

Southern Campaign American Revolution Pension Statements & Rosters

Pension application of Julius Rutherford (Retherford) R9113 Rhoda f53VA
Transcribed by Will Graves 8/20/12

[Methodology: Spelling, punctuation and/or grammar have been corrected in some instances for ease of reading and to facilitate searches of the database. Where the meaning is not compromised by adhering to the spelling, punctuation or grammar, no change has been made. Corrections or additional notes have been inserted within brackets or footnotes. Blanks appearing in the transcripts reflect blanks in the original. A bracketed question mark indicates that the word or words preceding it represent(s) a guess by me. Only materials pertinent to the military service of the veteran and to contemporary events have been transcribed. Affidavits that provide additional information on these events are included and genealogical information is abstracted, while standard, 'boilerplate' affidavits and attestations related solely to the application, and later nineteenth and twentieth century research requests for information have been omitted. I use speech recognition software to make all my transcriptions. Such software misinterprets my southern accent with unfortunate regularity and my poor proofreading fails to catch all misinterpretations. Also, dates or numbers which the software treats as numerals rather than words are not corrected: for example, the software transcribes "the eighth of June one thousand eighty six" as "the 8th of June 1786." Please call errors or omissions to my attention.]

[f p. 11]

State of Tennessee 2nd Judicial Circuit of Said State:

On this 4th day of July 1818 before the Subscriber one of the Judges of the Circuit Courts of Law and Equity for the State aforesaid Personally appears Julius Rutherford aged to the best of his knowledge between sixty-two and sixty-three years and resident in the County of Anderson in said state who being by me first duly sworn doth upon his oath state that to the best of his recollection in the summer of the year 1776 in the County of Wythe in the state of Virginia he enlisted in the regular Army of the United States for three years in a Company commanded by Captain Roland Matteson [sic, Roland Madison] said Company being a part of the 12th Virginia Regiment which Regiment was commanded by Colonel James Wood and after he said Rutherford had been in service a few months said Captain Matteson was cashiered and Captain Quirk took the command of the Company him the Regiment he was in was called a part of Scott's Brigade. The said Rutherford [indecipherable word or words] he faithfully served the United States as a Private Soldier in the Corps by him before named three years the time for which he enlisted and being one of a guard over some prisoners he was not discharged for two or three months as well as he recollects over his time when he was at a village in Pennsylvania honorably discharged from said Service by a Captain whose name he cannot now recollect which discharge is lost.

That he was in the Battle of Brandywine [September 11, 1777] and several skirmishes.

That he knows of no means to establish his said Service by any of the soldiers or Officers who were in service with him. That a Brother of his to wit Archibald Rutherford¹ was part of the time in the 10th Virginia Regiment and solve this Deponent in Service but that said Archibald Rutherford if alive is as this deponent believes resident in Kentucky but what part he know if not. The said Rutherford further swears he is in reduced circumstances and is too old and weakly to labor much and has not property sufficient to procure for himself and wife the ordinary comforts of life wherefore he thinks he needs the assistance of his country for support that he has never been a Pensioner for said Service and only claims to be one under the provisions of the late act of Congress in order to obtain the provisions of which this declaration is made.

Sworn to and subscribed before me the day & date above

S/ Edm Scott, Judge &c

S/ Julius Rutherford, X his mark

¹ This MAY be the same man as [Archibald Rutherford W8571](#)

[f p. 4]

Schedule

State of Tennessee __ County: SS April Session 1821

On this 9th day of April 1821, personally appeared in open court, being a court of record, (having the power of fine and imprisonment and also having been made a court of record by the laws of the said state,) for the said County, Julius Rutherford aged sixty-seven years, resident in the County of Anderson aforesaid, who, being duly sworn, according to law, doth on his oath, declare that he served in the revolutionary war as follows: That he served the United States 3 years in the Revolutionary war in the 12th Virginia Regiment commanded by Colonel James Wood, in Captain Materson's [sic] Company after Captain Quirks. That he is now a pensioner under the Act of the 18th of March 1818 that his pension certificate No. 5325

And I do solemnly swear that I was a resident Citizen of the United States on the 18th day of March 1818 and that I have not since that time by gift, sale or in any manner whatever disposed of my property or any part thereof with intent thereby so to diminish it as to bring myself within the provision of an act of Congress entitled "an act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war" passed on the 18th day of March 1818, and that I have not nor has any person in trust for me any property, or securities, contracts or debts due to me nor have I any income other than what is contained in the schedule hereto annexed and by me subscribed

2 Mares, 2 Colts, 1 filly worth	\$100
10 Head of cattle big & little	50
3 Sows & pigs and 20 odd shoats	39
200 Acres of land very poor & hilly	100
10 Head of sheep, 1 oven, 1 skillet & 3 small Potts	17
5 old chairs and no other property worth value	<u>1</u>
	\$307

That he has a wife aged 64 years & helpless – one child a son aged 15 years – has 2 grandchildren to support, a boy aged 15 years and a Girl aged 11 years – that he has no trade and is a cripple and unable to labor.

Sworn to in open Court

S/ Hugh Barton, C. A. C.

S/ John Rutherford, X his mark

[f p. 50]

In the year 1828 personally appeared Julius Rutherford in open Court being the County Court of pleas and quarter sessions for Anderson County and being a court of record having power to fine and imprison, so made and constituted by the statutes of the state aforesaid, and made oath in due form of law for the purpose of being reinstated on the pension list, of the role of pensioners of the United States, under the acts of Congress in that case made and provided: that he the said Julius Rutherford enlisted in the Virginia line, on the Continental establishment, in the manner, at the time and for the terms stated in his original declaration, by which he was placed on the pension list, at the rate of \$8 per month, commencing the 4th day of July 1818 as appears from the certificate herewith enclosed; and that he served upwards of 3 years as a private on the said Continental establishment, and was honorably discharged, at the place and in the manner stated in his said original declaration: That he is now a resident citizen of the County of Anderson in the State of Tennessee, and that he is aged about seventy-one years; that he is by reason of his age and infirmity totally unable to provide for himself and family – that he was

crippled in the right hip while in the Army by a horse falling through a bridge with him – that one of his arms has perished away, and the other is in a major withering so as to render him almost helpless – What changes have been made in his personal property since he was stricken from the pension roll he cannot now certainly remember but they are a [indecipherable word] as he then has with very little property. He was at the time he was stricken from the pension roll the owner of a small tract of poor land the exact number of acres not known, which was purchased principally with his pension money, that he was induced by a certain James Melton to exchange said land for another tract, to which the said James Melton pretended to have a good and indefensible [defensible] title and was by the promises and representations of the said Melton induced to execute to him a deed of conveyance and it is now so turned out that the said Melton has no title as the declarant is informed and believes to the land which he gave him in exchange, and has but very little property of any description so that he is very much afraid he has lost his land altogether, as he is too old, infirm, poor and helpless, to enter into a troublesome and expensive lawsuit. The declarant states that he would have made application long since to be reinstated on the pension list, but owing to his ignorance he did not know for a considerable time that there was any provision made for him: and was too infirm to travel abroad much to inquire into the matter, for in addition to his inability and bodily infirmity above stated he is incapable of bodily exertion by reason of 2 ruptures in the lower part of the abdomen. The land above spoken of by declarant is poor and of but comparatively little value, it lies in this County and the deed is not yet registered. The declarant has no evidence now in his power of his said enlistment and services except that which accompanied his original declaration –

And in pursuance of the act of the first of May 1820, I do solemnly swear that I was a resident Citizen of the United States on the 18th day of March 1818 and that I have not since that time by gift, sale or in any manner whatever disposed of my property or any part thereof with intent thereby so to diminish it as to bring myself within the provision of an act of Congress entitled “an act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war” passed on the 18th day of March 1818, and that I have not nor has any person in trust for me any property, or securities, contracts or debts due to me nor have I any income other than what is contained in the schedule hereto annexed and by me subscribed

to wit, Number in family &c

Declarant and his wife who is aged him about 66 years very infirm and able to labor but very little. Deponent's occupation is farming but he is now unable to labor any.

Property.	1 horse worth	\$20.00
	1 Wagon & gears worth	12.00
	9 sheep worth	9.00
	18 hogs worth	14.00
	5 cattle worth	23.50
	Household and kitchen furniture worth	7.00
	two saddles worth	<u>7.00</u>
		\$92.50

I owe 50 cents and have no debts due to me.

S/ Julius Rutherford, X his mark

[f p. 37]

State of Tennessee

Be it remembered that at a Court of pleas and quarter Sessions opened & held in & for the

County of Anderson at the Court house in Clinton home the 2nd Monday & 14th day of July in the year of our Lord 1828 Julius Rutherford an applicant for a pension from the United States came into court and filed the following amended schedule an affidavit to wit: The amended Schedule of property owned by Julius Rutherford.

One tract of land number of acres not precisely known value of firty dollars [sic, ?].

I Julius Rutherford do solemnly swear, that the above amended schedule contains the whole amount of my property not included in the original schedule by me heretofore made and submitted and at the same was valued by John Ketcken and James Perry for firty dollars; and I do not believe the same to be worth more, if I had a good title to the same, but the said land in truth and in fact included within the lines and bounds of an older and better title, as I am informed and believes.

Sworn to in open Court July 14th 1828

S/ H. Barton, C. A. C.

S/ Julius Rutherford, X his mark's

[f p. 24: On December 12, 1837, Rhoda Rutherford, a resident of Knox County, came into court and gave testimony that she is the widow of Julius Rutherford; that they were married about seventy years ago and that they lived together as man and wife until the death of her husband on August 3, 1831. She signed her affidavit with her mark.]

[f p. 19: On August 19, 1852 in Lee County Virginia, Finney Rutherford, 79, gave testimony that he is the brother of Julius Rutherford deceased who was a revolutionary war soldier and a pensioner of the United States; that he recollects when Julius returned from the service to their home in Wythe County Virginia; while the affiant was yet a boy his brother Julius when all to the Nolichucky country now Tennessee but at that time part of North Carolina; that he returned and brought his wife Rhoda with him; that when they returned they had no children but after they had 2 or 3 children they moved with the family to Kentucky from thence to Knox County Tennessee and from thence to Anderson County Tennessee where his brother Julius died. He signed his affidavit with his mark.]

[f p. 15: On January 15, 1853 in Knox County Tennessee, William Rutherford, 65, made oath that he was personally acquainted with Julius Rutherford his father and Rhoda Rutherford his mother; that while his mother was applying for her pension, he, affiant, had the testimony of Michael and Sally Coatney taken in which they stated they were witnesses to the marriage of Julius and Rhoda Rutherford; that he gave their affidavit to his mother and does not know what happened to it; that both Michael and Sally were very old at the time they gave their testimony and have since died; he recalls that they testified that his parents were married on "Chucky".]

[f p. 22: On January 19, 1853, in Anderson County Tennessee, the clerk of the County Court certified that satisfactory evidence had been exhibited to him that rode Rutherford widow of Julius Rutherford, a revolutionary war pensioner, departed this life in Anderson County Tennessee May 17, 1839 and that she left the following named heirs to wit: Isaac Rutherford, Jacob Rutherford, Abram Rutherford, Robert Rutherford, Rachael Melton , William Rutherford, Joseph Rutherford, John Rutherford, Nancy Whitten and Thomas Rutherford and that they are the only heirs of said Julius and Rhoda Rutherford.]

[f p. 6: Power of attorney dated April 3rd, 1854 executed in Knox County Tennessee by William

Rutherford using his mark in which she authorizes his attorney to pursue the claim of Rhoda Rutherford. He does not state his relationship, if any, to Rhoda Rutherford.]

[f p. 7: Power of attorney dated June 20, 1855 executed in Anderson County Tennessee by Robert Rutherford, who states that he is one of the heirs of Julius Rutherford deceased late a pensioner of the United States and his widow Rhoda Rutherford deceased. He empowers his attorney to pursue the claim of Rhoda for a pension under the 1836 and subsequent acts. He signed this document with his mark.

[Veteran was pensioned at the rate of \$8 per month commencing July 4, 1818, for service as a private for 3 years in the Virginia Continental line.]

[From [bounty land records in the Library of Virginia](#)]

Frederick County Maryland January 28th 1780

Julius Rutherford Soldier in the 8th Virginia Regiment belonging to the Army of the United States of America having served 3 years being the term of his Enlistment is therefore discharged from the service.

S/ John Webb, Lt. Col.

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