

# The Family Life That John Berry Had But Never Experienced

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The 1838 Upper Canadian Rebellion/Patriot War and its Aftermath

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[See table of contents](#)

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Article abstract

*Two genealogists, Cozy Palmer in Dallas, Texas and Mike Kehoe in Richmond, Utah, unbeknownst to each other, were simultaneously researching the family of John Berry who fought and was captured at the Battle of the Windmill in 1838 and were not making much progress. Together, their research has led to a better understanding of the life of John Berry prior to his involvement in the Patriot War and to the discovery of the life that John Berry could have had if it were not for his involvement in the conflict.*

# The Family Life That John Berry Had But Never Experienced

by Cozy Venable Palmer and  
Michael W. Kehoe

## Introduction

**T**he Patriot War, also known as the Rebellions of 1838, was a series of rebellions mounted in each colony of Upper and Lower Canada against the British Crown between December of 1837 and December of 1838. The Upper Canada Rebellion was largely crushed shortly after it began. However, resistance lingered mainly through the support of the Hunters' Lodges, a secret anti-British, American-based militia group. Over 1,000 men were arrested for their participation in this dissension. One of those captured at the Battle of the Windmill in 1838 was our ancestor, a man named John Berry.

Much has been written about John

## *Abstract*

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*Résumé: Deux généalogistes, Cozy Palmer à Dallas (Texas) et Mike Kehoe à Richmond (Utah), menaient simultanément, à leur insu, des recherches sur la famille de John Berry, qui a combattu et a été capturé lors de la bataille du Moulin à vent en 1838, et n'avançaient guère. Ensemble, leurs recherches ont permis de mieux comprendre la vie de John Berry avant son engagement dans la guerre des Patriotes et de découvrir la vie que John Berry aurait pu avoir s'il n'avait pas été impliqué dans le conflit.*

Berry's involvement in the Patriot War and his wanderings as a beggar and pauper upon his return from Van Diemen's Land.<sup>1</sup> Understanding what his life was like prior to the Patriot War has been challenging due to the lack of historical and vital records. Two genealogists, Cozy

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<sup>1</sup> John C. Carter, "The Sad and Strange Story of John Berry," *Thousand Island Life Magazine*, 14:11, November 2019. John C. Carter, "The Mysterious Life of John Berry," *The Brockville Museum Newsletter*, 32:2 (Fall 2016). John C. Carter, "A Closer Look at History's Man of Mystery, Part 1," *Brockville Recorder & Times Newspaper*, 10 February 2020. John C. Carter, "The Trials and Tribulations of a "Patriot" Political Prisoner," *Former Times*, Glamorgan Spring Bay Historical Society Inc., Issue 14, March 2020.

Palmer in Dallas, Texas and Mike Kehoe in Richmond, Utah, unbeknownst to each other, were simultaneously researching the family of John Berry and were not making much progress. Together, their research has led to a better understanding of the life of John Berry prior to his involvement in the Patriot War and to the discovery of the life that John Berry could have had if it were not for his involvement in the conflict.

## How the Collaboration Started

It is noteworthy to learn how the collaboration started. Cozy Palmer wrote: "The Berry surname has been so treasured that three matrilineal generations in my husband Mark's family have given it to their children, but no one knew there was a compelling and tragic mystery behind a fairly recent patriarch, John Berry. It is likely that John Berry's descendants never would have known about his mysterious past if it were not for an Ancestry DNA kit gift and an almost forgotten bible.

Mark's mother and two sisters gave me access to their Ancestry DNA. The results were extremely helpful and enlightening, but I hit a wall looking for Mark's fourth great grandfather, someone who had clearly lived in the upstate New York or Vermont area (far from our home in Dallas, Texas). As luck would have it, my husband Mark's great aunt

Alice Berry did genealogical research and we were even luckier that three generations never discarded her work.

The golden ticket was when I mentioned I was having difficulty finding records for his fourth great grandfather, whom we thought was John Berry. Mark's reply was, 'I think I have a family bible that might help.' And there it was, literally John Berry's bible! For a mystery that had its geographic roots half a continent away, help in the form of a family bible was literally four feet from my computer."

The information found in John Berry's bible has not been found elsewhere in any vital record repository. John Berry's family would have remained completely unknown where it not for the bible. The information in it has led to many fascinating discoveries.

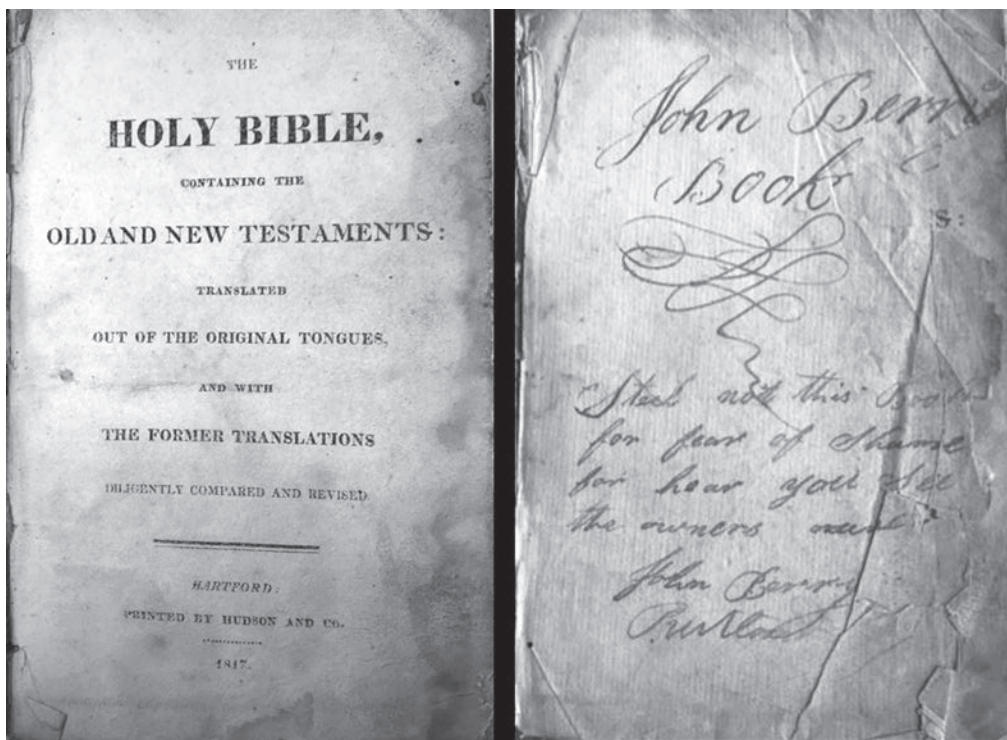
## John Berry's Life Prior to His Patriot War Involvement

John Berry was born on 8 October 1798 in Chatham Centre, Columbia, New York. Chatham was formed from the territory of Kinderhook in 1775. Genealogical research and analysis of DNA test results have indicated that Ebenezer Berry was John Berry's father. The name of John's mother is still unknown.

The 1800<sup>2</sup> and 1810<sup>3</sup> US census records list only the name of the head of the household and a listing, by age groups,

<sup>2</sup> U.S. Census Bureau, 1800 Federal Census Population Schedule; Stephentown, Rensselaer, New York; Series: M32; Roll: 26; Page: 107; Image: 108; citing Family History Library film 193714.

<sup>3</sup> U.S. Census Bureau, 1810 Federal Census Population Schedule, Essex, New York; Roll: 27; Page: 75; Image: 00047; citing Family History Library film 0181381.



Pages from John Berry's bible. Credit: Cozy Venable Palmer

of its occupants; thus, names and ages of spouses and children are not listed. The 1800 US census for New York shows an Ebenezer Berry residing in Stephentown, Rensselaer, New York, which is about twenty miles north-east of Chatham. In that census, two male children, born between 1790 and 1800, resided with Ebenezer. John Berry falls into that age group and is one of the male children listed.

Ebenezer's family does not show up in any other census records for the Chatham, New York area beyond the 1800 census which would indicate that

he moved his family elsewhere. The 1810 census does show an Ebenezer Berry family in Essex, New York, where he appears to have moved, with male children born between 1790 and 1800.

Essex borders on the shore of Lake Champlain and was a place where boats and ships were built, including war ships, during the War of 1812. At least 250 bateaux (flat bottom boats) and two sloops, the *Growler* and the *Eagle*, were produced in Essex shipyards and used in Commodore Thomas Macdonough's American fleet during the war.<sup>4</sup>

<sup>4</sup> George Davis, "Essex in the War of 1812," *Essex on Lake Champlain*, <[www.essexonlakechamplain.com/war-of-1812-2/](http://www.essexonlakechamplain.com/war-of-1812-2/)>

John Berry's residence in Essex most likely had a great influence on him. The war, which ran from 1812 to 1815, was actively fought at Plattsburgh, New York, just north of Essex in 1814. No doubt John had heard of and perhaps even witnessed the impressment of sailors taken from American ships and forced to serve in the British Navy, or the effects of the trade restrictions imposed by the British on the livelihood of local merchants.

Service records for the War of 1812<sup>5</sup> indicate that John served as a seaman in Captain Ingersoll's New York Sea Fencibles Company in 1814. Various states created Sea Fencibles Companies which were assigned the duty of protecting shipping ports and harbours. These volunteers enlisted to perform non-combat duties so that Regular Army soldiers could concentrate on fighting the war.

Others in the Berry family also fought against the British in the War of 1812. John's father, Ebenezer, enlisted with the New York State militia but records indicate that he was never activated. John's uncle, Elijah, a member of the 9th Regiment of the New York Militia, was killed on 5 December 1812. In addition, John's cousin, Gilbert Berry, fought in the war with Van Rensselaer's New York Battalion of Infantry in 1814.

What emotional effects the war had on John Berry are not known for certain, but surely he remembered his personal experience as well as that of his distant family members throughout his life.

After the War of 1812, and still young, John Berry applied for a Seamen's Certificate of Protection in 1819.<sup>6</sup> He was employed as a seaman by the Gideon King Shipping Company in Burlington, Vermont.<sup>7</sup>

Gideon King controlled most of the Lake Champlain shipping traffic between St. Johns, Quebec and Whitehall, New York in the years from 1790 to 1820.

John Berry would eventually meet and marry widow Rachel Whissel Bateman in the early 1820s. Rachel's first husband, Joseph Bateman, Jr. left her with two children. It is estimated that John and Rachel married around 1822 based on an 1823 birth date of their first child, Martha. The 1830 US census for Rutland, Vermont<sup>8</sup> shows Rachel as head of household with all her children; John was not present. It is suspected that he was still working as a seaman and was away from home quite often and for long periods of time.

A 2 January 1861 *Ovid Bee* (N.Y.)<sup>9</sup> newspaper article printed an interview

<sup>5</sup> New York State Archives, U.S. War of 1812 Payroll Abstracts for New York State Militia, 1812 to 1815.

<sup>6</sup> The National Archives and Records Administration, Washington, D.C.; Quarterly Abstracts of Seamen's Protection Certificates, New York City, New York, 1815 to 1869.

<sup>7</sup> "Death of An Aged Wanderer," *Essex County Republican*, Keeseville, Essex, New York, 24 July 1873.

<sup>8</sup> U.S. Census Bureau, 1830 Federal Census Population Schedule, Place: Rutland, Rutland, Vermont; Series: M19; Roll: 188; Page: 169; citing Family History Library Film 0027454.

<sup>9</sup> "A "Patriot" Returned Home after Twenty-two Years' Absence, *The Ovid Bee*, Ovid, Seneca, New York, 2 Jan 1861.

with John Berry after his return from Van Diemen's Land. It stated that after the Erie Canal was constructed (1825) Berry operated the boat *Porter* for the Troy and Erie Line on the canal and did so until the year of 1838, thus explaining his prolonged absences from his family. However, John did make trips home as three of his children were born during the 1830s.

The when and where details of John Berry's journey to the Upper Canada area are not known. What is known is that he joined a secret association known as the Hunters' Lodge which was a series of secret organizations formed in 1838 in the United States consisting of Canadians and Americans who had strong anti-British sentiments. John was known as a "ardent Patriot" and a strong supporter of the cause.

He participated in the Battle of the Windmill in November of 1838, was captured, and subsequently imprisoned. A trial in Kingston, Ontario, followed and he was convicted of treason and for invading the Province of Upper Canada. He remained in prison for ten months before being shipped to Van Diemen's Land (colonial name of the island of Tasmania). The ship, *H.M.S. Buffalo*, departed Quebec on 28 September 1839 and arrived in Hobart Town on 12 February 1840. At age 40, Berry would be one of the oldest men among this group. Sent to the penal colony of Van Diemen's Land, he and other prisoners were forced to build roads and work on other projects.

Berry was issued an absolute pardon in 1845 which meant that he was a free man. Unfortunately, he remained ignorant of this for many years. Once he learned of his pardon, he immediately began to plan for his departure from Van Diemen's Land. It is uncertain exactly when John Berry actually left Van Diemen's Land for the United States. Newspaper articles list dates between 1852 and 1855 and indicate that he worked his way home on a whaler ship.

At this point, Berry's life and that of his family changed forever. Rachel had died before his return home and his children had grown to adults, three of whom had married, started families of their own and had moved away from the Rutland area. John would spend the remainder of his life looking for his family and friends.

Descendants of John Berry have wondered why he would become involved in the rebellion. One plausible explanation is that he still had strong anti-British sentiments and remembered his experiences during the War of 1812, the oppression by the British Government, the impressment of sailors by the British Navy, and the death of his uncle Elijah during the war. When he saw similar events in Upper Canada, he got involved, just as he had in the War of 1812. However, in this instance, he joined the secretive Hunters' Lodge which provided monetary incentives for those who joined the organization.<sup>10</sup> Unfortunately for Berry, that involvement proved disastrous.

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<sup>10</sup> Andrew Bonthius, "The Patriot War of 1837-1838; Locofocoism With a Gun?" *Labour/Le Travail*, 22 September 2003.

## John Berry's Children and Descendants—The Life That He Never Knew

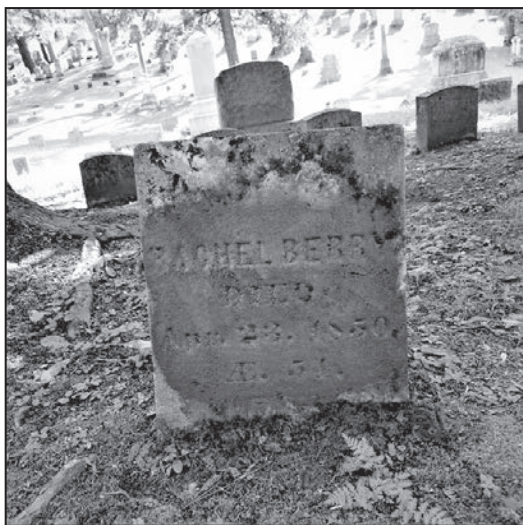
John and Rachel had six children of their own: Martha (1823), Lucy Jane (1825), Harvey (1828), Mary Lucinda (1830), Asa (1833), and Luther Daniels (1836). The family resided in Rutland, Vermont.

Rachel Whissel Berry was born on 6 August 1796, in Canada and died on 23 April 1850 in Rutland, Vermont from typhoid fever. On 8 March 1850, approximately one month prior to her death, she requested and was granted by the Probate Court of Rutland that Milo Bowen, spouse of Rachel Berry's daughter Martha Berry, be appointed guardian of John Berry's son Asa.<sup>11</sup> The record read in part "the father of the said Asa has been absent and unheard of for many years." Rachel must have worried about the well-being of Asa more than her other children as no court records for them have been found.

In 1850, six children were essentially without parents; one parent having re-

cently died and the other in a faraway land and who hadn't been heard from in many years. Martha, Lucy and Harvey were married and now had families of their own while Mary, Asa and Luther were single.

Martha married Milo Bowen and lived her entire life in the West Rutland and Rutland areas. Milo was a blacksmith by trade and together they had nine children and 36 grandchildren.



*Image 2: Rachel Berry's grave marker.  
Credit: Gramofmac@findagrave.com.*

Lucy Jane Berry married Lester L. Baird in 1845. Lester fought in the Civil War and died at Gettysburg, Pennsylvania on 17 July 1863. Lucy never remarried and remained in the Rutland County area until she died in 1893. The couple had five children and ten grandchildren.

Harvey S. Berry married in 1850 and was living in Thetford, Vermont. His first wife died in 1856 and he remarried in 1857. Harvey was a blacksmith and in 1855 he purchased a blacksmith shop in Bradford, Vermont. Harvey improved the design of the blacksmith's tuyere which is the nozzle or pipe through which air is blown into the hearth or furnace. He obtained

<sup>11</sup> Probate Court Records (Rutland, Vermont District), 1849 to 1951, Vol. 24, page 128.

a patent for his invention in 1858 and then hired an attorney to sell the rights to use the improved tool to other blacksmiths. He eventually left Vermont and moved his family West. He was residing in Ohio in 1860, Illinois in 1865, Kansas in the late 1870s, and finally in Colorado in 1885 where he died in 1898. Harvey had six children and seventeen grandchildren. The location of Mary, age 20, is unknown in 1850. She was found residing in New Hampshire in 1868 and married Riley D. Smith in 1871. She died in 1895. The couple had one child and three grandchildren.

Asa, age 17, was residing in Rutland on the Cyrus Johnson farm and employed there as a laborer in 1850.<sup>12</sup> On 28 February 1852, Milo Bowen, Asa's court appointed guardian, petitioned the Rutland Probate Court that he may resign from his guardianship as Asa was now 18 years old and that "he (Asa) recently absconded to parts unknown." The court approved Milo Bowen's request.<sup>13</sup>

Asa had moved to New Hampshire where he got involved with a gang of robbers. Newspapers reported that the gang robbed jewelry stores in Claremont, New Hampshire, and eventually were caught and arrested in 1852.<sup>14</sup> Asa

was convicted of his crimes and was sentenced to three years in jail. He was released from prison in 1855. Asa was living in Vermont in 1860<sup>15</sup> with his sister Lucy and her husband Lester Baird. When the Civil War broke out in 1862, Asa served in the Union Army from 1863 to 1865. After the war, the 1870 US census<sup>16</sup> shows that Asa resided in Pittsford, Vermont and was working as a sawyer in a lumber mill.

Tragedy struck in 1876 during the nation's centennial celebration. As part of the ceremony, two shots from a cannon were to be fired in rapid succession. Asa fired the cannon and then reloaded it without properly swabbing the barrel. As he was ramming the powder cartridge down the barrel for the second shot, it exploded and blew him into a stump fence some distance away. Newspaper descriptions of his injuries were quite graphic. The *Rutland Daily Globe*<sup>17</sup> stated,

his right arm was blown off just below the elbow, the hand being found near the mouth of the cannon, the face was blown off, the right shoulder was badly torn and also the chest and side. His clothing, with the exception of his boot, was blown entirely off, and a watch in his pocket was blown to pieces so thoroughly that nothing but the cases have been found.

<sup>12</sup> U.S. Census Bureau, 1850 Federal Census Population Schedule; Place: Rutland, Vermont; Roll: M432\_927, Page: 17A, Image: 36.

<sup>13</sup> Probate Court Records (Rutland, Vermont District), 1751 to 1854, Vol. 27, page 92.

<sup>14</sup> "Register of Convicts, 1812 to 1912," New Hampshire Department of State; Concord, New Hampshire; Vol. 1, Book v.24.4.

<sup>15</sup> U.S. Census Bureau, 1860 Federal Census Population Schedule; Place: Chittenden, Rutland, Vermont; Roll: M653\_1326; Page: 97; Family History Library Film 805326,

<sup>16</sup> U.S. Census Bureau, 1870 Federal Census Population Schedule; Place: Chittenden, Rutland, Vermont; Roll: M593\_1625; Page: 564A; Family History Library Film 553124.

<sup>17</sup> "Fatal Accident," *Argus and Patriot Newspaper*, Montpelier, Washington, Vermont, 12 July 1876.



*Fred and Ezra Berry, sons of Luther D. Berry: Credit: Cozy Venable Palmer.*

The newspaper also reported that Asa was known to be a hard drinker and stated that he had been drinking at the time of the accident. In addition, it was reported that Asa understood how to properly load the cannon “but in his haste to see how rapidly he could fire the gun, he neglected to swab it properly.” The article concluded by stating that Asa was a single man and that a married sister was on the grounds and had witnessed the accident, most likely Martha Bowen, as Lucy Baird was a widow in 1876.

Luther, age 15, was living on the James Potter farm located in Pawlet, Vermont and working as a farm laborer in 1850.<sup>18</sup> He moved to Danville, Vermont and married Ann Conant on 28 August 1856. Luther was residing in Rochester, New York at the time of the 1860 census<sup>19</sup> and was working as a scale maker.

known throughout the world and the company was undergoing rapid expansion as demand for their scales increased. Luther and his sons were prominently known for their engineering knowledge of scale construction.

Luther migrated west and was living in Chicago, Illinois in 1865 where he remained for over fifteen years before moving on to Des Moines, Iowa; he lived in Iowa for over ten years. He is found in Minneapolis, Minnesota in 1894 and remained in Minnesota until he died 1903. He and his wife had four children and nine grandchildren.

In its 6 January 1859 edition,<sup>20</sup> the *Rutland Weekly Herald* reprinted an *Essex County Standard* article about John Berry looking for friends and relatives in the Keeseville, New York area and then added the following text: “The John

<sup>18</sup> U.S. Census Bureau, 1850 Federal Census Population Schedule; Place: Pawlet, Rutland, Vermont; Roll: M432\_927; Page: 295B; Image: 586.

<sup>19</sup> U.S. Census Bureau, 1860 Federal Census Population Schedule; Place: Rochester Ward 7, Monroe, New York; Roll: M653\_783; Page: 662; Family History Library Film 803783.

<sup>20</sup> “A Canadian Patriot,” *The Rutland Weekly Herald*, Rutland, Vermont, 6 January 1859, Vol. 65, No. 1, Page 2.



*Ann Conant and Luther Berry. Credit: Cozy Venable Palmer.*

Berry here referred to will be readily recognized by very many of the citizens of Rutland.” There is no mention in any newspaper that John Berry ever found any of his family or friends either in Rutland, Vermont or New York state.

### Concluding Remarks

John Berry died on 17 July 1873, while residing in the Burlington, Vermont City Poor Farm. His death record lists his occupation as a pauper.<sup>21</sup> John was no stranger to Poor Houses as he visited the Whitehall, New York Poor House several times in the years prior to his death. His cemetery burial lot location is still unknown. A reprint of a Troy, New York Times newspaper titled “An Eventful Life” in the Morrisville, *New York Madison Observer*<sup>22</sup> ended with this statement: “His has been an eventful life: but bearing no

fruit except that of bitterness and despair.” John Berry’s life was certainly filled with bitterness and despair particularly after his involvement in

the Patriot War and subsequent imprisonment in Van Diemen’s Land. However, John Berry bore much fruit as there are over 1,300 known descendants of John Berry and Rachel Whissel who have been identified thus far. Unfortunately, John never knew his six children in their adulthood, their accomplishments, nor his twenty-four grandchildren and seventy-five great grandchildren. His descendants have lived in four different countries throughout the world and, within the United States, thirty different states.

A descendant of John Berry, once wrote a poem<sup>23</sup> about his ancestors that reads in part:

The stories they tell were wonderful to hear  
But I ask myself now... Is that what I hold  
most dear?

As I become older and wiser another feeling  
within me mounts

<sup>21</sup> “Births, marriages, deaths 1865-1888, vol. 1,” Vermont Town Clerk Vital Records, 1732-2005, <<https://familysearch.org/ark:/61903/1:1:XF8F-KH9>>

<sup>22</sup> “An Eventful Life,” *The Gazette and Courier*, Greenfield, Massachusetts, 12 November 1860, Vol. LXVIII, No. 3610.

<sup>23</sup> “Ode To My Grandfathers,” Carl D. Berry, Jr. M.D., 12 January 1952, in the possession of Mark and Cozy Palmer.

It is the heritage that they have given me that truly counts.

What most people hold dearest is their family heritage as it serves as part of their identity as well as connects them with their ancestors. The descendants

of John Berry have been given a rather unique heritage. His life has reminded us of the happiness that can be had when the family is together and the bitterness and despair that is experienced when one has lost his entire family.



*Some of John Berry's descendants. Credit: J. Kathryn Kehoe.*

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