

Rudd vs. Rudd Lawsuit after death of Avis Whitaker Rudd

Chesterfield Co., Virginia, Chancery “Dead” Papers, Box 38, 1794, Folder 1794-No. 1 John Rudd, PLT vs. Thos Rudd, DFT [Additional information that may help in placing dates, in regard to the Rudd family squabble over estate of Avis Whittaker Rudd, widow of John, Sr.]

Deposition taken at an unknown date but sometime between 1788 and 1794: **William Williamson** aged seventy seven years on testimony being sworn saith that he lived many years a neighbor to **John Rudd father of the Plaintiff** and also a neighbor **John Rudd, Dec’d, Grandfather to the Plaintiff**. That he often heard the said **John Rudd the father to the plaintiff** was born within seven months after the intermarriage that the depondant until a short time past never heard the said **John Rudd the father of the plaintiff** called a Bastard but always indicated that he was born in wedlock. The depondant being interrogated further saith not.

Testimony: John Rudd Jr. was born in wedlock. No information about Rebecca.

22 December 1788. The deposition of **Mary Rudd**¹ of lawful age . . . being sworn on the holy Evangelist of Almighty High god deposath and saith on that **Avis Rudd** the wife of **John Rudd dec’d** and Grandmother to the plaintiff **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** and further this depondant saith not. Wit.: **David Patterson, Creed Haskins**.

Testimony: Rebecca and John Jr. were both born before Avis’s marriage to John Rudd Sr.

10 July 1789. **Aaron Farguson** being sworn saith that he has often heard his parents say that **John Rudd dec’d** and **Avis Rudd**, Grandfather and grandmother to the PLF were servants and after their servantude expired they intermarried saith about their intermarriage the said Avis had a child who afterwards intermarried with a certain **John Frith** had never understood that **John Rudd** father to the PLF was born before their intermarriage nor never heard him called a Bastard and further saith not. Wit: **Geo Chastain, Creed Haskins**.

Testimony: Rebecca was born before the marriage, but John Rudd Jr. was born in wedlock.

10 Dec 1789. **Charles Burton** of lawfull age being first sworn deposeth saith that he well knew **John Rudd Dft**, . . . a Servant, and also a woman whose name as well as he could recollect was **Avis Whitaker** a Servant to **Peter Roulett** and that the said **Avis** had a Daughter named **Rebekkah** and son named **John** before her . . . intermarriage with the above mentioned **John** and that as well as he the said Charles recollection the son of the said Avis was about two years old at the time of the Intermarriage aforesaid. After marriage the said **John Rudd the elder**,

¹ Hugh Rudd of Armuchee, GA, concluded that: “This Mary Rudd fits all the data to be the wife of James Rudd. Avis Rudd died about 1759 in Chesterfield County, Virginia. She most likely was born near 1720-25 and was already the mother of her children at the time of her conversation with Avis Rudd. I firmly believe that this Mary is the wife of James. There are no other Mary Rudds who would fit the age and location of this lady....” (p. 3 of his Newsletter No. 6 to Rudd family researchers on 3 Apr 1996).

could 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 the said loss covering the last ten years, that the Son of the said **Avis** was at the home of his acquaintance called and known by the name of **John Migalay**. Further saith not. Wit.: **George Woodson, David Patterson**.

Testimony: Rebecca and John were born before the marriage to John Rudd Sr. and apparently neither was the child of John Rudd Sr.

Summary: Testimony about John Rudd Jr.'s parentage was inconclusive.

William Williamson: John Rudd Jr. was born in wedlock. No information about Rebecca.

Mary Rudd: Rebecca and John Jr. were both born before Avis's marriage to John Rudd Sr.

Aaron Farguson: Rebecca was born before the marriage, but John Rudd Jr. was born in wedlock.

Charles Burton: Rebecca and John were born before the marriage to John Rudd Sr. and apparently neither was the child of John Rudd Sr.