husband's brother, John Rudd, resided with her a part of the time during the Revolution.

The children of Joseph Rudd and his wife, Sarah:

Selinda	born	August	6, 1769
Jeremiah	"	June	11, 1773
Sarah	"	May	30, 1775
Joseph	"	April	13, 1777
Lucy	"	March	10, 1779
Enos	"	March	12, 1781
Martha	"	June	28, 1783
David	"	March	16, 1786.

Their sons, Enos and David Rudd, were residing in 1837 in Bennington, Vermont.

Benajah Story in 1837 was ninety years of age and living in Sempronius, Cayuga County, New York, it is not stated that he was related to the widow, Sarah Rudd.

Very truly yours

A. D. HILLER
Executive Assistant to the Administrator

His Excellency

THOMAS CHITTENDEN, Esquire,

Captain-General, Governor, and Commander in Chief in and over the State of VERMONT,

To *Joseph Rudd, Gent.*[m] GREETING.

YOU being elected *Second Lieut. of the 2nd Comp. of Militia in Bennington in the 2d* Regiment of the Militia of this State; reposing special Trust and Confidence in your Patriotism, Valour, Conduct and Fidelity, I Do, by these Presents, in the Name of the Freemen of this State, authorise and impower you to take Charge of said *Comp.y* as their *2nd Lieutenant* You are therefore carefully and diligently, to discharge the Duty of *2nd Lieutenant* of said *Company* by doing and performing all Manner of Things thereunto belonging.------And I do strictly charge and require all Officers and Soldiers under your Command, to be obedient to your Orders as *2nd Lieutenant* And you are to observe and obey such Orders and Directions from Time to Time, as you shall receive from me the Governor of this State for the Time being, or any other your superior Officer, according to the Rules and Discipline of War, and the Laws of this State.

Given under my Hand, and the Seal of this State, in Council, this 23rd Day of April A.D. 1780

By his Excellency's Command,

Tho: Solman Dep. Secretary.

Thos Chittenden

I, Samuel Robinson, of Bennington, Vermont, aged Sixty Three years, son of Col. Samuel Robinson deceased, have examined the annexed document, purporting to be the Report of a Court Martial held at Bennington in the year 1778, and I testify and say that I have not a doubt but what the same was written by my father at the time of the date it bears.

Sam'l Robinson

Sworn to and subscribed
This 21st day of December
A.D. 1837, before me

O. C. Merrill, Justice of Peace

I certify that Samuel Robinson who has subscribed the foregoing affidavit is a credible person, & ~~that~~ his statement is entitled to credit

O. C. Merrill, Justice of Peace.

I, William Haswell, Town Clerk for the Town of Bennington, certify that on examination of Town Records now remaining in my hands, by virtue of my office, I find in Book 1, page 269, a record in the words and figures following, viz

"Joseph Rudd and Sarah Story was joined
"together in the bands of Matrimony by
"on the 28 day of Septr 1768 ———
"Selinda Rudd the daughter of Joseph Rudd
"and Sarah his wife was born the 6th Augt. 1769.
"Jeremiah Rudd son to Joseph Rudd and Sarah
"his wife was born June 11th 1773.
"Sarah Rudd daughter to Joseph Rudd and
"Sarah his wife was born 33th May, 1775.
"Joseph Rudd, son to Joseph Rudd and Sarah
"his wife was born 13th April, 1777.
"Lucy Rudd daughter to Joseph Rudd and
"Sarah his wife was born 10th March, 1779.
"Enos Rudd son to Joseph Rudd and Sarah
"his wife was born 12th March 1781.
"Martha ~~[illegible]~~ Rudd son to Joseph Rudd
"and Sarah his wife was born June 28 1783.
"David Rudd son to Joseph Rudd & Sarah
"his wife was born 16 March 1786."

Attest,

Wm. Haswell Town Clerk

I, Wm. Haswell, being duly sworn, testify and say that the within certificate by me subscribed as Town Clerk, is just and true: and I further testify that the whole of said record appears to be in the hand writing of the late Col. Nathaniel Brush, who was Town Clerk from the 27th of March, 1782, to the 28th of March, 1792, and all appears to have been done at the same time and with the same ink, except the last entry, and the addition of the name "Martha" before the name "~~Matthew~~" erased, as described in my certificate which was probably done subsequently by the same hand to correct an error made by himself in recording: and I further testify that the record of marriages prior to the close of the Revolutionary War is very informal and imperfect.

Wm Haswell

Sworn to and subscribed
this 21st day of December 1837.
before me
Wm T Robinson Justice of Peace.

I certify that Wm Haswell, who has subscribed the above affidavit, is Town Clerk for the Town of Bennington, Vt.
a credible person, and that his statement is entitled to credit.

Wm T Robinson Justice of Peace.

State of Vermont }
Bennington County ss } On this 1st day of August A.D. 1838.—
At a Court holden at the house of Enos Rudd on account of the bodily infirmity of Sarah Rudd widow of Lieut. Joseph Rudd late of Bennington personally appeared, ~~Sarah Rudd~~ before the Probate Court for the Probate District of Bennington, in the county of Bennington, Sarah Rudd a resident of Bennington in the county of Bennington, who being first duly sworn, according to law, doth, on her oath make the following declaration, being her 2d. supplemental declaration, and maketh answer to the following interrogatories.—

She maketh declaration, that in her previous applications for pension, & in this, she had, & has no desire to urge any claim, or that even any part of the claim she preferred should be allowed unless it has proof of legal merits—but, what is in proof as a legal claim she would press as a duty for admission and allowance, as she would any right.—That she is satisfied that her deceased husband did as meritorious and more service for his country, in her struggle for Independence than others his friends & companions out with him did, who are pensioners—but this, she is aware is not enough for the constituted authorities, who in administering the law should guard the public rights & treasure from invasion.—That her sole motive in her application was to receive what the law of the land authorised to be paid for her late husband's services & perils, & for her sufferings & privations as a wife, now that she is his widow—and nothing more, and even this should not have troubled herself and others to ask for—except, in order that she should be enabled to discharge her duty, & pay what she con-

siders a debt she owes for the care and kindness showed her, without pecuniary reward, during her already protracted life of bodily infirmity, & which must accumulate until her life closes. — No other motive had weight, and if she has rights, they ought to be obtained for her benefit, and comfort & peace of mind. — The love of money for itself has long since ceased to influence, & tempt her from truth, for she has very little hold upon earthly things, & money never was her ruling passion. — That her desire is still to pass away in peace — her duties done, and all her relative worldly obligations performed. That she now makes this further declaration only, because she desires her character for truth & veracity of nearly a hundred years growth should not remain at hazard, or be stained by any suspicion — for "this is all that is left, of her dying nature, of any value —

That as her statements have been estimated "conjectural," and "wide from the fact," as she apprehends without adequate cause — she requests to be questioned, & that her answers may be put upon paper and read. And whether there is any living proof to substantiate her statements, or not, in addition to what has been forwarded, she trusts it will not be accounted strange, as she has outlived her generation, and most of the actors of that period when the events of which she ~~yet~~ speaks transpired, and who if living, would, as she believes confirm her statements, even what is not now confirmed by unimpeachable witnesses. —

Question. – In your declaration you have stated as your belief, that in the year 1775, your deceased husband did duty 2 months – what reasons have you for such a belief & conclusion? –

Answer. – I ~~am~~ persuaded the period of two months is less than my late husband's actual absence from home in public service. I did not mean it conjectural, but put it less that it might stand a certainty according to my best knowledge, recollection & belief. – And I believe I cannot be mistaken – One reason is, the events of that age are strong in recollection, it was the first year of those anticipated & inevitable series of trials & alarms for a period to come, of much apprehension, certain as to its outbreak, but of uncertain duration. – This interruption of our domestic life as settlers in a new region, was an interruption so full of apprehension & so signal in our prospects & every day duties as not to be soon forgotten – nor its remembrance to become conjectural in our family calendar. Besides I have another reason; my husband left home in June, when I was very unwell, and my third child was less than a month old. I still remember, very distinctly his absence this year on public duties, & my own distress in consequence – and can not be mistaken in the ~~distinct~~ time & trying circumstances under which he was ordered away – & of his absence. –

Question – In 1776 – you state your belief he was out two months – can you state any circumstances or reasons why you so believe?

Answer – The general reasons given in my previous answer, apply with equal force to sharpen, and fix the events of this year also in my memory. – My late husband in preparation for his absence engaged his brother John to come and take charge of his business in his absence this year. – This unusual family arrangement originating in the necessity and expected absence of my husband in the public service, is a circumstance my memory retains, & leads me to remember my husband's absence in the war, and the duration of this year's service, with confidence. – My determination is sustained by other proofs. –

Question – In 1777, you state your husband to be out in public service this year <u>six</u> months – what circumstance or reason can you state for this belief? –

Answer. – There are various facts of a domestic kind that sustain my recollection & belief. A reference to the family record in town clerk's office will show that my son Joseph was less than a month old when my husband was called from home into the public service – this is my recollection – Mr. Story's testimony shows it – that my husband left home the <u>first</u> two or three days of Alley. – That he returned from the northern tour of service to be in the battle of Bennington the 16th of August 1777 – that he continued

in service until the capture of Burgoyne, and my recollection is he was out as an officer in public service until a period in the month of November of this year. Another reason why I am correct, it was an eventful year — I can never forget, while any thing of memory lives, my flight on horse-back, and in feeble health, with my babe & two other small children from Bennington & my eldest daughter running on foot by the side of me, to Williamstown under circumstances of great alarm & fear from Hessians, tory-enemies & Indians — and the absence of my husband at the time of this my toil for months before, & for months afterwards — Mr. Searles' testimony supports my knowledge of it. —

Question — In 1778 you state Mr. Rudd out 3 months — What reason or circumstance helps your memory to this belief? —

Answer. — I know that the relation of the sufferings of myself & little ones in 1777, in the winter after the capture of Burgoyne, ~~out~~ induced my late husband to make a journey to Connecticut to settle the business & affairs of his Father, that his father might be induced to take charge of our family affairs at home, while my husband should be out in the expected campaigns of this year. — I know this arrangement of our family affair was made — that our father took charge of our affair — that my husband was in actual service as stated. — These events of this period I was compelled to know & remember — and the separation I had to endure from my husband and anxieties upon his account, was not a concern to be overlooked and lost ~~sight~~ as a matter of indifference & of no importance. — No — it remains fresh in memory as the occurrences of the present hour. — Other proofs & evidences sustain my recollections as to amount of service, this year, of my late husband. —

Question -

In 1779 - you state your late husband was from home in public service three months - What is it leads & holds your mind to this belief? -

Answer. - Similar circumstances, and family events, with those related in my former answers remained - Our father continued to have the charge of our family concerns in consequence of my husband's absence, and attended to the farm & crops this year, principally. - This year my daughter Lucy was a babe in my arms, and this fact kindles many recollections having a strong tendency to establish, & assure my belief in the truth of my statement. -

Question - In 1780, This year you state your husband to have been out in service, two months - what reason have you for this belief?

Answer - The same or similar interruptions occurred in our domestic arrangements and business, the same necessity to call upon the care, management & labor of others, as stated by me, except perhaps in degree or differing as to quantity of hired helps. I have heard of nothing, or upon reflection & re-examination perceived nothing to change my recollection or belief, to convince me of error, or to lead me to change my estimate of my husband's services this year. - I am advised Mr. Searles testifies he knew my husband in service 3 weeks - Mr. Harpford for about one month was out in service under his command - and Deacon Hubbell saw him in service, this year. Whether this proof means this same service, probably cannot be known - that he did service this year is abundantly proved by others - I have no doubt he was out at different periods, (from family reasons) during the campaigning season - and for a period more than I have stated. -

Question – In the year 1781, you have attested to your belief that your late husband was out two months – can you give any reasons for it? –

Answer – I can give no additional reasons, different from what I have recited in former answers, or at least essentially different – except that my husband's brother John was with us and in the time of gathering corn was unwell, & we obtained help from others to gather the corn – and I invited the girls of the neighborhood to assist me, and we husked it – Mr. Rudd absent in public service – brother John sick – and the help of man difficult to obtain. – The reason I know I am right in this, & as to the year, is, my son Enos was a babe – I feel that I do not mistake when I mark events that occurred to me, or around me, during the infancy of my different children, for the circumstances that occurred to me in that eventful period, are associated with each several event of their infancy. –

Do you remember of your husband's receiving pay for his services? Answer – Yes – in the consideration that he had assisted in the efforts of his country for Independence, and it was obtained – this I have heard him say was his only reward; and if any pay was made him in money it was too trivial a sum to be spoken of.

In conclusion I would say that what I have declared in this, & in my previous statements, is true according to my best knowledge information, and belief –

whether sustained by others or not. – And I would add, that I would rest my claim for allowance of pension on the amount proved of the actual service rendered from year to year by my late husband. If a detail of each particular tour of duty he performed, is by the law required; why then the law is to me ~~[illegible]~~ dead, for this proof cannot be made – but if proof of his actual and repeated service in the different years of the revolution entitles me as his widow to receive the benefit of his services, so proved, as it is – I have faith my claim will not be urged in vain. –

In presence of
O. C. Merrill,
Wm Haswell

her
Sarah X Rudd
mark

Sworn to and subscribed before me Wm Haswell, Register

State of Vermont,
Bennington County ss.

I William Haswell, Register of the Court of Probate for the District of Bennington do hereby certify that the foregoing contains the original proceedings of the said Court in the matter of the application of Sarah Rudd for a pension

In testimony whereof I have hereunto set my hand and seal of office this 1st day of August A.D. 1838

Wm Haswell

State of New York
Cortland County } ss

I Benajah Story aged Ninety years, of the Town of Sempronius in the County of Cayuga and State of New York, being duly sworn according to Law, depose and say, that in the year 1777, he belonged to a Company of Militia of the State of Vermont, commanded by Capt. Elijah Dunny, of the Town of Bennington in said State, and that Joseph Rudd, of said Bennington was a Lieutenant of said Company, and that, on the third day of May 1777 according to the best of his recollection this deponent went from said Bennington, along with said Rudel, the most direct route to Mount Independence about Ninety Miles, to reinforce Genl St Clair, there we both remained, in the line of our duty, till the Eighth or tenth of July after, when we retreated down through a Part of Vermont to Arlington, and the Militia went home and the Regular Troops, went to Saratoga in the State of New York. this deponent says, he knows, from his own personal knowledge, that said Rudel was in continual service, till after the Bennington Battle, which said Battle was on the 16th of August 1777 and that he was a Lieutenant all of the above time. this deponent says that said Rudel went as a Lieutenant, for three Months again, to Castleton in said Vermont, he thinks in the year 1780. or 1781, according to his best recollection, & he knows that he served as a Lieutenant as Much as Six Months or More, for with said Joseph Rudel, and further this deponent saith not.

Sworn and subscribed before me this 1st day of July 1837
Lozier B Canfield J. Peace

Benajah Story

I certify that I have been personally acquainted with Benajah Story for upwards of twenty years past and that he is a Man of truth and veracity & reputable in his Neighbourhood – Lozier B Canfield J. Peace

State of New York
Ontario County, Clerks Office } I Orrin Stimson Clerk of said County do hereby Certify that Lozier B Canfield Esq before whom the affidavit of Benajah Storey purports to have been taken was at the date of said affidavit a Justice of the Peace in & for said County duly qualified & sworn and authorised to act as such Justice & verily believe his signature to the foregoing are genuine

In testimony whereof I have hereunto set my hand and seal of said County this 3d day of July AD 1837

O. Stimson Clerk

At a Court martial held at Colo Brushes in Bennington (June 9 1778

Capt Samll Robinson President

Lieut Gideon Spencer
Lieut. Nathan Gillimore
Lieut William Henry
Lieut Joseph Rude } members

Do Report to your Honr
that we find Reuben Sackett Prisnor brought before this Court to be Criminally Guilty of of assisting David Reading a Prisnor who said Sackett was Gard over and that he Received Twenty Lashes ~~well~~ laid on the Naked Back at Sun set this Evening at the Publick whipping Post

by order of said Court Samll Robinson President

To Colo Sam[l] Herrick

State of Vermont
County of Bennington ss

On this 20th day of December A.D. 1837 personally appeared in open court, before the Hon. the Court of Probate for the District of Bennington, now sitting, Sarah Rudd a resident of Bennington in the county of Bennington & State of Vermont, aged 93 years who being first duly sworn according to law, doth, on her oath make additional declaration, in order to obtain the benefit of a widow's pension agreeable to act of Congress passed for that purpose, and according to the provisions thereof —

That understanding that her way for procuring the benefit of the act of Congress is hedged up by regulations, and further particulars are required of her, she presumes to submit her further views and further facts which may have an important bearing upon the merits of her legal claim.

That not being an actor in the public service, and a woman whose duties compelled her to tarry with the household, she can know but little of her own personal knowledge that is definite as to the particular period or station of her late husband Joseph Rudd's service, or be possessed of the reasons which prolonged frequently the ordered or expected time of service, and changed his place of duty: She can speak of but little except what has relation to her late husband's absence from the domestic circle & concerns.— Nor can she now after the lapse of about 60 years pretend to distinctly and separately set them forth, she can only speak of her husband's absence from home each year as she understood it in the public service, for the length of time each year as she has set forth in her first declaration. If the law of Congress is to be a dead letter because of this, it becomes not her to say they should not have raised her hopes to disappoint them, but it is her duty not to hazard her integrity of character of 90 years growth, by stating facts, which as a woman, a wife, and a mother at home she could not have very distinctly known at the time, much less be particular in, after this lapse of time.

And further declares that as to the names of officers with whom her husband served, she can only state what was common report and what was confirmed to her by the conversations and relations of her late husband. She has frequently heard her

late husband, near the time of the services he rendered, and in after years, speak of his brother officers. I have heard him name — Gen. Ethan Allen, Gen. Enos Col. Fletcher, Col. Warner, Col. Herrick, Col. Brush, & Col. Saml. Robinson — Capt. Elijah Dewey, Capt. Samuel Robinson, Capt. Hutchins, & Capt. Herrick — Lieut. Fillmore, Lieut. Gideon Spencer, & Lieut. Wm. Henry. — With these I have reason to believe he was associated, as well as with others not recollected, in different periods of his public service.

That as to the grade of her late husband she can only state — that he was out in the old French war as a private. —

That in the years 1775 & 1776, he was as she thinks and believes a sergeant, and so stiled.

That in the year 1777, he bore the title, & did the duty, of Lieutenant, according to her best recollection as stated in former declaration — but others have thought he was an Ensign this year, or held what answers to a 2d. Lieutenant. —

That in 1778, & the remaining years stated, of his service he was a Lieutenant — and bore no other title. His original commission in corroboration of this was forwarded.

She would here remark that from a letter now read to her from the Pension Department, it is stated that this original document "appears to have been lately renewed or altered." She had hoped her character and age would have shielded her from so heinous a charge, for the pitiful consideration of a few days enjoyment of a few dollars more or less. She now declareth that she had no thought of any alteration in the original commission, nor any knowledge of any alteration of it, and has an entire & unshaken belief that it passed from her possession unaltered. The magistrate to whom it was, by her direction handed will certify whether it was "altered or renewed" in his possession. — It was examined by him, by the Judge of Probate, and Register of Probate, and the signatures were pronounced genuine, and that it passed as good evidence of the facts for which it was forwarded. And I am told no alteration was noticed or thought of by them, and I know was not thought of by me. — Indeed I can see no motive for any alteration. All have testified as I am told, that from the spring of 1778, that my late

husband held the grade of Lieutenant. – That the only uncertainty was, as to his grade, whether my husband did or did not act in '77 in the battle of Bennington in the grade of Ensign or Lieutenant, and in which grade it was. –

Indeed it has been, and is now, a matter of indifference except as it respects truth, in what capacity he then acted. – That he held the grade of a commissioned officer in the year 1777 and in Bennington battle has all the certainty of positive testimony, confirmed by memorials & tradition. In this particular I beg leave to refer to the evidence accompanying my former declaration, and the additional testimony I herewith submit. –

That she has obtained the town-clerk's certificate to be verified before a Justice and duly authenticated. And the same will be herewith forwarded. –

The declarant urges in support of her claim to pension That it is proved that in the year 1775 her late husband was 2 months in service, as she thinks, in the grade of sergeant.

That she claims 2 months services in the year 1776 as proved, in the grade of ~~Ensign or Lieutenant~~ Sergeant. –

That she claims as proved 6 months services for the year 1777 – in the grade of Ensign or Lieutenant. –

That she claims as proved in the years 1778, 1779, 1780 & 1781, 10 months services in the grade of Lieutenant.

That she cannot distinctly ~~state~~ the separate terms – because she probably never knew – or if 60 years ago the fact was known it is not remembered now. And she is informed that the records if any exist are very imperfect and little to be depended upon. That at this time she can obtain no further testimony than has been, & herewith is, forwarded. – And that she has no doubt that her estimate of her late husband's services, as stated, is short of the period of his actual services. –

That it may be proper for her to add in relation to stations of her late husband's services, that she understood from his accounts of it at various times, and otherwise, that he was

on service at Skensborough, Ticonderoga, Castleton, Poultney, Rutland, Manchester, Saratoga, and in the battle of Bennington.—

And further, rests her claim on evidence herewith sent, and forwarded with her first.

Witness
Wm Haswell.

Sarah her X Rudd
mark

Sworn to and subscribed,
the day and year aforesaid,

Wm Haswell, Register.

I, William Haswell, Register of the Court of Probate for the District of Bennington, do hereby certify that the foregoing contains the original proceedings of the said Court in the matter of the supplemental application of Widow Sarah Rudd for a pension.

In testimony whereof, I have hereunto set my hand and seal of office, this 21st day of December, A.D. 1837.

Wm Haswell.

19 19. Sent to Helena
Plum[illegible] each away

Rev

WIDOW, &c.

File No. 17582

Sarah Rendl

widow of

Joseph Rendl

Lieut Rev War

Act: July 4th 86

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[Arrangement of 1870.]

FREE

James L. Edwards, Esq.
Commissioner of Pensions.
War Department
Washington City.

3776 Oct 5.

Pensions
July 30
30 Lec.

Sarah Rudd, widow of
Joseph Rudd –

Lt. 7 mo. 6 days
Serg^t. 2 months.

Bartlington Agency

Act 4 July '36
Send cert. to Col. O. C.
Merrill,
Bennington,
Vt.
$106 per ann.

Jos. Rudd –

75. 2mo.	Lieut	Sheeneston.		
76 2 –	–			
77. 6 –	Ensign			
78 2 or 3mo	Lt			
79 2mo.	"			
80 2 mo –	"	Treasurer. Art.	20	Lt
81. 2mo	"	" –	16	Lt

Bennington, January 16, A. D. 1838.

Sir,

Enclosed is a certificate of the Treasurer of this state, Mr. Wardner, agreeable to your suggestion. The certificate, in its amount, is very much as I anticipated. From the best advice I can ~~ascertain~~ obtain hardly one-twentieth part of the services rendered by the militia and volunteers of this state were paid for by the state of Vermont, very few in this quarter received any thing.— The state was poor, its citizens were patriotic. — Should ~~the~~ it be pertinent to prove the facts of pay as stated, I apprehend it could be proved by the few surviving patriots of that day. The certificate it will be perceived affords little or no evidence of amount of service. It proves one thing, that Lieutenant Joseph Rudd was a Lieutenant in the year 1778. — The letter of Mr. Wardner enclosing the certificate herewith sent, observes — "You will perceive that I have "certified the payment of one of the pay-rolls as having "been made one day earlier than the date of approbat "by the Committee, which was undoubtedly a mere accident, "and should will doubtless be so esteemed" ——

The letter I enclose also, from Mr. Wardner to myself, I supposed it might be well for you to see, and is all I have received from Mr. Wardner in relation to Lieut. Joseph Rudd & the application of his widow.

Permit me, as desired by applicant, to repeat my request that you will soon consider the case of Sarah Rudd, & write me as soon as convenient. — Respectfully Yours, &c. —

J. L. Edwards Esq.

O. C. Merrill.

State of Vermont

I Allen Wardner Treasurer of said State do hereby certify that there is on file in the Treasurer's office a paper purporting to be "A Pay-Roll of Capt. William Hutchins Company in Colo. Herrick's Regiment of Militia in the service of the state of Vermont commenced eleventh of October 1780" that the name of Joseph Rudd, following that of Lieut. Nathaniel Fillmore, is inserted upon said Roll as Lieutenant, and twenty days service is put down as allowed to said Rudd as Lieut. that said Pay-Roll was sworn to by said Fillmore on the 19 June 1781 before John Fassett Jun. Asst. that on the 19th. June it appears that said Roll was examined, approved & the Treasurer ordered to pay the same to Lt. Nath.l Fillmore, by John Fasset & Tim.o Brownson, Committee — and that under date of 18 June 1781 the Treasurer paid the amount of said Pay Roll to said Nath.l Fillmore as appears by his said Fillmore's receipt thereon.

I further certify that there is another paper on file in the office aforesaid purporting to be "A Pay Roll of Capt. Isaac Tichenor's Company in Colo. Ebenezer Walbridge's Regt. of Militia in the service of the state of Vermont, commenced the thirteenth of October 1781, in service at Castleton" said Pay-Roll being filed "Nathaniel Fillmore's Pay Roll" — that on said Pay-Roll appears the name of Lieutenant Joseph Rudd, & annexed to which is allowed sixteen days service — that said Roll was sworn to by said Fillmore on the 28 Nov.r 1781 before Isaac Tichenor Jus. Peace — approved and ordered to be paid by the Treasurer on the 20th. dec. 1781. by

Isaac Tichenor and Amos Foster, Committee — and subsequently on the 29 of Decr. 1781 payment appears to have been made by the Treasurer & receipted by Nathaniel Fillmore Sect.

— The words "the Treasurer" interlined before signing, —

Given under my hand at the Treasurer's office in Windsor the 28 of December 1837

Allen Wardner Treasurer of the State of Vermont

J. L. Edwards, Esq.

Com'r. of Pensions

Washington City.

Bennington, September 30, 1837.

Dr Sir,

I herewith by request of the venerable widow whose name is borne upon the accompanying documents — Sarah Rudd — transmit her declaration for pension as the widow of Lt. Joseph Rudd who was a revolutionary officer & in actual service during that important period of our history. The declarant & all who have testified in the case are respected in this vicinity as persons of undoubted truth & veracity. I mention this fact, as entitling her application to a favorable hearing. —

She requests. I will state my knowledge — I have known the family of Lt. Rudd deceased for about 40 years. — I knew Lt. Rudd until his death & I was present at his funeral — In his life time I have heard him speak of his services perils & trials during the revolutionary war — of his personal rencountre with a Hessian in the battle of Bennington, and the have seen the sword he took from him, & brought home, & kept as a troph; — I have heard others relate it. — He was always spoken of by the late Col. Samuel Robinson, and others as one who had done much service, and as a brave Officer — In all our commemorative occasions, which until late years, were annually observed, he was always in the arrangements of the day put in the place of honor among the band of surviving heroes & veterans who fought for Independence. And although I have no personal knowledge of any actual service he rendered, except what is traditionary —

told by himself & told by others his associates and neighbors, I have no doubt of the fact of his being much out in actual service as an officer in the war of Independence. Indeed I have reason to believe, and do believe from all the relations I have heard of his service that he must have been out in service for a longer period than is stated by his widow Sarah Rudd in her accompanying declaration. Nearly all of his cotemporaries have passed to the grave, & the few that remain to tell of his services, are infirm in memory, & from a painful sense of it, hesitate, from commendable diffidence, in relating particulars as to time of services. This circumstance places an almost insuperable obstacle in the way of applicants for pension & their rights under the law. It accounts, in the testimony sent, for the measure of uncertainty which appears in the testimony herewith sent. And when requested to be more definite if they can, they put it down invariably, I believe, short of the actual period of service rendered.—

I hope you will take the case sent into consideration as soon as convenient & advise me of the results.

As to the case of Zenas Jones for which certificate is received — I ask leave to enquire, whether it is not a rule of the department to have invalid pensions commence when allowable, at the time when declaration is made before the Judge authenticating it. — If so, Mr. Jones would be entitled to a pension a few months sooner than is named in his certificate. His pen

sion is small — he is poor. — Should the rule be as I have stated the question? Will you be pleased, if any error in his case to correct it — he felt disappointed, & I believe I did say to him — that if born on the roll I thought he would draw pension from the date of his declaration. At any rate he requests I would submit the question. —

I am, Sir,
with much respect & esteem
Yours, &c —
O. C. Merrill. —

L. L. Edwards, Esq.
Commissioner of pensions
Washington City.

P. S. I send the Commission of Lt. Rudd — it bears date April 1778 — The testimony is, that he acted in the grade and did the duty of Lieutenant in the year 1777 — The burden of traditionary evidence is, as near as I can ascertain it is, that in Bennington battle that year, he did duty as Lieutenant — and that the actual appointment officer, was in those days, frequently, some time previous to the date of commission issued & received. —
O. C. Merrill.

Bennington, July 21, A. D. 1838.

Dr. Sir

Your letter in Sarah Rudd's case is received and its reasons and conclusions noticed. I have not seen the applicant Mrs. Rudd — but I feel it a duty to state my personal dissatisfaction — at the increased rigidity of the rule of construction as I at present apprehend it to be. Having as a magistrate passed minutely through the case I had come to a different conclusion from the one made by the department. I did not consider the testimony "conjectural" — I thought there was abundant testimony for the admissibility of the claim for a part pension — and I still think so. I have no manner of interest in the result, and no bias, except what may arise from the fear of not taking the testimony sufficiently clear & explicit to have the real & legal rights of the applicant secured to her. — I may also, have some feeling, from the fact, that I personally knew Mr. Rudd, and repeatedly heard him speak of his revolutionary services, and believed in the integrity of his relations; and have no doubt of his performing actual service in the stirring times of the revolution for at least one year in the whole. I also, came to the same conclusion from tradition, or the relation of other persons. That the claim of the widow is inadmissible, and that she is not to receive a cent of pension, excites surprise. —

I would recall the attention of the department again to the testimony. — 1st. as to Mrs. Rudd's. She does not tell the day her husband left home, neither the day of his return. — And

if she had presumed to do this from ~~testimony~~ memory, without the aid of any document or history, I apprehend it would have diminished the weight of her testimony. It would have been too positive for the known infirmity of human memory. But her testimony is as certain and positive as a person of truth can state. She has stated certain periods of service, less to be sure than she believes, that she might be certain. She has not put down in detail all the data upon which she arrives at the degree of certainty she states. I did not think it necessary to tell a mother's memoranda to the department, that at such a period such a child was born, was weaned, or she was suffering sickness; & other domestic privations, that occurred during her husband's absence &c. which in every family form memorable criteria, and by which she came to her conclusion that her husband was from home in service a time certain, except as to date and day of his goings out, and comings in. — There is no documentary history to make certain each particular tour of duty of the militia of Vermont, as to date and length of time. — 2dly. The testimony of disinterested witnesses, in my view, corroborate, at least, a great portion of her statement, and give judicial certainty to it. — And the closer & more minute & clafsed this evidence is, I think the stronger is its confirmation of her truth. —

I think another conclusion of the department to be erroneous, and contrary to the history of the state in these transactions. This carries no imputation upon the department. — Nevertheless, its effect is injustice to the applicant, by invalidating the integrity of her & her rights statements. — You state "It is "fair to presume that in a settlement made sometime subse-

"quent to the performance of the service, that Mr. Rudd
"would have charged the State all his service, instead
"of a part. And if Mrs. Rudd should be so wide from
"the fact in these two instances, it would be doing her no
"injustice to suppose that such might also be the case
"as to the amount of service in the preceding years" &c.

In this matter I beg leave to think that the presumption raised is not a legal presumption, nor a fair inference from facts susceptible of any ~~a kind of~~ proof in Vermont.—

The Treasurer's certificate of Lt Rudd's having been paid for 20 days service in the year 1780, and for 16 days service in the year 1781, to which you refer in the foregoing quotation from your letter, in my judgment does not give authority for the inferences you please to make.

In the first place, I think the Treasurer's certificate proves that Lieut. Rudd did, as Lieutenant the amount of service therein specifically stated, & received pay for it. And that this evidence would be a bar to any claim preferred for that specific service by Lt Rudd, or his heirs.—This pay-roll & Treasurer's certificate prove nothing more, in a legal sense, in my humble opinion. The facts are founded upon the history of this state, that the state made no "settlement" claims they paid only a small & very limited portion of the militia for services rendered. Probably not a 10th part.—The history of the state is, that there was no state fund, except patriotism—and that was most shabbily dealt by, many times.—The state was poor, had no state funds, or property, with scarcely a government, & was poor in credit.—Individuals in this period of emergency, had to advance money, and give their own notes

for the subsistence of the State troops, and which in many instances are not paid or ~~reason~~ settled for, to this day. — Indeed the subsisting the militia was frequently done by force from those who had cattle & provisions &c. — The pay of soldiers for services, was a sort of occasional expediency, to still present discontent, or to give passing or temporary encouragement. — A mere matter of occasional necessity. I cannot but think the Department thinks in error in presuming that "it is fair to presume that in a settlement" &c — or to presume ~~that the~~ Treasurer's certificate is to have a latitude of construction limiting the service of the militia. & I presume the Treasurer of this State would give no other certificate, or rather construction of his certificate, than the construction I have given. — Nor would our members of Congress in pressing the claim of this state — I beg leave to enter, respectfully, my dissent to your conclusion, that "if Mrs. Rudd should be so wide from the fact in these two instances, it would be doing her no "injustice," &c. I am of opinion the amount of disinterested testimony substantiating her testimony, should have more weight, than a presumption arising out of a mere naked construction, unsupported by any law or fact. — I say there is no law or ordinance of the state, that goes to invalidate any testimony of more services being rendered these years than the state paid for; not law of general liquidation or settlement — and the fact is otherwise, & that many rendered services not paid for. And that there never has been any thing done in the shape of a settlement for the military services of that period — or to make the pay-rolls a bar to any claim except therein made specifics — or which militates to the discredit of any proofs of other services. — For much other unpaid service was rendered & equally efficient for the public good. —

J. L. Edwards, Esq. — Dear Sir —

I pray you to consider my view of the testimony. —

viz. — Declarant states that Lt. Rudd, her husband in the year 1775 was in actual service — 2 months

Amos Searles & Aaron Hubbell testify he was in service this year —

Declarant states Lt Rudd out in 1776 — 2 months

Amos Searles states the same time

Aaron Hubbell states he was in service this year —

Declarant states Lt. Rudd in service, & from home in the service until after the capture of Burgoyne — in the year 1777 — 6 months

Amos Searles swears to the same

Aaron Hubbell saw him in service this year

Benajah Story states him in service this year from the 3d of May till the battle of Bennington in which he was a Lieutenant —

I believe Silas Walbridge's testimony is similar —

Declarant states that in 1778 Lt. Rudd was out 3 months — 3 months

Amos Searls states him to be in service, same time

Mr. Denio knows him to be in service one month & left him there on duty —

Declarant states in 1779 he was in service — 3 months

Aaron Hubbell knew him in service 2 months

I have supposed in this part of the case it was well and abundantly proved that Lt. Rudd did service suffi-

cient to entitle his widow to draw at the very least, a half pension, without defrauding the government. — The proof, allowing for all lapses of memory, can surely leave no doubt on the mind that Lt. Rudd did honorably serve his country in the above period 12 months — If this is true I have made it up in my mind a meritorious case — for so much.

The certificate of the Treasurer of the State of Vermont for the years 1780 & 1781 proves Lt. Rudd actually in service — One month & six days in addition. —

Under the law of land, and this unimpeached testimony I have concluded that under every legal presumption there is evidence that Lt. Joseph Rudd did honorable & meritorious service for his country in the war of the Revolution 13 months and six days with sufficient legal certainty. — Nor can I entertain a doubt of the veracity of the widow, and that her statement is nearer the real truth than my own conclusion — her statement, as I view it, is not repudiated by the certificate of the Treasurer, under any known rules of judicial proceeding. — I have presented my sincere views, in a very hasty manner, but I hope not in a way to give offence. — The decision is with you, & not with me — what I have said, has been said from a sense of duty to Mrs. Rudd. —

And I shall see the old lady soon, and if the old lady has any thing to communicate further, shall do it for her immediately. Should any further reflection you may have upon the subject vary your views, I pray you write me soon — and if no more, I should be pleased to have you acknowledge the receipt of this. — I am, yours, &c. with much respect

O. C. Merrill.

July 23, 1838.

Dear Sir,

I would further submit my views. — Pardon, I pray you, my perseverance for the aged widow of one of the heroes of Bennington battle — still, I would not that the government administer the law, except as to justice and equity appertain. — There must be general rules of construction of evidence — as well as rules of exception, that their universality may not work a perversion of the intention & spirit of the law, or do individual injustice. — The case of Mrs. Rudd furnishes sufficient reason, I apprehend, for an exception if any exception is indeed needed — Simply because there is proof, beyond a reasonable doubt that the late Mr Rudd did actual & meritorious service, for at least, one year. In the absence of any public document, and in case of the death of the actor or agent who did the service, the next best evidence is admissible and competent for the case, if no rational doubt of the fact of the service remains. — I presume you will agree with me, that rules must not have an arbitrary, or unreasonable bearing, making the law a dead letter. — If a written military order calling the soldier to duty did exist, and that order stated a service for a specific limited period, and payment for this tour of service was made 2 years after — Surely that order, pay-roll, & receipt of payment, would not bar or invalidate oral proof of an extension of service, within the year, as the necessities of the service demanded — In the revolutionary struggle this necessity & these emergencies were of frequent occurence. (more frequent than payment) — For instance in 1777, the militia are ordered out for a 3 months tour of service, say to Fort Independence — and on the night preceding the battle of Bennington, the 3 mo. tour ends, and on the morning following, the men are found on duty in the midst of the battle peilling their lives for their country & its independence, & they continue in service in places of peril until the period of capture & surrender of Burgoyne — The silence of the order

and pay-roll as to the latter service does not invalidate the proof of it, or cast a doubt over it. There is proof, like this in the case of Lt. Rudd, except the day of his return home in his last service of this year, yet all the proof, from defect of day & dates, either of beginning or ending, would do injustice, ~~take put down as nothing~~ to ~~put down as nothing~~. And as one witness Mr. Story puts down the commencement of service the 3d. of May, there is not much uncertainty that Lt. Rudd was out this year as Lieut. 6 months wanting perhaps 12 days. – Thus in 1778, the widow's statement is affirmed by one witness in full, & by a 2d. witness in part. And in 1779, her statement, is unimpeached, & corroborated for 2 months service. The Treasurer's certificate & Benj. Harwood's evidence establish with certainty subsequent service. I think the testimony authorises the conclusion that in '78 Lt. Rudd served two months and in '75 at the least 1 month. I would then ask, if the widow's whole case is not made out, but a part is made out by common law testimony, adequate for a recovery in a suit at law in a court of justice, whether in equity she is not entitled to a pension in so much, pro rata, as is established? Must the widow lose the benefit of what she does prove? And is not what she has proved sufficient for the pro rata operation of the law? –

I am aware the family memoranda upon which the widow makes her statement is not put down as data – and the reason is, it was that the domestic annals of the family unnecessary in this matter done in open court, & the court adjudicating & authenticating, did not require it, or view her statement conjectural, or her credit impaired by the omission. –

The department as to the pro rata action, must determine – but I would suggest – that there is proof in the case of Lt. Rudd of his acting as Lieutenant in the memorable year 1777. – I would question –

and you Mr. Edwards will appreciate its bearing — I had in the last war no commission until near the close of my service, and then its date was subsequent, by near two years, the period of my commencement in duty. — There may be evidence of record of my appointment, but in the early period of this state, no records of this sort are known to have been made, and the evidence is with you that none exist in Lt. Rudd's case. There are some revolutionary cases similar, that I have knowledge of, established by oral proof of service as an officer anterior to date of commission. —

I know not whether my remarks & views will be read, or if read, what favor they may receive or in what estimation they may be held — but they are intended for no offence or wrong. I know they are without method or comeliness, and very hurriedly done — but I submit them, because I consider the case a meritorious one — and if it could be brought before the department in all its truth & bearings, I think it one that would receive some legal favor. —

Respectfully &c. —

O. C. Allerville. —

10

O. C. Merrill Esq

Bennington

Vermont

Treasurer's Office Windsor Jan. 8. 1838

Sir,

Your letter requesting date of first pay-roll on record in the Treasury Department was rec.d two or three days since — I have made the examination necessary to ascertain the fact which you wish to settle, & I find the first receipt to the Treasurer dated 26 June 1778 upon a Pay Roll for services rendered the year before from July to November. The earliest services on record in the office bear date 1776 being Pay-Roll of Capt. Thomas Johnson's Co. of minute men — but this Pay Roll was not allowed & paid till 9 July 1785

Very Respectfully Yr Obt Servt

A. Wardner Treas.

C. C. Merrill Esq.

J. L. Edwards Esq.

statement, I am persuaded upon reflection it will

Bennington, Aug. 4, A.D. 1838.

Dear Sir,

Enclosed herewith I send an additional declaration of Sarah Rudd. It is forwarded at her request. I presume not to anticipate any effect it may have upon the minds of those with whom a decision rests, but with me, who have repeatedly heard from the lips of the old lady the relation of the events of which she speaks — who have also heard Lt. Rudd in his life time relate connected with anecdotes of his services &c. in the same connexion with the declaration of his now widow — there remains no doubt of the truth of Sarah Rudd's statements — connected as her testimony is with other circumstances that are true, it comes to my mind stronger convictions of its truth, that what is called in common parlance, positive testimony. — And superadded to this, the corroborating evidence, in its nature, of the class of positive testimony, I cannot perceive why this much of the claim is not established — namely — that Lt. Joseph Rudd in the revolution did more than 12 months meritorious service — 4 months of which as a sergeant — the remainder in the grade of Lieutenant. — And if actual service is rendered, is it material to parcel out the service rendered, in order to bring it within the reason, spirit, & intention of the law? —

As this is probably the last communication I shall trouble you with in this case, permit me to recur to the paragraph in your letter of "July 17" which goes to invalidate Mrs. Rudd's statements, I am persuaded upon reflection it will not

be considered, that "It is not fair to presume that in a settle-
"ment made some time subsequent to the performance of the ser-
"vice, that Mr. Rudd would have charged the state all his
"service, instead of a part." I say, I apprehend, it is not fair
to presume, "that Mr. Rudd would have charged the state all
his service instead of a part" unless it is first made out
that there existed a lawful right to make a debit against
the state. — Now, charges are made out, audited, and allow-
ed in cases authorised by law — but then, I cannot find there
was any law or usage authorising Lt. Rudd to charge "the
state for all his services". — In this state of things at that pe-
riod, when little provision was made, except to turn out &
defend our soil & rights from invasion at every hazard
of person & comfort, and not thought of charges, but to turn out
necessity seemed to require — It does appear to me, that
it is injustice to Mrs. Rudd to conclude her statement
on oath, is "wide from the fact". — Such would not be
the conclusion made by the few survivors who participated
with Lt. Rudd in a part of his services — or by those who
knew him, who know his widow, or the condition of the
state in that rude and almost unorganized period
of its existence as a separate community. —

I pray you, have the goodness to re-consider the
case of Sarah Rudd, ~~that if~~ immediately, that if she
is entitled to any thing, relief may reach her at the Sep-
tember period of payment of pension — and if not enti-
tled, she may know it. Her case has had a te-
dious course of progress, and a wearisome travail. —

I hope my freedom of giving my opinions will have no effect to prejudice her claim — or be thought to be disrespectful by you. — I have intended simply to give my sincere opinion, founded on traditionary & personal knowledge, that if the case and its aspects were as fully with the department as I have them, that Sarah Rudd as the widow of L. Rudd is entitled to a pension of some amount. — and if entitled, that her rights ought not to be delayed.

I am, respectfully & sincerely,
Yours &c.
O. C. Merrill. —

I. L. Edwards, Esq.
Commissioner of Pensions
Washington City. —

I Silas Walbridge of Bennington, county of Bennington and State of Vermont, ~~of the~~ aged 78 years, being sworn depose & say, That I was acquainted with Joseph Rudd from the early period of his emigrating to Bennington until the day of his death — I knew him to be an officer and always prompt, active & vigilant, and this was his reputation, in the revolutionary war and since. He was ardently attached to the liberties & independence of his country, much depended upon, and never failed to be in service when called upon — I have general knowledge of his being much in service in the revolutionary war, and have a belief he must have been in public service, in the different years of the war, as much as two years, or more, in all his service. —

I think Lt Rudd was with the troops at Ticonderoga, and that I saw him there, I was out two months, and believe he was there about the same time — this was in the year 1776. —

In the year 1777 — I knew Lt Rudd in service from about the middle or first of June — until after Bennington battle, and that this year he acted in the grade of Lieutenant — I was knowing also that the company to which Lt Rudd belonged, was, after the battle of Bennington, marched to assist in the capture of Burgoyne & that these troops were out until after the capture of Burgoyne, which was as I think October 17, of this year — I belonged to Capt. Robinson's company, a part of the time & other companies during the war — & this year Capt. Warner & Lt Rudd was an officer in company commanded by Capt. Elijah Dewey, and from this circumstance, although I saw Lt Rudd in service much I cannot be as particular in my recollections as to time. —

ally impression is, and I understood it was the fact that Lt Rudd was out in the following years of the war and did a good deal of service but I can not relate particulars.

And further saith not.—

Silas Walbridge

State of Vermont
Bennington County ss } Bennington, October 30, A. D. 1837.

Personally appeared Silas Walbridge to me well known and subscribed the foregoing deposition, and made solemn oath to the truth of the facts therein stated. I further certify that Silas Walbridge is a man of respectability in this vicinity, of undoubted truth & veracity, and that his testimony is entitled to credit—

O. C. Merrill, Justice of the Peace

State of Vermont.— I Henry Robinson Clerk of Bennington County Court. hereby Certify that Orsamus C Merrill Esq is a Justice of the peace in & for the County of Bennington duly qualified by Law to take Depositions &c & that his foregoing Signature is genuine —

In testimony whereof I have hereunto subscribed my name & affixed the seal of Our said County Court at Bennington this 30th day of October A.D. 1837. —

Henry Robinson —

State of Vermont.

Secretary of State's Office
Montpelier Dec. 19. 1837.

I, Chauncey L. Knapp, Secretary of said State, hereby certify that no commission granted by the Government of this state to Lieut. Joseph Rudd during the War of the Revolution is on file or on record in this office: And that there are not on file or on record in this office any Commissions granted by said Government to the officers of the Militia during the aforesaid period of time. —

In testimony whereof, I hereunto set my hand and affix the seal of this office this 19th day of December A.D. 1837.

Chauncey L. Knapp,
Secy of State

I, William Haswell, of Bennington, aged forty seven years, testify and say that the annexed document purporting to be the Report of a Court Martial held at Bennington in 1778, was brought forward by Elijah Fillmore, Esq. who has testified that he found it among the papers of his deceased father, who was one of the members of the Court Martial.- And I further testify that I was well acquainted with the hand writing of the late Col. Samuel Robinson, and have not a doubt that the said document was written by him at the time of the date it bears. - And I further testify that the document produced by the widow Sarah Rudd purporting to be a Lieutenant Commission given by the late Gov. Thomas Chittenden, was examined by Hon. Aaron Robinson, Judge of Probate by myself, as Register, and by Col. Merrill, and pronounced by us to be genuine. And from my acquaintance with the parties, I have no hesitation in saying that I consider them incapable of so vile a transaction as altering the same. - According to my best recollection said commission was dated in 1778.

William Haswell

Sworn to and subscribed
this 21st day of December, 1837.
before me Nelson T. Robinson Justice of Peace

I certify that Wm. Haswell is a credible person
Nelson T. Robinson Justice of Peace

I Elijah Fillmore of Bennington, county of Bennington & State of Vermont, aged 59 years, being lawfully sworn, testify & say – That I am the son of Lieutenant Nathaniel Fillmore, that the town of Bennington is the place of my birth, that I have always lived upon the farm upon which I now reside, and upon which, as I am told, I was born. That the annexed paper which purports to be the Report of a Court-Martial, of which Capt. Samuel Robinson was President, and Lieutenants Gideon Spencer, Nathaniel Fillmore, William Henry, and Joseph Rudd, were members, made "June 9, 1778" to Col. Samuel Herrick – was found by me among the ancient military papers of my father – and I have no doubt that the same is in the handwriting of Samuel Robinson, President. I have no doubt it is a document made but & signed by said Samuel Robinson at the time of the date it bears.

And further saith not. –

Elijah Fillmore

Bennington County ss. –

Sworn to and subscribed before me, this 20th day of December, A. D. 1837. –

O. C. Merrill, Justice of the Peace –

I hereby certify that Elijah Fillmore who subscribed the foregoing affidavit is a credible & respected man and of the board of selectmen of the town of Bennington, and that his evidence is entitled to full credit. –

O. C. Merrill, Justice of the Peace

I Orsamus C. Merrill of Bennington county of Bennington and state of Vermont of lawful age testify & say, & being lawfully sworn — That I was requested by Sarah Rudd, known to me as the widow of the late Joseph Rudd of Bennington who in his lifetime was also known to me for many years before his decease, to take, in my official capacity as Justice of the Peace within & for the county of Bennington such testimony as she might be able to procure in support of her claim for pension — and to forward her declaration and evidence to the Pension Department. Among other papers she wished me to forward was the Lieutenant's Commission of her late husband Joseph Rudd. — I examined it and considered it an authenticated document, and the signatures and seal genuine. And have no doubt of it now. I have been a good deal acquainted with the hand writing and signatures of the subscribing authorities to the said commission which bore date I think April 1778.

I further testify that I noticed nothing which led me to suppose it had been "renewed or altered" at all — and indeed I never thought of any renewal or alteration in the said commission, until I read the suggestion in a letter directed to me from the pension department. I further say that the suggestion excited surprise — as I thought the character of the applicant in interest above any imputation of the sort — besides I thought her incapacitated by age & blindness for the perpetration of any alteration of the character suggested. — At the time of the applicants being before the Court of Probate to verify her first application, the said commission was examined by the Judge, Register, & myself. The Judge remarked he was acquainted with Gov. Chittenden's signature, and there was no doubt of its being his signature — it was otherwise examined, and all

agreed, in opinion that it was a duly executed & and genuine document — and no notice or suspicion of alteration was mentioned by either. — I can only further testify & say — that I did not alter it — and that while said commission was in my possession I have no recollection of any person's seeing it, except ~~[illegible]~~ at the time of the sitting of the Court as aforesaid — or afterwards, until the said Commission was, with other evidence forwarded to the Pension Department. And I further say, that in view of the evidence given before me by the deponents in respect to the grade of Lieutenant Rudd I can discover no sufficient motive, for the alteration of the said Commission by any person interested in this application of Wm Rudd, nor any benefit to be derived therefrom either directly or indirectly. —

And further say not. —

O. C. Merrill.

State of Vermont }
Bennington County } ss Bennington Dec 21 AD 1887

Personally appeared O C Merrill and subscribed the foregoing affidavit, and made oath to the same & Entitled to the truth of the facts therein contained — & Entitled that the deponent is a credible person and his statements are entitled to credit —

Stan T Atkinson Justice of Peace

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State of Vermont — Bennington County, Clerks Office December 25th

I Henry Robinson Clerk of Bennington County Court, hereby Certify that Orsamus C Merrill Esqr & John S Robinson Esqr are Justices of the peace in & for the County of Bennington aforesaid, duly qualified by Law to act as such, & that their foregoing Signatures are genuine —

In testimony whereof I have hereunto Subscribe my name & affixed the Seal of Our said County Court, the day & date above —

Henry Robinson

I Benjamin Harwood of Bennington in the county of Bennington & State of Vermont, aged 75 years, being duly sworn testify & say, That I knew of ~~the~~ some of the public services of Lieut. Joseph Rudd in the years 1780 & 1781, as I have heretofore testified — and being now further questioned, answer testify & say —

That in the years 1780 & 1781 I knew Lt. Rudd in active service in the grade of Lieutenant. —

That the station of the troops at the time of Lieut. Rudd's service was as follows — in 1780, our head quarters were at Castleton-mills — in 1781, our head quarters were at Castleton Fort.

That the officers at the time of Lt. Rudds service of which I have knowledge & recollection is as follows — In 1780, Gen. Ethan Allen had command of the post — Col. Herrick was at the post — Capt. Heathins was our captain, but he being at the post & ordered to the command of another Company Lt. Fillmore & Lt. Rudd commanded our company. — In 1781, Gen. Enos had command, Col. Fletcher I believe was the Senior Colonel, Col. Samuel Robinson had command of our Regt at Castleton this year. Capt. Wood commanded the company I was in this year.

As to term of service for which we were ordered out there was no definite time either year, it was expected to be Longer or shorter as the necessities of the service required. —

And further saith not. —

Benj. Harwood

Bennington County ss — Bennington, Dec. 25, A.D. 1837.

Personally appeared Benjamin Harwood & subscribed his his name to the above affidavit & was sworn in due form of law, to the truth of the facts therein contained — before me —

O. C. Merrill, Justice of the Peace.

I certify that Benjamin Harwood is a respected and credible man, & that his witness is entitled to full credit. —

Attest — O. C. Merrill, Justice of the Peace. —

I Silas Walbridge of Bennington county of Bennington & state of Vermont aged 78 years, being sworn, depose testify & say — That I knew Lieutenant Rudd in service in ~~service~~ the revolutionary war as I have heretofore testified — —

That I knew him in service as early 1777 filling the grade of Lieutenant — in the retreat from Ticonderoga & in Bunnington battle. —

The officers with him were Capt. Dewey — Capt. Samuel Robinson, Col. Nathaniel Brush commanded the Regiment. —

In the after years of his service the troops he was with & of which I have knowledge were stationed at Castleton as their general head quarters. — The officers on this station with whom Lt. Rudd served were the officers named before — some of the time, & Capt. Hutchins, Col. Herrick; Col. Fletcher commanded in the year 1781 I remember a part of the time — Gen. Enos as commander was there some of the time — I cannot be particular as to times. — Col. Allen I think was there in 1780. — Capt. Samuel Robinson & ~~afterwards~~ as Colonel was there in one or the other capacity in the different years of Lt Rudd's services. — I cannot distinctly remember particulars of Lt Rudd's services — but think he was out every year of the war, more or less — he was always a ready & faithful officer. —

Further saith not. —

Silas Walbridge

Bennington County ss — Bennington, December 19, A.D. 1837.

Personally appeared Silas Walbridge and subscribed his name to the above affidavit, and was sworn in due form of law to the truth of the facts therein contained — before me —

O. C. Merrill, Justice of the Peace.

I certify that Silas Walbridge is a credible person and that his evidence is entitled to full credit. Attest —

O. C. Merrill, Justice of the Peace.

"Col." Allen I think should read General Allen — and apprehend it to be my mistake in writing his testimony — Dec. 21, A. D. 1837. — O. C. Merrill, Justice of the Peace. —

State of Vermont
Bennington County ss.

I Henry Robinson Clerk of Bennington County Court, hereby Certify that Orsamus C. Merrick Esq. is a Justice of the peace in & for that County of Bennington duly Commissioned & qualified by Law to take Depositions & administer Oaths & that his Signature hereto annexed is genuine —

In testimony whereof I have hereunto subscribed my name & affixed the Seal of Our Co. County Court, at Bennington in Co. County this Thirtieth day of Septbr. A.D. 1837 — & of the Independence of the United States the Sixty Second —

Henry Robinson —

We the undersigned — —
all of Bennington county of Bennington State of Vermont certify & say that we were acquainted with Lt. Joseph Rudd for many years before his decease, and with Sarah Rudd his wife, and since the death of Lt. Rudd we have known Sarah Rudd as the widow of said Lt. Joseph Rudd, and that she still continues to live as his widow, and has never intermarried.

We know that Lt. Rudd, by reputation, was much in public service as soldier in the revolutionary war, and was called by the title of Lt. Rudd, and we have no doubt of its truth, he was of the right age, and while we knew him he was a man stedfast in his principles, a lover of the freedom and independence of his country, and active, prompt, & willing in the discharge of his duty as a citizen & freeman. We were not acquainted, from personal knowledge, with any particulars of his service, but we have heard it often spoken of, and anecdotes of it related by himself and others his neighbors — and in public commemorative festivals of this vicinity have often seen him placed in processions with the surviving heroes & veterans of the revolutionary war.

We further certify that Sarah Rudd his widow, during her long life, and as one of the female pioneers of Vermont, has ever sustained a good reputation for truth and veracity.

Elijah Fillmore
Abisha Kinsley
Saml. Robinson
Wm Haswell
Anthy J. Haswell
Daniel Armstrong
Henry Robinson

State of Vermont }
Bennington County } Bennington, September 30, 1837.

Personally appeared Elijah Fillmore, Abisha Kinsley, Samuel Robinson William Haswell, A. J. Haswell & D. Armstrong & Henry Robinson to me well known and subscribed their names to the foregoing affidavit

and were severally sworn to the truth of the facts it contains. —
I further certifify that they are respectable and credible men and
that their statements are entitled to credit. —

O. C. Merrill, Justice of the Peace. —

We the undersigned, sons of Joseph Rudd & Sarah Rudd testify & say, That Joseph Rudd our father departed this life the 25th day of May A.D. 1818. That we at the time of his death & for some years previous to his death, had the management of his farm & concerns and took care of our father & mother. Our mother Sarah Rudd, remains a widow and still lives with us.—

We have heard our deceased father Joseph Rudd, relate many particulars of his life while he was out in actual service soldiering both in the old French war, and in the war of the revolution.—We have heard him and Col. Samuel Robinson & Dr. Fillmore and other officers of the revolution who were often in service together talk over the events of that eventful day. And we have with much gratification heard others speak of our father's services when he was not present. From these causes & others, we have had reason to believe that our father Joseph Rudd was in service more or less in every year of the revolutionary war and struggle for national independence.—And we believe that our father must, from this traditional account we have had, have been in actual service & from home and his private & family concerns for a longer period than is stated in the declaration of our aged mother, and in the testimony of the witnesses whose affidavits have been taken and which we have seen.

And we have a sword in our possession which we hold as a venerable relic and memorial of our deceased father's peril & prowess in the battle of Bennington, it being the sword of a powerful Hessian, with whom, in the midst of the battle and immediately after our troops scaled the breast-work of the enemy, he had a personal rencounter, and disarmed of his said sword.

Enos Rudd
David Rudd

Bennington County ss — Bennington September 28, 1837. Personally appeared Enos Rudd & David Rudd, known to me as the sons of the late Joseph Rudd, and subscribed severally their names to the foregoing affi-

davit, and were sworn to the truth of the facts therein stated according to their best knowledge and belief. I certify they are respected and credible men, and that their statements are entitled to credit.—

O. C. Merrill, Justice of the Peace.

I Aaron Hubbell of Bennington, county of Bennington, and state of Vermont, aged 79 years testify and say, That I was acquainted with Lieutenant Joseph Rudd before the revolutionary period and until his ~~day~~ death, and with Sarah Rudd wife of said Lieutenant Rudd, who has remained his widow to this day.

I knew Mr. Rudd was out by reputation every year of the war of the revolution, more or less, and I have no doubt he was out often, he was of a right age, active prompt & willing – but I cannot remember particulars in the years 1775, 1776, 1777, 1778 ~~&~~, as to his time of service, I remember to have seen him in service. In 1779 I believe Lieutenant Rudd was at Castleton in active service, at the time I was there, I am of the opinion now that his services this year were rendered in the months of September and October, and I think I can safely state he was out on this tour six weeks.

I have no doubt of Lieut. Rudd's being also out in the service in the years 1780, & 1781, but I cannot in either of these years bring to recollection any events or circumstances which enable me to state any particulars as to Lieut Rudd's services. Lieutenant Rudd was a prompt officer and rendered a good deal of service undoubtedly in the revolutionary war.–

And further saith not.–

Aaron Hubbell

State of Vermont } Bennington, July 26, 1837.
Bennington County } Then personally appeared Aaron Hubbell and in my presence gave, signed the foregoing deposition, and before me made oath to the truth of the facts therein by him related. And I further certify that Aaron Hubbell is estimated a man of truth & veracity & that his statements are entitled to credit.

attest – O. C. Merrill, Justice of the Peace.

I Benjamin Harwood of Bennington in the county of Bennington & State of Vermont, aged 75 years, testify and say – That I was out as one of the militia in the year 1780, in actual service, and was marched from Bennington to Castleton as our Head-quarters, In the month of October – Lieutenant Fillmore and Lieutenant Joseph Rudd were the officers that commanded the company I belonged to – we were called out for one month and remained at Castleton about 3 weeks – I was absent from home about one month.

In 1781, I was again out in service, I went as a substitute for my father who belonged to the alarm company – Capt. Ebenezer Wood was our Captain, & we were marched to Castleton – I was absent from home ~~as~~ ~~much as~~ probably three weeks – this service was rendered in the month of October – The company of militia in which Lt. Rudd had a command ~~marched~~ did not march at the same time with us to Castleton, but some time before us, I saw him & the company with him at Castleton when we arrived, and we took our quarters with them in the same building. I think they returned home at the same time our company returned but I cannot be certain how long Lieutenant Rudd was out in actual service – I believe he must have been out as long as one month on this tour of duty. – I remember there were fifty privates drafted to remain for a longer time, with proper officers, and I cannot be certain whether Mr. Rudd was one of those, or not, who continued in service.

and further saith not.

Benj. Harwood

State of Vermont } July 20, A. D. 1837.
Bennington County } Personally appeared before me Benjamin Harwood and subscribed his name to the above deposition, and made solemn oath that the facts therein contained are true according to his best knowledge, recollection & belief – I further certify that he is a man of respectability & truth and that his statements are entitled to credit.

attest – C. C. Merrill, Justice of the Peace.

I Aaron Denio of Shaftsbury county of Bennington and state of Vermont, aged 81 years, testify & say that I came to residey in the town of Bennington in said county, in the month of August A. D. 1778 – and resided in that town 17 years – during that period I was well acquainted with Joseph Rudd, late of said Bennington now deceased. The same year, soon after I came here I was drafted in the militia in the company commanded by Capt. Joseph Safford and was marched with the company to the northward and stationed at Castleton – I was upon this tour of duty for the period of one month – At this time I remember Lieutenant Joseph Rudd was there in service acting in his grade as Lieutenant – but as I did not belong to the company he was in I did not know at the time he served how long he was out, but I am persuaded he was out for a period longer that I was – as he did not march up with our company nor return when we did. Col. Fletcher commanded the troops stationed there at this time.

And further deponent cannot say. –

Aaron his ✗ mark Denio

State of Vermont }
Bennington County ss } Bennington July 20, A. D. 1837.

Personally appeared before me Aaron Denio and subscribed to his name in my presence, and made solemn oath to the truth of the facts contained in the above deposition. –

I further certify that he is a respectable and credible man, and that his statements are entitled to credit.

Attest – O. C. Merrill, Justice of the Peace

I Amos Searles of Walton, in the county of Delaware State of New-York, aged 83 years, testify and say, That I came to reside in the town of Bennington, in the month of March 1778, it being the month of March next following Bennington battle, I resided in Bennington about 28 years, I left Bennington the year of the great eclipse, which if I recollect right was in the year 1806. During the period I lived in Bennington, I lived a neighbor of Joseph Rudd in sight of his house, worked for him some, and was well acquainted with his family.— I heard Mr. Rudd relate that he was out a soldiering in 1775, I resided that year in St. Coix, or Wallloomsack I in this year knew Mr. Rudd, and otherwise understood he was in service this year, but know not where he was, nor how long he was out.

In 1776, I heard from Mr. Rudd and otherwise that he was in service as a soldier — I cannot be certain how long he was from home in service, but I believe he was out for the period of two months — and think he was out in the capacity of Sergeant — in both years he was called Sergeant Rudd.—

In 1777 I heard Mr. Rudd talk a good deal about his being out this year in the service of his country — I was frequently at Bennington this year, but my home was at St. Coix — I had also personal knowledge of his being out as a soldier this year previous to the battle of Bennington, and that he was one of the heroes of that battle — that he was out this year as a Lieutenant I believe — and from this circumstance which occurred during the battle, and at the time they stormed the Hessian breast-work — Mr. Rudd related to me that he carried his sword & a gun into the battle of Bennington, that after he with others had stormed the breast-work, & the Hessians were retreating & firing, he snapped his gun at a stout built Hessian, and that from some cause, and for the first time on that day his gun missed fire, that he pursued to grapple with the Hessian to take him a prisoner. The Hess

sidn turned & raised his piece to fire, but Mr. Rudd said he was so near to him that by a spring & quick effort he knocked the Hessian's gun up, and as he grappled with him drew the Hessian's sword instead of his own, and gave ~~him~~ the Hessian a severe blow on his neck as he broke from him and turned to run. And that a Mr. Herrick struck the Hessian with the butt of his gun and killed him — Mr. Rudd said he always regretted Herrick's killing the Hessian for he meant to have brought him in as prisoner. The sword Mr. Rudd took from the Hessian I have often seen. I have also heard Mr. Herrick & others relate repeatedly the same story. —

My belief is, that Mr. Rudd must have been from home in service this year, six months. —

In the year 1778, I knew Mr. Rudd went from his home as a soldier in the capacity or grade of Lieutenant — I think he was out two tours this year, and my belief is each tour was for the period of six weeks — and that Mr. Rudd was out in the public service & from home as much as three months. I worked on his farm this year some part of the time he was absent.

In 1779 I do not recollect of Mr. Rudd's being in service.

In 1780, I think, and am very certain, that Mr. Rudd was out in actual service & from home for the period of three weeks.

In 1781, I recollect Mr. Rudd was absent from home in actual service. But I cannot recollect of his being absent from home on service, but about one fortnight. —

My understanding was, and my present recollection is, that the four last years services of Mr. Rudd were rendered to the north, namely, at Pittsford, Rutland Hubbardton & Castleton or their vicinities. —

And further saith not.

Amos Scarles

State of Vermont
Bennington County ss } July 17, A.D. 1837.

Amos Scarles personally appeared before me and subscribed

his name to the foregoing deposition, and made oath to the truth of the facts therein contained according to his best knowledge recollection and belief. I further certify that I have good reason to believe that said Amos Searles is a credible man and that his statement is entitled to full credit.—

Attest—O. C. Merrill, Justice of the Peace.

The undersigned certify that we have been intimately acquainted with Amos Searles for a great number of years that while he resided in Bennington he was estimated a man of truth veracity, and we have no hesitation in saying that his statements are entitled to full credit.
July 17, A. D. 1837.

Elijah Fillmore
Abisha Kinsley
D Armstrong

Bennington County ss — July 17, A. D. 1837.

Personally appeared before me Elijah Fillmore, Abisha Kinsley & D. Armstrong and in my presence subscribed their names to the above certificate, and made oath to the truth of the facts therein contained. I further certify that they are men of respectability, truth & veracity, and that their statement is entitled to full credit.

O. C. Merrill, Justice of the Peace

I certify that the above certificate of Messrs. Fillmore Kinsley & Armstrong to the credibility of Amos Searles, is annexed as the foundation of my first certificate, my personal acquaintance with Searles being a limited one.—

O. C. Merrill, Justice of the Peace.

J. L. Edwards, Esq.
Comr. of Pensions
Washington City.

Dear Sir,

Your letter of the 11th inst. in relation to the claim of Sarah Rudd for pension, is received.

I took the earliest opportunity to communicate its contents to the applicant.

Herewith is her additional ~~dpeplaration~~, duly verified & authenticated before the the Court of Probate. She has given on her oath such further information as she could in relation to the places where her husband performed his services, and the officers with whom he was associated in duty. Her knowledge in these particulars is gained from the declarations or conversations of her husband, at different periods of time during his life time. This I presume you will estimate as good historical evidence. – Her memory is ~~here~~ considered in her neighborhood among her acquaintances, as unusually good in respect to early events, & revolutionary trials. –

She has explained her knowledge as to grade of her late husband in his revolutionary services. – As to term of service, I mean each particular term of service I have no idea is susceptible of proof, on account of the death of him who rendered it, & of the great lapse of time since the service was rendered & by reason of there not being any existing records to be relied upon as full records – and what do exist are imperfect – the pay-rolls are of this character & tells only a part of the story – a great proportion of services were never paid for at all – and indeed a portion of the most meritorious & efficient services have never been paid for. This sort of testimony depended upon as a criterion or standard would do injustice. –

The town clerk's certificate is verified befor a justice & authenticated upon your suggestion. –

As to your suggestion, that the original Lieutenant's commission of Mr. Rudd "appears to have been lately renewed or altered" excited my surprise. – I can not suppose this imputation intended to implicate myself. The applicant it is very clear could not have altered it, for she is nearly blind as has been

so for about two years — and I know of no person in interest that could be suspected, their character, habits & farmer like abilities would seem to forbid it. —

Your not having specified the alteration it made it difficult to obviate the suspicious appearance you mention. You mention that the ~~dat~~ Secretary of State's certificate should be obtained "as to the date of Decedents' commission," forms the only clue we can have as to the alteration or the character of it. —

I refer you, on behalf of applicant, to the affidavits upon the subject of the commission. Which I trust will remove the suspicion. — The ancient manuscript authenticated & forwarded, purporting to be a Report of a Court Martial — I am persuaded will confirm the date of commission, which from my minutes, was, when it was forwarded April 1778. — This Court Martial, known here by the name of the Sacket Court-martial, is a matter notorious, to explain as to the year — this Sacket was charged with an attempt to effectuate the release of a man by the name of Reading, who on a capital charge about the time was executed — and these Transactions are the more memorable — because the execution of this man Reading, is the only capital execution which ever took place within the bounds of this town. — This document, verified as it is, I think will remove from your mind every suspicion of Lt. Rudd's commission being "lately renewed or altered" in regard to date. — The motive & object of alteration I apprehend will not be viewed as very tempting to forgery when it is considered that several witnesses give evidence to the decedents acting as Lieutenant the year previous to the year 1778, the date of his commission. In examining sundry old commissions, since, I find it not uncommon to find their date a year or more subsequent to their actual appointment & service in the same grade. — I find also, that large letters in these old commissions, often appear of darker color & fresher appearance than the common or finer writing of the body of the commission — I have always imputed this appearance in part, to the old fashioned mode of re-touching their emphatic words, & coarse hand writing.

Desirous of complying with all your suggestions — I have wrote for and obtained the certificate of the Secretary of State of this state. — The certificate is herewith forwarded.

The additional affidavit of Silas Wallbridge herewith forwarded states many of the officers associated with Lt. Rudd, and corroborates the declarant's recollections. — Also, as to places of service. —

The additional affidavit of Benjamin Harwood herewith forwarded states the officers associated with Lt. Rudd as far as recollected & in this corroborates declarant's recollections — he states stations — and as to terms of service, that it was not definite either year, but depended upon the necessities of the service. —

Agreeable to your directions I have written to the Treasurer — but his answer is not received. — When received will be forwarded — I have no idea of the state pay-rolls affording much evidence or light as to the amount of service of the militia or volunteers. They occasionally received pay, but their services were not generally remunerated. — Owing to the poverty & unsettled condition of its affairs. — The equity of the pension law rests here in a great degree — the evidence of claim & service payment cannot be legally made out by positive or documentary testimony. —

May I solicit the early consideration of the whole case and the evidence herewith submitted?

With much esteem & personal respect,
I am, Sir, — Yours, &c.
O. C. Merrill. —

Bennington Decr. 25, A. D. 1837.

J. L. Edwards, Esq.
Commissioner of Pensions,
Washington City. —

Bennington, October 30, A.D. 1837. —

Sir,

I am requested to send the accompanying deposition of Silas Walbridge, that it may be a part of Sarah Rudd's application for a widow's pension. Mr. Walbridge having been absent for months in the west on a protracted visit to his children in that region, is the cause of his testimony's not being forwarded with widow Rudd's declaration & other papers. —

I am desired to call to your notice, that Mr. Walbridge's evidence corroborative of Mrs. Rudd's statement, & Mr. Hubbell's testimony in relation to Mr. Rudd's service in the year 1776. —

Also — That Mr. Walbridge's evidence confirms the facts of Mrs. Rudd's declaration as to ~~his~~ Mr. Rudd's service in the year 1777 — and is an addition to the facts stated in the evidence given by the deponents story, & clears that Mr. Rudd did duty this year as Lieutenant — Mr. Walbridge you will notice says the same thing. —

The traditional or historical evidence of the case is, in this vicinity, that Joseph Rudd did a great deal of service in the revolutionary war. That he was an ever-ready & efficient officer. The map of this town, speaking of Bennington battle, & the officers of this town & vicinity, places the name of Joseph Rudd as one of them of the grade of Ensign (or 2d. Lieut.) in Bennington battle. — I know of no additional light upon this point of Mrs. Rudd's case — or indeed in relation to any portion of it. — Most of the actors of the day are dead — those living cannot testify with any more certainty than they have done — the transactions are become ancient — the belief of the actors that remain would make Mr. Rudd's service 2 years or more. And the traditional evidence is in corroboration of this belief. Will you have the goodness to take the case into consideration soon as convenient — and write me. —

Yours very respectfully, &c.

O. C. Merrill. —

J. L. Edwards, Esq.
Commissioner of Pensions,
Washington City. —

Bennington, March 21, A.D. 1838.

Sir,

Agreeable to the suggestion contained ~~contained~~ in your letter of the 1st. inst. — I immediately wrote to the Treasurer of Vermont. His answer confirms the views I have heretofore given — that the pay-rolls give evidence of payments made & received for the specific & particular period of service — and no more — but do not authorise any legal or equitable presumption that they are evidence of the service, I mean the whole service of the militia and rangers of Vermont during the revolutionary period.

To so presume, would be a conclusion against the uniform tradition of our fathers & the history of Vermont, as well as the testimony of hundreds of that generation now on file in the pension office. The undoubted fact is, the state of Vermont at that period had very little more than a nominal treasury — their public resources were very slender, not enough for the subsistence of the state troops, without individual assistance, & individual credit. And state credit was under par. The services of the militia of that day, was the offspring of patriotism & liberty — and their motives of action had not the sprinklings of any mercenary ingredient.

Hundreds never received one cent of pay. And from the relations I have heard ~~for~~ during the period of more than 40 years acquaintance with the fathers of Vermont, resident in different portions of it, I am led to believe it would not be any exaggeration to state that not one day of service in fifty was ever paid for, and probably the disproportion between payment & service was more. —

The Treasurer writes me that he cannot certify any thing more "in reference to Lt. Rudd's service, except as "to the negative fact, that the Rolls in this office do not bear "record of any services of said Rudd, more than what has been "heretofore certified to under date of Dec. 28, 1837, which I "will cheerfully do if you wish it."

"I would, however, here state as a mere matter of opinion, founded "upon the opinion of others, with whom I have conversed, and "not from any facts within my own knowledge, that the Rolls

"in this office do not contain records of all the service of "the Vermont militia."

I have thought it would be useless to require of the Treasurer a repetition of his certificate — and I hereby certify that the above quoted paragraphs are a true copy & extracts from his letter — and that I should have sent you his original letter now before me, but for this, that it contains other matters discon-nected with Mrs. Rudd's claim, and a receipt for monies received.

I know not what more I can do that will shed any light upon this claim for pension — except affidavits of the few old men of revolutionary times that remain — some, that they received no pay for services, some that they received a trifle of pay, and but a trifle — and all, that they never received full pay, or any thing like it. I presume, however, this can be of no use in confirming or discrediting the testimony sustaining Mrs. Rudd's claim — or that the pay-rolls will be taken into account as dis-crediting testimony, I cannot believe; these are proofs merely of payment for specified service and nothing further — and afford no presumption against testimony for other services. — No person living can speak with more particularity & certainty of Lt. Rudd's service, than have the persons whose testimony has been forward-ed. The tradition is current that he was a patriot who rendered much and efficient service, and in every year was out more or less — but the specific periods or terms of service, none will state more than is stated, for the memories of those who once may have known the facts are impaired by age. And to us here, this scrupolousness, gives force to what they do state, & is confirmation of the verity of the ~~verity~~ facts to which they have testified.

I herewith return the commission of Lt. Rudd, and it "furnishes sufficient grounds for the objection which has been removed." It was noticed here, or if noticed not remem-bered — the supposition is, that our minds having no doubts of the genuineness of the commission from the well known seal, and the signatures of Gov. Chittenden, & Mr. Secretary Tolman, whose hand writings were well known to us — we accredit it without further notice, or particularity. —

Will you have the goodness to write me, as soon as convenient, the old lady is anxious to know the fate of her claim. –

That her husband if living could have been placed on the pension rolls I cannot doubt, for with him ~~the~~ died the knowledge of many things relative to his service. That the widow ought to have pension is equally clear to me – for that she endured much privation & the family much pecuniary loss from the absence of Lt. Rudd on public service, I think no one here will be disposed to gainsay. –

Very respectfully,

Yours, &c.

O. C. Merrill –

James L. Edwards, Esq.
Commissioner of Pensions –

Mrs Rudd

Feb 16

Great Ft.

FREE

James L. Edwards, Esq.

Commissioner of Pensions
War Department
Washington City.

Bennington, February 12, 1838.

Dr Sir,

I have no knowledge whether the additional papers of Sarah Rudd have reached your Department. — She is anxious to learn the result of her application, and I am desired with a good deal of importunity to write you. —

I think she is entitled to pension of some amount, and much desire she should have the gratification of being made more comfortable (from the receipt of the bounty of her government at the next semi-annual pay day) for the few remaining years she may have upon earth. — She endured much privation during the revolutionary struggle — And her late husband was a meritorious & faithful officer — who for years expended much time without pay, and much money without remuneration, except in the establishment of the liberty & independence of his country. —

Will you have the goodness to pass upon her case at a short day — and advise me of the result.

With much personal respect & esteem,
I am, Sir, Yours &c. —
O. C. Merrill. —

James L. Edwards, Esq.
Commissioner of Pensions
Washington City.

March 19, 1935

xxxxxxxxxxxxxxxxxx

BA-J/AWF

Helen Plummer Keech
202 E. Fourth Avenue
Johnstown, New York

Dear Madam:

Reference is made to your letter in which you request the Revolutionary War records of Squire Wood, John Gray, and the husband of Sarah Rudd of Bennington, Vermont, all pensioners, the last named, because of the service of her husband.

The demand for Revolutionary War data is great and the clerical force available for furnishing such information is limited, therefore, it has not been possible to make for one person a series of investigations and reports pertaining to soldiers of that war.

S 14893 sent Mch 19-35

The records of Squier Wood and Joseph Rudd are furnished you herewith.

Very truly yours

A. D. HILLER
Executive Assistant to the Administrator

See letter in file

202 E. Fourth Avenue,
Johnstown, N. Y.,
Feb. 5, 1935.

Veteran's Administration,
Washington,
D. C.

Gentlemen: —

In a Census of Pensioners of the sixth census, with names of pensioners for Revolutionary services, their ages, and names of heads of families with whom pensioners resided, June 1840 were: —

(1.) Hadley, Saratoga County, New York.
Squire Wood, aged 79 yrs., lived with Comfort Wood.

(2.) Sullivan County - Liberty - New York.
John Gray, aged 102 yrs., lived with Wm. Gray not sure

(3.) Bennington, Bennington County, Vermont.
Sarah Rudd, aged 95 yrs., lived with Enos Rudd.

Will you please send me as soon as possible copies of their pension papers. Thanking you very much.

Sincerely
Helen Plummer Keech.