

belonging to the Regiment of Troops commanded by Coln. George R. Clarke, commonly called the "Illinois Regiment." That in December 1781, the said troops were generally disbanded. That during the period of near two years that he was stationed as aforesaid at Louisville, he became acquainted with Maj'r. John Crittenden – that said Crittenden was in service in the said Illinois Regiment, & was generally with the troops at Louisville, during the period aforesaid, & continued in the service until the disbandment of the troops as aforesaid. That during the whole period of his service aforesaid the said Crittenden acted as a Major in said Regiment, & was so called & reputed, tho' this affiant never saw the Commission of said Crittenden, & has no other knowledge of his rank except as aforesaid. He always supposed & believed that the said Crittenden was a Major in said Regiment. He knows that he acted, & served & was reputed as such until the disbandment in December 1781, when the affiant left the service.

That he continued afterwards to be acquainted with the said Crittenden – to see him occasionally, & once at the house of the said Crittenden in the present County of Woodford in this State, where the said Crittenden then resided; & afterwards died. That he never knew any other in the service of the name of John Crittenden, & knows that the John Crittenden of whom he has before spoken as being in the service, is the same that afterwards resided, and, as this affiant is informed & believes, died in the said county of Woodford.

The said affiant states that he was an officer (a Captain) in the s'd Illinois Regiment, & that he is now in the eighty third year of his age.

[signed] Ben. Roberts

This day [23 Aug 1832] John Daugherty [pension application S35898] personally appeared before me Robt. T. Robb a justice of the peace in and for the County of Shelby and being first duly qualified, deposeth and sayeth that he is in the eighty sixth year of his age that he had been on the pension list of his country for sixteen or seventeen years on account of services rendered in the Illinois Reg't. during the American revolution Which Reg't or Brigade was commanded by Gen'l George Rogers Clark This said reg't. landed at Kaskaskia in the spring of 1779 under the immediate command of Col John Montgomery [R16522] the s'd. affiant then served in the company commanded by Capt. Thomas Quirk [W5958] That the regt. assended the river and rendezvoused at Louisville in 1782 at which place Gen'l. G R Clark again resumed the command; This affiant further states that at Louisville he became acquainted with Maj'r. John Crittenden who at that time acted as aid de camp to Gen'l. Clark he was then called Maj'r. Crittenden and considered an entripid and useful officer This affiant continued in s'd. reg't. until disbanded in the year 1783 he has been informed and has evry right that the s'd. Maj'r. Crittenden was afterwards killed by the fall of a tree in the County of Woodford and further this affiant sayeth not

John hisXmark Daugherty

Rec'd 18 Feb 1833.

Auditors office of Virginia

Sir [Hon. Louis McLane, Sec. of War], I return you the papers relating to the claim of John Chittenden, with a copy of a letter taken from the volume of Illinois papers, addressed by Mr. Crittenden to the Commissioner of war, and which shews that he was engaged in active service to a late period of the war. Indeed I think there is little doubt that Major Crittenden continued in service till the Illinois troops were disbanded, and the reason I apprehend why he was not embraced in the Report of the Board of officers in 1782, was that the Half pay provision was not expressly promised to staff officers by the act of 1779. (see Hening's stat. Vol: 10 page 25. [[Hening's Statutes at Large](#)]) You will find that no staff officer except a single surgeon was reported in any of the Regiments, and I have not been able to find any evidence of Major Crittenden's being an officer in the line. [See endnote.] It is somewhat curious that the act of 1779 omits all mention of the Staff, except Chaplains, Physicians, Surgeons and Surgeons mates. Whether indeed the act intended that a Brigade major should be entitled to the same emoluments and advantages of an officer of the same rank in the line, is a question for construction. I cannot find any statutory declaration on the subject or any decision of the courts. This indeed seems to me to constitute the chief

difficulty in Major Crittenden's case.

[The rest of the letter does not pertain to Crittenden and is not transcribed. Signed by James E. Heath, Auditor of Virginia.]

Fayette County 29th November 1782

Dear Colo. [William Davies] I thank you for your favour of the sixth of April last, which this moment came to hand, accompanied by a letter from B. Gen'l. Irwin [probably William Irvine] to Gen'l. Clark Dated Fort Pitt [sic: Fort Ptt] seventh Inst. announcing that the intended expedition against Sandusky under his command in Octob'r. last was countermanded by the Secretary of the continental board of war in consequence of the Savages being silenced on our frontiers, the most pleasing and interesting intelligence ever yet experienced by the citizens of this department

As the most accurate accounts will be given you of our late expedition against the Shawanee Indians [Shawnee Indians at Piqua, Standing Stone, and other towns, 10 Nov 1782] I shall be silent on that head (with this observation only) that we recrost the Ohio river on 18 inst. having kild ten savages, taken ten prisoners, depopulated seven Towns, and burnt ten thousand bushels of corn. I have no reason to doubt but the conduct of those by whom the state have suffered abuses will be held out to the most conspicuous view, and treated as atrocious criminals. I have this day made out the locations for your Warrants committed to my charge by Capt. Holt and shall enter them with Colo. Marshall whose office is is now open in two or three days after which shall proceed with utmost dispatch to have them surveyed therefore would wish you (if convenient) to write him on the subject of the expenses arising as I am without the means or otherways would willingly defray them. Pray excuse haste and believe me with most sincere regard

To Col Wm. Davis
Commissioner of the War office/ Richmond
[Copy certified 13 Feb 1833]

Your most ob't. and very humble serv't.
John Crittenden

State of Kentucky Jefferson County Sct. This is to certify that Capt William Merriwether [sic: William Meriwether, S47954] an officer of the Revolutionary Army this day [8 Sep 1832] made oath before me the undersigned a justice of the peace in and for said County that he was in 1781 personally acquainted with Anthony Crockett [S10492] who is now and has been for many years Sergeant at arms of the Senate of Kentucky and that said Anthony Crockett belonged to and served in the Illinois regiment and was commonly called Lieutenant Crockett – that he was also acquainted with John Crittenden who belonged to and served in the same regiment and was called and ranked Major Crittenden – as to whose company Crockett & Crittenden elonged to or whose command they were under he cannot say

I Peter H. Triplett [pension application W2706] of Culpepper [sic: Culpeper] County and state of Virginia aged seventy eight do declare and state that I first became acquainted with Major John Crittenden at a place called the new store on the Monongahalia river [sic: Monongahela River at present Elizabeth PA] in the year 1781, when Colonel [Joseph] Crockett's regiment arrived there on their way to Louisville at the falls of the Ohio river [in May 1781] – and I there joined my company commanded by Captain Ben. Roberts at Louisville – Major John Crittenden was a very active officer and a great favourite with the soldiers, as well as the officers. I have several times taken him on my back and carried him to the shore when we would land on sand bars where the water was too shoal to get the boat near the shore. Major Crittenden continued to discharge his duties until the regiment was disbanded after we heard of the surrender of Cornwallis [19 Oct 1781] The before named Major John Crittenden was the only man of that name attached to the army of the revolution. And further this deponent saith not.

Witness my hand this 22nd day of December 1832.

Peter H. hisXmark Triplett

State of Kentucky Mercer County Sct

I James Whitecotton [S30780] of the County and State aforesaid Certify that I was a Soldier of the Illinois Regiment and came to the Western Country the first time that Colonel George Rogers Clark (afterwards General George Rogers Clark) came out which was in the year 1777[?] that I was under him & was at the taking of the several British Posts in the Illinois Country ever since which period I have remained in this country never having returned to Virginia I certify that I knew Brig. Major John Crittenden of the Illinois Regiment at the falls of Ohio and remember him well and know that he was there at the time that Captain Chaplin [sic: Abraham Chapline R13134] Lieutenant Anthony Crockett Lieutenant John Roberts Captain Benjamin Roberts and other officers were, I know I cannot be mistaken in what I have stated. Given under my hand and seal this the 7th day of June 1844

James hisXmark Whitecotton

[The following are in the [rejected claims in the Library of Virginia](#):]

War Dept. Bounty Land Office/ Sept. 3^d 1830

I certify that the name of John Crittenden is returned on the list of Officers of the Virginia Continental Line, on file in this Department, as a Capt'n. Lieutenant in said Line at the close of the Revolutionary War, and entitled to Bounty Land from the U. States. I further certify that Land Warrant No. 471 for 200 acres issued in his name on the 19th April 1792

Wm. Gordon Clerk

To the Honble the executive of Virginia

Your Petitioners the Heirs & representatives of John Crittenden dec'd. late a Captain Lieut in the Virginia Continetal line respectfully represent, that their dec'd. ancestor, drew his land bounty as a Lieutenant towit a Warrant No. 1007 for 2666 $\frac{2}{3}$ ac and No. 5859 proportional part of a [illegible word] 148 ac whereas he was intitled to draw as a Captain, for they presume for upwards of seven years service. That the following officers of the same rank & ma ny others have drawn as full Captains, towit

No 2331	Capt Lieut Lewis Rook	drew Warrants for	4000	Ac.
" 2322	do do do		666 $\frac{2}{3}$	"
" 5423	do do do		555	"
" 285	Cap Lieut Ambrose Bohannon	do	4666 $\frac{2}{3}$	"
" 5337	do do do		555	"
" 152	Capt Lieut Tho Dix [Thomas Dix]	do	4000	"
" 4712	do do do		666 $\frac{2}{3}$	"
" 5352	do do do		555	"
" 1475	do Wm Epps [William Eppes]		4000	"
" 345	do Arthur Lind do		4000	"
	do Wm Miller [William Miller]		4000	"
	do as 2 additional Wts.			
	do John Prior		4000	"

Your Petitioners respectfully request that the difference may be made up to them in Warrant for the difference between a Lieut which he has drawn & a Capt which he is intitled to. The Certificate from the War office shows that the said ancestor was intitled to the rank of Capt Lieut. which is herewith refered to. The heirs & representatives of the Late John Crittenden by their Atty.

The Certificate from the War Dept herewith sent will shew that Capt Lieut Crittenden held the same rank that Capt Lieut Lewis Rook [rest of page missing from online image]

NOTES:

The end of the war is generally taken to mean the ratification of the Treaty of Paris, 3 Sep 1783.

John Crittenden is shown as a Major on a list of field officers in the Illinois Regiment under Gen. George Rogers Clark at the end of 1781 (<http://revwarapps.org/b123.pdf>). On a list of commissioned officers in the Illinois Regiment dated 28 Jan 1782, however, Crittenden's name does not appear. A transcript of this list is with the pension application of John Montgomery [R16522](#).

In Shelby County KY on 9 Dec 1842 one Bland Ballard (Bland W. Ballard, W20655) 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.

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..." Bibb first applied for five years full pay for Crittenden's services. The following letter dated 20 March 1850 from Bibb to the Commissioner of Pensions summarizes documents he presented in support of the claim.
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 [sic: Kaskaskia] 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 [see endnote], 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 [illegible word] 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:

“Provided as officer willing to resign may do so at the expiration of the 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 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 fashion for 37 handwritten pages.]

On 20 Aug 1851 James E. Heath, then Edwards's successor as Pension Commissioner, wrote to Bibb that his claim was "utterly without foundation," as detailed in the following excerpts. "Mr Crittenden first engaged in the service as a Lieutenant in the Continental line. His name is found as a Captain Lieutenant in what was called the Chesterfield Arrangement made in Feb'y 1781 under the direction of Baron Steuben and consisting of officers of the Continental line. By that arrangement it appears that Mr Crittenden became a supernumerary by choice.... In the year that he became supernumerary in the Continental line his name is found connected with the State Reg't of Illinois commanded by Col Clarke [sic]. It does not appear to what company he belonged if to any in that regiment but he settled his depreciation account as Brigade Major under Gen'l Clarke and received a specie certificate for the balance due. It is probable that after the termination of his continental service being a resident of Kentucky at that time a portion of Virginia he was fired with the resolution to aid in the defence of the State and for that purpose volunteered his services under an officer of valer & distinction. It is a part of Mr Crittendens merit that Genl Clarke selected him from so many brave officers for so distinguished a part in the staff service as Brigade Major. The precise duration of his service in that capacity does not appear nor is it material. The question, was he entitled to Half pay under the act of Virginia Legislature passed at the May Session of 1779 which promised that gratuity to certain enumerated officers of the Virginia State line. The act of 1779 is expressly confined to General & Field officers & subalterns of of the line & to such of the Staff as are embraced in the denominations of Chaplains Physicians Surgeons & Surgeons Mates. no other staff officer are provided for.... But even if staff officers generally had been included in the act of 1779 Major Crittendens claim would be defective without regular proof of his appointment as Brigade Major to the Illinois regiment. He held no commission as Brigade Major...."

Bibb responded as follows: "The Commissioner of Pensions supposes that John Crittenden of the Continental line, & John Crittenden of the State line, to have been the same person: that after John Crittenden of the Continental line 'became Supernumerary by the chesterfield arrangement made in February 1781,' he in the same year volunteered his services in the state regiment of Illinois commanded by Colonel Clarke." Bibb then cited some of the evidence summarized above in his 1850 letter, particularly item 4, as showing that John Crittenden of the state line had served in the Illinois Regiment, beginning as a Lieutenant, for six years and four months, which included the same period that the other John Crittenden was a Lieutenant in the Continental line.