

Pension Application for Nicholas Berry

W.18,583 (Widow: Elizabeth)
State of New York
Dutchess County SS.

On this twenty fourth day of September in the year one thousand eight hundred and thirty two personally appeared in open court before the Judges of the Court of Common Pleas in and for the County of Dutchess now sitting Nicholas Berry a resident of the Town of Fishkill in the County of Dutchess and State of New York aged seventy eight years who being first duly sworn according to law, doth on his oath make the following declaration in order to obtain the benefit of the act of Congress passed June 7th 1832.

That he entered the service of the United States under the following named officers and served as herein stated. That he was born in the Town of Fishkill in the County of Dutchess and State of New York on the twelfth day of April in the year one thousand seven hundred and fifty four; that he has a copy of the record of his age taken from his father's family bible in his possession but that the original record itself is in the possession of his sister who lives somewhere in the western part of the State of New York. That he was living in the Town of Beekman, County of Dutchess and State of New York when called into the service, lives now in the Town of Fishkill in the County & State aforesaid and has lived there since the Revolutionary War that sometime in the month of May or June or July in the year one thousand seven hundred and seventy six he enlisted for a term of five months in a company commanded by Captain Cornelius Van Wyck, (1) Nathaniel Smith (2) Lieutenant at Fishkill and marched with said company down the Hudson River to Kings Bridge and there joined a regiment of the New York Line under the command of Colonel Jacobus Swarthout (3) and as he believes belonging to General George Clinton's brigade. That he remained at Kings Bridge assisting in building fort Independence as he believes it was called where the Americans were driven from thence by General Howe (4) who had taken possession of New York, that about two days before the battle of White Plains that he went with twenty eight privates of his company and two Lieutenants, & his Captain on a scouting party below the plains. That they came unexpectedly upon a body of the enemy and had a skirmish with them in which Captain Van Wyck (5) was killed but that his men succeeded in carrying off his body and given him a rude burial until after the Battle of White Plains when his body was taken up and again buried with Military Honour. That Lieutenant Nathaniel Smith took command of the company after his captain's death & commanded the company in the engagement at White Plains, that soon after the battle of the Plains his term of voluntary enlistment having expired he received a discharge from Colonel Jacobus Swarthout and returned home which discharge he has lost. That he has no documentary evidence of his service of the term of five months aforesaid, and knows of no person whose testimony he can procure to testify to the said service other than that hereunto annexed that he knew by sight General Washington, General Lee, Colonel Weisenfelt (6) when he was at White plain and many other officers, that in the winter following the battle of White Plains he enlisted as a volunteer in Captain Israel Vails (7) company at Fishkill and marched down on the lines in Westchester to join Colonel Cornelius Humphrey's (8) Regiment. That after being engaged in guarding the lines about six weeks his Captain Israel Vail gave him a discharge, which he has lost that he then returned home that he has no documentary evidence of his service with Captain Vail and knows of no person whom he can procure to testify to said service, that sometime in the summer of one thousand seven hundred and seventy seven he entered as a volunteer in Captain George Brinckerhoof's (9) company at Osborn Hill in Fishkill and served as a soldier for six weeks in said company that Simon J. Scouten whose affidavit is hereunto annexed was a soldier in said company that he received a discharge from the said Captain Brinckerhoof which he has lost or destroyed, that in the latter part of July in the year seventeen hundred and eighty he volunteered at Fishkill with others to go and join Colonel Henry Humphrey's (10) Regiment at Peekskill after being in the regiment a few days that he enlisted as a volunteer in a company of Light Infantry under command of Captain Henry Dubois (11) and in a Regiment commanded by Colonel Heman Swift (12) with the rank of Corporal, that Gen. LaFayette (13) commanded the Infantry, and that he crossed with the army at Kings ferry and marched into New Jersey, the Infantry under LaFayette keeping two or three miles in front of the main army, that after remaining in Captain Dubois' Company three months he received his discharge from Colonel Swift and returned home but that he has lost or destroyed his discharge, that he knew while in Captain Dubois Company, General Knox, and Baron Steuben (14) and many other officers that the whole army was reviewed by General Washington accompanied by several Indians on horse back that he was present at the execution of Major Andre before his term of service had expired that he knows of no person whose testimony he can procure who can testify to his service & that he has no documentary evidence of the same. That one Samuel Brewer was a soldier in the service at the time he was under Capt. Dubois, that he has an affidavit in his possession and subscribed by the said Brewer before Tunis Hasbrook one of the Justices of the Peace of the Town of Fishkill on the eleventh day of January 1830 stating his knowledge of his, the said Berry's service with Captain Dubois, that the said Brewer died about a year ago, that therefore he is debared from the benefit that might be derived from his evidence personally in Court of the service aforesaid, that he is known to Colonel John Storm, Jacob Tompkins, Henry Hulse, Tunis Brinkerhoff Esq, & Jacob Stoner & many others in his present neighborhood who can testify as to his character for truth and veracity & their belief of his services as a soldier of the Revolution. He hereby relinquishes every claim whatever to a pension or annuity except the present and declares that his name is not on the pension roll of the agency of any state. (Signed with his mark) Nicholas Berry.

Sworn to & Subscribed the day & year aforesaid. Henry Traver, Clerk

End Notes—Nicholas Berry—W18583 (by James F. Morrison)

1. Captain Cornelius Van Wyck of Colonel William Humphrey's Regiment of Dutchess County Militia (Fifth Regiment).
2. Nathaniel Smith was a First Lieutenant in captain Joseph Reynold's Company in Colonel Humphrey's Regiment.
3. On July 16, 1776, Colonel Jacobus Swarthout was appointed to command the First Regiment of Levies and Morris Graham was to be Colonel of the Second Regiment of Levies to be raised from Dutchess, Westchester, Ulster, and Orange counties. These levies were to be paid Continental pay and subsistence and if needed, kept in service until December 31, 1776. This is where Nicholas was most likely serving during this period of his service.
4. General William Howe.
5. The Battle of White Plains, NY, was fought on October 28, 1776. Several sources give Captain VanWyck's date of death as October 31, 1776, which was after the Battle of White Plains, not before the battle.
6. Generals George Washington and Charles Lee and Lieutenant-Colonel Frederick Weisenfelt's (spelled several ways) of the Fourth New York Continental Regiment.

7. Captain Israel Vail was also in Colonel William Humphrey's Regiment.
8. On January 14, 1777, Cornelius Humphrey was appointed Colonel of a detachment of volunteers to serve six weeks for carrying on an expedition in Westchester County. They were to receive Continental pay and rations. Again Nicholas and Captain Vail were detached from their regiment and served their six weeks.
9. Another detachment was put together as Captain George Brinckerhoof was in the Second Regiment of Dutchess County Militia under Colonel Abraham Brinckerhoof.
10. The only Henry Humphrey I can find was a Captain in Colonel Roswell Hopkins Regiment of Dutchess County Militia (Sixth Regiment.)
11. The only Henry DuBois I have found was a Captain in the Fifth New York Continental Regiment.
12. Colonel Heman Swift was of the Continental Troops, the Seventh Regiment. I have not found this detachment that Nicholas speaks about.
13. Marquis de Lafayette. He was given command of Light Infantry in 1780.
14. Generals Henry Knox and Baron Frederick Wilhelm Von Steuben.