

Southern Campaign American Revolution Pension Statements

Pension Application of John Crittenden: R13465
Transcribed and annotated by C. Leon Harris

At a Court Continued & held at Bryants Station on Elkhorn Creek for adjusting Titles to unpatented land by the Commissioners for Kentucky District this 4th January, 1780 Present

Wm Fleming }
Stephen Trigg } Gent.
& Edmund Lyon }

John Crittenden by Anthony Buckner this day Claimed a Settlement and preemption to a tract of Land in the District of Kentucky lying on a Sinking Creek about 2 miles South of Crittendens Camp to Include his improvement by Setting and raising a Crop of Corn in the Country in the year 1776 Satisfactory proof being made to the Court they are of opinion that the said Crittenden has a right to a settlement of 400 Acres to Include the above mentioned improvement & the preemption of 1000 Acres adjoining and that a Certificate issue accordingly.

I hereby certify that Brigade Major John Crittenden entered as a commissioned officer in the Continental service, the 21st of July 1777, and continued constantly in the said service from the said date to the last of February 1781, when, at an arrangement at Chesterfield Court House, he was deemed a supernumerary Lieutenant. And I do further certify that during the aforementioned service, the said Crittenden was neither superseded nor cashiered.

Given under my hand the 20th. of June 1783. [signed] O. Towles Lt Colo.

I hereby certify that a warrant for 2666 $\frac{2}{3}$ acres, issued to Lieutenant John Crittenden the 23^d of June 1783, and that none appears to have issued since. [signed] Chas. Blagrove Reg'r Land Office}
July 26 1810}

The Representatives of John Crittenden are entitled to the additional proportion of land allowed a Lieutenant of the Continental line, for four months service, more than six years.

[signed] Samuel Coleman

Warrant No 5857 for 148 acres iss'd the 28th, July 1810 to John Crittenden's Rept's and delivered to James Taylor (see pow. atto. with vouchers filed.)

A copy from the Records of the Virginia Land office.
25 cents fee Teste L. H. Parker Reg L. Office

[Extracts from a letter to the commissioner of pensions by Geo. M. Bibb, attorney for Randolph Railey, administrator *de bonis non* (of goods not yet distributed to heirs) of John Crittenden, dated 20 March 1850.]

Hon'l. James L Edwards, Commissioner &c.

As the administrator of Major John Crittenden deceased, who was killed in the year 1806, in his field, (by the limb of a falling tree, near his domicile,) in the County of Woodford, Kentucky,) I claim the commutation of five years full pay with interest, in lieu of half pay for life, for his services in the brigade of Brigadier-General George Rogers Clark, as brigade Major taken out of the Captains of the Illinois regiment of infantry, a component of that Brigade.

My letter of administration granted in October 1806, by the court for the county of Woodford, in the State of Kentucky, of competent jurisdiction, because he dwelt & died in that county, are filed, with the documents, depositions, & other evidences of Major Crittendens services. I rely upon, & refer you to the evidences following; viz

1. The adjustment of Major Crittenden's account as Brigade Major as made on the 20th June 1783, certified from the Auditors books of the State of Virginia, for balance of his pay as brigade major up to that day.

2. Brigade General George Rogers Clark's certificate, viz, "Lexington November 22^d 1782. I certify that Captain John Crittenden has occupied the post of Brigade Major under my direction

from the 1st day of July 1781, until this day.”

3. Extract from Commissioner Smith’s report, document No. 32.-p. 11. printed by order of House delegates of Virginia, Dec. 18-1834-Showing that John Crittenden Brigade Major received land as a Lieutenant for three years & four months, “& is not enlisted as Brigade Major,” (in Mr. Smiths opinion.)

4. Extract from same report - Document No-31-No 2-p. 4 Showing that John Crittenden Brigade Major received land as Lieutenant in Illinois regiment for a Service of Six years & four months, “& is not (in Mr. Smith’s opinion) entitled to an allowance of land as brigade Major.”

5. Deposition of Wm. Meriwether, that Anthony belonged to the Illinois regiment & was a Lieutenant, that John Crittenden belonged to & served in the same regiment, & was brigade Major.

6. Ben. Roberts dep’n.; that he was in the Illinois service in Crocketts regiment disbanded in 1781 December. That John Crittenden was brigade Major, acted as such, was reputed as such.

7. Peter H Griffith’s dep’n; that he was in Ben. Roberts company in Crockett’s regiment in the Illinois service, and that John Crittenden acted & served as brigade Major.

8. John Dougherty’s deposition. that he was in Service in the company at first commanded by Captain Smith in the regiment which landed at Kaskaskias in the Spring of 1779, then under the immediate Command of (Lt) Colonel Montgomery, that regiment ascended the river and rendesvouzed at Louisville in 1782. The brigade Commanded by General Geo. Rogers Clark. At Louisville Major John Crittenden acted as aid-de-camp to General Clark. Witness continued in such regiment until it was disbanded in 1783. Major Crittenden was afterwards killed in Woodford County by the fall of a tree.

9. Journals of House of Delegates of Virginia. June 3^d 1783 - page 32. Shows that the Seat of John Crittenden delegate elected from Fayette County, was questioned, & the question of his eligibility was referred to the committee of privileges & elections, because of his holding a military commission in the army at the time of his election: (Which was on the second tuesday in April 1783, as will be hereafter shown.)

10. Files of Register’s officer of treasury of the United States, No 62.233, Settlement of half pay of Brigadier Genl George Rogers Clark; appointed brigadier general 22. Jan’y 1782 - discharged by order of gov’r. & council of July 1st- 1783- his half pay settled expressly under regulation of Congress of June 16th, & because Virginia had by statute adopted, as the pay for the state troops, the pay allowed by the Congress to the Continental troops. General Clark’s half pay as Brigadier was computed at the rate of whole pay \$1500 per year, being \$125 per month, as established by Congress, the half pay of \$750 per year was computed from after 27th of June 1783, till his death, the 27th June 1783 being taken as the day when the brigade was disbanded: — That adjustment was made under the act of Congress of 5 July 1832.

11. Opinion of Attorney General of Virginia Document No. 45-page 5 of report of Select Committee published by order of House of Delegates 18 Dec 1834- Showing that the State officers held their offices “during good behaviour & of course were to serve during the war.”

12. The tenure of office; promotion by regular Succession & Seniority; and until end of the war, not having right to resign but upon three months notice in writing, & acceptance by the Executive Council; by The Ordinances of July 1775- IX. Henning p. 11- & of December 1775-IX. Henning - p. 96: By the first of which it was ordained that vacancies by death or

9 Henn: “Otherwise amongst the Commissioned officers shall be supplied from time to time, by regular Succession in course of Seniority, in the [word illegible] regiments & companies”: and by the latter of which it was enacted “that all officers, now, or hereafter to be appointed, shall continue in service so long as the regiments to which they shall belong, shall be kept up” —

Same - — “and that no officer hath, or shall have, right to resign but with consent of the convention or committee of Safety of this colony:

page — “Provided as officer willing to resign may do so at the expiration of the 96. time for which the private men or Shall be enlisted on giving the like previous notice of such intention as is required by private men.” viz by

same -- “giving three months previous notice, in writing, of his or their desire to be p. 81. discharged at the end of such period.” (9.Henning p. 81.)

13. It may be of use, (to prevent doubts & misapprehension,) to remark that after the constitution of Virginia & bill of rights had been agreed on, an ordinance, preparatory to putting the Constitution into operation, passed May 1776 - (9. Henning p. 121,) ordained that the governor with the advice of the privy Council shall have & possess all the powers & authority given to the Committee, by an ordinance appointing a committee of public safety — “or by any resolution of convention.” (9. Henn: p-121-) So the laws & constitution of Virginia, & the rules & articles established for the government of the forces employed in the services of the dominion of Virginia during the revolutionary war, gave to the officers tenures of their offices during good behaviour, so long as the war lasted, with a right to promotion from time to time, by regular succession in course of seniority; which tenures and rights could not be destroyed, forfeited, or abrogated but by their own voluntary act of misbehaviour, to be determined by trial & conviction of a court martial, or by resignation in writing & accepted, by the committee of public safety in the interregnum & afterward by the governor & council; as stated by the attorney general in his opinion before alluded to.

Whether a Brigade Major, promoted from the line to higher rank, command, & pay, was to be called by the appellation of field officer, or a Staff Officer, (a Difference no more worth contention than that “twixt tweedle-dum & tweedle-dee,”), it would be idle now to discuss, since it is well settled in the department that staff officers are as well entitled to half pay as field officers.

With the help of these thirteen preliminaries of fact & Law before stated, I shall proceed to demonstrate, 1st That s’d Brigade Major Crittenden must be deemed to have continued in service to the end of the war & therefore entitled to five years full pay, with interest, in commutation of his half pay for life;

2^d. That the pay is that which, before, at the time, & during his service, was established by the general Congress for the pay of a brigade Major in the continental line, at \$64 per month. [The letter continues in this vein for 37 handwritten pages.]

NOTES:

In Woodford County in Oct 1806: “Judith Crittenden widow and relict of John Crittenden deceased came into court and renounced her right to administer on his Estate Whereupon George M. Bibb is appointed by the Court administrator of the said Estate...”

In Shelby County KY on 9 Dec 1842 one Bland Ballard testified that he knew John Crittenden when he was a Brigade Major in the Illinois Regiment and that Hon. John J. Crittenden of the United States Senate was his son.