

Rudd

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From: "Barnes Worldfront" <barnes@worldfront.com>
Subject: RE: [RUDD] Looking for you English Rudds
Date: Sun, 3 Jun 2001 07:56:08 -0700
In-Reply-To: <3B1A43A1.66120A5D@starpower.net>

Wow, excellent information. Keep in mind that there were two John Rudds who were shipped from England for 'crimes'. (Often these 'crimes' were no more than stealing a piece of bread.) According to 'The Complete Book of Emigrants in Bondage' by Peter Coldham, there was a John Rudd shipped to the US in Dec 1727 from Middlesex. No note of what crime he committed. There is also John Rudd, shipped for stealing linen at Winfarthing. He was shipped the summer of 1769 from Norfolk. Perhaps one of these Johns could be your indentured servant. That would seem to make sense.

Anne Barnes

-----Original Message-----

From: Edwin V. & Janet S. McKenney, Jr. [mailto:edjan@starpower.net]
 Sent: Sunday, June 03, 2001 7:03 AM
 To: RUDD-L@rootsweb.com
 Subject: Re: [RUDD] Looking for you English Rudds

Jo,

There is no proof of any kind to support the notion that Capt. John RUDD was the father of the John RUDD who was in the Henrico/Chesterfield Co., VA, area and married Avis WHITTAKER. While it is possible, of course, that Capt. John was the father of the VA John, my problem with those who want to believe as much and publish it as such do not also state that it is UNPROVED at this time. What follows is what I have gathered about Capt. John RUDD and John RUDD of VA to date. Court records support the fact that John and Avis (WHITTAKER) RUDD were indentured servants.

I have researched the RUDD family of VA for about 12 years now and have a large RUDD data base. What is your son-in-law's line as far back as you have it? I may be able to connect you a VA RUDD line.

Looking forward to hearing from you.

Janet

There is no proof that John RUDD, Sr., was the son of Captain John RUDD. Captain RUDD is found in Virginia records starting about 1663 until about

1699. I have found no evidence in the records I have had available to me that Captain RUDD ever settled in Virginia. Capt. RUDD did have a family according to a letter written in March of 1685. Capt. RUDD was a relative to William BYRD I, and William wrote to Capt. John, calling him uncle, in 1685. In the letter William says he considered it a "great misfortune...that wee are wholly deprived of ever having your company in Virginia Again, where wee have been so often merry together...." This would indicate that Capt. RUDD did not live or settle in the Virginia colony - or, as the letter shows, any other part of the new world.

William

continues his letter with "I have great hopes (God willing) to see England

next year and then doubt not but I shall bee so happy to see you in London." The letter shows that the Captain's wife was still living at this

time and that they had children - "Pray give my best respects and service to my aunt RUDDS, and to tell her I beg her acceptance of an otter skin herewith sent; remember mee to ...our good daughter, not forgetting all the

small girls" William signs the letter "Dear uncle your obliged cousin and servant Wm. B." The letter was "to Capt RUDS per his son." The book Rudd, Pollard, Youngblood and Related Families by Margaret Rudd YOUNGBLOOD,

1980, states that he may have been a merchant from Scotland. Records do show that he transported goods, such as tobacco, between the Virginia colony and England and that he was at various times captain of the "John and Mary," the "William and Sarah," and later of the "Hopewell." London port records show him as "master of ship" in 1672, 1675, 1676, 1677, and 1696. He is found on occasion in the Charles City County court records and in the minutes of the Council and General Court of Virginia. He is also found a few times in the Henrico Co. court records witnessing wills and deeds. None of these court records indicated a residency in Virginia or, for that matter, any where else. Capt. RUDD did receive land for importing persons - one entry shows 1250 acres; however, there is no evidence to show that he ever resided on that land. According to the book An Irish Rudd Family, by Norman RUDD, Capt. RUDD moved to Newberry Co., SC,

and established a large plantation on the Saluda River at Chappells, SC.

I have found RUDDs there, but have not been able to confirm that it was Capt.

RUDD who settled there. William BYRD's letter would certainly indicate otherwise. To date, I have not found any evidence, hard or circumstantial,

that would lead me to believe that the John RUDD who married Avis

WHITTAKER

was the son of Capt. John RUDD. No other RUDD family researcher has been able to give any small amount of proof that Capt. John was the father of the John RUDD who married Avis.

(24 Oct 1698 to 31 Dec 1698. Apprenticed in Liverpool to go to Virginia by

St. John The Baptist (At this time, the ship St. John The Baptist was captained by Capt John Rudd), John Rudd of Liverpool, webster, 4 years. This is from Hugh RUDD's family file. There is no source given for this bit of information. More research needs to be done.)

There is, however, evidence that shows John RUDD (who married Avis) was an

indentured servant. Depositions made almost 40 years after his death tell of both he and Avis WHITTAKER being indentured servants and of their first

two children being born out of wedlock. (An indentured servant could not marry while fulfilling his or her contract.) Cavaliers and Pioneers, Patent Book No. 11, p. 228, shows Avis WHITAKER, along with 10 other people

as being imported by the EPES. In 1721, the EPES received 538a of land in Prince George Co., VA, as a result of this importation. A deposition made in 1786 states that Avis had been a servant of Peter ROWLETT. (Virginia granted 50a per importation - a "headright." This was easily abused by sailors as they claimed 50a every time they sailed to Virginia - they then

could sell their claim. In the case of indentured servants the 50a went to

the one who paid the servant's passage. These headrights could be bought and sold so the person claiming 200a for importing four persons was not necessarily the person who actually paid the passage costs. It is also possible that the servant paid his own way and then sold his headright

rather than claim the land. Also, persons named on the same list of importations need not have come on the same ship nor arrived in the same year. (The Source, EAKLE & CERNY, p. 220)

The April 1705 Henrico County Rent Roll does not show John RUDD as a land owner. (Peter RAWLETT was named on the list, owning 164a) (Virginia Census Records as found on the internet at (Virginia Census Records as found on the Internet at <http://www.idreamof.com/census/va.html>)

After their indenturship, John and Avis married and had six more children.

No record of their marriage has been found, but they probably married sometime around 1710. John and Avis lived on a plantation that was on the Spring Run of Swift Creek. On 20 August 1711, John had received a patent for 312a in Henrico Co. which crossed Spring Run adjacent to Thomas CHEATHAM, Ellison CLARK, and John FERGUSON. This area is in the western part of Chesterfield Co. and near the present Amelia/Chesterfield Co. Line.

By 1736 Henrico Co. (Virginia Colonial Abstracts, p. 394) records show that

John paid taxes on 3 levies (a levy was 51 pounds of tobacco) and 310a, and "to Q-rents on 800 acres in R. roll. Paid by cash to J. GIBSON and by the inspector at Warwick." An interesting entry in these abstracted Henrico Co. records is one concerning debits: the February 1736 debit list

for Messrs. REDFORD and WILKINSON, inspectors at Warwick, includes "to Joseph RUDDS 51 pounds tobacco; to John RUDD, Sr., ALIAS THOMAS, 170 pounds tobacco; and to John RUDD, Jr., ALIAS THOMAS, 51 pounds of tobacco.

(p. 398,) I have no idea as to what the "alias Thomas" means in this instance. This information is from a Sheriff's Account Book kept by John NASH who was sheriff of Henrico Co. in 1736. "On the page pasted on the inside of the front cover there are six accounts or memorandums. As such they are illegible. The paper has rotted away and is stained and worn. However the following names appear:" Thomas OSBORNE and Jno RUDD are two of the six names listed.

John wrote his will 8 August 1744 when he was living in Henrico Co. In 1749, the area he lived in became part of the newly formed Chesterfield Co., and it is in that county his will was probated. He had apparently died sometime before 27 December 1749, which was the date of the notice placed in a Maryland newspaper by Thomas as he tried to locate his brother

William. The inventory of John's estate was returned 4 May 1750. In his will, John disperses a number of slaves to his wife and children. Avis was

able to live on the plantation and have the labors of various slaves for the duration of her life or her widowhood. Avis did not remarry; she lived

until at least the early part of 1760. She wrote her will 27 September 1759; it was probated 2 May 1760 in Chesterfield Co. It was at this time that the heirs of John and Avis began their foray into the Chesterfield Court system in their attempt to settle the disputes that arose over the slaves that had been a part of the first John's and then Avis' estate. This dispute seems to be an ongoing event from 1760 until 1794. The court papers that tell the story of these suits of John's estate are not complete

so that there has to be some surmising by those who read what is available. It would seem that one of the major problems was that John, Jr., heir-at-law of his parent's estate, was already dead by the time his mother died.

"Know all men by these presents that we Thomas RUDD, Joseph RUDD, James RUDD, John RUDD, Daniel BROWN, Alexander BROWN, and William RUDD are held and stand severally bound unto each other and to their heirs in the sum of

Two Hundred Pounds currant Money to be paid unto each other and to their several heirs executors and administrators to the which payment we and each

of us our and each of our heirs executors and administrators do ourselves jointly and severally firmly by these presents present sealed with our seals and dated this eighth day of May 1760. The Condition of the above obligation is such that whereas John RUDD late father of the above named Thomas RUDD and died possessed of several slaves and each of the parties above mentioned claim a part in the said slaves and each of them have agreed to refer the division thereof to Seth WARD and Archibald CARY and to

abide their award. Now if the said Thomas RUDD, Joseph RUDD, James RUDD, John RUDD, Daniel BROWN, Alexander BROWN and the said Thomas RUDD on behalf of the said William RUDD do and shall abide the judgment and award of the said Seth WARD and Archibald CARY in all things as they shall think fit to direct he same relating to the division of the said slaves then this obligation to be void otherwise to remain in full force and value. Signed by Thomas RUDD, Joseph (R his mark) RUDD, James (his mark) RUDD, John RUDD, Daniel (D his mark) BROWN, and Alexander (his mark) BROWN. We the subscribers being for that purpose appointed by the several persons within mentioned have made division of the slaves of John RUDD deceased among them according to an account hereunto annexed this 8 day of May 1760. Signed by Seth WARD and Archibald CARY." A division of the slaves of John RUDD deceased among his children made at their desire by Seth WARD and Archibald CARY as follows:

Thomas RUDD in account with the estate: A Negro Jane allotted him value 40.0.0 and to pay Alexander Brown 6.8.6 for a total of 46.8.6
 John RUDD in account with the estate: a Negro Simion allotted him value 40.0.0 and to pay Alexander BROWN 6.8.6 for a total of 46.8.6
 Daniel Brown and h/w in account with the estate a Negro little Jane allotted her value 30.0.0 and to pay William RUDD 16.8.6 for a total of 46.8.6
 James RUDD in account with the estate a Negro Bobb allotted him value 20.0.0 and to pay Alexander BROWN 10.14.6, William RUDD 2.3.0, and Joseph RUDD 13.11.0 for a total of 46.86
 Alexander BROWN in account with the estate a Negro York allotted him value of 70.0.0
 William RUDD in Account with the estate a Negro Abram allotted him value 65.0.0
 Joseph RUDD in account with the estate a Negro Sam allotted him value 60.0.0
 John RUDD deceased by his share of the said estate 46.8.6
 There are three entries with no names - two entries simply state " by his share of the said estate," and each has the total of 46.8.6. The third such entry says by HER share of the said estate, but there are no female names anywhere else in the accounting so I do not know to whom that entry refers.

By a share of the said estate 46.8.6
 by cash to Thomas RUDD 6.8.6
 by ditto to John RUDD 6.8.6
 by ditto to James RUDD 10.4.6
 total 70.0.0

By his share of the said Estate 46.8.6
 by cash to Daniel BROWN 16.8.6
 by ditto to James RUDD 2.3.0
 total 65.0.0

By your share of the said estate 46.8.6
 by cash to James RUDD 13.11.0
 total 50.19.6 (Chesterfield Co., VA,
 WB 1, pp. 305-8)

The will of John RUDD, Sr., provided for the following:
 In the name of God amen I John RUD of the Parish and County of Henrico being sick and weak but of perfect mind and memory thanks be given unto God and knowing that it is appointed for all men once to die do make and ordain this my last will and Testament. Principally and first of all I recommend my soul unto the hands of God that gave it and as for my body I commend it to the Earth to be Buried in a Christian like and decent manner according the discretion of my Executor and as for such worldly life I give dispose and bequeath in the following manner and form.
 Item I give and bequeath unto my loving son John RUD, Jun. a Negro Man named York after the decease of my wife Avis or her widowhood
 Item I give and bequeath unto my loving son William RUD a Negro garl

named
Judey after the decease of my wife Avis or her widowhood

If William RUD never returns here then my grandson William RUD the son of Joseph to have the Negro garl

Item I give and bequeath unto my loving son Thomas RUD a Negro Man named Peter after the decease of my wife Avis or her widowhood

Item I give and bequeath unto my loving son Joseph RUD a Negro man named Robin after the decease of my wife Avis or her widowhood

Item I give and bequeath unto my loving son James RUD a Negro man named Dick after the decease of my wife Avis or her widowhood

Item I also give and bequeath unto my loving son William RUD a feather bed that I bought last? and furniture belonging to it. If William never returns here then my grandson William RUD the son of Joseph to have the bed and furniture

Item I give and bequeath unto my son Thomas RUD the one half of my land I now have on Spring Run being the upper half and to my son William RUD the lower half the half that I now live on after the decease of my wife Avis or her widowhood.

If William RUD never returns here then my grandson William RUD the son of Joseph to have the land.

Item I give and bequeath unto my daughter Rebecca FRITH one shilling sterling

Item I give and bequeath unto my beloved wife Avis the use of all my houses and the use of the Plantation and all my Negroes during her life or widowhood and to work all my slaves in this Plantation during her single life and to have the third of movables as the law allows to the judgment of three men after my decease

Item my will further is that there be no appraisement of my estate by order of court but that the movables may be divided by the witnesses of my will. I also appoint my loving sons Thomas and Joseph my whole and sole executors to this my last will and Testament hereby revoking all other wills heretofore made in writing whereof I have hereunto set my hand and seal this eighteenth day of August anno Dom 1749. John FARGUSON and Moses FARGUSON were witnesses. (Chesterfield Co., VA, WB 1, pp. 47-9)

Inventory of John's estate dated December 1749 shows the following:

4 Negro Fellows, 3 Negro boys, 1 Negro wench, 1 Negro garl
Cash 176.16.10
18 head of hogs, a horse and mare, 6 head of sheep, 5 feather beds and furniture, 13 yards of plains, 101 ells oznaberg, 20 ells ditto, 6 yards of garlich, 29 yard of checks, 20³/₄ yard ditto, 16 whole pieces of white linnen, 21 yards of checks, 1 felt hat, 6 yards of striped hollen?, a chest, table, a great trunk and 2 small trunks, 2 large boxes, mans saddle and a woman's saddle, a slay and harnes, candle sticks, a boxiron? and heater, 5 iron pots and pot hooks, 3 brass kettles and a skillet, spice mortar and a pair of fire tongs, a shovel and flesh fork, a pare of hand bellows, a chaffen dish, 21 pewter bassons, 6 pewter dishes, 15 pewter plates, 21 spoons and 3 parngers, 2 pewter tankards, 2 chamber pots, 3 poles and a crossfoot? saw, an old ban saw, 2 dozen chissels and ?, 2 frying pans, a grid iron, a cannister, 2 pair of cotten cards, a woolen wheel, a lennen wheel, 3 old sack bags and 3 old sifters, 6 knives and forks a butter ? and an old hatchett, a drawing knife, 2 gallon jugs and 3 old tichles?, a funnel and old add? and a bed quilt, 1 old iron pistle and 5 iron wedges, old iron pot with a legg broak out, 1 old wire ? and 2 weavers thehels? 33 yards virginia cloth and a pewter salt seller, 1 old

pair chains 57 pounds of cotton in the seed, 15 pounds pickt cotten and 5 pounds of wool, 8 old narrow hoes, 4 old broad hoes and 4 harrow hoes, 4 old narrow ?, 2 old coats and jackets, 2 pair breaches, 4660 pounds of tobacco the whole only there is levies and clerks fees to come out of it. No value of the inventory was listed in the court records. (Chesterfield Co., DB 1, p. 51-50)

The will of Avis RUDD was written 21 September 1759: In the Name of God Amen I Avis RUDD of Chesterfield County calling to mind the frailty of this life do ordain this to be my last will and Testament in manner and form following and first I give my soul to God that gave it me in hopes of acceptance thereof through the merits of Jesus Christ my Savior and my Body to the Earth from whence it was to be buried by the discretion of my executors

Item I give to my grandson Thomas FRITH 5 pounds Likewise I give to my grandson Frederick RUDD 5 pound likewise I give to my grandson William RUDD the son [of] Thomas RUDD five pounds likewise I give to my grandson Daniel BROWN five pounds likewise I give to my son Thomas RUDD all the thirds of my estate Hogs, cattle, and horses. I desire that there shall be no appraisement upon the estate. I nominate and appoint my son Thomas RUDD my whole and sole executor of this my last will revoking and disanulling all wills heretofore by made in witness whereof I have hereunto set my hand and affix my seal this 21 day of September 1759. Richard COVINGTON and John BAUGH were witnesses. (Chesterfield Co., VA, WB 1, p. 312)

An inventory (not dated) of Avis' estate shows the following: Feather bed and furniture, one small bed and furniture, two small trunks, one chest, one great trunk, one great kettle, one small ditto, five old basons, two tin pans, two old pouringers, one dozen plates, five dishes, three candle sticks, one spice mortar, one box iron and heaters, nine pewter spoons, one pepper box, one quart and pint jugg, five iron potts and 3 pair of hooks, two frying pans, one wooling wheel, one linen wheel, three pair of old cards, three old sives, three bread trays, three old pales, one washing tub, one powdering tub, two tables, one pair bellows, one butter pott, one bottle jugg, one pair cotton shecks, one tin cullender, half a dozen of knives and forks, one pair of woman's shoes, one pair of old scisars, cash 5 pounds 15 shillings. signed by Thomas (his mark) RUDD (Chesterfield Co., VA, WB 1, p. 461)

Thomas, her son, was executor of her will, and he presented her will in court 2 May 1760. By the 8th of May, Thomas, Joseph, James, Will, Daniel BROWN in right of his wife Elizabeth, Alexander BROWN in right of his wife Mary, and John III who was heir-at-law of John, Jr., were in court claiming "slaves of which John RUDD father of Thomas RUDD died possessed." They agreed to abide by a division of the estate made by Seth WARD and Archibald CARY who had been appointed by the court to do so. Why daughter Rebecca and her husband John FRITH were not involved in this matter is unknown to me.

The 1760 distribution of slaves and money (found in a 1771 Chancery Court file) resulted in the following distribution of slaves and money, with each of the children (except Rebecca) receiving a slave and money to equal a value of 46.8.6 pounds. Thomas received Jane; John III received Simon; Daniel and his wife received Little Jane; and James received Bob. The rest of the distribution list is missing from the file, but using other information available in the 1771 case, it appears that Alexander and his wife received young York; William received Abram; and Joseph received Sam. It would seem that there was further action two years later. a summons in the 1771 file states, "Executed on James RUDD, Daniel and Alexander BROWN - the within named James RUDD is not found within my Bailiwick. Signed William GRAVES." This document is torn and mostly missing, but the words "...contempt by him to us lately offered as...." is readable. This

document has no date but indicates that it was issued on the 5th day of March in the "2nd Year of our Reign:" the then king of England was George III and his reign began in 1760, which would make the date of the summons 5

March 1762. The court date that this summons was for was scheduled for the 1st Friday in April (1762). I have found no other court records concerning any suits in 1762. However, John's family was still in court over the distribution of his estate in 1768-9. In a deposition taken 1 July "in the viii year of our reign," Frances BOUGH states "...that a certain Negro woman named Jane belonging to the estate of old John RUDD dec'd., is as this deponent does believe...to six children here...mentioned with York, Abram, and Sam born in the life time of the said John RUDD deceased and Jean, Simon, and Bob since the decease of the aforesaid RUDD...." This deposition was found in the file folder with the 1771 case. There were no other papers from that same time period. Several depositions exist that show the family was still at it in 1788 and 1789 and indicate that things got pretty nasty between family members. In the November Court 1788, John RUDD, Pltff, vs Thomas RUDD, Dft: Ejectment on the motion of the defendant by his attorney a commission is granted him to take the Deposition of Mary RUDD a Witness de beneesse. (de beneesse □ of sufficiency, for the present, conditionally used of various things done subject to future exception or avoidance as the taking of testimony before a trial where it may be unavailable at the time of the trial.) John RUDD Pltff vs Thomas RUDD Dft: Ejectment on the motion of the Plaintiff by his Attorney a Commission is granted him to take the Depositions of William WILLIAMSON and Abbagal BAUBEACH Witnesses de beneesse. And it is agreed on by the Parties by their Attorneys that the legal evidence admitted on this cause may be made use of in the several Suits brought by John RUDD agst the said Thomas RUDD, Peter CLARKE, William WINFREE, and Francis BAUGH for the money (?) of Lands. (Chesterfield Co., VA, COB 8, p. 177) On 22 December 1788 Mary RUDD, wife of James RUDD, (a son of John and Avis) gave her deposition and stated "...that Avis RUDD wife of John RUDD, dec'd, and Grand Mother of the Plf. John RUDD happened at the house of James RUDD as well as this depondant can recollect about thirty years ago and in conversation with this depondant say'd that her daughter Rebeckah and her son John were both born before her Marriage with the afore mentioned John RUDD dec'd...." Almost a year later on 10 December 1789, Charles BURTON gave a deposition for the case John RUDD, plt. vs Thomas RUDD, deft. Charles states, "that he well knew John RUDD, the Elder father to the defendant when he was a servant, and also a woman who's name as well as he recollects was Avis WHITAKER a servant to Peter ROWLETT - that the said Avis had a Daughter named Rebekah and a son named John before her intermarriage with the above named John and that as well as he...recollected the son of the said Avis was about two years old at the time of the Inter marriage aforesaid. After the Marriage the said John RUDD the Elder would not suffer the son of the aforesaid Avis to live in his family, denying him as his Child at all times during his Acquaintance in the family, which he supposes was acquaintance? years, that the son of the said Avis was at the time of his acquaintance called and know by the name of John MIGALAY...." Aaron FURGUSON gave his deposition on 10 January 1789. In it he states that he "often heard his parents say that John RUDD and Avis RUDD grandfather and grandmother of the plaintiff were servants and after their servitude expired they intermarried, that before their intermarriage the said Avis bore a child who afterwards intermarried with a certain John FRITH, [that he] had never understood that John RUDD father to the plaintiff was born before their intermarriage nor never heard him called a Bastard...." A fourth deposition is not dated but is apparently from the same time period as the other three. In this statement, William WILLIAMSON, age 77, states, "...he lived many years a neighbor to John RUDD father to the plaintiff and also

a
 Neighbor to John RUDD father to the last mentioned John RUDD and
 grandfather to the plaintiff that he has often heard the said John RUDD
 the
 elder and his wife say that John RUDD the father to the plaintiff was
 born
 within seven months after their intermarriage that the deponent until
 within a short time past never heard the said John RUDD the father to the
 plaintiff called a Bastard but always understood he was born in
 wedlock..."

On 6 July 1771 (Chesterfield Co., VA, COB 5, p. 15), the RUDDS were back
 in
 court. A bill of suit regarding the estate of Avis RUDD was brought by
 Hannah RUDD, Thomas CHEATHAM, Jr., and Hannah, his wife, and William
 CASHON
 and Avis Whittaker, his wife, against John RUDD, Joseph RUDD, Thomas
 RUDD,
 James RUDD, Alexander BROWN, and Daniel BROWN. The John RUDD named in
 this
 suit is John III, the son of Hannah RUDD. Hannah was suing for possession
 the slaves that John the Edler had specifically said Avis could use
 during
 her widowhood. Now that Avis was deceased, Hannah felt that those slaves
 should have gone to her husband, John, Jr., as heir-at-law of John the
 Elder, instead of being dispersed among the elder John's younger
 children.
 Hannah mentions in particular the slave York who was willed to her
 husband
 and was to be his after the death of his mother. Hannah claimed the
 defendants "...have possessed themselves of all the said first Testators
 Slaves on the Death of the Widow the said Avis and entirely refused to
 deliver all or any of the Slaves aforesaid to your Oratrix Hannah RUDD or
 to permit her in any wise to hold or enjoy the same and the better to
 carry
 on and accomplish their unjust Designs and intentions against her and the
 more effectually to prevent your Orators the other complainants from
 reaping any Benefit or Advantage from the Right and Interest they have in
 the said Slaves they the Confederates or some of them after the Death of
 the first mentioned testators Widow did pretend they had advised with
 counsel on the Will of both the said Testators and that they were advised
 that the Right of these Slaves after the said first Widows Death vested
 in
 the said John the grandson as Heir at Law of the second Testator John the
 son who was Heir at Law of the first Testator John the Father but that he
 was nevertheless accountable to the said Thomas for two parts in seven
 and
 to the said Joseph and James RUDD and to the said Alexander BROWN and
 Daniel BROWN in Right of their Wives as Representatives of the first
 testator for each an equal seventh part of the value of the said slaves,
 the said William son of the first Testator having as they pretended sold
 his Right in these slaves to the said Thomas and having a Right hereto by
 such sale...." the defendants answered Hannah's complaint by saying that
 at the decease of Avis "....partition was made of all his Slaves by
 consent
 among the representatives of the said John, by which the slaves in
 remainder after administration of the said Avis RUDDS Estate for Life was
 allotted to each Claimant in the following manner, that is to say York
 (specifically) devised to John the son was delivered up voluntarily to
 John
 the grandson by Hannah RUDD the complainant his mother who was informed
 of
 the Partition of John RUDD the elders slaves...that the said Partition
 was
 made by consent of every Party interested and the claim of each person
 settled to the mutual satisfaction of all concerned by Gentlemen of
 Property and Judgment indifferently chosen...." It is further stated that
 since that partition was made the slaves named Peter and Robin had died.
 Thomas states that he does not "deny being in Possession of the
 distribute
 slaves of William RUDD and James RUDD by Purchase of the Negro Man Abram
 from William and Bob from James RUDD...and [the] Defendants further say
 that they are surprised the said Hannah should now attempt to recover any
 part of the said John RUDD's Estate as John RUDD the son was never in
 Possession of those Slaves devised to Avis RUDD for Life and therefore
 his
 wife can not claim them as her right of Dower...that the said Hannah RUDD
 was informed of the Day and Place when the division of the said John RUDD

the grandfather's slaves were to be made by the Executor Joseph RUDD and that she refused to go, alleging that her Son was of full age, and that he might attend the Division...." Written arguments of both the plaintiff and defendants are incomplete and the file contains no documents that would indicate the result of this case. When Thomas, Sr., wrote his will on 28 June 1792, he makes the following statement: "...if I do Recover the law suit Concerning the Negroes which my Father Left me they are to be Equally divided among my Children and John RUDD only ___?___ of my grandson Thomas RUDD with out any part or portion...." Thomas also states, "My will and desire is that no demands be made upon [the] Estate for the space of Nine months by any of my Children or Any other nor anything to be moved for that space of time...." Thomas' will was proved 8 October 1792 and by 14 November 1792 (a little over a month) his children were in court wanting the goods distributed! So much for "will and desire"! The bill of complaint by the children of Thomas, Sr., along with a copy of Thomas' will, are filed in Chancery Court papers for 1792. The papers (Hannah's bill of complaint and Thomas' answer) quoted here are located in a Chancery Court file for 1794. This, I believe, indicates the year the case was ended. By 1794 the majority of the people mentioned in the suit were dead. John, Sr., died ca. 1749; John, Jr., died ca. 1754; Avis died ca. 1760; Hannah died ca. 1772; Joseph died ca. 1779; James died ca. 1790; John III died ca. 1791; and Thomas, Sr., died ca. 1792. The date of death for Elizabeth, Mary, Rebecca (and their husbands) or William is unknown to me, but I do not find their names linked with this case after 1771. What happened with this case between 1771 and 1792, when Thomas, Sr., briefly mentions it in his will, and between 1792 and 17994 when the case was supposedly settled, is also unknown to me. The grandchildren of John and Avis, with the exception of John III, do not seem to figure into this case. I do not know enough about court proceedings to know why 1771 papers would be filed in a folder labeled 1794.

Jo Storie wrote:

> I would very much appreciate if somebody could post the descendency of
 > Capt. John RUDD of Va. I believe my son-in-law stems from his line but
 > haven't been able to prove it.
 >
 > Thanks

This thread:

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