

Southern Campaign American Revolution Pension Statements & Rosters

Pension application of John Rogers¹ R__ X648

f42VA

Transcribed by Will Graves

7/17/12 supp'd 4/12/15

[Methodology: Spelling, punctuation and/or grammar have been corrected in some instances for ease of reading and to facilitate searches of the database. Where the meaning is not compromised by adhering to the spelling, punctuation or grammar, no change has been made. Corrections or additional notes have been inserted within brackets or footnotes. Blanks appearing in the transcripts reflect blanks in the original. A bracketed question mark indicates that the word or words preceding it represent(s) a guess by me. Only materials pertinent to the military service of the veteran and to contemporary events have been transcribed. Affidavits that provide additional information on these events are included and genealogical information is abstracted, while standard, 'boilerplate' affidavits and attestations related solely to the application, and later nineteenth and twentieth century research requests for information have been omitted. I use speech recognition software to make all my transcriptions. Such software misinterprets my southern accent with unfortunate regularity and my poor proofreading fails to catch all misinterpretations. Also, dates or numbers which the software treats as numerals rather than words are not corrected: for example, the software transcribes "the eighth of June one thousand eighty six" as "the 8th of June 1786." Please call errors or omissions to my attention.]

[Note: Almost all of the papers dealing with the substance of the services rendered by an officer named John Rogers who served in the Illinois Regiment have been removed from this file and were evidently sent to other agencies or possibly to Congress. From the documents in the file, it appears that there were at least two John Rogers, one who lived in Halifax County, VA, and who later died in Person County, NC, and the other who lived in Caroline County, VA, at the time he died. Conflicting claims were presented, the first by the heirs of the Halifax County, VA John Rogers. They were awarded half-pay in 1833. The heirs of the other John Rogers then presented their claim in the 1840's. It is difficult to unscramble the arguments because the substantive documents are not in the file, but from the last document transcribed below, I gather the heirs of the Caroline County, VA John Rogers ultimately prevailed in their claim.]

Memorandum

Captain John Rogers of the troop of Dragoons of the Illinois Regiment died in Richmond Virginia a single man (& [one or more indecipherable words] testate) his father [?] and Brothers and Sisters then living in Caroline County Virginia. If he died intestate his father was his heir as to real estate. He was the cousin of Gen. Geo R. Clark [George Rogers Clark] the commandant of that Regiment – Has or had when last heard of two Brothers living in Kentucky – to wit Edmund at Edmundton a village laid out by him in Barren County Kentucky – Thomas the Exr or Admin of his father's estate living near Bowling Green Kentucky. The Honorable T. R. Underwood late Representative in Congress is a nephew and the late Governor Brackett of Kentucky married a niece. John Murphey² placed on the Pension Roll in Jefferson County Kentucky under the act of 1832 belonged to this Troop he is probably yet living being only 68 or 70 when placed on the Pension list and being very young at the time probably in near him and family.

Captain Rogers drew lots No. 11, 72, 207, 235, 282 & 296 of five Hundred acres each and 254 acres in lot No. 248, they were located in the Illinois Grant opposite Louisville. It will be found on examination that these lands (except this 284 acres) were possessed and disposed of by the relations above named. Also that this same Captain John Rogers sold and conveyed to that Prince of Gamblers, George F. Strass then of Richmond Virginia (whose widow died in this city in 1834, and was the mother by first marriage of Mrs. N. B. Vanzandt and Mrs. Cutts) this 254 acres was sold by the attorney of Mrs. Strass of the name of Melvin who was drowned on his way home from the West. Captain John Rogers dealt somewhat—[Note: I stopped transcribing

¹ Va Half Pay See N. A. Acc. No. 874 050 149 Half Pay John Rogers

² Sic [John Murphy S13998](#)

this document because it contained no further evidence as to the military service of the veteran and the handwriting of the scribe being too challenging to warrant such further effort. There are three other pages of this memorandum in the file. The document is dated February 2, 1847 and is signed by Henry Northup]

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To the Honorable the Senate and House of Representatives of the United States in Congress Assembled

The Memorial and petition of George Clarke Rogers and Boyd Rogers Executors and heirs of John Rogers late of the State of North Carolina, deceased, Respectfully Sheweth:

That their father the said John Rogers, deceased, served during the Revolutionary War as a Captain in the Illinois Regiment of Dragoons raised in the State of Virginia, and became by his Services entitled to a Bounty of land and "half pay" according to the various provisions of the laws in such cases.

This claim was originally presented to the Treasury Department in 1833, by Thomas Williams, the attorney of the parties interested. It was then supported by the affidavits and an authenticated Exemplification from the Records of the proper Court establishing the rights of the Claimants: no objection was made as to the sufficiency of the proof which was adduced, but it appearing that sometime previously a claim on the same grounds had been presented to the Department by the heirs of Captain John Rogers of Caroline County Virginia which had been allowed and paid to them.

In consequence of this payment having been made the Secretary of the Treasury declined paying again to the rightful parties, but adopted the Extraordinary idea that the parties lawfully entitled should institute a suit against those to whom the money had been wrongfully paid. The language of the Secretary is, "should the parties whose interest you represent be of opinion that the claim had been paid to the wrong person, they must seek their remedy through the Courts."

The view of the case thus taken by the Secretary of the Treasury recognize the validity of the claim and the obligation of the United States to pay the amount to some party or another. It left it however ambiguous whether the Department entertained doubts, as to the persons who were legally authorized to receive it, or whether he entertained the opinion that however clear might be the proofs in favor of the then Claimants, the payment to a wrong party exonerated the United States from the obligation to pay over again, to those who were legally Entitled, and that the only remedy left them, was to institute suit against him who had in fact received the fund.

Believing it impossible that the learned and accomplished jurist who then held the Situation of Secretary of the Treasury, could ever have designed to express the legal opinion, that a payment of a just debt to a party not entitled to receive it, could bar the right of the real creditor, to demand that payment should be made to him; so that such fact created a priority between those parties so that an action could be maintained against the party who had received the fund and the claimants having been advised that in cases of such wrongful payment a suit for its recovery back could only be maintained by the United States who had made the payment under a mistake, the claimants adopted the first construction of the Secretary's language, and immediately applied themselves to procure further evidence to establish their right to the money. Evidence having been obtained, showing beyond all reasonable doubt that the claimants were of the parties to alone were rightfully entitled a new application was made to the Commissioner of Pensions, to whom the subject had been transferred by law, accompanied with a full brief of the testimony and an argument deduced from it.

The Commissioner assumed jurisdiction in the case, Examined the testimony which had been filed by both parties, and finally came to the conclusion that he was "wholly at a loss to determine" between them, as to who had the better right. This decision was so manifestly wrong, a massive testimony, far beyond the requirements of the law, having been produced, and that of the most solemn and authentic character that the claimants at once appealed to the Secretary of War to review and reverse it.

After and Examination of the case, the Secretary has finally decided, – not that the Evidence is unsatisfactory or insufficient – not that he entertained a doubt as regards the rights of your petitioners, for he has declared that he considers it a proper case for legislation, but he has adopted the opinion that the action of the Secretary of the Treasury in 1833, amounts to a rejection of the claim, which right or wrong he has no rightful authority to review.

In this State of things Exhibiting as your petitioners think it does a distinct recognition of the validity of the claim and of the sufficiency of the Evidence upon which it rests and rejected – not upon its merits but from a supposed want of legal power in the Department to Examine it, a ground resting as we believe upon an entire misconception, we are compelled to present our case to your honorable bodies, with the accompanying proofs in accordance with the recommendation and advice of the Secretary of Ward –

The documents and testimony being in the Office of the Commissioner of Pensions are subject to the call of the Committee –

S/ Richard S. Coxe, Attorney for Claimants

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Pension Office

September 30, 1846

Sir,

I have very carefully examined all the papers which you lived here in the case of John Rogers, deceased, and placed them on file.

In this case, half-pay under the Act of July 5, 1832, has been allowed, but it is alleged by the persons who now claim, that those who drew the money from the Treasury Department some years since, are not the heirs of the deceased. I have read all the evidence filed in the Treasury Department, and am wholly at a loss to determine whether the John Rogers who resided in Halifax County, Virginia or the man of that name who belonged to Caroline County Virginia was the Captain who served in the Illinois Regiment. Both parties have produced proof entitled to equal credit. This Department is not satisfied that either party has any lawful claim. The proof is not conclusive. There were no less than 4 persons named John Rogers who commanded companies engaged in the Western frontier of Virginia during the Revolution. But only one of the 4 belonged to the Illinois Regiment. He is theirs only are entitled; but who they are, I cannot say. I can discover no better mode for the party who now claims to pursue than to follow the advice of the Secretary of the Treasury to Mr. Williams the former Agent in this case. I enclose herewith a copy of the Secretary's letter to Mr. Williams, dated the 20th of November 1833

I am, &c

S/ J. L. Edwards

Mr. E. F. Brown, Present

[enclosure]

Treasury Department

20th of November 1833

Sir,

The Claim of the legal representatives of John Rogers, late of person County, North Carolina to have-pay under the Act of Congress of 5th of July 1832, as a Captain of the Illinois Troop of Cavalry, has been examined. A claim had been previously presented by another party claimed to be the legal representatives of John Rogers, which claim was paid to Thomas Rogers of Bowling Green, Kentucky, as executor of George Rogers sole heir of John Rogers, Captain of the Illinois Troop of Light Dragoons, by Warrant dated the 2nd of January 1833. Should the parties whose interests you represent be of opinion that the claim has been paid to the wrong person, they must seek their remedy against the Executor through the Courts. If you wish the papers you presented to the Department to be used in the trial, they shall be returned to you.

I am &c

S/ R. B. Taney

Secretary of the Treasury

Thomas Williams, Esquire
now in Washington City

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Pension Office November 23, 1849

I certify that upon an appeal to the Secretary of the Interior, and under his directions, I have examined the claim for half pay under the act of July 5, 1832, of the Executors of John Rogers, who was a Captain of Cavalry in the Illinois Regiment, which belonged to the Virginia State Service during the Revolution, and I find that said Rogers served to the 31st of December 1781, and died the 3rd of February 1823, the claim is therefore embraced by the act, and should be allowed, at the rate of \$300 per annum from the 1st of January 17 82 to the 23rd of February 1823. The amount is payable to Alexander H Lawrence, Substitute of Samuel A Pugh, attorney of George Clark Rogers and Byrd Rogers, Executors of John Rogers deceased

Commissioner of Pensions

Approved

Secretary of the Interior

Entered on the [indecipherable abbreviation] act 5 July '32

[From [Digital Library of Virginia](#)] Caroline County Legislative papers

To the Hon. the Speaker & House of Delegates

The Petition of John Rogers of the County of Caroline humbly Sheweth

That he was entitled to forage for his Horses as a Capt. of a Troop of Cavalry from the 1st day of January 1780 to the 14th day of February 1782: that being the greater part of his time in the Western Country, he had it not in his power to settle his forage account before the expiration of the time allowed for that purpose, yet he trusts that circumstance will not eventually prove a bar to his Claim, as others, in similar cases, have received their forage. Your Petitioner therefore prays that the Auditor may be empowered to settle his forage account in like manner as he might have done before the expira[tion]. The image of this document cuts off at this point.]

[Reverse]

Rogers's Petition

October 16, 1792

to claims

Reasonable

Referred 29th [indecipherable] 92