

**Pension Application for Diel or Teale Rockefeller**

W.16392 (Widow: Elizabeth) Diel died Nov 30, 1811.

State of New York

Columbia County SS

On this six day of September 1838 personally appeared before me one of the Justices of the Justices Court in & for the City of Hudson in said County, out of Court—Elizabeth Rockefeller of the Town of Germantown in said County, aged 86 years who being first duly sworn according to law, doth on her oath make the following declaration in order to obtain the benefit of the provision made by the act of Congress passed July 7<sup>th</sup>, 1838 entitled “An act granting half pay & pensions to certain widows.”

That she is the widow of Captain Teale or Diel Rockefeller who was a captain in Peter R. Livingston’s Regiment of Militia in the State of New York.

That personally she knows nothing of her said husband’s service in said Regiment during the Revolutionary War, but she has been informed by her said husband during his life time & by other officers & soldiers of said Regiment, & she believes, that her said husband was in actual service during said war in different campaigns as Captain of a company for two years & upwards.

That she has no documentary evidence of her said husband’s service—That she has been informed & believes that the Rolls of said Regiment are in the possession of the Commissioner of pensions at Washington, to which she refers for more positive proof & to the affidavits herewith sent.

She further declares that she was married to the said Teale Rockefeller in the month of February in the year seventeen hundred & eighty five. That her said husband the aforesaid Teale Rockefeller died on November 30<sup>th</sup> Eighteen hundred & eleven & she has not married since. That she was not married to him prior to his leaving the service but the marriage took place previous to the first of January seventeen hundred & ninety four viz at the time above stated. (Signed with her mark) Elizabeth Rockefeller.

In present of JW Fairfield. Subscribed & sworn to before me, Sept. 6, 1838.  
Wm Gaul, Justice of said Court.

Hudson New York Sept 7, 1841

Sir,

I propose in this acct to restate more fully than heretofore the evidence in the case of Mrs. Elizabeth Rockefeller widow of the late Captain Diel Rockefeller, and applicant under act of 7<sup>th</sup> July 1838.

The claim embraces the following services in the year 1776.

2 weeks in the spring of 1776 & two months in the fall of 1776 making for the services of 1776. 2 & ½ months which heretofore have been allowed to other claimants & will be probably allowed in this 2 mos 2 weeks.

The above men’d services sustained by the following testimony which is referred to in a deposition filed Mrs. Rockefellers papers in August last.

First. Philip Ringsdorph in his application states that he served under said Rockefeller one tour in 1776. 2 weeks also one other tour in 1776 two months.

Captain Leonard TenBroeck of the same regiment as witnessed for said Ringsdorph says he recollects this service in 1776 of Ringsdorph under said Rockefeller & Major Samuel Ten Broeck also corroborates by his deposition the same service in 1776. Adam Clum in his application alleges service in one of the tours in 1776 to wit, 2 weeks in the spring of 1776 under said Rockefeller.

John Saulpaugh in his application states (in his application) that in the year 1776 he was out in the spring under said Rockefeller 2 weeks—said Saulpaugh also states that he was up under said Rockefeller on another tour in 1776 of six weeks. Wm Snyder the witness of said Saulpaugh corroborates this by his oath of the fact, he states both of these services in 1776.

By this mass of testimony it appears by 4 different witnesses that said Diel Rockefeller was in the command of his company in actual service 2 weeks in One of the tours he performed in 1776 & as the witnesses say in the spring of 1776. L Can they be mistaken as to the fact of service? As to the length, they all agree in stating it at 2 weeks & if they are not correct in the precise period viz 2 weeks, is it not remarkable that they all fix upon that amount of time. 3 of whom in making that estimate had no knowledge of the estimate others had put upon it. The evidence to support the other tour in 1776 performed by said Diel Rockefeller is Philip Ringsdorph Captain Leonard Ten Broeck John Saulpaugh & William Snyder.

They all speak distinctly of two tours in 1776 performed under said Rockefeller, Thus Philip Ringsdorph, John Saulpaugh and William Snyder testify to it separately in their own individual cases & all concur in stating 2 tours in 1776 without having known—when testifying how others had or would testify in their respective cases.

The Commissioner is requested to examine the cases of William Snyder, John Saulpaugh, Philip Ringsdorph & Adam Clum in reference to the two tours of service performed by said Rockefeller in 1776. He will observe from the papers themselves in those cases that there was none & could have been no concur of action among those persons who testified in those cases. And yet they all coincide in the fact of 2 different tours of service in 1776 under the command of Capt Diel Rockefeller.

Then how long did Captain Diel Rockefeller service in the second tour in 1776.

Philip Ringsdolph & his witness Captain Leonard TenBroeck say it was 2 months. John Saulpaugh & his witness William Snyder say it was six weeks. The Com'r can allow in this application either 6 weeks or 2 months as he may Judge the most correct —Which we presume will be six weeks. These two tours of 1776 have been allowed by the Com'r in the cases referred to. And recently on a re-examination of the evidence in the case of John Saulpaugh an application of his widow, the Com'r allowed these 8 weeks service under Captain Deil Rockefeller without any deduction or question whatever.

There then is allowable in the case of Mrs. Rockefeller for the services of her husband Captain Deil Rockefeller in 1776, 8 weeks or 2 months and which it appears

by former discussion of the Com'r undisputed, and from the testimony it is correct beyond doubt.

The admitted services in Mrs. Rockefellers Case are in 1776 2.00 mos

In 1777 16 days

After the year 1777 3.21

Making in all undisputed & admitted services 6.07 Mos.

The 16 days services performed in 1777 are as follows.

4 days from May 5<sup>th</sup> to 9<sup>th</sup> 1777. Officers & ten men out.

8 days from May 10<sup>th</sup> to 18<sup>th</sup> officers & say 50 men out.

4 days from Sept 15<sup>th</sup> to 19<sup>th</sup> 1777 officers & 17 men out.

16 days. See the comptroller of New York Certificate.

The applicant claims that in addition to these 16 days, her said husband performed two other tours in 1777 in opposing Burgoyne.

One commencing the first of June & ending sometime in August 1777 say 2 months.

The other commencing say 20<sup>th</sup> September & ending about the 28<sup>th</sup> October 1777 say one month. These two tours are at times varying in length & dates from those 3 small tours of 4, 8 & 4 days as mentioned above.

The s'd tours of 4 & 8 days performed in May 1777 & which are in the comptrollers certificate cannot in the least possible way conflict with either the tour commencing in June 1777 or the one commencing the 20<sup>th</sup> September 1777. It is well known to the Commissioner that the services of the Militia in this section of country started on their first expedition north the latter part of May or first of June 1777, & that some o t them remained until after the Surrender of Burgoyne & returned home about the 28<sup>th</sup> of October 1777 while a part of those same militia returned home & afterwards & about the 20<sup>th</sup> of September 1777 went out the second time & it cannot be pretended that shoes services of Diel Rockefeller contained in the comptrollers certificate & performed from May [?] to? 1777 with ten men a mere Ccorporal guard & the other performed by him with 40 or 50 man from May 10<sup>th</sup> to 18<sup>th</sup> 1777 are the same services to which the witness refer who swear to the tour of service of said Rockefeller "before harvest" in 1777 when they went to fort Edward.

The third tour of guard services in the comptrollers certificate of said Rockefeller in 1777 is 4 days!! From September 15<sup>th</sup> to 19<sup>th</sup> 1777—17 men!! Out only 17 men. Is this, can this be the service "after harvest" 1777 the witnesses speak of!!

This 4 days service with 17 men again entirely with the facts sworn to by the witnesses & with the circumstances which cannot lie.

A part of the militia of this regiment went home in August. Captain Diel Rockefeller went home with a part or all of his company & while at home he & his officers performed these 4 days service in guarding the inhabitants or breaking up some Tory Plot with 17 men. After the 19<sup>th</sup> of September 1777 Capt Rockefeller & his men returned to the Army near Saratoga & again returned home after the surrender of Burgoyne & they got home about the 28<sup>th</sup> of October 1777 after an absence of one month in this second northern tour in 1777.

In answer to the Enquiry why did not Captain Rockefeller enter these services on his pay roll with the said 3 tours of 4, 8, & 4 days performed in 1777, which were added to his services performed after that period I would say. The obvious answer to such enquiring is then you will see on examination of his Pay Roll that it imports to be a Pay Roll of his company from the year 1777 to the year 1781 & not from the year 1776 and properly should not contain the services of the year 1777. All the other Pay Rolls of the other companies of the regiment to which Captain Rockefeller & his company belonged are in the same form & yet they contain no service of the year 1777 although it is well known that every company in that regiment was up at the Capture of Burgoyne in 1777.

The order for these rolls to be made out was passed in 1785, I think, certainly as late as 1781. The law required these Pay Rolls to be made out from the year 1777. And the reason the Pay Rolls were directed to be made out from 1777 were finish, because the services which had been ordered by the New York State Committee of Safety had either been paid prior to 1781 or because the State Government which was formed in 1778 was desirous of keeping their accounts separately. If this was not so the law would have called upon the officers to make out Pay Rolls for all the services performed by them & their companies during all the services performed by them & their companies during all the years of the war, from 1774 to the year 1781. These companies performed services in 1776 & 1777 & yet no direction is given to make out the services of those years.

It may be objected, that Captain Rockefeller did obtain pay at least for 16 days service in 1777 & if he performed more services than 16 days in 1777, why did he not get his whole pay for 1777 & it was as paid in that Pay Roll. The answer is this that the State Committee had prior to the year 1781 made provision for and paid these two northern tours which were directed by the s'd State Committee to oppose the progress of the invasion of the state by Genl Burgoyne having been adjusted it would not appear in the Payroll of Captain Rockefeller with those services he performed at the subsequent period of the war & the same was the case in the in [?] with the services performed by Captain Rockefeller & his company in 1776 & the same may be said of all the other companies in this & many other regiment of the territory here—comprising Albany County.

But the 3 small tours of said Rockefeller & his a part of company 4, 8, & 4 days that is from May 5<sup>th</sup> to 9<sup>th</sup> 177 & from May 18<sup>th</sup> 1777 & from September 15<sup>th</sup> to 19<sup>th</sup> 1777 were services performed under the command of the Commanding officers of the Regiment in guarding the Manor District of Livingston and taking care of its inhabitants and the payment for these inconsiderable services had been probably overlooked in former settlements. These are the most obvious reasons that occur at the moment.

George Dennegen you will see testifies among other things that Captain Rockefeller commanded a guard in Germantown William Snyder & Henry Dick both testify to these small tours of service.

The only remaining matter which I shall examine is the Evidence of the Several witnesses who testify to the services of Captain Rockefeller in the two northern tours in 1777, commencing in Jan first & ending in August 1777 the 2<sup>nd</sup> commencing 20<sup>th</sup> of September or about the time & ending about the 28<sup>th</sup> of October 1777.

William Snyder, Henry Dick, George Denneger, Captain Leonard TenBroeck & Michael Blass or Plass all testify that Capt. Diel Rockefeller was up to the north both before & after harvest, and Henry Dick and William Snyder both testify these two northern tours are in addition to the said 16 days guard services in the said 3 small tours.

9 witnesses viz said William Snyder, Henry Dick Henry Shultes, Geo Dinneger, Captain Leonard Ten Broeck & Michael Blass & Major Samuel Ten Broeck testify that said Rockefeller was up at the taking of Burgoyne & until after his surrender and Adam Clum & Philip Ringsdorff both state the same thing and state in addition thereto, the one Philip Ringsdorff that it was one month ending after the Surrender of Burgoyne. The other stating it to be 6 weeks, both of these last witnesses were under Capt. Rockefeller the last of said two Northern tours.

It is to be remarked that some of these persons who allege service under said Rockefeller in the two northern tours of 1777 are not formed among those who served any part of those small tours of 4, 8, & 4 days viz Adam Clum, Henry Shultis & Michael Plass are not found. Henry Dick only served from May 10<sup>th</sup> to 18<sup>th</sup> 1777. They cannot confound the Northern tours with those in which they were not engaged.

Upon this mass of testimony & all retaking to the services in the two northern tours in 1777 opposing Burgoyne, an event so important & so memorable, can then exist a reasonable doubt of Captain Diel Rockefellers having performed those tours in addition to those small tours of 4, 8 & 4 days [??] was as he & his company at Saratoga on the 17<sup>th</sup> day of October 1777 when Burgoyne & his army laid down their arms & surrendered. Was he then with his company in June & July & part of August. Was he & his company then at all in 1777? If they were then those small tours of 4, 8, & 4 days the two first ending May 18<sup>th</sup> 1777 & the last ending Sept 19<sup>th</sup> 1777 cannot possibly be the same at any part of those two northern tours. The view taken by me in this brief is compatible with the history of the services performed by the militia in 1777, and agrees with all the evidence in the case and in all the cases herein referred to and which the Com'r of Pensions has heretofore repeatedly decided.

A different view & construction of this case would involve violation of all the evidence & documentation in this case.

It would decide that the services ending May 18<sup>th</sup> 1777 were the same that commenced in June 1777 & ended in August 1777.

It would decide that a 4 days service ending Sept. 19<sup>th</sup> 1777 was a months service ending October 28<sup>th</sup> 1777.

It would decide that 9 witnesses containing two officers of that regiment had all sworn to a fact viz that Captain Diel Rockefeller performed about 3 months services in two tours north on the approach of Burgoyne & was at Saratoga when he surrendered on the 17<sup>th</sup> or Oct 1777 which either they were all mistaken or they sworn false. They

all swear they were there in person. They all swear that Captain Diel Rockefeller was then commanding nearly all of them and the commissioner has allowed the fact to be so in granting pension to various individuals for these same services – But now because Capt Diel Rockefeller thought best in 1785 or 1781 to get pay for some unimportant services as he rendered in guarding his neighbors in 1777 & put them into his pay roll which he had been directed to make out for the years 1778, 1779, 1780. The commissioner thinks that of itself sufficient reason to exclude all the other services which Captain Rockefeller & his company performed besides that in the memorable campaign is worth to meet & oppose Burgoyne & his Army in 1777.

If any one or more of these small tours could be the northern tours, that is if either of the tours in May 1777 could be the first northern tour to Fort Edward in 1777 or if the 4 days tour ending 19<sup>th</sup> os Sept 1777, could be the second northern tour ending after the Surrender of Burgoyne, being the latter part of October 1777, then there might exist a possibility that some of the witnesses had confounded the services. But they cannot be the same; those ending 18<sup>th</sup> May 1777 are too early in the season & there for out of the question entirely.

That ending Sept 19<sup>th</sup> 1777 4 days services only with 17 men was too short & ended a month too soon, they sir is 4 days the men could not have marched to Saratoga & back a distance each way of at least 80 miles. But the number of men engaged in service these 4 days only 17 rank & file shews the nature of the services of this 4 days campaign. It was guard services.

This com'r has already occupied greater span than I intended; & I shall bring it abruptly to a close & consider by specifying the length of service claimed.

First the services of 1776 2 mos

Services on pay roll of 1777 & subsequent 4 mo.

Carried forward. 6 mos.

Amount of time brought forward 6.00

Then add then to the additional services of 1777 according to the testimony of William Snyder

Henry Dick

Henry Shultis

George Denninger

Captain Leonard Ten Broeck

Philip Ringsdorph

Adam Clum

Major Samuel Ten Broeck

Michael Plass

All testify Capt Rockefeller preformed the service, 6 of whom were his soldiers 5 of whom have in their own right obtained for these same services. Say 3.00 Mos.

9.07 mos.

And of these persons the following did not service in the short tour on the Pay Roll of 4 days ending Sept 19<sup>th</sup> 1777 viz.

Capt. Leonard Ten Brouck.

Major Samuel Ten Broeck

Henry Dick

Adam Clum

Michael Plass

George Dinneger

& I believe Philip Dingsdorph.

It is believed that the applicant after making the most liberal deductions is entitled to at least 8 months & a half mos. 8.15

All which is most respectfully submitted. Hudson N.York

Wheeler H. Clarke