

Samuel Witter (1784?–1849?) Wives: Rebecca Crask (1794?–1826?) & Synthianna [–?–]

RESEARCH NOTES

Samuel Witter Family Summary:

Born: b. about 1784; Pennsylvania¹
Parents: Unidentified
Married: c.1818, **Rebecca Ann Crask**;² b. c.1794; d. 1826–30³
June–November 1830, **Synthianna [–?–]**; b. 1800–10; d. after 1842⁴
Occupation: Millwright⁵ and bridge builder⁶
Died: Before 1850 census; possibly c. January 1849, Independence County, Arkansas⁷

¹ Witter's 7 June 1815 military discharge states that he was "about 31 years of age." See Samuel Witter (Pvt., Lt. R. W. Ewing's Co., 17th Regt., U.S. Inf.), bounty land warrant file 23642 (Acts of Dec. 24, 1811 & Jan. 11, 1812, 160 acres); Military Bounty Land Warrants and Related Papers; Records of the Bureau of Land Management, Record Group 49; National Archives, Washington, DC. The 1810, 1820, 1830, and 1840 censuses abstracted later in this paper support this time frame. A census entry for the youngest son of Samuel and Rebecca also reports "Pennsylvania" as his father's birthplace. See 1900 U.S. census, Yavapai Co., Arizona Territory, Red Rock Precinct, ED 68, sheet 2B dwell. 47, fam. 49 (Lapsley "Whitter").

² Numerous online trees identify her as Rebecca Ann Crask, without evidence. Contemporary records abstracted and discussed in this biographical summary do support this identification of her as a Crask. For sample trees, see

- PatriciaBrown76, Walter T. Farlow Tree," *Ancestry* (<http://ancestry.com/family-tree/person/tree/21297284/person/20001395575/facts> : accessed 16 June 2015), "Abraham P. 'Abe' Witter."
- Annette Brauer, "Grogan/Mobley/Brauer ... Tree," *Ancestry* (<https://www.ancestry.com/family-tree/person/tree/1213896/person/13921549848/facts>), "Lapsley Hall Witter."
- Joan Fleming, "Family Tree of Tim and Sue," *Ancestry* (<https://www.ancestry.com/family-tree/person/tree/66473132/person/34148816530/facts>), "Samuel J. Witter." This tree (like many others) erroneously gives Samuel a middle initial, misses his move from Kentucky to Illinois, and assigns to him the death of a younger Samuel *Water* that occurred 6 May 1846 in Washington County, Kentucky.

The date of the marriage is extrapolated from census ages given for the alleged firstborn, Nancy. The 1810 census data suggests that Samuel *might* have had an earlier wife, although the household composition is more that of a young man heading up a now-fatherless birth family than that of a young man starting a new life. See subsequent discussions of census data under 13 September 1810 and 7 August 1820.

³ 1820 census data for the adult female in Witter's household places her birth 1776–94. No woman her age is tallied in Samuel's 1830 census household and their last child (as identified by the above-cited trees) was born in September 1826. Given that no children are attributed to Rebecca before 1819–20 and that tax rolls show her brother Joseph coming of age in 1821, it is probable that Rebecca's birth occurred near the end of the time frame attributed to her on the census (i.e., about 1794). For more on Joseph Crask, see Elizabeth Shown Mills, "Samuel Witter, War of 1812: Grayson County, Kentucky, Research," and "Samuel Witter, War of 1812: Ohio County, Kentucky, Research," reports to Witter Research Group, 23 November 2017; archived at Mills, *Historic Pathways* (<https://historicpathways.com>) under the "Research" tab.

⁴ Two documents point to a time frame for Samuel and Synthianna's marriage. The 1 June 1830 U.S. census, Ohio Co., Ky., p. 248, line 11, includes no woman of age to be Samuel's wife. On 22 November 1830, Samuel and "wife Synthianna" sold his Ohio Co. land; see Ohio Co., Deed Book F: 286–87. The last known document for Synthianna is her and Samuel's sale of their Marion Co., Ill., land; see Marion Co. Deed Book C: 363.

⁵ *Register of Enlistments in the U.S. Army, 1798–1914*, National Archives microfilm publication M233, roll 13, "Records of Men Enlisted in the U.S. Army Prior to the Peace Establishment, May 17, 1815," vol. "S–W," p. 123; digital images, "U.S. Army, Register of Enlistments, 1798–1914," *Ancestry* (<http://www.ancestry.com> : accessed 7 Jan. 2012).

⁶ *Laws of the State of Illinois, Passed by the Eleventh General Assembly ... Held at Springfield, on the Ninth of December, One Thousand Eight Hundred and Thirty Nine* (Springfield: William Walters, Public Printer, 1840), 78.

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

Residences:	Ohio County, Kentucky	March 1810 ⁸
	Breckenridge County, Kentucky	Sept. 1810–April 1813 ⁹
	U.S. ARMY	April 1814–June 1815
	Grayson Co., Kentucky	Aug. 1816–Fall 1821 ¹⁰
	Ohio Co., Kentucky	Sept. 1822–July 1831 ¹¹
	Marion Co., Illinois	Nov. 1833–Feb. 1842 ¹²

Name variants: Weller, Wetter, Whitter (for son Lapsley), Witer, Witter, Witters

PROBABLE CHILDREN:

1. ?**NANCY WITTER**, b. between 2 June 1819 and 1 June 1820; d. 1870; married *ca.* 1841, **Alphonzo Horton** (1820–1873).¹³ This alleged daughter can be accounted for on the 1820 census as a female 0–5, but she is not in the parental household in 1830 or 1840. Nancy appears with Horton on the 1850, 1860, and 1870 censuses of Wayne Co., Illinois.¹⁴ The 1860 census places the family in T1N R6E, Wayne Co., and identifies her children as REBECCA, AMOGINE, ELIZABETH C., SAMUEL H.M., and VICTORIA.¹⁵
2. **ABRAHAM P. WITTER**, allegedly b. 4 May 1820; d. 9 December 1898, Hickory Hill, Wayne Co., Ill. Said to have married three times: **Martha Jane Webber** (b. 1832) 25 March 1851, Jefferson Co., Ill.; m. **Kitsie [Betsie] J. Peer**

⁷ Independence Co., Ark., Letters Testamentary & Administrations, 1840–1880, pp. 48–49; imaged in “Arkansas, Wills and Probate Records, 1818–1998,” database with images, *Ancestry* (https://www.ancestry.com/interactive/8638/007117333_00275?pid=148864 : accessed 10 Nov. 2017), Independence > Guardians Bonds and Letters, 1868–1895; Administrators Letters Testamentary, 1846–1881 > image 275 of 622.

⁸ Breckenridge County, Ky., Deed Book C, 1810–16, pp. 2–3, stating residence in Ohio Co.; imaged in “Vols. C-D 1810-1819,” database, *FamilySearch* (<https://www.familysearch.org/search/film/008192838> : accessed 26 Oct. 2017), from FHL film 422080.

⁹ 1810 U.S. census, Breckinridge Co., Ky., Thomas Kinchelo’s Dist., p. 158 (stamped lower left), Samuel Witter; p. 157 is specifically dated 23 September 1810. Also Breckinridge Co., Order Books, 1809–1814, pp. 215, 222–23, 238, 250, 253, 259, 276–76, 280, 310, 343–44, 358, 362, 392; imaged in “Order Books, 1803–1885,” database, *FamilySearch* [Bhttps://www.familysearch.org/search/film/00796411](https://www.familysearch.org/search/film/00796411) : 27 Oct. 2017), image 439.

¹⁰ Grayson Co., Ky., Tax Rolls, 1816–1821; imaged as “Tax books 1810–1831, 1833–1834, 1836–1845,” database, *FamilySearch* (<https://www.familysearch.org/search/film/007834439?cat=155619> : accessed 24 Oct. 2017); imaged from FHL film 8001. Also 1820 U.S. census, Grayson Co., Ky., p. 155, line 17.

¹¹ Ohio Co., Ky., Tax Rolls, 1822–1830; imaged in “Tax Books 1799–1809, 1811–1817, 1819–1831, 1833, 1835, 1837–1839, 1841–1845,” database, *FamilySearch* (<https://www.familysearch.org/search/film/007834494> : accessed 2 Nov. 2017); imaged from FHL film 8189. Also 1830 U.S. census, Ohio Co., Ky., p. 248, line 11.

¹² State of Illinois, “Illinois Public Domain Land Detail,” database, *Office of the Illinois Secretary of State: Illinois State Archives* (<http://www.ilsos.gov/isa/landSalesSearch.do?purchaseNo=0203319> : accessed 13 Nov. 2017), entry for “Samuel Witter.” Marion Co., Ill., Deed Book C:363. Samuel and Synthianna Witter to James Marshall, 8 Feb. 1842.

¹³ Fleming, “Family Tree of Tim and Sue.” Also Lynn Davis Watson (aka mcldw11461), “Davis/White; Hall/Vining; Watson/Hammond/Krebs Family Tree,” *Ancestry* (<https://www.ancestry.com/family-tree/person/tree/12684555/person/499832295> : accessed 12 Jan. 2012 and 12 Nov. 2017). Also lfj450, “Lavern F. Johnson_2016 ... Tree,” *Ancestry* (<http://www.ancestry.com/family-tree/person/tree/113193244/person/120107968222> : accessed 10 Nov. 2017). None of these trees nor others I’ve seen provide any supporting evidence for Nancy.

¹⁴ 1850 U.S. census, Wayne Co., Ill., Dist. 11, p. 184 (stamped), dwelling/family 2; the official census day by which ages were to be cited in 1850–80, was 1 June. Alfonso and Nancy are next door to Joseph Crask (52, b. Kentucky), who is believed to be the brother of Nancy’s mother; other members of Joseph’s household are Nancy Crask (48), Vinson Crask (20), and James Crask (16). Two houses from Joseph Crask are Wilsons from Kentucky, the surname commonly attributed to Joseph’s and Rebecca’s mother. The fact that Nancy (Witter?) Horton, age 30, is living next door to Joseph and Nancy Crask (age 52 and 48) does suggest a possibility that she might be a Crask by birth, rather than a Witter. Conversely, the fact that Nancy named her first daughter Rebecca—and a son Samuel—supports the belief that Nancy was a daughter of Rebecca Crask, rather than Joseph. Clearer evidence is needed.

¹⁵ 1860 U.S. census, Wayne Co., Ill., Blue Point Post Office, pp. 152–53, dwell. 1084, fam. 1012. 1870 U.S. census, Wayne Co., Ill., Johnsonville P.O., p. 20 (penned), dwell. 127, fam. 132. Nancy’s son Samuel appears in 1870 as “Samuel H. M.” Both censuses place her birth between 2 June 1819 and 1 June 1820.

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

(1817–1871), 19 June 1858, Hamilton Co.; m. **Gilly Ann [–?–]**¹⁶ before 26 November 1885.¹⁷ 1848 church roll: Wayne Co., Ill.¹⁸ 1850 Census: not found. 1 June 1857: took out land in Jefferson Co., Ill., Sec. 27 T2S R4E.¹⁹ 1860 census: Hamilton Co., adjacent to James C. Witter.²⁰ 1870: Wayne Co., Ill.²¹ 1880 census: not found. Two apparent sons: DANIEL PUR [PERRY?] 1846, PHILIP 1848.

3. **JAMES C. WITTER**, b. 25 July 1822 (likely Ohio or Grayson Co., Ky.); d. 6 August 1877, Hamilton Co., Ill.; married 29 August 1846, **Sarah Price Elledge** (1828–1883).²² 1850 census: Hamilton Co., Ill.²³ 1855 state census: Hamilton Co. 1860 census: Hamilton Co., adjacent to Abram Witter.²⁴ 1863 draft registration: Hamilton Co. 1870 census: Hamilton Co. 24 June 1877 probate: Hamilton Co. Supposedly left 5 sons and 4 daughters (NANCY 1848–; ARTHUR 1851–; REBECCA JANE 1753–82; ABRAM PERRY 1856–; NEWTON J. 1858–; THOMAS JEFFERSON 1862–; SAMUEL WILSON 1864–, MARY 1876–; and GEORGE 1879–).²⁵
4. **JOHN KELLA WITTER**, b. 28 December 1823, Ohio Co., Ky.; d. 3 February 1878, Wayne Co., Ill.²⁶ 1848–49: Ohio Co. Ky., tax rolls as “John K. Witter.”²⁷ 1850, 1860, 1870 censuses: not yet found.
5. **LAPSLEY HALL WITTER**, b. September 1826; died 7 February 1903, Arizona Territory; said to have married three times: **Mary Mason**, ca. 1848; **Elizabeth Webber**, 1856, Jefferson Co., Ill. **Mary Elizabeth Payne**, ca. 1865. ²⁸ 1850 census: Ohio Co., Ky; 1860 census: Van Buren (Crawford Co.), Ark²⁹; 1 July 1863 enlistment: Lebanon

¹⁶ Brown, “Walter S. Farlow Tree.” Fleming, “Family Tree of Tim and Sue,” states that his first wife was Margaret J. Hall (1818–1871), who he married 19 June 1858 in “Hamilton, Ill.” The 1860 census cites his age as 43, placing his birth in 1816–17; The 1870 census cites his age as 53, placing his birth 1817–18. See 1860 U.S. census, Hamilton Co., Ill., T3 R6E, p. 231, dwell./fam. 1517; and 1870 U.S. census, Wayne Co., Ill., Hickory Hill Township, p. 7 (penned), dwell. 48, fam. 50.

¹⁷ Brown, “Walter S. Farlow Tree.”

¹⁸ *History of Wayne and Clay Counties, Illinois* (Chicago: Globe Publishing Co., 1884), 121. The founding members of “Little Flock” in Hickory Hill Township” are said to include “Sarah M. Crask, Stout Atteberry, Fanny L. Atteberry, Alfred Wilson, Joseph Crask, Nancy Crask, **Abraham P. Witter**, Sarah M. Wilson, Enos K. Wilson, Wilkins Dewees, and Eleanor Dewees; of this number only three are **now living**, to wit: Fanny L. Atteberry, Joseph Crask and **Abraham P. Witter.**” Page 141 states that Stout Atteberry’s wife was Anna L. Crask, that they came from Grayson Co., Ky., that her father was a Virginian who died in Kentucky, and that her mother died in Wayne County” in 1855, aged eighty-nine years two months and eighteen days.” All of these individuals, except Abra(ha)m P. Witter are found in the Hickory Hill township in 1850. The Widow Crask appears to be enumerated there as “Sarah Wilson 70 b. Virginia,” living with Wilkins and Elenor Dewes, both 37; listed in the same household, immediately after Sarah Wilson is Susan Wilson 25 b. Kentucky. See 1850 U.S. census, Wayne Co., Dist. 11, p. 185.

¹⁹ Bureau of Land Management, “Land Patent Search,” Abraham P. Witter, Accession no. IL2030_040, Shawneetown Land Office.

²⁰ 1860 U.S. census, Hamilton Co., Ill., T3 R6E, p. 231, dwell./fam. 1517, Abram 43, farmer, \$2100/\$750, b. Ky; Betsy 42 b. Tenn.; Daniel Pur? Witter 14 b. Ill.; Phillip Witter 13 b. Ill.

²¹ 1870 U.S. Census, Wayne Co., Ill., Hickory Hill Township, p.7 (penned), dwell. 48, fam. 50, Abram 52 b. Delaware [sic], “Kitsie” 54 b. Tenn., no children. The couple lived next door to Joseph and Nancy Crask. The Witter data, with the problematic Delaware birthplace, apparently was given by the individual named first in the household, “Martha Ellis, 17, domestic servant b. Illinois.”

²² Fleming, “Family Tree of Tim and Sue.” This source states James was born in Glasgow, Barren Co., Ky. However, Samuel Witter was a taxpaying resident of Grayson County 1816–21 and adjacent Ohio County 1822–31.

²³ 1850 U.S. census, Hamilton Co., Ill., Dist. 10, p. 267 (stamped), dwell./fam. 1037 (James Wittor 27, no occupation, b. Ky.; Sarah 23 b. Ill., Nancy 2 b. Ill.)

²⁴ 1860 U.S. census, Hamilton Co., Ill., T3 R6E, p. 231, dwell./fam. 1518.

²⁵ Fleming, “Family Tree of Tim and Sue.”

²⁶ Fleming, “Family Tree of Tim and Sue.”

²⁷ Ohio Co., Ky., “Tax Books 1846–1852, 1857, 1859–1861, 1863–64,” *FamilySearch* (<https://www.familysearch.org/search/film/007834494>) : accessed 2 November 2017), especially images 84, 128, 179; imaged from microfilm 8189.

²⁸ “Illinois, Marriage Index, 1860–1920,” database, *Ancestry* (<https://search.ancestry.com>), Lapsley H. Witters; citing FHL microfilm 001004738. The identities of wives one and three are asserted in numerous undocumented trees; possibly, the identities come from a Civil War pension application filed by Lapsley’s widow—a possibility I have not yet investigated.

²⁹ 1860 U.S. census, Van Buren Co., Ark., City of Van Buren, p. 10, dwell./fam. 76 (L. H. Witters 33 waggonmaker b. Ky., [no woman of age to be his wife], Sarah F. Witters 11 b. Ky., Nancy A. Witters 5 b. Missouri, living with James Lemuel laborer 25 b. Ill., Nancy Lemuel 19 b. Tenn., and Mary A. Lemuel 1 b. Ark.). No near neighbors are born in Kentucky.

**Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]**

(LaClede Co.), Mo. 1870 census, Bandera Co., Tex. 1880 cens., East Kittitas (Yakima Co.) Wash. 1887, Kittitas Washington. 1900 census, Red Rock (Yavapai Co.), Arizona Territory.³⁰ Supposedly left 3 sons and 6 daughters (SARAH F. 1849–1900; NANCY ADLINE, 1854–1935; IDA, 1863; HYMAN/HINMAN, 1854; CARRIE, 1869; PHILANDER F. 1871–1954; DENNIS 1874–; MARY 1877; SYLVANUS PAYNE 1881–1957).³¹

POTENTIAL KIN:

Two males—and by location, one female—have surfaced in this research as potential relatives and should be further studied.

1. **PETER WIDDOW (WIDOWS)**, b. 1766–84, first appears on the 1810 census of Clark Co., Ky. The 1813 tax roll (taxes due in early 1814) places him in **Logan Co.** shortly before Samuel’s recruitment by a Logan-based recruiter. The 1816 tax roll of **Breckinridge County** cites both Peter and Samuel, two listings apart. Before 1820 Peter migrated to White Co., Ill., where the census enumerates him next door to Richard Atterbury, whose son Stout married Samuel Witter’s sister-in-law Fanny Crask. Peter has not been tracked past this point, but by 1830 Richard had returned to Kentucky, where he was enumerated two houses from Samuel Witter. In the 1830s, Atterbury, the Crasks, and Samuel Witter would all move permanently southeast Illinois—again in neighborhood clusters.³²
2. **MARY WIDDOWS**, married Isaac Morris in **Logan Co.**, on 5 October 1811. Her presence in that county in that era, as a single woman, suggests she had male kin there as well.³³ No Isaac Morris is enumerated thereafter in Logan but they may be the Isaac Morris family enumerated 1820 in Edwards Co., Ill. (adjoining White Co., to which Peter Widdow and Richard Atterbury migrated.)³⁴
3. **TARLTON WHITTER**, b. 1766–1784, married Elizabeth Cox 1806 in Washington Co., Ky. By 1820 he was in Ohio Co., Ky., where he had associates in common with Samuel Witter (Halls, Haynes, Kellys). After his death, the 1850 neighbors of his widow Elizabeth (Whitinghills and Haynes) were neighbors of Samuel’s son Lapsley Hall Witter.³⁵

13 JANUARY 1810

BRECKINRIDGE OR OHIO COUNTY, KY

Debt

Samuel Witter on this day signed a “writing” in favor of Joseph Huston of Breckinridge County in the amount of \$137.11½, for which Houston would sue him in July 1811. See court orders under that date.

³⁰ 1900 U.S. census, Yavapai Co., Arizona Territory, Red Rock Precint, ED 68, sheet 2B dwell. 47, fam. 49 (Lapsley Whitter b. Sept. 1826, 73, married 35 years, b. Ky., fath. b. Penn., mother b. Va.; wife Mary E., 55, b. Aug 1844, b. Ill., m. 35 years, mother of 11 children, 3 living; son Filander F. b. Feb. 1871, Texas, son Sylvester P., b. Oct 1882, Washington Territory).

³¹ Annette Brauer, “Grogan/Mobley/Brauer ... Tree.”

³² All these points are developed in E. S. Mills, “Samuel Witter, War of 1812: Logan County, Kentucky, Research,” report to Witter Research Group, 23 Nov. 2017; archived at *Historic Pathways* under the “Research” tab.

³³ Lalla McCulley, *Logan County, Kentucky, Records*, vol. 1 (Lewisburg, Ky.: P.p., 1961), 65 (Widdows); imaged at *FamilySearch*, file 107621801.pdf.

³⁴ 1820 U.S. census, Edwards Co., Ill., p. 2, line 55, “Isaac Morris.”

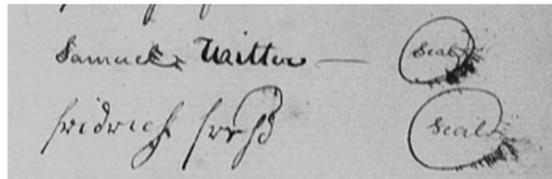
³⁵ All these points are developed in E. S. Mills, “Samuel Witter, War of 1812: Ohio County, Kentucky, Research,” report to Witter Research Group, 23 Nov. 2017; archived at *Historic Pathways* under the “Research” tab.

13 MARCH 1810

Indenture

Samuel Witter of the County of Ohio and State of Kentucky, of the one part, and *Frederick Fraize* of the County of Breckenridge ... of the other part agree that Fraize places and binds "his son John Fraize to ... Witter after the manner of an apprentice untill ... John Fraize shall arrive to the age of twenty-one (he being seventeen years old the 22nd day of April next) and as an apprentice with him the said Samuel Witter to dwell during the term aforesaid and shall his said master faithfully serve in all such lawfull business as he shall be put to by his said master according to the wit, power, and ability of him the said John Fraize and honestly and obediently in all things shall behave towards his **sd. master and his family**. And the said Samuel Witter on his part for himself his heirs &c doth hereby covenant and agree to and with the said Frederick Fraize for and in behalf of the said John Fraize ... that he the said Samuel Witter [shall train] the said John Fraize in the art and mystery of a mill wright after the best[?] manner that he can or may teach and instruct. ... Samuel Witter shall also find and provide and allow the said apprentice sufficient meat drink apparel washing and lodging and all other things needfull or meet [appropriate] for an apprentice during the term aforesaid and ... shall give to the said John Fraize five months schooling at a common english school within the said term and discharge the said apprentice at the expiration of his said term of service with a decent new suit of clothes worth Ten pounds at least and for the performance of the above the parties bind themselves each to the other firmly by these presents. " [Signed] Samuel Witter [an English style signature], Frederick Fraize [a German style, but not heavy German.]

Acknowledged 13 March 1810 before J. Allen Clerk, CC.³⁶

A photograph of a document showing two handwritten signatures. The top signature is "Samuel Witter" in an English cursive style, followed by a horizontal line and a circular seal containing the word "Seal". The bottom signature is "Frederick Fraize" in a German cursive style, followed by a circular seal containing the word "Seal".

COMMENT:

This deed book carries only a grantor index. I read every page of the index for embedded names of grantees. I did not skim every page of the volume for names of witnesses and other kinds of embedded references.

Ohio County (Witter's stated place of residence) lay

- on the southwestern border of Breckinridge
- on the northern border of Logan County, the War of 1812 recruitment station for Samuel Witter's recruiter.

The circumstances here raise possibilities for clues to Witter's origin. This is his first known appearance on record in Kentucky. He identifies himself as a resident of Ohio County, although the local records do not document his presence there before 1822. As a resident of Ohio County, he went across the county line and arranged to take over the life of Frederick Fraize's son for the next 4½ years. Unless we assume that Fraize was willing to bind his son to a total stranger, then

³⁶ Breckenridge County, Ky. Deed Book C, 1810-16, pp. 2-3; imaged in "Vols. C-D 1810-1819," *FamilySearch* (<https://www.familysearch.org/search/film/008192838> : accessed 26 Oct. 2017), imaged from FHL microfilm 422080.

circumstances suggest that Fraize already knew Witter and trusted him. One Fraize/Fraze descendant has posted an online tree asserting that³⁷

- He was born in Princess Anne County, Virginia, in 1770.
- He lived in Frederick County, Maryland, in 1762 [*sic*].
- He married 26 July 1791 in Berkeley (James County) Virginia, to Barbara Frank (the attached “record” is a database entry for one *Frank* Freise marrying Barbara Frank).
- He was in Breckinridge County, Kentucky, by 1800.
- He married Sally Hulet in Breckinridge on 30 December 1810.

Six months after the above document, Witter is enumerated in Breckinridge on the page after Fraize. As subsequently shown in this collection of research notes, Samuel’s locus was along the plug-and-socket where eastern Ohio County adjoins Breckinridge and Grayson counties.

23 SEPTEMBER 1810

BRECKINRIDGE CO., KENTUCKY

Census³⁸

Frederick Frays	1 male 26–45	1 female 16–26	
	1 male 10–16	1 female 10–16	
	2 males 0–10		
[<i>skip 35 households</i>]			
Samuel Witter	1 male 26–45	1 female 16–26	1 slave
	3 males 16–26	1 female 10–16	8 total
	1 male 10–16		
Reuben Huff	1 male 26–45	1 female 26–45	

COMMENTS:

Age:

If the above ages are correct, then a male who was in the 16–25 category on the official census date (7 August 1820) could have been born as early as 9 August 1784. Samuel Witter of the 17th Regiment was said to be “about 31” on his July 1815 discharge. He also appears as “31” in his entry in the enlistment register—which, if accurate, would place his birth some 16 months earlier (ca. 1782–83). However, no copy of an actual enlistment paper has been found and the enlistment register was not created until many decades after the fact. To fill the age column of that preprinted register, the government clerk may have copied the age from the discharge document.

Marital status & household data:

The other household data on this census is not compatible with known information for Samuel Witter. The following points needs to be considered:

³⁷ See Sandra_catlett, “Paulin Fraze family Tree,” *Ancestry* (<https://www.ancestry.com/family-tree/person/tree/75749277/person/44324910236/facts> : accessed 26 October 2017). Various “sources” are attached, but the ones offered in support of the above are unreliable ones, with the exception of the 1800 Breckinridge tax roll entry offered as evidence for his 1800 residence in the county.)

³⁸ 1810 U.S. census, Breckinridge Co., Ky., Thomas Kinchelo’s Dist., p. 157 (stamped lower left), line 2 (Frederick Frays), p. 158 (Samuel Witter); p. 157 is dated 23 September 1810; digital image at *Ancestry.com*, citing National Archives microfilm publication M252, roll 5. 36 households separate Frays and Witter.

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

- His children by Rebecca Crask, if their identifying data are correctly given by descendants, were not born until 1819–20. This suggests he did not marry into the Crask family until after he returned from war in 1815 and settled among them in Grayson County.
- Samuel is known to have taken on one apprentice earlier in 1810—a boy who turned 17 in the interim and would account for one of the males 16–25 in Samuel’s household. Note also below, under 10 August 1837, that when Samuel contracted to build a mill in Illinois he also provided board for the hands; this practice may well account for the excessive number of males 16–25 in Samuels 1810 and 1820 households, but not for the females.
- It is also possible that this household represents Samuel’s birth family for which (father being dead) he is now the head of household. Under 1816 below, it will be seen that when he went onto the tax roll in Grayson County, there was also added one “Peter Widdow” who left the county by the next year. (The identification of Samuel’s oldest son, “Abraham P.,” introduces the possibility that the name Peter was a forename in this family.)
- Adjacent Logan County records of 1811–13 (where no Witter/Widder household appears on the 1810 census) show two possible candidates for those 1810 residents of Samuel’s household of 1810:³⁹
 - 1811: Mary Widdows married Isaac Morris
 - 1813: Peter Widdows was taxed for 50 acres, 3d class, Red River & 1 taxable male 21+

Census neighbors of the Breckinridge household—individuals who offer the best clues to the pre-Kentucky origin of the Witters—are briefly extracted below. Particularly note **James Eidson** and **Reuben Huff**. The Eidsons and Huffs would also be his 1830 Ohio County neighbors.

WITTER NEIGHBORS:

(p. 158)

<i>James Eidson</i>	Amos Williams
William Love	Andrew Miller
Peter Kinder	Kimbal Carlton
James Moredock	Abiel Nicholds
Jane Kennedy	Barnard Sums
Arnold Elder	John Miles
Saml. Crawford Junr.	Uriah Thompson
Joseph Mason	Robert Allen
John Taber	Wright Cunningham
George Glascock	Thomas Sloan
George Bruington	Daniel Waggoner
Wm. Moorman, Junior	Jonas Bye
Samuel Witter	Thomas Miles
<i>Reuben Huff</i> [next to Amos Williams]	Richard Herrel

³⁹ Logan Co., Ky., Commissioner’s Book 1813, W section, p. 73; imaged in Logan Co. “Tax Books 1792–1797, 1799–1815,” database with images, *FamilySearch* (<https://www.familysearch.org/search/film/007834476?cat=156098> : accessed 21 Oct. 2017); from FHL film 8122. For the marriages, see Lalla McCulley, *Logan County, Kentucky, Records*, vol. 1 (Lewisburg, Ky., P.p., 1961), 65; PDF image at *FamilySearch* > catalog > Logan County. For a survey of Logan County resources in search of Witter residents during the period Samuel was in Kentucky, see Elizabeth Shown Mills, “Samuel Witter, War of 1812: Logan County, Kentucky, Research,” report to Witter Research Group, 23 Nov. 2017.

FALL 1810
KENTUCKY
Tax rolls

COMMENT:

Samuel Witter was not found on the rolls of Breckinridge, Logan, or Ohio counties. The county tax rolls were assembled in late spring and summer. Apparently, he moved in the interim, had his name stricken from the Ohio County roll, but did not file a list in Breckinridge until 1811.

18 APRIL 1811
BRECKINRIDGE COUNTY, KENTUCKY

Court order

"George Claycomb, Plaintiff, against **Samuel Witter**, John Kelly & Aaron Rawlings Defendant. In Case.

"This day came the plaintiff by his attorney and the Defendant Aaron Rawlings altho solemnly called came not. It is therefore considered by the Court that the plaintiff recover against the said Deft. Rawlings the sum of one hundred and fifty six dollars the debt in the petition mentioned with interest thereon from the **20th day of November 1810** until paid and his costs in this behalf expended and may have execution &c. And as to the Defts. **S. Witters** & Kelly, this cause is continued until the next court here &c."⁴⁰

COMMENT:

At first assumption, one might hypothesize that (a) Witter, Kelly, and Rawlings were partners in some endeavor or, based on the order of the names on the case label, (b) Kelly and Rawlings had served as surety for a debt undertaken by Witter. The latter option gains some weight from the fact that Rawlings later sued Witter for the sum he was above ordered to pay.

Note Samuel's association with a John Kelly and the fact that Samuel's third son is reputed to be John "Kella" Witter.

19 APRIL 1811
BRECKINRIDGE COUNTY, KENTUCKY

Court order

"James Woods, Plaintiff, against **Samuel Witter**, Defendant, In Case

"This day comes the parties aforesaid by the Attornies and the Deft. by his Attorney filed a plea of non assumpsit to which the plaintiff filed a Joinder, therefore let a Jury come here &c. Whereupon came a Jury towit, James Kincheloe?, John Frank Junior, Barney Miller, James Mackey, John Nugent, William Burgis, Jacob Clemmon, Josiah H. Yager, Absolom Cave, George Claycomb, Thomas Abrey & Joseph Kincheloe, who being impanneled and Sworn well and truly to try / the issue joined upon their oaths do say that the Defendant did assume upon himself in manner and form as the plaintiff against him hath Complaind and they do assess the plaintiff damages which he has sustained by reason of the breach of that assumption to forty dollars & twenty Cents, besides the Costs. It is therefore considered by the Court that the plaintiff recover against the defendant forty dollars and twenty cents, the damages aforesaid by the Jurors aforesaid in form aforesaid assess'd and his costs by him in this behalf expended and the Deft. in Mercy &c."⁴¹

⁴⁰ Breckinridge Co., Ky., Order Books, 1809-1814, p. 215; imaged in "Order Books, 1803-1885," *FamilySearch* (<https://www.familysearch.org/search/film/00796411> : 27 October 2017), image 439..

⁴¹ *Ibid.*, pp. 222-23 (image 443).

COMMENT:

Note that George Claycomb was allowed to sit on this jury to decide a suit for debt against Witter even though Claycomb, in that same term, was himself suing Witter for debt.

15 JULY 1811

BRECKINRIDGE COUNTY, KENTUCKY

Court order

“Joseph Huston, Plaintiff against **Samuel Witter**, Defendant, In Debt

“This day came the parties aforesaid by their Attornies and the Special bail for the Defendant surrendered him in open court, and the plaintiff prayed the Deft. in custody &c. Whereupon the Defendant by his counsel moved the Court to discharge the Defendant from custody, the writing on which this suit is founded being an **article of agreement** with a penalty conditioned to perform certain work &c. In Consideration whereof It is ordered by the Court that the said Deft. be released from bail in said Suit and discharged from custody &c.”⁴²

“**Samuel Witter**, Plaintiff, against Joseph Huston, Defendant, In Debt

“This day came the parties aforesaid by their Attornies, and the Deft. by his Attorney moved the Court to be released from bail in this suit, inasmuch as the suit is founded on **an article of an agreement** in a penalty with a collateral condition. On Consideration Whereof, it is Ordered by the Court that the bail given by the Deft. be discharged and that the Deft. be released from Bail in said suit.

“Samuel Stephenson, Plaintiff, vs. **Samuel Witter**, Defendant, In Debt

“This day came as well the plaintiff by his attorney as the **Deft. in his proper person**, and the Deft. says that he cannot gainsay the plaintiffs action nor but [sic] that he is indebted to the plaintiff [for] the debt in the petition mentioned. It is therefore considered by the court that the plaintiff recover against the Deft. the sum of sixty five dollars and twenty eight cents the debt in the petition mentioned, with interest thereon to be calculated at the rate of six per centum per annum from the twenty-ninth day of May 1811 until paid and his costs by him about his suit in this behalf expended and the Deft in mercy etc. But execution of this Judgment is not to be made for three months, in consideration whereon the Deft. waives his right of Replevin.”

COMMENTS:

- The Stephenson suit informs us that Witter was physically present, even though that is not noted for the other two cases against him that were heard that day.
- The phrase “in mercy, etc.” indicates that the defendant asked ‘the mercy of the court’ to allow him time to get his finances to the point that he could pay the debt. The court then gave him a three-month extension before the judgment came due.

17 JULY 1811

BRECKINRIDGE COUNTY, KENTUCKY

Court order

“George Claycomb, Plaintiff, against John Kelly & **Samuel Witter**, Defendant, In Debt

“This day came the plaintiff, by his attorney and discontinued this suit.”⁴³

⁴² Ibid., p. 238 (image 452).

⁴³ Ibid., p. 250 (image 459).

18 JULY 1811

BRECKINRIDGE COUNTY, KENTUCKY

Court order

"Joseph Huston, Plaintiff vs. **Samuel Witter**, Defendant, In Debt

"This day came as well the plaintiff by his Attorney as the **Deft in his proper person** and the Deft. saith that he cannot gainsay the plaintiff action nor but that he is indebted to the plaintiff the Debt in the writing obligatory in the declaration mentioned. It is therefore considered by the Court that the plaintiff recover against the defendant the Sum of One hundred and thirty seven dollars eleven and an half cents, the debt in the Declaration mentioned, with interest thereon to be calculated at the rate of six per centum per annum from the **13th day of January 1810** until paid and his costs by him about his suit in this behalf expended and may have execution &c." ⁴⁴

COMMENT:

This record indirectly tells us two things:

- Witter was in the region, signing a note, as early as 13 January 1810
- On 18 July 1811, Witter was physically present in the county.

19 JULY 1811

BRECKINRIDGE COUNTY, KENTUCKY

Court order

"James Blair, Plaintiff, vs. **Samuel Witter**, Defendant, In Case. Continued." ⁴⁵

18 JULY 1811

BRECKINRIDGE COUNTY, KENTUCKY

Court order

"Robert Huston As[sign]ee of &c, Plaintiff, vs. **Samuel Witter**, Defendant, In Debt

"This day came the parties aforesaid by their Attornies and the Defendant by his Attorney filed a plea to which the plaintiff filed a Replication and the defendant filed a Joinder and the parties agree that any special matter may be given in evidence which might be given under any legal plea. Therefore let a Jury come here &c. But the Deft. moved the court for a continuance and filed an affidavit stating cause. It is therefore considered by the Court that this suit be continued until the next Court here &c and that the plaintiff recover against the Deft. his costs which he expended in consequence of said continuance & may have execution &c."

"**Samuel Witter**, Plaintiff, against Joseph Huston, Defendant, In Debt

"This day came the parties aforesaid by their attornies and the Deft. by his attorney prayed an appeal to the court of Appeals which is granted him upon his entering into Bond with Joseph Allen his security in the clerk's office in the penalty of five hundred dollars within Ten days." ⁴⁶

COMMENT:

Joseph Allen was the county clerk. Witter's adversary (Joseph Huston) is well connected.

FALL 1811

BRECKINRIDGE COUNTY, KENTUCKY

Tax roll

⁴⁴ Ibid., p. 253 (image 460).

⁴⁵ Ibid., p. 259 (image 464).

⁴⁶ Ibid., p. 275 (image 473).

Consecutive entries:⁴⁷

Aug 1 Walker, William 200 acres, 3d class, Rough Creek, patented to Wm. **May**, 1 white male, 0 horse
Witter, Samuel 100 acres, 3d class, **Rough Creek**, [now Rough River], patented to Wm. **May**, 1
white male, 2 horses

COMMENTS:

- A search of the county deeds turned up no record of Witter's purchase or sale of this land.
- Note that William Walker and Samuel Witter both owned a tract originally patented to Wm. May. Walker needs to be added to the list of associates investigated for Witter.
- Checking this tax roll for individuals known to be Samuel's 1810 and 1830 neighbors, I find

1810 n'br James Eidson 200a 3d class, Breckinridge, Juel's Creek, patented to Wm. Hardin
1 white male 21+, 1 black male 16+, 3 blacks total, 9 horses/mares/etc.

1830 n'br Henry Eidson, 0 land, 1 white male, 1 horse

OCTOBER 1811

BRECKINRIDGE COUNTY, KENTUCKY

Court order

The Judgment rendered against Witter in favor of Samuel Stephenson in July 1811 comes due this month: \$65.28 plus interest and costs.

22 OCTOBER 1811

BRECKINRIDGE COUNTY, KENTUCKY

Court order

"Joseph Huston, Plaintiff, vs. **Samuel Witter**, Defendant. In Debt. Continued,"⁴⁸

22 OCTOBER 1811

BRECKINRIDGE COUNTY, KENTUCKY

Court order

James Blair, Plaintiff, vs. **Samuel Witter**, Defendant. In Case. Dismissed."⁴⁹

22 OCTOBER 1811

BRECKINRIDGE COUNTY, KENTUCKY

Court order

"Aaron Rawlings, Plaintiff, against John Kelly and **Samuel Witter**, Defendant. On a motion."

"Ordered that this motion be laid over until tomorrow morning."⁵⁰

23 OCTOBER 1811

BRECKINRIDGE COUNTY, KENTUCKY

Court order

"Aaron Rawlings, Plaintiff, against John Kelly and Samuel **Witter**, Defendant. On a motion

"This day came the plaintiff [*sic*] by his Attorney, and it appearing to the satisfaction of the Court that the

⁴⁷ Breckinridge Co., Commissioner's Book, 1811, finalized 11 October 1812; imaged in "Tax Books 1800–1809, 1811–1817, 1819–1829," database, *FamilySearch* (<https://www.familysearch.org/search/film/007834405?cat=155013> : accessed 27 Oct. 2017), image 243; imaged from microfilm 7895, now digital film no. 007834405.

⁴⁸ Breckinridge Co., Ky., Order Books, 1809–1814, p. 275 (image 473).

⁴⁹ *Ibid.*, p. 276 (image 474).

⁵⁰ *Ibid.*, p. 280 (image 476).

plantiff has paid as security for the Defendants the sum of \$172.36½ cents and that the defendants have had due notice of this motion, It is considered by the court that the plantiff recover against the Defendants the said sum of one hundred & seventy two dollars, thirty six cents & five mills debt and his costs by him about his motion in this behalf expended & may have execution &c.”⁵¹

APRIL 1812

BRECKINRIDGE COUNTY, KENTUCKY

Appeals court transcript

Recording date: 20 October 1812

“Kentucky Dct [District] Court of Appeals, April Term 1812

“Joseph Huston, Appellant, against **Samuel Witter**, Appellee, upon an appeal from the Judgment of the Breckenridge Circuit Court.

“The Court being now sufficiently advised of and concerning the premises and having inspected the record and proceedings herein delivered the following Opinion, to wit: This is an action of Debt for two thousand Dollars. The Declaration sets forth **an article of agreement** containing various mutual covenants to be performed by the parties respectively, under the penalty of two thousand Dollars to be paid by the party failing to the party performing, and after alledging breaches of the Covenants on the part of the Defendant [i.e., Houston, defendant in the original suit], concludes with avering by reason whereof the Defendant became liable to pay to the plaintiff [Witter] the aforesaid sum of two thousand Dollars &c. The Defendant pleaded several pleas upon which Issues were joined and a verdict and Judgment having been given against him, he has appealed to this Court. The only question which is material to be tried decided is whether an averment of performance or of an offer to perform the covenants on the part of the plaintiff was not necessary to entitle him to maintain an action of Debt for the penalty? In deciding the Question it does not seem material to determine whether the Covenants contained in the articles are dependent or independent, that the parties might subject themselves respectively to the forfeiture of the penalty only upon the condition of a performance of the covenants on the other side, notwithstanding the covenants were in themselves independent is a position that cannot be doubted, such a stipulation is opposed by no principle of moral propriety nor is it prohibited by any rule of law. Whether the parties intended thus to stipulate in this case must be collected from the language they have used to express their intent. By the express words of the agreement it is only the party performing who has a right to demand the penalty. To say that either party failing to perform the covenants on his side would, notwithstanding such failure, have a right to claim the penalty would be in Terms a contradiction of the language used by the parties. The plaintiff therefore to entitle himself to an Action for the penalty must show that he comes within the description of a party performing and he could do that only by avering that he had performed on his part or was ready to perform and without such an averment the Declaration is defective. Wherefore It is considered by the Court that the Judgment of the Breckenridge Circuit Court be reversed[,] that the cause be remanded to said Court and that the plaintiff there [Witter] have leave to amend his Declaration upon the usual Terms if he should apply for that purpose, if not that the suit be Dimissed with Costs. Which is ordered to be certified to said Court. A Copy. Teste. Achilles Sneed, C, C, A. [Clerk, Court of Appeals]”⁵²

COMMENT:

The \$2000 in dispute would today have a purchasing power of \$37,700.⁵³

⁵¹ Ibid., p. 280 (image 478).

⁵² Ibid., pp. 362–63 (image 519).

⁵³ Samuel Williamson, *MeasuringWorth* (<https://www.measuringworth.com> : accessed 14 November 2017).

21 APRIL 1812

BRECKINRIDGE COUNTY, KENTUCKY

Court order

“Joseph Huston, Plaintiff, vs. **Samuel Witter**, Defendant. In Debt

“This day came the parties aforesaid by their attornies, and on the motion of the plaintiff by his Atty this cause is continued until the next Court here &c. It is therefor Considered by the Court that the Defendant recover against the plaintiff his costs by him expended in consequence of this Continuance & may have execution &c.”⁵⁴

21 JULY 1812

BRECKINRIDGE COUNTY, KENTUCKY

Court order

“Joseph Huston, Plaintiff, vs. **Samuel Witter**, Defendant. In Debt

“This day came the parties aforesaid by their attornies and there came also a Jury towit, Isaac De Haven, Henry Dean Junior, Samuel Jordon, William Board, Peter Bremer, Alexander Foster, Horatio Morry, David Hamilton, George Cogshell, **James Eidson**, John Clark & Peter Bremer, who being elected tried and sworn well and trully to try the issue joined retired to consult on their verdict. Ordered that court adjourn until tomorrow morning, nine oclock. [signed] Henry P. Brodnax.”⁵⁵

COMMENT:

James Eidson was Witter’s near neighbor in 1810.

22 JULY 1812

BRECKINRIDGE COUNTY, KENTUCKY

Court order

“Joseph Huston, Plaintiff, vs. **Samuel Witter**, Defendant. In Debt

“This day came the parties aforesaid by their attornies and by their mutual consent and agreement, Issac De Haven one of the Jurors sworn and impanneled in this cause on yesterday is withdrawn and the rest from rendering a verdict are discharged. And the Cause is continued until the next court here &c. And plttfs attorney gave Defts attorney notice that he withdraws his leave to give Special matter in evidence under the General issue and that they might plead specially.”⁵⁶

COMMENT:

Witter’s opponent has an attorney who well uses legalities to his client’s advantage!

20 OCTOBER 1812

BRECKINRIDGE COUNTY, KENTUCKY

Court order

“Joseph Huston, Plaintiff, against **Samuel Witter**, Defendant. In Case

“On the motion of the said Joseph Huston it is ordered that a Judgment recovered against him at the April term last of this Court by said Defendant for the sum of \$4.28 cents cost of a continuance be Set off against so much of a Judgment recovered by said Huston against the said Witter for cost at October term last.”⁵⁷

⁵⁴ Breckinridge Co., Ky., Order Books, 1809–1814, p. 310 (image 492).

⁵⁵ Ibid., p. 343 (image 508).

⁵⁶ Ibid., p. 344 (image 509).

⁵⁷ Ibid., p. 358 (image 515).

OCTOBER 1812

BRECKINRIDGE COUNTY, KENTUCKY

Tax roll

Witter: No entry found. A few "W" entries were illegible.⁵⁸ See comments under 1813 for the possibility that he is enumerated in Hardin County in 1812 and 1813.

22 APRIL 1813

BRECKINRIDGE COUNTY, KENTUCKY

Court order

Joseph Huston vs. **Samuel Witter**. In debt

"This day came the parties aforesaid by their attornies and there came also a Jury to wit William House, Samuel Leforce, Thomas Wheatley, Hugh Thompson, Archibald McMullin, Adam Bear, John Miles, Thomas Reynolds, Robert Smith, Samuel Baird, John S. Brown & John Thrasher, who being elected tried and sworn well and truly to try the issue joined thereupon by the assent of the parties William House one of the jurors sworn and empanneled herein is withdrawn and the rest from rendering a verdict are discharged and by agreement of the parties this suit is dismissed."

COMMENT:

This makes the second time that a juror in the case of Huston vs. Witter has dropped out mid-case, triggering a mistrial.

[next case]

Samuel Witter against Joseph Huston. "In debt"

"This day came the parties aforesaid by their attornies and by their mutual consent & agreement this suit is dismissed."⁵⁹

FALL 1813

KENTUCKY

Absence

COMMENT:

Samuel Witter has not been found on the 1813 tax rolls of any of the four counties known for him. The next April, he apparently solved his debt problems by accepting the bounty offered to men willing to enlist in the U.S. Army for 5 years or the duration of the war. When he resurfaced postwar (1816) he would settle in adjacent Grayson County.

As noted under 4 April 1814 below, the day after Samuel enlisted (somewhere in Kentucky) his recruiting officer enrolled Thomas Cravens, 21, of Jessamine County.⁶⁰ Presumably, Witter's lo-

⁵⁸ Breckinridge Co., Commissioner's Book, 1812, received October 1811 [1821]; imaged in "Tax Books 1800-1809, 1811-1817, 1819-1829."

⁵⁹ Breckinridge Co., Ky., Order Books, 1809-1814, p. 392 (image 536).

⁶⁰ Cravens' father Elisha was a taxpayer in Fayette Co. in 1790 and Jessamine (cut from Fayette) in 1800 and 1810. On 8 Jan. 1819, Thomas married Jane Marrs in Jessamine. In 1820 Thomas and Elisha are enumerated in adjacent households in Jessamine. See Charles B. Hamilton, *"First Census" of Kentucky*, 1790 (1940; repr. Baltimore: Genealogical Publishing Co., 1993), 24; G. Glenn Clift, *"Second Census" of Kentucky, 1800* (1954; repr., Baltimore: GPC, 1993), 66; 1810 U.S. census, Jessamine, p. 569, line 2; 1820 U.S. census, Jessamine, p. 82 (penned), lines 27-28. For the marriage of Thomas Cravens, see Jean Leeper, *William Erskine Marrs Family in America* (freepages.genealogy.rootsweb.ancestry.com/~jeanlee/firstseven_generations.htm : accessed 19 February 2012). A biographical sketch of their youngest son appears in W. H. Perrin, J. H. Battle, and G. C. Kniffin, *Kentucky: A History of the State* (1877, repr. Easley, S.C.: Southern Historical Press, 1979), page number not specified in the transcript

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

cation was within a day's ride of Craven's sign-up location. On that premise, Jessamine's 1813 roll was searched and Witter was not found there. The 1813 tax roll search was then extended to all counties that

- lay between Jessamine and Witter's known locale on Rough River
- lay between Jessamine County and Logan County, where Witter's 1814 recruiter was stationed.

In all, the list of counties whose 1813 tax rolls were searched includes the following:

Barren	Breckinridge	Bullitt	Butler	Christian
Fayette	Franklin	Green	Grayson	Henry
Jefferson	Jessamine	Logan	Mercer	Muhlenberg
Nelson	Ohio	Shelby	Warren	Washington
Woodford				

The search of all these counties yielded only one *possibility that might be pursued*.

Hardin County: **Samuel Winders** 1 male poll no property⁶¹

No "Winders" or "Widners" family was found in 1813 Hardin, to which this Samuel could belong.⁶²

4 APRIL 1814
KENTUCKY

Military service

"Records of Men Enlisted in the U.S. Army Prior to the Peace Establishment May 17, 1815."⁶³

No. 4951

Name: **Witter, Samuel** ["Witer" is added below this]

ORGANIZATION:

Rank Rect. [Recruit]

Regiment 17 U.S.I.

Co. Commander [blank]

DESCRIPTION:

Height 5'4"

Eyes Dark

posted at <http://www.rootsweb.ancestry.com/~kygenweb/kybiog/henry/cravens.wm.txt>. Other details about Thomas Cravens appear in "Henry and Amy Foley's family tree," posted 23 Sept. 2010 by "Nancy" nfjohnson3@insighthb.com, at *Rootsweb* (<http://worldconnect.rootsweb.ancestry.com/cgi-bin/igm.cgi?op=GET&db=foley1717&id=I5596> : accessed 20 Feb. 2012).

⁶¹ Hardin Co., KY, 1813 tax roll; imaged in Hardin Co., "Tax Books 1793–97, 1799–1817, 1819–1921," *FamilySearch* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS3J-D3TS-X?i=866&cat=155638> : accessed 25 Oct. 2017), image 867 of 1380.

⁶² This Samuel first appears on Hardin tax rolls in 1812 (the year that Samuel Witter goes missing from Grayson rolls); he is charged in 1812 with 1 poll and 4 horses; see *ibid.* (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS3J-D3RK-Y?i=793&cat=155638>). He is missing in 1814 (the year that Samuel Witter enlisted in the U.S. Army) and reappears in fall 1815 (after Samuel Witter's discharge), at which time he was taxed for 1 poll and 7 horses (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS3J-D35W-W?i=1017&cat=155638>). However, a possibility that the two men are the same seems to be negated by (a) the 1816 Hardin roll that taxes (consecutive entries) Samuel Winders and James Winders (<https://www.familysearch.org/ark:/61903/3:1:3Q9M-CS3J-D353-S?i=1092&cat=155638>) while Samuel Witters is taxed in Grayson; and (b) 1810 U.S. census, Hardin Co., p. 342 (penned), line 26. Both Samuel and James Winders drop out of Hardin Co. on the 1817 roll.

⁶³ *Register of Enlistments in the U.S. Army, 1798–1914*, vol. "S–W," p. 123.

Hair Dark
Coloring Dark
Age 31
Occupation Mill Wright
WHERE BORN:
Town or County [blank]
State Pennsylvania
ENLISTMENT:
When Apr. 4-11 1814
Where Kentucky
By whom Lt. Hackley
Period 5 years
Remarks D[uty] R[oster] dated Lexington Barracks, June 6[?] 1814
Marched to Detroit May 14, 1815
D. R., Capt. B. W. Sanders Co., Fb. 16, and
I.R. Feb. 25/15, Present, private
I.R., Lieut. R. M. Ewings Co., May 31/15 present
Discharged at Chillicothe, Ohio, June 7/15, term expired
"See pension case."

COMMENTS:

The enlistment occurred on 4 April 1814, with the mustering-in on 11 April. Apparently, upon enlistment, he was given a week to get his affairs in order before reporting for duty. This document is compatible with the known information for Samuel Witter of Breckinridge and Ohio Counties, Kentucky.

- Both men are identified on record as "Mill wrights."
- The age of the recruit falls within all age brackets shown for Samuel on the 1810, 1820, 1830, and 1840 censuses.
- The 1900 census entry for Samuel's son Lapsley Witter reports a Pennsylvania birthplace for his father (see n. 1, p. 1, above).

The specific location at which Lieut. James Hackley recruited Samuel Witter is critical to proving the identity of the recruit bearing that name. Reconsulting this same volume (U.S. Army Register of Enlistments) for a Lt. Hackley, I find:

No. 1975

Hackley, James Jr., Lt. 17 U.S.I.

Enlisted: 13 March 1813

Stations: "Mo. Ret. [Monthly Return] Fort Meigs, Aug. 31 '13, sent sick to Lower Sandusky.
"Mo. Ret. Capt. Holts Co., Nov. 18 '13, sick at Detroit.
"Mo. Ret. Lexington, Ky. **March 31 '14 at Logan and Christian** as 1st Lieut.
"Mo. Ret. **April 30, May 31, and June 30 '14, at Russelville [Logan Co.] Recruiting.**
"Mo. Ret. Jany. 31, I.R. Capt. H. H. Hickmons Co. Feb. 28 & Dr. March 15 '15, on leave of absence to Kentucky since Jany 1 '15. Report Board of Officers 1815. Recommended for 1st Lieut. 3d U.S. Inf. Peace Establishment.⁶⁴

⁶⁴ *Register of Enlistments in the U.S. Army, 1798-1914*, p. 167.

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

Hackley’s service records note that he was stationed in both Christian and Logan Counties. I extended my research into those two counties, finding no evidence of any Samuel Witter residing in either at the time of the recruitment. However, recruitment officers in this period did not stay in an office and wait for volunteers to come in. They rode circuit throughout surrounding counties, visiting sites where young men congregated—particularly, general stores, mills, and taverns.

Lt. Hackley followed this practice, enlisting recruits from several surrounding counties. The following recruits have been identified for him during March and April 1824.

Date	Recruit	Known residence
22 March 1814	† Roberts, Thomas, 24, farmer	?Hardin
26 March 1814	* Jamison, Hiram, 20, gunsmith	?Knox or Christian
28 March 1814	Cason, Reuben, 35, farmer	Logan Co. 1810
01 April 1814	* Gilbert, William, Sr./Jr., 40/17, farmers	
03 April 1814	Lambert, Cornelius, 25, farmer	
04 April 1814	* Witter, Samuel, 31, mill wright	
04 April 1814	* Parker, Lewis, 21, farmer	
05 April 1814	* Cravens, Thomas, 21, farmer	Jessamine
06 April 1814	* Loyd, John, 23, farmer	
14 April 1814	‡ Wyatt, McGilberry, 16, cabinetmaker	Caldwell Co. 1820
18 April 1814	* Carter, John F., 29, bookbinder	
19 April 1814	* Iago, Jacob, 31, farmer	Logan Co., 1810, 1820
22 April 1814	Hunt, William, 21, farmer	?Muhlenberg Co.
23 April 1814	Taylor, James W., 21, printer	

OBSERVATIONS:

The symbols beside each name above reflect data from a 5 June 1815 discharge list (see that date below) for men in “Ewing’s Detachment” of the 17th. That discharge list carries a “Where Enlisted” column that may refer to the recruiting station rather than actual county of residence. The symbols represent the following:⁶⁵

- * Russellville [Logan County]
- † Elizabeth, Kentucky [Hardin County]
- ‡ Hopkinsville, Ky. (Christian County)

Some of the men said to have enlisted at Russellville were proved residents of other counties.⁶⁶

Note also that

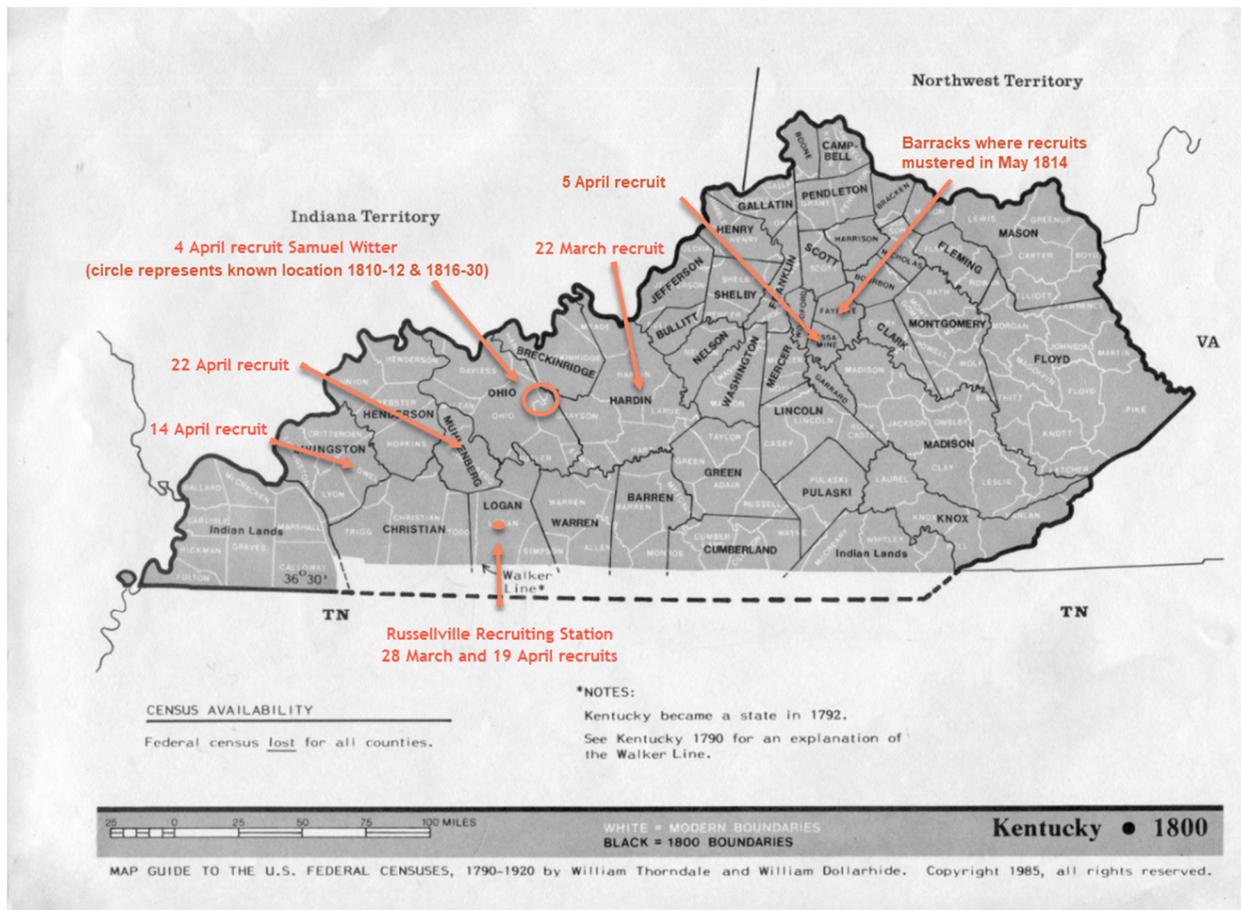
- A three-week gap (29 March–18 April) exists between the only two Hackley recruits who can be placed in Logan County. Witter’s recruitment falls within that gap. This fact suggests that Hackley may have spent those three weeks recruiting elsewhere.

⁶⁵ “Roll of the places of Enlistment and Residence of Lt. Ewings Detachment, 17 Infy.” 5 June 1815; Flat Laminated and Unlaminated Muster Rolls, 1790-1821, 17th Infantry, ca. 1812-1815, Companies: Adair–Wells; Box 349A, Muster Rolls of Regular Army Organization, 1784–Oct 31, 1912; RG 94; a box notation cross-references this to PI 17, entry 53. Jonathan Diess of the DC-based research firm SoldierSource is thanked for his location of this roll.

⁶⁶ See Elizabeth Shown Mills, “Samuel Witters Fellow Soldiers, Lt. Benjamin W. Sanders’s Co., 17th U.S. Regiment, War of 1812,” report to Witter Research Group, 20 February 2012, updated 17 October 2017.

- Lewis Parker was recruited on the same day as Witter; no evidence found for Parker’s location. Research on Witter has not turned up this man in any of the prior or subsequent communities in which Witter lived.
- One uninvestigated possibility might have placed Samuel Witter in Logan County. As noted above under 23 August 1810, **one Peter Witter appears on the Fall 1813 tax roll of Logan—with his taxes falling due in the spring of 1814. A kinship between Peter and Samuel could have drawn Samuel to Logan County at the time that Lt. Hackley was there recruiting.**

The map below, which reflects Kentucky counties as they existed in 1810, encircles the locus of Samuel Witter’s proved activities during 1810–31. This locus along the juncture of the Ohio, Breckinridge, and Grayson county lines, clearly falls within the area in which Hackley would have recruited in March and April 1814.



SPRING 1814 KENTUCKY

Historical context

The 17th Regiment of the U.S. Army was one of ten “regular army” units created under a Congressional Act of January 1812 in a buildup for the anticipated conflict with England. At the outbreak of the war, regulars were enrolled for a mandatory five years. However, a series of Congressional acts modified that

in 1813 and 1814. Given that Witter enlisted on 4 April 1814, the law governing his enlistment would have been the act of 27 January 1814, which states:⁶⁷

“In order to complete the present military establishment to the full number authorized by law with the greatest possible despatch, there shall be paid to each effective able-bodied man who shall after the first day of February next be enlisted into the army of the United States, to serve *for the term of five years, or during the war, at his election*, ... the sum of one hundred and twenty-four dollars; fifty dollars of which to be paid at the time the recruit is enlisted, fifty dollars when he shall be mustered and have joined some military corps for service, and twenty-four dollars when he shall be discharged from service.

CA. 1814–1815

KENTUCKY

Historical context

Officers and unit dates for the Seventeenth Regiment, U. S. Infantry.⁶⁸

“Organized under the acts of January 11 and June 26, 1812. Consolidated May 30, 1814, with the 1st, 24th, 28th and 29th regiments of infantry to form the present 3rd Regiment of Infantry, US Army.

“Field and Staff—

Col. Samuel Wells, Lieut.-Colonel Wm. McMillan, **George Todd**, Majors Richard Davenport, George Croghan, Richard Graham, Richard Oldham, etc. (17).

“4th Company—

Capt. B. W. Sanders, Lieut. Cyrus W. Baylor, Ensign Richard Mitchell (117).

“7th Company—

Capt. Wm. I. Adair, Lieuts. **James Hackley**, Thos. W. Hawkins, Ensign Thomas R. McKnight. (115).

COMMENT:

Saunders’s unit, the 4th company of the 17th regiment, is the one to which Samuel Witter was assigned. Hackley was the officer who recruited Witter.

SPRING 1814

KENTUCKY

Historical Context

Although the 17th was initially a Kentucky unit, by early 1814 its ranks (and those of many other Army units) were severely depleted. According to the *U. S. Army Lineage Series*:⁶⁹

“A mighty effort was made in 1814 to raise the Army to strength, and nearly 27,000 men came in, but in spite of this, four of the regiments had to be consolidated because they were too small. The 17th, 19th, 26th, and 27th were joined to form a new 17th and a new 19th.”

⁶⁷ *U.S. Statutes at Large*, 13th Cong., 1st Sess., 27 January 1814, chap. 7, “An Act making further provision for filling the ranks of the regular army.” *U.S. Statutes at Large*, 12th Cong., 2d Sess., 29 January 1813, chap. XVI, was the first to reduce the minimum period to “one year, unless sooner discharged.” See also 13th Cong., 1st Sess., 5 July 1813 and 12 Aug. 1813, for various modifications.

⁶⁸ A. C. Quisenberry, “Kentucky Troops in the War of 1812,” *Register of the Kentucky State Historical Society* 10 (September 1912), 51.

⁶⁹ John K. Mahon and Romana Danysh, *U.S. Army Lineage Series: Infantry, Part 1, Regular Army* (Washington: Chief of Military History, U.S. Army, 1972), 14; htm edition at *U.S. Army Center of Military History* (<http://www.history.army.mil/books/Lineage/in/infantry.htm> : accessed 7 Jan. 2012).

14 MAY 1814

LEXINGTON BARRACKS, KY.

Military service

Witter's service summary (see above, under 4 April 1814) places him on a "March to Detroit" that supposedly started that day. Presumably it left from the Lexington Barracks, where the recruits were assembled. As shown below, in the next nine days they went only as far as New Port, Ky., a staging ground on the Ohio River, about 90–95 miles from Lexington.

23 MAY 1814

NEW PORT, KY.

Military service

"Muster roll of Captain Benjamin W. Sanders's Company of the 17th Regiment of Infantry in the Service of the U. States under the command of Col. Samuel Wells, from the several periods of enlistment to the 2nd May 1814, the time of present Muster."⁷⁰

B. W. Sanders, Capt.

Henry Crittenden, 1st Lieut.

William Baylor, 2d Lieut.

William Eubanks, 3d Lieut.

Richard Mitchell, Ensign

Norton, Obediah, Sergeant

Eastland, John A., Sergeant

Carter, John F., Sergeant

St. Amour, Augustus, Sergeant

Byrnes, Mathew, Corporal

Jamison, Hiram, Corporal

Cravens, Thomas, Corporal

Wright, Reuben Corporal

McMullen, John, Corporal

Staunton, John, Drummer

Corbett, Samuel W., Fifer

Privates:

Arrington, Stephen

Adams, Delucian

Broughton, Reuben L.

Blythe, William

Boston, Abner

Bush, Edward

Barnett, Joseph

Baker, John

Butler, John

Burtram Emsly

Bowler, William

Beck, James

Boyd, John

Cokendorfer, David

Moser, Jacob

McNitt, Joseph

Moseby, John

Milroy, Henry

Monroe, John

Milburn, Jonathan

Marks, Nathaniel

Moore, Augustus

Mondsey, Reuben

Monnihan, John

Norris, Beverly

Pike, Oliver

Pool, John

Parker, Lewis*

⁷⁰ "Muster roll of Captain Benjamin W. Sanders's Company of the 17th Regiment of Infantry in the Service of the U. States under the command of Col. Samuel Wells, from the several periods of enlistment to the 2nd May 1814, the time of present Muster?" , 17th Infantry, ca. 1812–1815, Companies: Crittendon–Sanders; Box 239-A, Muster Rolls of Regular Army Organizations, 1784–Oct 31, 1912; RG 94, Records of the Adjutant General's Office, National Archives, Washington, DC. Jonathan Diess of the DC-based research firm SoldierSource is thanked for his location of this roll.

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

Cook, Lodrick	Roberts, John
Calvert, Nash	Roberts, Jesse
Cayson, Reuben	Rose, Benjamin
Cook, David	Roberts, Thomas
Calvert, William	Reece, David
Campbell, John	Richards, Samuel
Darnell, Samuel L. (& S.)	Row, Robert
Davidson, Robert	Reynolds, Isham
Dunn, Hezekiah	Stewart, Alexander
Dunn, Gabriel	Sharrard, Samuel
David, John	Swartzwalter, George
Davis, Benjamin	Sharp, John
Davis, James J.	Savage, John
Eldridge, John	Tubbs, Jesse
Emberton, Richard	Taylor, Berry
Flack, William	Temple, Dixon T.
Fuller, William	Tillett, Jacob
Gilbert, William	Tyre, John
Grissom, James	Taylor, James W.
[12 names missing from numbered roll]	White, Edward
Iago, Jacob	West, James
Kinney, Richard	Witter, Samuel
Samuel Kerr	Wheeler, Greenberry
Lowdon, Samuel	Weekly, Abraham
Lowry, Andrew	Wyatt, McGilbry
Lambert, Cornelius	
Loyd, John	

COMMENT:

- The above list extracts only the name and ranks. For full details, see
 1. Digital image of the original document (Family Files>Documents>People> Witter>Samuel: 17th Infantry). The digital scan of this document, provided by the D.C. based researcher I engaged to retrieve documents, is missing a page with 12 “H” names.
 2. Excel file, “1814 Comrades of Samuel Witter” (Family Files>Reports>Witter>War of 1812)⁷¹
- For profiles of each man on this roll and the October list below—drawn from bounty land records, pension files and elsewhere—see E. S. Mills, “Samuel Witter’s Fellow Soldiers” (Family Files>Reports>Witter>War of 1812).

31 MAY 1814

[PLACE UNSTATED]

Military service

The first payroll for Sanders’s company lists the infantry men in semi-alphabetical order by first letter of surname. Both Witter and the man who enlisted the same day as he appear on this list, as follows:

⁷¹ E. S. Mills, “Samuel Witter’s Fellow Soldiers,” report to Witter Research Group, 20 February 2012, updated 16 October 2017; also archived at *Historic Pathways*, under the “Research” tab.

No. 67, Lewis Parker, pvt. commencement of service: 11 April;
term of service charged: 1 month, 20 days; Total due: \$13.33

No. 89, **Saml. Witter**, pvt. commencement of service: 11 April;
term of service charged: 1 month, 20 days; Total due: \$13.33⁷²

COMMENT:

The enlistment record for both Witter and Parker state their date of enlistment as 4 April. This document states that they ‘commenced’ service on 11 April. The latter would be the date that they showed up for duty at the assigned station. No other men on the roll are assigned this particular enlistment or commencement date.

4 AUGUST 1814

MICHILIMACKINAC ISLAND

Military service

Although Samuel Witter’s service summary in the enlistment register cites no engagements, the activities of his unit can be tracked by studying the service summaries of all men in his unit. For two of those men, the records show participation in the 4 August 1814 effort to retake Michilimackinac (“Mackinac”) Island from the British:⁷³

James S. Davis

“D[uty] R[oster] 16 Feby. 1815, Erie, Pa., absent, wounded at Michilimackinac, left at Detroit”

Samuel M. (var. W.) Hall

“I[fantry] R[oster] 28 Feby. 1815, Col. R. M. Ewings Co., absent, wounded at Michilimackinac. Left in Genl. Hospital, Detroit, Aug. 1814.

31 OCTOBER 1814

FT. ERIE, UPPER CANADA

Military service

“Roll of Captain B. W. Sanders’ Company, Kentucky Infantry—Commanded by Colonel John Miller.” Unless otherwise indicated, *the dates provided for all men on this list are the same as those provided for Witter: June 1, 1814–October 31, 1814.*⁷⁴

B. W. Sanders, Captain

Henry Crittenden, Lieutenant

William Baylor, Lieutenant

R. Mitchell, Ensign

Obediah Norton, Sergeant

John A. Eastland, Sergeant

Hugh Harpham, Sergeant

James Iliff, Sergeant

⁷² “Pay Roll of a Company of Infantry Commanded by Capt. B. W. Sanders of the 17th Regiment of Infantry in the Service of the United States for the Month of [blank],” dated 31 May 1814; 17th Infantry, ca. 1812–1815, Companies: Crittendon–Sanders; Box 348, Muster Rolls of Regular Army Organizations, 1784–Oct 31, 1912; RG 94, Records of the Adjutant General’s Office, National Archives. Jonathan Diess is thanked for his location of this roll.

⁷³ *Register of Enlistments in the U.S. Army, 1798–1914*, vol. “D–E, H,” p. 24 (Davis); and vol. H, p. 501 “Hall.” The date of the battle does not appear in either record. For that date see “War of 1812 History: Timeline,” *War of 1812 Bicentennial* (<http://www.warof1812-bicentennial.info/history/timeline.php> : accessed 19 February 2012).

⁷⁴ G. Glenn Clift, *Kentucky Soldiers of the War of 1812* (1931; repr., Baltimore, Genealogical Publishing Co., 1969), 344–45.

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

Reuben Broughton, Sergeant
Matthew Burns, Corporal
Hiram Jamison, Corporal
Thomas Cravens, Corporal
John Boyd, Corporal
John Moseby, Corporal
John Stanton, Drummer
Wyatt McGibbery, Fifer

[Privates]

Avington, Stephen
Adams, Delaran
Andrew, ____, “Private Waiter”
Blythe, William
Boston, Abner
Bush, Edward (Dead)
Barnett, Joseph
Baker, John
Butler, John
Bartram, Emely *[sic]* (Oct. 29–31, 1814)
Bowler, William (Dead)
Beck, James
Corbett, Samuel W.
Carter, John F.
Collins, Henry
Cakendolpher, David
Cook, Lodowick
Cook, David
Cason, Reuben
Calvert, Nash
Calvert, William
Campbell, John
Darnell, Samuel S.
Davidson, Robert
Dunn, Hezekiah
Dunn, Gabriel (Dead)
David, John (Dead)
Davis, Benjamin
Davis, James S.
Eldridge, John
Embleton, Richard
Flack, William
Fuller, William
Gilbert, William
Gilbert, William, Sr.
Grissom, James (Dead)
George, Thomas W.
Hall, Aaron (Mar. 21–Oct. 31, 1814)

London, Samuel
Lowry, Andrew
Lambert, Cornelius
Lloyd, John
McLain, James
Moser, Jacob
McMullen, John
McNitt, Joseph
Millery, Henry (Died Nov. 1, 1814)
Monroe, John
Milburn, Jonathan
Marks, Nathaniel
Moore, Augustus
Munsey, Reuben
Munathan, John
Moore, James
Norris, Beverly (Dead)
Pike, Oliver
Pool, John
Parker, Lewis
Roberts, John
Roberts, Jessse
Ross, Benjamin
Roberts, Thomas
Reece, David (Nov. 4, 1813–Oct. 31, 1814)
Richards, Samuel
Reuben, _____
Row, Robert
Reynolds, Isham (Dead)
St. Amour, Augustus
Stringfield, William (Apr. 1, 1814–Oct. 31, 1814)
Stewart, Alex (Dead)
Savage, John
Sherrard, Samuel
Swartzwalter, George
Sharpe, James (May 26, 1814–Oct. 31, 1814)
Sharp, John
Tubb, Jesse

Hall, Samuel W. (July 2–Oct. 31, 1814)	Taylor, Berry
Hamby, Meshick	Temple, Dixon Y.
Hamilton, Andrew	Tillett, Jacob
Head, John	Tyree, John
Head, Benjamin	Tailor, James W.
Hunt, William	Wright, Reuben
Humphrey, William	White, Edward
Harning, Rudolph	West, James
Henry, Richard	Witter, Samuel
Igo, Jacob [Iago on other rolls]	Wheeler, Greenberry
Jenkins, Eli	Weakley, Abraham
Samuel Kerr	Wells, Berry
Joseph Long	

COMMENT

The roll cites no location for the unit at the time the roll was compiled. However, the location can be determined by the references to troop movements in the service summaries of Witter's fellow soldiers.

The transcriber who published this record does not identify it as a *payroll*. In fact, he suggests that the parenthetical dates may represent the date of enlistment and the period of service. However, all individuals on the roll carry the same ending dates—as typical for a payroll.

TO DO:

1. The original roll needs to be located, if possible; in *many* cases, these published rolls omit critical data and the original might also provide contextual clues. My D.C. based record consultant did not report finding a copy of this document in his search. It is more likely to be (if it still exists) at the Kentucky State Archives.
2. Pension records for many of these men and their widows and orphans have been sought to determine whether any commented upon Witter and to glean all possible information about the company and its activities.⁷⁵ However, files for surnames P–Z are not yet available in the online digitized collection at *Fold3*.

1814–15

Military service

No morning reports, weekly reports, or monthly returns apparently survive from War of 1812 military posts or encampments in which Witter might have served.⁷⁶

COMMENT:

Unlike muster rolls, this kind of return does not enumerate all soldiers—only the officers and the units stationed there at the time. Beyond that, they provide statistical data and details on “events.” Soldiers are typically mentioned only in the context of an event such as a furlough or illness.

⁷⁵ See Mills, “Samuel Witter’s Fellow Soldiers,” report updated 17 October 2017.

⁷⁶ *Returns from U.S. Military Posts, 1800–1916*, National Archives microfilm publication M615; and descriptive pamphlet accessible at *National Archives* (<http://www.archives.gov> : 7 January 2012).

These “post returns” have been reproduced by the National Archives on 1,550 rolls. The records are arranged alphabetically by the name of the post. The descriptive pamphlet for that collection is available online at the National Archives website, as a searchable PDF. To identify any and all appropriate returns, without knowing where Witter’s unit might have been, I ran a search for “1814” and “1815,” then examined each hit to identify posts that would have been within the regions in which the 17th is known to have campaigned.

The only returns identified for any post in Kentucky, in the Old Northwest, or surrounding the Great Lakes were those for Detroit. However, they did not begin until August 1815, after Samuel Witter had been discharged.

1814–1815

DETROIT, MICHILIMACKINAC, NIAGARA & ERIE, PA

Possible military service

The Samuel Witter service summary in the Enlistment Register does not identify any campaigns in which Witter served. One history of the 17th Infantry identifies two campaigns in which the regiment participated after Witter’s enlistment. Its synopsis of the actions, quoted below, mentions only one company of the 17th, but not that of Capt. Sanders.

Niagara Campaign Summer 1814

“Following Perry’s Victory on Lake Erie, the British retreated back to Canada and eventual defeat at the river Thames. The 17th was sent back to occupy Detroit with the bulk of the Northwest Army. With a reduced need for men, Capt. Chunn’s company of the 17th was detached with another company of the 19th infantry for operations on the Niagara frontier. Arriving in Buffalo, Chunn’s company was assigned to the training camp at Flint Hill, commanded by Gen. Winfield Scott to prepare for the invasion of Canada. On their way there, they were diverted to a raid on Dover, Canada on May 14. There they were employed to burn food stores and public property.

“The main invasion began on July 2nd with the attack and capture of Ft. Erie from the British. Assigned to Gen. Ripley’s brigade, Capt. Chunn’s company was attached to the 21st infantry along with Lt. Riddle’s company of the 19th infantry. Together they were participants in the battle of Lundy’s Lane on July 25th, attacking the British center, taking the crest of the hill and the artillery positions.

“Withdrawing to Ft. Erie, they remained for the siege of the fort by the British. The remainder of the 17th arrived at Ft. Erie from Detroit on October 6th [three weeks after the siege was lifted⁷⁷] onboard the Brig Niagara. Capt. Chunn was cited for bravery and brevetted to Major for his defense of the American fortifications on Snake Hill during the British assault of August.

“Following the abandonment of Ft. Erie by the Americans in the fall of 1814, the 17th regiment was taken into winter quarters in Erie, Pennsylvania. They were here when the war ended in December. The regiment was disbanded during the post-war reductions, and the remnant was taken into the 3rd infantry.

⁷⁷ David S. Heidler and Jeanne T. Heidler, eds., *Encyclopedia of the War of 1812* (Annapolis: Naval Institute Press, 1997), 67.

Other Campaigns

“While in Detroit in the summer on 1814, a portion of the 17th was detached to an expedition conducted by the Navy and Army to recapture Ft. Mackinaw. While able to cut off supplies to the British on the upper Great Lakes, the campaign soon became hindered by the loss of ships to Canadian raiding parties. Trying to repeat the British landing on Mackinaw Island also met with defeat. With these setbacks, the American force retired to Detroit where it remained for most of the war, conducting occasional raids into Canada.”⁷⁸

COMMENT:

Witter’s unit would have been among “the remainder of the 17th [who] arrived at Ft. Erie from Detroit on October 6th aboard the Brig Niagara.” See entry (above) for 4 August 1814, Michilimackinac, and entries (below) for “November–December 1815, Fort Erie,” and “February 1815, Erie, PA.”

The service summary of one of his fellow soldiers. Henry Millroy (var. Milroy, Millery), also places the unit at Ft. Erie on 14 November 1814. Millroy is said to have that day “died in Hosp’l at Fort Erie, U.C.”⁷⁹

1–5 NOVEMBER 1814

FORT ERIE, UPPER CANADA

Military service

Witter’s unit were among the American forces that left Fort Erie, U.C., on 5 November 1814, destroying the fort in its wake.⁸⁰

9 NOVEMBER 1814–19 JANUARY 1815

BUFFALO (AKA WILLIAMSVILLE), NEW YORK

Military service

The service summaries of four of Witter’s fellow soldiers has Sanders’s Company wintering at “Camp near Buffalo” between 9 November and 17 or 19 January 1815:⁸¹

- Edward Bush
Infantry roster of 28 February 1815: “Absent. Died Nov. 20/14 at Camp near Buffalo.”
- James McLain (var. McLean)
Infantry roster of 28 February 1815: “Absent. Died Nov. 9, 1814 at Camp near Buffalo.”
- Isham Reynolds
Infantry roster of 28 February 1815: Absent. Died 14 Nov. 1814 “at Camp near Buffalo. Dysentery.”
- Green Berry Wheeler
Infantry roster of 28 February 1815: Absent. Died Nov. 2, 1814 “at Camp near Buffalo—fever.”

⁷⁸ John Sec, “The Seventeenth Regiment of U.S. Infantry,” *Fort Erie and the War of 1812* (<http://www.iaw.com/~jsek/us17inf.htm> : accessed 7 January 2012).

⁷⁹ “Register of Enlistments,” vol. M–O, p. 184.

⁸⁰ “Old Fort Erie: Timeline,” Canada, *Niagara Parks* (<http://www.niagaraparks.com/old-fort-erie/timeline.html> : accessed 20 February 2012).

⁸¹ *Register of Enlistments in the U.S. Army, 1798–1914*, vols. B, p. [?] (Bush); M–O, p. 249 (McLain); P–R, p. 459 (Reynolds), “W, Y–Z,” p. 128 (Wheeler).

28 JANUARY–20 APRIL 1815

ERIE (WILLIAMSVILLE), PA

Military service

Witter's service summary notes his presence on two rosters taken in February 1815, after news arrived that the war had ended. Neither the roll of 16 February or 18 February cites a location. The service summaries of four fellow soldiers place their unit at Erie, Pa., between 28 January and 28 February 1815.⁸²

- William Bowler
Infantry roster of 28 February 1815: Absent. 28 January 1815 "at Erie, Fever."
- Hezekiah Dunn
Infantry roster of 28 February 1815: "Absent. Died Dec 19/14 at Erie, Pa., lockjaw."
- John Monroe
Infantry roster of 28 February 1815: "Absent. Discharged on Surg.'s Certif. at Erie or Buffalo, 17 or 19 January 1815."
- Beverly Norris
Infantry roster of 28 February 1815: Absent. Died 25 December 1814 "at Williamsville of Dysentery."

MARCH–JUNE 1815

Military service

On the heels of its 3 March 1815 Declaration of Peace, Congress enacted legislation to limit the size of the U.S. Army to a maximum of ten thousand men. The terms of that act also stated, "the President of the United States [shall] cause ... the supernumerary officers, non-commissioned officers, musicians, and *privates*, to be discharged from the service of the United States, from and after the first day of May next, or as soon as circumstances may permit."⁸³

COMMENT:

Samuel Witter of the 17th was not one of the 10,000 who stayed with the Army. Even though he did not serve the full five years for which he had obligated himself, his willingness to make that commitment had maximized his bounty under the act of 27 January 1814. The \$100 he received initially and the \$24 he received at discharge, would have a purchasing power of \$1,811 today. In a place and time in which land could be purchased from the federal government at \$2 an acre, his service would have bought him 62 acres of raw, uncleared, public land.⁸⁴

31 MAY 1815

ERIE, PA

Military service

Samuel Witter is cited on the Infantry Roster of Lt. R. M. Ewing's Co., compiled 31 May 1815 at Erie,

⁸² *Register of Enlistments in the U.S. Army, 1798–1914*, vols. B, p. 15 (Bowler); "D–E, H," p. 94 (Dunn); L–M, p. 335 (Monroe); M–O, p. 409 (Norris).

⁸³ *U.S. Statutes at Large*, 13th Cong., 3d Sess., chap. LXXIX, "An Act fixing the military peace establishment of the United States."

⁸⁴ Samuel H. Williamson, "Purchasing Power of Money in the United States from 1774 to Present," *Measuring Worth* (<http://www.measuringworth.com/ppowerus/>: accessed 7 January 2012.)

Pennsylvania.⁸⁵

COMMENT:

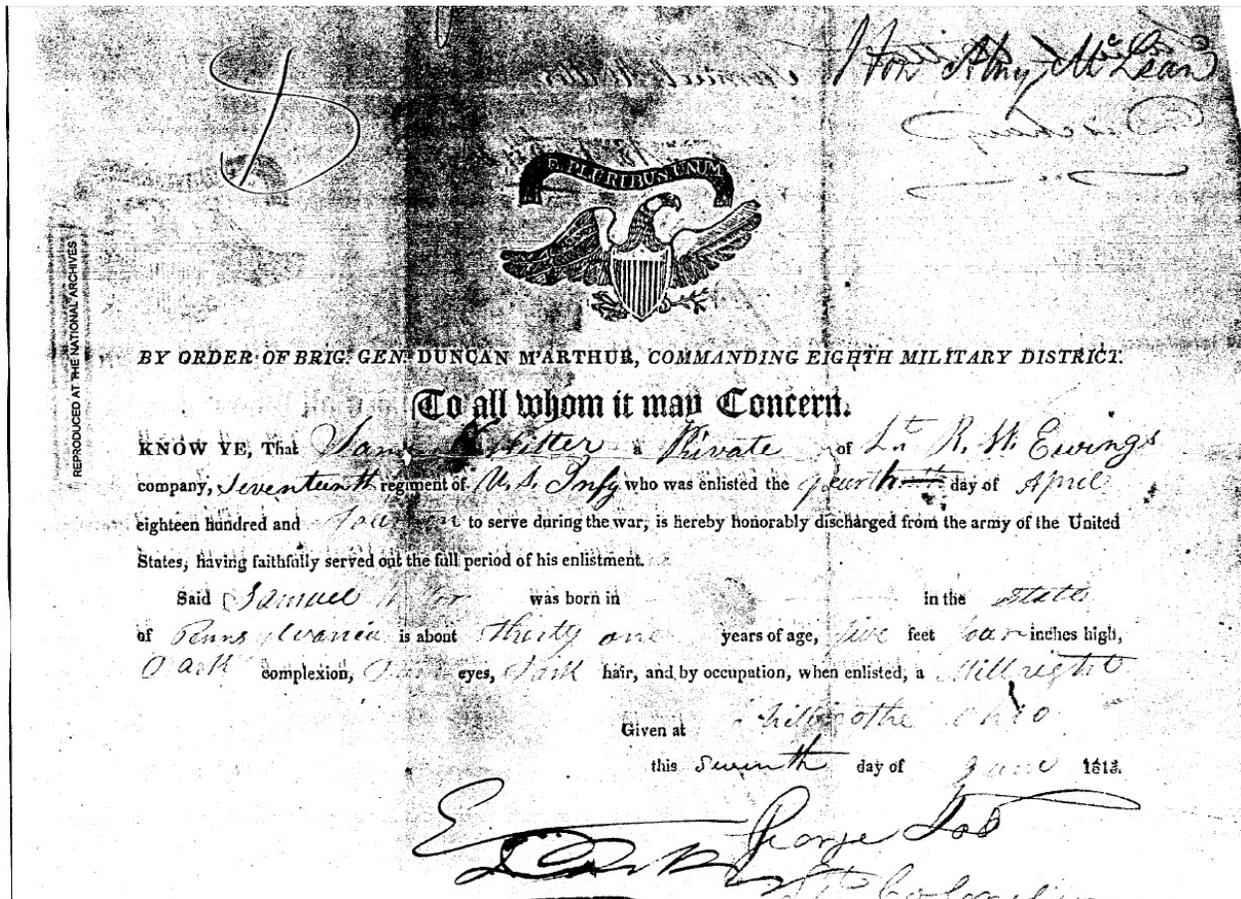
Witter's own service summary does not state where the roll was compiled. That is determined from the service summaries of fellow soldiers, some of whose entries cite the place of the roll.

7 JUNE 1815

CHILLICOTHE, OHIO

Military service?

Discharge of **Samuel Witter**.⁸⁶



“By Order of Brig. Gen. Duncan M’Arthur, Commanding Eighth Military District. To all whom it may Concern. Know Ye, that **Samuel Witter**, a Private of Lt. R. W. Ewing’s company, Seventeenth regiment of U. S. Infy., who was enlisted the fourth day of April eighteen hundred and fourteen to serve during the war, is hereby honorably discharged from the army of the United States, having faithfully served out the full period of his enlistment.

“Said **Samuel Witter** was born in [blank] in the State of Pennsylvania, is about thirty one years of age,

⁸⁵ Bounty Land File, Samuel Witter.

⁸⁶ Ibid.

five feet four inches high, dark complexion, dark eyes, dark hair, and by occupation, when enlisted, a Millright. Given at Chillicothe, Ohio, this Seventh day of June 1815.” Signed: “George Tod, Lt. Colonel,” and witness[?] “E. Parker?”

Note in top right corner: “Hon. Alny McLean”

File Jacket:

“Warrant No. 23642, 160 acres

War of 1812.

Act of Dec. 24, 1811 Jan. 11, 1812

Warrantee: **Samuel Witter**

Soldier: Same

Pr Service 17 inf.

Nature of claim: Bounty Land. Single.”

COMMENT:

This bounty-land file offers nothing more. The word “single” refers to the type of grant allowed under the law, not the marital status of the grantee.

Identification of Hon. Alney McLean:

The involvement of McLean strongly suggests that this Samuel Witter returned to Kentucky after his discharge at Chillicothe, Ohio. Before and after the war, McLean was an attorney in Greenville, Muhlenberg County, Kentucky—a county adjacent to both Ohio and Logan counties). Postwar, McLean also served two terms in the U.S. Congress. The *Biographical Directory of the U.S. Congress* provides the following:

“McLEAN, Alney, (1779–1841) a Representative from Kentucky; born in Burke County, N.C., June 10, 1779; pursued preparatory studies; moved to Kentucky; appointed surveyor of Muhlenberg County in 1799 and elected one of the trustees of Greenville on its formation; studied law; was admitted to the bar and commenced practice in Greenville, Muhlenberg County, Ky., about 1805; member of the State house of representatives in 1812 and 1813; served as a captain in the War of 1812; elected as a Republican to the Fourteenth Congress (March 4, 1815–March 3, 1817); elected to the Sixteenth Congress (March 4, 1819–March 3, 1821); served as judge of the fourteenth district of Kentucky from 1821 until his death; presidential elector on the Clay ticket in 1824 and on the ticket of Clay and Sergeant in 1832; died near Greenville, Muhlenberg County, Ky., December 30, 1841; interment in Old Caney Station Cemetery, near Greenville, Ky.”⁸⁷

McLean’s involvement with Witter’s bounty-land warrant is not explained on the document, but one of two situations typically existed.

- Men discharged from service in 1815 were often approached by attorneys who offered to obtain the bounty land for them. Some paid the veteran a token for his rights to the warrant, and the land would eventually be patented by someone else.
- Veterans, postwar, also approached attorneys and Congressmen in the area where they resided, seeking help in obtaining the bounty land. After the land was assigned, they may

⁸⁷ *Biographical Directory of the United States Congress, 1774–Present* ([http://bioguide .congress.gov](http://bioguide.congress.gov) : accessed 7 January 2012), for “Alney McLean.”

have moved to the locale or sold it to someone else—often the lawyer who assisted them in getting the warrant.

McLean’s biography offers two potentially relevant details:

- He was a county surveyor before the war, an occupation frequently found among land speculators who used their expertise with soil and topography to ferret out the most productive tracts of land.
- From March 1817 to March 1819, McLean out of Congress. The bio does not account for his activities. Ostensibly, he would have returned to his family and his law practice in Muhlenburg County on the southwestern border of Ohio County. The timing is relevant to any determination of when and where he became involved with Samuel Witter. Eleven months after his return to Congress in March 1819, he arranged for Witter’s warrant to be issued to him, as shown below under date of 14 February 1820.

11 AUGUST 1816

GRAYSON COUNTY, KENTUCKY

Tax roll

Widows, Peter 0 land, 1 white male 21+, 2 horses, \$75

[skip 2]

Witters, Samuel 200a 3d class, Grayson Co., **Rough Creek** [now Rough River]
entered, surveyed, patented by P. Philips;
1 male 21+, 0 horse, \$2 acre, \$700 total value.⁸⁸

COMMENT:

The Peter “Widows” of this roll has not yet been identified. The German Witter family of Pennsylvania frequent appears in records under the “d” spelling—e.g., Widows and Widder. (One Peter Widdows appears on the Logan County Tax roll of 1813, but only 1813.⁸⁹)

Returning home from war, Samuel chose Grayson County, where the widow Crask (his alleged mother-in-law) had been taxed in 1812:

Crask, Sarah: 100a 3d class, Pleasant Run; entered, surveyed, patented by John Sanders;
2 horses, no white males 21+

Sarah does not appear on the rolls thereafter—at least not under the surname Crask—but apparently stayed in the county and retained the land. If she had no grown children to work the land and instead rented it out, it would not have been uncommon for the renter to assume the tax obligation as part of the lease.

From 1817–1819, Samuel Witter would continue to be taxed on 200 acres on Rough Creek—100 more than the land on which he paid taxes before the war. If 100 acres of that 200 were his Breckinridge tract, his taxation in Grayson for that Breckinridge land would not be unusual. Landowners with property that straddled county lines—or disparate pieces in different counties—were commonly taxed in the county in which they resided. The additional 100 acres taxed to Samuel in 1817–19 might possibly be the 100 acres belonging to his mother-in-law.

⁸⁸ Grayson County, Ky., Commissioners Book 1816, no specific month or day shown; imaged in “Tax books 1810–1831, 1833–1834, 1836–1845,” database, *FamilySearch* (<https://www.familysearch.org/search/film/007834439?cat=155619> : accessed 24 Oct. 2017), particularly image 243 (Widows, Witters); imaged from microfilm 8001.

⁸⁹ See Mills, “Samuel Witter, War of 1812: Logan County Research,” report to Witter Research Group, 23 Nov. 2017.

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

In 1820 Samuel reverts to just 100 acres and in 1821, the Crask 100 would again appear on the roll taxed to the widow's son Joseph Crask. Note that the land left by the widow's deceased husband was entered and patented by John Sanders. The tax rolls of this decade shows most of the Sanders land in the possession of various members of a *Wilson* family. This supports the undocumented assertion in online trees that Samuel Witter's mother-in-law was *née* Wilson.⁹⁰ (It should also be noted that the widow Sarah appears on the 1850 census of Wayne Co., Illinois, twelve houses from Joseph Crask.)⁹¹

20 NOVEMBER 1817

GRAYSON COUNTY, KENTUCKY

Tax roll

Crask: No

Widows: No

Witters: **Samuel**, 200a 3d class, Grayson Co., **Rough Creek**; entered, **entered by May** (no survey/patent data); 1 male 21+, 0 horse, \$700 total value.⁹²

COMMENT:

In adjacent Breckinridge Co. in 1811 (but only 1811), Witter had been taxed on 100 acres, 3d class, Rough Creek, patented to **Wm. May**.

The tax rolls of 1816 to 1819 provide contradictory data about the identification of Samuel's 200 acres. In 1816 and 1818 (as with 1811 Breckinridge) the rolls state that the land was entered and patented by Mays—while the 1817 and 1819 rolls say that it was entered/surveyed/patented by "P. Philips." This situation is frequently seen on the tax rolls of this cluster of counties. In this case, Philips may have been an intermediary owner between the Mays and Witter. Or (another common cause of these discrepancies) the disparity may stem from Witters consolidation of two tracts that were indeed patented by different men.

FALL 1818

GRAYSON COUNTY, KENTUCKY

Tax roll

Crask: No

Widows: No

Witters: **Samuel**, 200a 3d class, Grayson Co., **Rough Creek**; entered by **Stephen May**, surveyed/patented by **Will. May**; 1 male 21+, 1 horse, \$2 per acre; \$840 total value.⁹³

⁹⁰ Patrick Allen Thomas, *My Genealogy Home Page* (<http://familytreemaker.genealogy.com/users/t/h/o/Patric-A-Thomas/WEBSITE-0001/UHP-0232.html>; accessed 7 Jan/ 2012), for "Vincent Crask (b. 04 Apr 1767, d. 06, Nov 1805," undocumented.

⁹¹ 1850 U.S. census, Wayne Co., Ill., Dist. 11, p. 186, dwell./fam. 18. As "Sarah Wilson, 70" she is living with Elenor and Wilkins Dewees, a couple identified by Crask family trees as Sarah's daughter and son-in-law. I have not tested the possibility that she may have married a Wilson after the death of Vincent Crask, rather than Wilson being her maiden name as regularly asserted.

⁹² Grayson County, Ky., Commissioners Book 1817, 20 Nov. 1817; imaged in "Tax books 1810–1831, 1833–1834, 1836–1845," particularly image 165.

⁹³ Grayson County, Commissioners Book 1818, examined 17 March 1819; imaged in "Tax books 1810–1831, 1833–1834, 1836–1845," particularly image 188.

FALL 1819

GRAYSON COUNTY, KENTUCKY

Tax roll

Crask: No

Widows: No

Witters: Sam¹, 200a 3d class, Grayson Co., Rough Creek; entered/surveyed/patented by P. Philips;
1 male 21+, 0 horse, \$450 total value.⁹⁴

14 FEBRUARY 1820

WASHINGTON, D.C.

Bounty land.

Registration of Returned Bounty Land Warrant.

"Samuel Witter, Private, 17 Infantry. Honl. A. McLean" "No. 23642."⁹⁵

"Pursuant to the second section of an Act of Congress passed the 6th of May, 1812, authorizing the Secretary of War to issue Land Warrants to the noncommissioned Officers and Soldiers enlisted in the service of the United States, conformably to the acts of the 24th of December, 1811, and of the 11th of January, 1812, **Samuel Witter**, late a **Private** in the company commanded by **Lieutenant R. W. Ewing**, of the **17th Regiment United States Infantry**, is entitled to ONE HUNDRED AND SIXTY ACRES OF LAND, to be located agreeably to the said act on any unlocated parts of the six millions of acres appropriated by law for the original grantees of such military warrants; and this warrant is not assignable or transferrable in any manner whatsoever.

"Given at the War Office of the United States, this 14 day of February, A.D. one thousand eight hundred and twenty. **Loc[ation] Ark[ansas]. P146.** [S/] J. C. Calhoun, Secretary of War. Registered. [S/] Nat. Cutting, Clerk."

COMMENT:

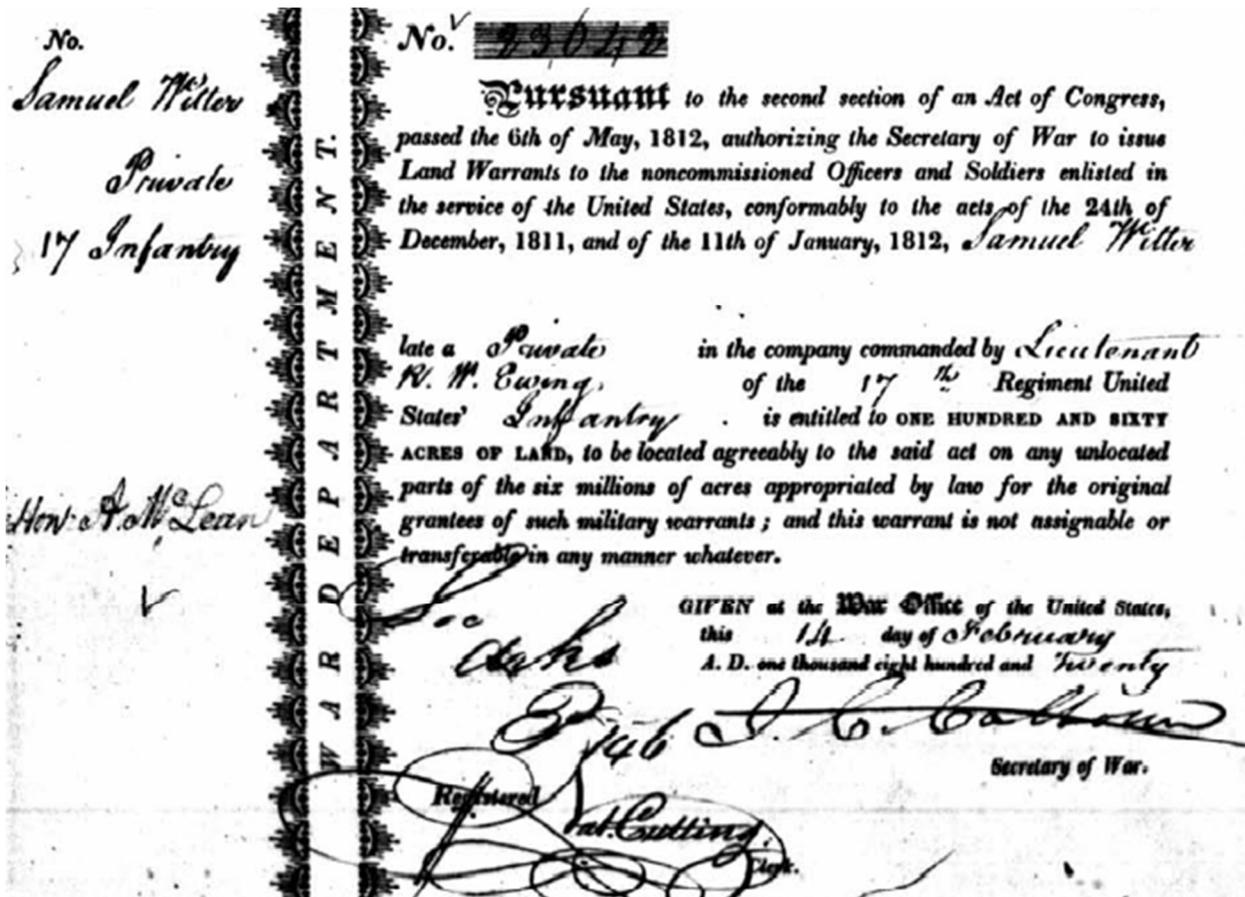
As indicated in the warrant, the Acts of 1811 and 1812 explicitly forbade the assignment or transfer of the warrant to any party other than the one who served. That provision of the law was ignored by many, if not most, recipients. In an effort to prevent the circulation of the warrants, none were issued directly to the men who served. They were retained by the General Land Office and a notice was sent to each veteran, alerting him that a warrant was available in his name.⁹⁶

No evidence has yet been found that Samuel Witter actually went to Arkansas to cash in his bounty land at a local U.S. land office. That was *not* the common practice.

⁹⁴ Grayson County, Commissioners Book 1819, examined 8 May 1820; imaged in "Tax books 1810-1831, 1833-1834, 1836-1845," especially image 214 (Witters); the final tally shows 664 white males over 21.

⁹⁵ *War of 1812 Military Bounty Land Warrants, 1815-1858*, NARA microfilm publication M848, roll 11, "Warrants Issued under the Act of May 6, 1812; Volumes 79-83, and Three Unnumbered Volumes; Warrants 22383-24770," unnumbered pages, warrants filed in numerical sequence.

⁹⁶ See Anne Bruner Eales and Robert M. Kvasnicka, *Guide to Genealogical Research in the National Archives of the United States*, 3d ed. (Washington: NARA, 2000), 138-39. This source does not explain how officials in Washington knew *where* to send the notices to ex-soldiers or whether newspapers were relied upon to published general notifications.



CA. 1820

ARKANSAS

Bounty land

Register of Arkansas Patentees.⁹⁷

Witter, Samuel. Vol. 1, page 293. Sect. 14, Township 1 West, Range 2? West. Warrant 23642.

COMMENT:

See analysis under date of 14 February 1820.

CA. 1820

ARKANSAS

Bounty land

The State of Arkansas also offers online images from its state-level register of military bounty lands within its bounds. That state-level register is arranged by land description (section, township, and range). It contains no name index and the website provides no database. Using the legal description of the land, Witter's registration was locatable in the register, which provided the following data.⁹⁸

⁹⁷ War of 1812 Military Bounty Land Warrants, 1815-1858, NARA microfilm publication M848, roll 1, "Target 2, Index of Arkansas Patentees," p. 257.

⁹⁸ State of Arkansas, *Historical Land Records* (<http://www.cosl.org/history/military.aspx> : accessed 7 January 2012), "Military Bounty Lands" discussion and digitized register of same name, p. 9.

Township 1N Range 2W

To whom Patented:	Samuel Wetter
Quarter or Half of Sec.:	SE
No. of Sec.	14
No. of Warrant:	23,642
Date of Patent:	Nov. 27, 1820

CA. 1820

ARKANSAS

Bounty land

A digital image of the actual patent issued to “Samuel Wetter” is available at the online database maintained by the Bureau of Land Management. The quality of the download image provided by the website is poor; but the site offers the option to purchase a better copy. On the following transcription, made from the website image, boldface marks the words penned on the preprinted form.

“**James Monroe**, President of the United States of America, to All to whom these presents shall come, Greeting. Know ye That in pursuance of the Acts of Congress appropriating and granting Land to the late Army of the United States, passed on and since the sixth day of May, 1812, **Samuel Wetter** having deposited in the General Land Office a Warrant in **his** favor numbered **23,642**, there is granted **unto the said Samuel Wetter**, late a **private in Ewings Company of the 17th Regiment of Infantry**, a certain Tract of Land, containing **One hundred & Sixty Acres**, being the **South East qr.** of Section **fourteen** of Township **one North** and Range **Two West** in the Tract appropriated (by the Acts aforesaid) for Military Bounties, in the Territory of Arkansas. To Have and to Hold the said **quarter** Section of land with the appurtenances thereof, into the said **Samuel Wetter** and to **his** heirs and assigns forever.

“In Testimony WHEREOF, We have caused these Letters to be made patent, and the Seal of the General Land Office to be hereunto affixed. Given under my Hand, at the City of Washington, this **Twenty Seventh** day of **November** in the Year of our Lord one thousand eight hundred and **Twenty** and of the Independence of the United States of America, the **forty-fifth**. By the President, **James Monroe**. [Signed] **Josiah Meigs**, Commissioner of the General Land Office.”

COMMENT:

BLM’s accompanying database entry for the patent places the land in **Monroe County, Arkansas**.⁹⁹

7 AUGUST 1820

GRAYSON COUNTY, KENTUCKY

Census

[*Entries are semialphabetized by first letter of surname*]¹⁰⁰

Witter, Samuel

1 male 26–44	1 female 26–44	5 total
3 males 16–25	1 female 0–10	1 engaged in agriculture

⁹⁹ Bureau of Land Management, “Land Patent Search,” database and digital images, *General Land Office Records* (<http://www.glorerecords.blm.gov/PatentSearch> : accessed 7 January 2012), Samuel Wetter (Monroe County, Arkansas), Document Nr. 23642, BLM Serial Nr. AR NO S/N.

¹⁰⁰ 1820 U.S. census, Grayson Co., Ky., p. 155, line 17.

COMMENT:

The surviving copy of this census is semi-alphabetized by first letter of surname. In the “W” section, this Samuel Witter is surrounded by Wilsons, presumed relatives of his mother-in-law Sarah (Wilson) Crask.¹⁰¹

The three males aged 16–25 in this household suggests that, as in 1810, Witter has acquired apprentices.

The county seat of Grayson Co., Litchfield, was roughly 75 miles from Greenville (Muhlenberg County), where the lawyer Alney McLean held his practice.

FALL 1820

GRAYSON COUNTY, KENTUCKY

Tax roll

Crask: No

Widows: No

Witters: Samuel, 12 a, 2d class, 1 white male 21+, 2 horses : consecutive
“Same” 100a 2d class, Rough Creek, \$480 total value : entries¹⁰²

COMMENT:

- Grayson County deeds prior to 1896 apparently have not survived.
- Note that the location of Witter’s new tract of 12 acres is not stated. Below, it is said to be on Pleasant Run, the site of the Crask land.

FALL 1821

GRAYSON COUNTY, KENTUCKY

Tax roll

Crask: Joseph, 100a, Grayson Co., Pleasant Run, 1 male 21+, 2 horses, \$2 per acre, \$610 total value

Widows: No

Witters: Samuel, 12 a, 2nd class, Pleasant Run, 1 white male 21+, 2 horses, \$2 per acre, \$175 total value¹⁰³

COMMENT:

Samuel has disposed of his 100 acres. Given that the 12-acre tract that he acquired before the 1820 tax roll is located on Pleasant Run, it may represent his (and his wife’s) share of the Crask estate, which would have been subdivided when heirs came of age, as Joseph has clearly done.

Perhaps not coincidentally, Samuel’s disposal of his last 100 acres in 1820–21 coincides with the appearance of his brother-in-law Joseph Crask, taxed for 100 acres in that same locale.

¹⁰¹ Patrick Allen Thomas, *My Genealogy Home Page* (<http://familytreemaker.genealogy.com/users/t/h/o/Patric-A-Thomas/WEBSITE-0001/UHP-0232.html> : accessed 7 January 2012), for “Vincent Crask (b. 04 Apr 1767, d. 06, Nov 1805,” undocument-ed data.

¹⁰² Grayson Co., Commissioner’s Book 1820, certified 5 Oct. 1820; imaged in “Tax Books 1810–1831, 1833–1834, 1836–1845,” especially image 241 (Witters).

¹⁰³ Grayson Co., Commissioner’s Book 1821, examined 4 February 1822; imaged in “Tax Books 1810–1831, 1833–1834, 1836–1845,” especially image 251 (Crask), 269 (Witters).

This marks the last appearance of Samuel Witters in the Grayson County records that I have examined. He emerges in 1822 across the county line in Ohio County. Meanwhile, another man of similar surname has also moved into Ohio County, where he interacts with the families in *Samuel's* Ohio County neighborhood:

Ohio County, 1821 tax roll

Whitter, Talton 90 acres, Ohio Co., 3d class, Panther [Creek] patented to J. Barber
1 male 21+, 2 blacks (0 black male 16+); 2 horses; value per acre \$2: total
\$720¹⁰⁴

2 SEPTEMBER 1822

OHIO COUNTY, KENTUCKY

Tax roll¹⁰⁵

#663	Witter, Samuel	1100a 2d class, Ohio County, Rough; entered by Winsted; surv'd for Newton 1 male 21+, 2 horse, \$1120 total value; 0 children
#666	Whitter, Tarlton	90 acres, Ohio Co., 3d class, Panther [Creek] entered by J. Barber 1 male 21+, 2 horses; value per acre \$4: total \$500; 5 children
#668	Witter, Samuel	[all columns blank]

TO DO:

Read the deed and probate registers circa 1822 to find a transfer of the Landrum land to Witter.

COMMENT:

- According to the 22 November 1830 deed (see that date below) by which Witter sold part of this land, he purchased this land on Pipe Run of the Rough from James Landrum—with a title that remained under some cloud for a reason that went unstated.
- The tally of children on the tax roll covered only the ages 4–14—i.e., children of age to receive a common-school education. The last page of the list carries this note: “Whole numbers of children between the age of four and fourteen on the South Side of Rough Creek in Ohio County are five hundred, September 2d 1822.”
- No *Crasks* appear on the Ohio County roll this year. Joseph Crask continues to appear in Grayson County for another three years, with data comparable to his 1822 status as follows:

25 NOVEMBER 1822

GRAYSON COUNTY, KENTUCKY

Tax rolls

Crask, **Joseph**, 100a, Grayson Co., **Rough; entered/surveyed/patented by Sanders**; 1 male 21+, 1 horse, \$360 total value; 0 children 4–14.¹⁰⁶

¹⁰⁴ Ohio Co., Commissioner's Book, 1821; imaged in Ohio County, Ky., “Tax Books 1799–1809, 1811–1817, 1819–1831, 1833, 1835, 1837–1839, 1841–1845,” *FamilySearch* (<https://www.familysearch.org/search/film/007834494> : accessed 2 Nov. 2017), especially image 496 (Whitter), no date for taking Whitter's list and no certification date on the roll; imaged from microfilm 8189.

¹⁰⁵ Ohio Co., Commissioner's Book, 1822, certified 6 Oct. 1822; imaged in “Tax books 1799-1809, 1811-1817, 1819-1831, 1833, 1835, 1837-1839, 1841-1845,” especially image 536 (Whitter), 540 (certification); the children's note on last page of the roll is dated 2 September 1822

Joseph's land that is said here to be on Rough Creek was earlier placed on Pleasant Run. Likely it lay on both watercourses.

Ohio County tax rolls abstracted below show that Joseph moved across the county line into Witter's neighborhood by 1825; he appears on the 1830 census as aged 30–40 (b. 1790–1800).¹⁰⁷ His first appearance on the tax roll in 1821 suggests that he had just come of age—likely born 1798–99.¹⁰⁸ He has not been found on the 1820 census and no widowed Sarah Crask was found in 1810 or 1820.

As in Breckinridge and Grayson counties, no deed has been found by which Samuel purchased the above 1100 acres—or by which he sold some of it before the next tax roll. The possibility exists that he was simply renting the land. It was not uncommon for lease contracts of this era to require renters to cover the taxes.¹⁰⁹

Tarlton Whitter, who appears three listings from Samuel Witter on this tax roll, first appeared in Ohio County on the 1820 census—as Tarlton **Witty**, on the same page as several individuals who are Samuel Witter's immediate neighbors in 1830: William H. Roby, John Whitenhall, John B. Haynes, George Matthews, and Richard and David Atterberry. An apparently widowed Charlotte Lamb appears two houses before Tarlton on the 1820 census while an apparently widowed Liddy Lamb lived next door to Samuel in 1830.¹¹⁰ "Liddy" (*var. Littie, Lottie*) does not appear un-

¹⁰⁶ Grayson Co., Commissioners Book 1822, imaged in "Tax Books 1810–1831, 1833–1834, 1836–1845," image 278 (Crask), certified 25 November 1822.

¹⁰⁷ 1830 U.S. census, Ohio Co., Ky., p. 249, last line.

¹⁰⁸ The 1850 census agrees, placing his birth period between 2 June 1798 and 1 June 1799; see U.S. census, Wayne Co., Ill., Dist. 11, p. 194, dwell./fam. 5.

¹⁰⁹ No entry for "Witter" or variant spelling appears in Ohio County's grantee index (the volume in which his purchases should be indexed). See Ohio Co., Ky., Grantee Index S–Z, 1798–1930; imaged as "Grantee Index M–Z, 1798–1930," database, *FamilySearch* (<https://www.familysearch.org/search/film/008193546?cat=105167> : accessed 2 Nov. 2017), microfilm 583203. Deed Books A–H are available at FHL on film but are not yet digitized online. The county's grantor indexes (which would cover any sales by him) have not been digitized and placed online. The same holds for the other needed records. "Commissioners' Deeds" have been filmed from 1817 through 1975, but are not yet online; ditto for Equity Case Files 1818–1889. **This research needs to be done on-site or at Salt Lake City's Family History Library.** (Note, subsequently, that I have identified two of these deeds through indexes and obtained copies via a SLC-based researcher.)

¹¹⁰ 1820 U.S. census, Ohio Co., Ky., stamped pp. 112–13 (Charlotte Lamb, aged 26–45, 2 males 0–10) and pp. 114–15 (Tarlton "Witty" and others). 1830 U.S. census, Ohio Co., Ky. p. 248, line 11 (Samuel Witter) and line 12 (Liddy Lamb, 1 female 40–50 with 2 females 15–20, 1 female 10–15, 1 female 5–10; 1 male 20–30, 1 male 10–15, 1 male 5–10). This woman appears to be the Charlotte Brand who married Adam Lamb 30 November 1814 in Christian Co., Ky. Whether "Brand" was Charlotte's maiden name or whether she was then a widow is not known; Adam was indeed a widow, with four children by a first wife Ruth Talkington whom he had married in Logan Co. on 8 May 1804. Adam is said to have died in Logan in 1818. The 1820 Ohio census entry for Charlotte is compatible with that marriage. The 1830 census entry suggests that she may also have in her household her or her husband's children from a first marriage. For Charlotte, see erin_stubing, "Erin Stubing Family Tree," *Ancestry* (<https://www.ancestry.com/family-tree/person/tree/31379307/person/26112004528/> : accessed 12 November 2017). Stubin also asserts that Adam was born in Somerset Co., Penn.—whose parent county, Bedford, was home to a German Witter family from Lancaster that I am also pursuing. See E. S. Mills, "Samuel Witter (1787–1876) & Wife Rachel "Lizzie" Smith (1802–54): Research Notes," a working file dated 5 December 1813; archived at E. S. Mills, *Historic Pathways* (<https://historicpathways.com/download/SamWitResNotes.pdf>).

Charlotte "Liddy" Lamb needs to be pursued. While she is not known to be connected to Samuel Witter, the fact that she lived adjacent to Samuel in 1830 and just 2 doors from Tarlton in 1820 suggests that Samuel and Tarlton lived within very close proximity. Charlotte is also potentially important for another reason. The 1830 census shows Samuel as head of a family with 5 boys under the age of 10 and no female of any age. Liddy Lamb, next door to Samuel, represents a potential caregiver for his motherless children. Her household also includes two females born after the proposed death date for her husband. One of the

der that diminutive in the 1820 census and “Charlotte” does not appear under that full spelling in 1830.

When Tarlton died in 1834, the two witnesses to his bedside will were also from Samuel Witter’s neighborhood: Jeremiah Kelly and **Ansel Hall**. (Cf. John Kelly, who appears to have served as financial surety for Samuel in 1811.) The next year, Hall was an appraiser of the estate of Charles Huff (another man from Samuel’s neighborhood), together with Josiah Haynes and John Whitenhall (who lived 8 houses from Samuel in 1830). One appraiser of Tarlton Whitter’s estate was John Haynes from Witter’s 1822–30 neighborhood.¹¹¹

Tarlton and Samuel were both born in the same decade and both show a pattern of giving family surnames as given names for their sons. Tarlton’s birth family does not appear to have been identified by others working his line. Known data includes the following:

- He married Elizabeth Cox 13 February 1806 in Washington County, Kentucky.¹¹²
- 1810 census: residence not found.
- 1820 census: Ohio County
- 1830 census: Ohio County
- Will and probate identifies children as Elizabeth (m. Crow before 1834), Patsey (m. Miller before 1834), and six children who married after 1834: Bradford, Polly, Henderson, Bartney (Barton), Nancy, and Lucinda.
- 1850 census: Ohio County. Tarlton’s widow Elizabeth and most of these children were still living in the Haynes-Whitenhill neighborhood where we also find Samuel Witter’s sons John K. and Lapsley.¹¹³

27 OCTOBER 1823

OHIO COUNTY, KENTUCKY

Tax roll¹¹⁴

#667 **Witter, Samuel** 927 2d class, Ohio County, Rough; 1 male 21+, 1 horse, \$920 total value

#683 **Whitter, Tarlton** 1 male 21+, [illegible] horses; \$200 total

Crask: No

COMMENT:

Samuel’s landholdings have shrunk by 173 acres. The amount would remain steady at 927 acres until 1826, before dropping again.

two is of age to be the female born 1815–20 assigned to Samuel’s household in 1820 but missing in 1830—presumed by descendants to be a daughter named Nancy.

¹¹¹ Ohio Co., County Court Order Book 5, 1829–1842, pp. 162, 168–69; imaged in Ohio Co., “Vols. 4–7 1818–1855,” database, *FamilySearch* (<https://www.familysearch.org/search/film/007672458?cat=126698> : accessed 3 Nov. 2017), especially images 485, 488; imaged from film 191299.

¹¹² “Kentucky, County Marriages, 1783–1965,” database, *Ancestry* (<http://ancestry.co m> : accessed 7 Nov. 2017), entry for “Tarlton Whitter,” citing FHL film 000551245.

¹¹³ Ohio Co., County Court Order Book 5, 1829–1842, pp. 162, 168–69. Also see Wills [& Estates] B, 1824–41, pp. 56–57; imaged in “Ohio County, Kentucky Wills, 1801–1955; Indexes 1801–1988,” *FamilySearch* (<https://www.familysearch.org/search/film/004819551?i=382&cc=1875188&cat=124618> : accessed 7 Nov. 2017), images 220–21; citing microfilm 494934.

For all records found to date for Tarlton Witter, see E. S. Mills, “Samuel Witter, War of 1812: Ohio County, Kentucky, Research,” report to Witter Research Group, 23 Nov. 2017; archived at *Historic Pathways* under the “Research” tab.

¹¹⁴ Ohio Co., “Tax Books 1799–1809, 1811–1817, 1819–1831, 1833, 1835, 1837–1839, 1841–1845,” especially image 536 (Whitter), 540 (certification); certified 27 Oct. 1823.

FALL 1824

OHIO COUNTY, KENTUCKY

Tax roll¹¹⁵

- #676 **Witter, Samuel** 977 3d class, Ohio Co., Pipe Run; entered, surveyed & patented by Winston;
1 male 21+, 1 horse, \$1 value per acre; \$1017 total value
- #694 **Whitter, Tarlton** 0 land; 1 male 21+, 3 horses; \$250 total value
Crask: No

COMMENT:

Tarlton in 1821 and 1822 was assessed for 90 acres that are not assessed to him in either 1824 or 1825. When he next pays tax on land, 1826, he is taxed for 390 acres.

NOVEMBER 1824

OHIO COUNTY, KENTUCKY

Estate settlement

Recorded January 1827.¹¹⁶

Estate of Roger Robertson, "decd. in 1818."

"Agreeable to an order of November term **1824** Ohio County Ky. ordered that George Shrader[,] Benjamin **Burch**[,] and **Samuel Witter** be appointed to settle with John Payne and wife as administrators of the estate of Roger Robertson Decd. & we George Shrader and **Saml Witter** were at the house of **James Landrum** on the 30 day of December and we saw a settlement with John Payne and wife as will appear from the Enclosed papers and we find & we find [*sic*] the sd. Payne & wife duely due the said Estate of \$530.61¼. Given from under our hands this **30 day of December 1826**. [Signed] George Shrader, **Saml. Witter**, J. Kelly Payne?"

COMMENTS:

- Note the coupling of Witter with Benjamin Burch. The 1830 census places Witter "next door" to Henly Burch, who (like Samuel Witter) bought land from James Landrum.¹¹⁷
- At p. 277, we find **James Eidson** (Samuel Witter's 1810 neighbor in Breckinridge) as guardian of Robertson's sons Francis, William, and Charles. Henry **Eidson** was also Samuel's 1830 neighbor.

FALL 1825

OHIO COUNTY, KENTUCKY

Tax roll¹¹⁸

- #687 **Whitter, Totten** 1 male 21+, 4 horses; \$240 total value
- #705 **"Weller," Samuel** 977, Ohio Co., Rough; entered, surveyed & patented [no name];
1 male 21+, 1 horse, \$1020 total value

¹¹⁵ Ibid., especially images 597 (Witter), 598 (Whitter); no certification or recording date.

¹¹⁶ Ohio Co., Wills [& Estates] B, 1824-1841, pp. 273-74; imaged in "Ohio County, Kentucky Wills, 1801-1955; Indexes 1801-1988," database, *FamilySearch* (<https://www.familysearch.org/search/film/004819551?i=382&cc=1875188&cat=124618> : accessed 7 November 2017), image 329; imaged from FHL microfilm 494934.

¹¹⁷ Henley Burch, 1826-27, bought 400 acres from Benjamin Burch, apparently on **Long Falls Creek**; also 100+ acres from James & Piney Landrum (Deeds, E:858 and AA:39). Richard Atterbury, who lived adjacent to Burch and 2 houses from Samuel Witter in 1830 also bought land from James & Piney Landrum, 100a **Whetstone Creek** (D:254-55).

¹¹⁸ Ohio Co., "Tax Books 1799-1809, 1811-1817, 1819-1831, 1833, 1835, 1837-1839, 1841-1845," especially images 624 (Whitter), 625 (Witter); no certification or recording date.

Crask: Joseph, 200a Pipe Run, 1 white male 21+, 3 horses, \$3 per acre, \$700 total value

COMMENT:

Joseph has moved across the county line into Ohio County—and doubled the size of his acreage.

FALL 1826

OHIO COUNTY, KENTUCKY

Tax roll ¹¹⁹

Witter, Samuel 722 3d class, Ohio Co., Rough; entered, surveyed & patented by Winsted;
1 male 21+, 2 horses, \$1 per acre; \$812 total value

Whitter, Taltan 390 acres, Panther Creek, patented to Barber, \$4 acre
1 male 21+, 3 horses; \$1700 total value

Crask, Joseph [etc.]

COMMENTS:

- Samuel's acreage has shrunk again—this time by 250 acres.
- Tarlton has expanded his holdings. In addition to the 90 acres previously taxed to him, he has added another 300 acres for which a deed has not been found in the grantee index.¹²⁰
- Perhaps coincidentally, the total of Tarlton's land (390) and Samuel's land (722) add exactly to the 1100 + 12 acres previously attributed to Samuel.
- Joseph Crask remains on the Ohio County tax rolls through the early 1830s, I will not continue to note his data here on Samuel's data summary. He would, by 1836, follow Samuel to Illinois and buy his first of many purchases in Wayne County, just across the county line from where Samuel settled in Marian County.¹²¹

28 DECEMBER 1826

OHIO COUNTY, KENTUCKY

Estate settlement

Estate of William Maxwell. "A list of Vouchers and the compensation which we the commissioners have allowed the Administration for his charges and invoices." [A list of receipts follow]

"Receipt"	from Samuel Witter	\$2.00
do.	from Do.	7.50
do.	from do.	5.00
"Re[ceived] from ...	Samuel Witter	1.00

"We therefore return this as our report to the above named Court as Witness whereof we hereunto sign our names this 28 December 1826. [Signed] **Samuel Witter**, George Shroedor, Comms."¹²²

COMMENT:

Samuel Witter's name does not appear in the probate indexes for Ohio County. This and other entries below were found by visually scanning the pages one by one, seeking references to him

¹¹⁹ Ibid., especially images 649 (Witter), 650 (Whitter); no certification or recording date.

¹²⁰ See Mills, "Samuel Witters, War of 1812: Ohio County, Ky., Research," report to Witter Research Group, 23 Nov. 2017; archived at *Historic Pathways* under the "Research" tab.

¹²¹ State of Illinois, "Illinois Public Domain Land Detail," Joseph Crask entries.

¹²² Ohio Co., Ky., Wills [& Estates] B, 1824–1841, 262.

that are embedded in the records of other people.

30 DECEMBER 1826

OHIO COUNTY, KENTUCKY

Estate settlement

Recorded January 1827.¹²³

Estate of Roger Robertson, “decd. in 1818.”

“Agreeable to an order of November term **1824** Ohio County Ky ordered that George Shrader[,] Benjamin **Burch**[,] and **Samuel Witter** be appointed to settle with John Payne and wife as administrators of the estate of Roger Robertson Decd. & we George Shrader and **Saml Witter** were at the house of James Landrum on the 30 day of December and we saw a settlement with John Payne and wife as will appear from the Enclosed papers and we find & we find [*sic*] the sd. Payne & wife duely due the said Estate of \$530.61¼. Given from under our hands this **30 day of December 1826**. [Signed] George Shrader, **Saml. Witter**, J. Kelly Payne?”

JANUARY 1827

OHIO COUNTY, KENTUCKY

Estate settlement¹²⁴

Estate of Roger Robertson, “decd. in 1818.” “The administrator [owes to]

G. Shrader [for] 3 days Services as Commissioner	\$3.00
Do. Samuel Witter 2 days services and returning papers to court	\$3.50”

COMMENT:

Following this court notation, there appears the document previously cited under November 1824 and 30 December 1826, the one that begins “Agreeable to an order of November term **1824** Ohio County Ky ordered that George Shrader[,] Benjamin **Burch**[,] and **Samuel Witter** be appointed ...”

For the proceedings held in May 1827, the commissioners were George Shreader, Walker Moore, and Jos. Haynes. Witter is not mentioned.

16? MARCH 1827

OHIO COUNTY, KENTUCKY

Sheriff’s sale

In response to a judgment issued in favor of Gabriel Lewis against **Samuel Witter**. Witter’s 732 acres on Rough Creek was seized and auctioned this day at Sheriff’s sale. The purchaser Christopher Jackson (a former clerk of court) would sell the property back to Witter for \$1 on 1 December 1828. See deed transcript under that date.¹²⁵

COMMENT:

This sheriff’s sale explains why Witter is not assessed for land on the 1827 tax roll, below.

FALL 1827

OHIO COUNTY, KENTUCKY

¹²³ Ibid., 273–74.

¹²⁴ Ibid., pp. 273–74 (image 329).

¹²⁵ Ohio Co., Deed Book F: 93; FHL microfilm 493644, item 2.

Tax roll ¹²⁶

Witter, Samuel	No entry
Whitter, Tarlton	178 acres, Panther Creek, entered by Jas. Barber, \$2 acre 1 male 21+, 3 horses; \$556 total value
Whitenhill, Jacob	100 acres, Panther Creek, entered by Barber, \$2 per acre 1 male 21+, 2 horses; 350 total value

COMMENT:

- Tarlton Whitter previously had 390 acres; he has disposed of 212 acres.
- Jacob Whitenhill is cited just after Whitter, also with Barber land also; Whitenhill, however, was taxed on that tract in the previous year also.
- *John* Whitenhill in 1830 was 8 houses from Samuel Witter. (In this year 1827, John Whitenhill is taxed on 258 acres on Rough, from which the Panther appears to branch).
- A long delinquent list is added to the end of this role. Samuel Witter is not on the list. James Odle, his 1830 near neighbor, is listed. See court orders below for Witter and Odle turning in their 1827/1828 lists in 1829.

After Samuel repurchased his land from the sheriff's-sale buyer (Christopher Jackson), he made a delayed tax filing for 1827 as follows:

"722 [acres] 3d rate land, one tithe, Total value \$150.¹²⁷

FALL 1828

OHIO COUNTY, KENTUCKY

Tax Roll ¹²⁸

Whitter, Tarlton	108 acres, Panther, entered by Barber, \$4 acre 1 male 21+, 1 horse; \$600 total value
Witters, Samuel	1 male 21+; 2 horses; \$100 total

COMMENT:

Samuel claims no land above, suggesting that he has disposed of the 722 on which he was taxed the prior year. Ohio County deed and court records do not show Samuel disposing of any land at this time.

1 DECEMBER 1828

OHIO COUNTY, KENTUCKY

Deed.

"This Indenture made and entered into this 1st day of December 1828 Between Christopher Jackson of the County of Ohio and State of Kentucky of the one part, and **Samuel Witter** of the said County and State of the other part, Witnesseth that the said Christopher Jackson for and in consideration of the sum of One Dollar Current money to him in hand paid, the receipt whereof is hereby acknowledged and himself fully Satisfied doth hereby bargain sell and Convey and by these presents give grant bargain make over release and Convey to the Said **Samuel Witter** all his right title interest claim and Demand in and to a Certain tract or parce of land **Containing seven hundred and Twenty one acres** of land Situate in the

¹²⁶ Ohio Co., "Tax Books 1799–1809, 1811–1817, 1819–1831, 1833, 1835, 1837–1839, 1841–1845," especially images 673 (Whitter), 673–74 (Whitenhill); no certification or examination date.

¹²⁷ Ohio Co., County Court Order Book 5, 1829–42, p. 17 (image 409).

¹²⁸ Ohio Co., "Tax Books 1799–1809, 1811–1817, 1819–1831, 1833, 1835, 1837–1839, 1841–1845," especially images 705 (Whitter), 706 (Witters); no certification date

County and State aforesaid on the **Waters of Rough Creek** it being the same tract or parcel of land on which the said **Witter** now lives and the same land purchased by the Said Jackson at a Sale made by the Sheriff of Ohio County on the **16th day of March in the year 1827**. The Sale being made by the Sheriff under and by virtue of an Execution which issued from the Clerks office of the Circuit Court of Ohio County afsd in favour of **Gabriel Lewis** against the said **Witter** and which land was deeded to Said Jackson by John C. Rogers the then Sheriff of Said County by Deed bearing date the 10th day of October 1827 for a more particular description of the said land a reference to Said Deed recorded in the Said Clerks Office will fully and at large appear To have and To hold the Said **Samuel Witters** & his heirs forever the said tract of land containing seven hundred and Twenty one Acres as before described and the said Jackson for himself and his heirs doth hereby release to said **Witters** all his right title & claim to Said land and hereby Covenants to and with the Said **Witters** that he will Warrant & Defend the title to the same from the claim of himself and his heirs but from the Claim of no other person. In Witness whereof the said Jackson doth hereunto set his hand and Seal the day and year aforesaid. [Signed] Chris Jackson. C__.

“Commonwealth of Kentucky Ohio County To wit

“I Charles Henderson Clerk of the County Court for said County do Certify that on the 1st day of December 1828 the foregoing Deed was acknowledged before me in my office by Christopher Jackson a party thereto to be his act and Deed and hence admitted to record. [Signed] Chs. Henderson.”¹²⁹

TO DO:

The Sheriff’s sale of 16 March 1827 needs to be located in the deed books for the referenced land description and other relevant details. Given that it was a sheriff’s sale, it would not typically have been indexed under Witter’s name. It will likely be indexed under

- Sheriff to Christopher Jackson or
- John C. Rogers to Christopher Jackson

FALL 1829

OHIO COUNTY, KENTUCKY

Tax roll¹³⁰

Witter, Samuel	732 acres, Ohio Co., Rough, entered by Winston; .50 per acre 1 male 21+, 1 horse, \$400 total value; 2 children [aged 4–14]
Whitter, Tarlton	108 acres, Panther Creek; entered, surveyed, patented Jas. Barber; \$1.50 acre 1 male 21+; \$320 total value; 6 children

COMMENT:

Note that Samuel is again taxed on land—though the acreage is “off” from 1827, when he was charged with 722 acres.

Again, there is a problem with the family composition implied here for Samuel. He is charged with only two children aged 4–14. If descendants are correct in their reconstruction of his family, he should have had four children aged 4–14 in 1829:

Nancy	b. 1819–20
Abraham P.	b. 1820
James C.	b. 1822

¹²⁹ Ohio Co., Deed Book F: 93; FHL microfilm 493644, item 2.

¹³⁰ Ibid., especially image 732 (Whitter, Witter); certified 12 Nov. 1829.

John K. b. 1823

1 JUNE 1829

OHIO COUNTY, KENTUCKY

Tax Data in Court Order Book

COMMENT:

The list that Samuel didn't file in 1827 appears to be the retroactive list that he filed on 1 June 1829.

Consecutive entries dated 1 June 1829:

"**Henley Burch** who omitted to list his Taxables & Titheables for the year 1828 Ordered that he have leave to do so now, To wit 169 [acres] 3d rate land, 400 acres "do." [ditto, i.e. 3d rate land], w Horses, one tithe. Total value \$350. Ordered to be Certified to the auditor & Sheriff."

"**Samuel Witters** who Omitted to list his Taxables & Titheables for **1828 [1827]** has leave to do so now, To wit 722 [acres] 3d rate land, one tithe, Total value \$150. Ordered to be certified to the auditor & sheriff."¹³¹

COMMENT:

It appears that the clerk erred in dating Witter's list to 1828, having just completed the entry for Henley Burch who is indeed missing on the 1828 roll. Samuel is missing on the 1827 roll, but did indeed turn in a list in 1828.

The 1830 census lists Henly Burch and Samuel Witters as next door neighbors—with Lapsley Hall (husband of a sister of Rebecca Crask) just one house from Burch. It is this Lapsley Hall for whom Samuel and Rebecca's son Lapsley Hall Witter apparently was named.

2 NOVEMBER 1829

OHIO COUNTY, KENTUCKY

Court order

"A List of Deeds recorded in the County Court of Ohio from first Oct 1828 till the 1st Cctober 1829. Ordered to be recorded

Christopher Jackson to **Samuel Witter** [no date given]¹³²

COMMENT:

See the transcript of the deed under 1 December 1828, above. Research notes that I took for 1808 and 1814 show Christopher Jackson to be the county clerk and then one of the Commissioners [justices] of the peace.¹³³

MARCH 1830

OHIO COUNTY, KENTUCKY

Court order

"Ordered that **James Odle** be appointed surveyor to open the state road from **Boling Green to Cloverport** or that part of it from **Sebastian's Mill on Rough Creek** to the Breckenridge line in place of **Joseph**

¹³¹ Ohio Co., County Court Order Book 5, 1829–42, p. 17.

¹³² Ohio Co., County Court Order Book 5, p. 27 (image 414).

¹³³ See Mills, "Samuel Witter, War of 1812: Ohio County, Kentucky, Research."

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

Samuel's wife has apparently died. Again (as in 1810 and 1820) the census household data for Samuel does match the details provided by other contemporary sources. Specifically:

- Aug. 1810: 4 males & 1 female 10–25. No children under 15. Wife? b. 1785–94.
- Aug. 1820: 3 males 16–15. 1 female child 0–10. Wife? b. 1785–94.
- Fall 1829: Only 2 children between the ages of 4 and 14
- June 1830: At least 4 children aged 4–14 on census; 2 males 10–19 that were not in his home in 1820. No wife. No daughter born 1815–19 as shown on the 1820 census.

Ancestry trees assert the following:

- Four children were born to wife Rebecca Crask in 1820, 1822, 1824, and 1826, with exact birthdates known. All are said to be sons. (No evidence is supplied for parent-child links or for the dates.) This would account for 4 of the 5 males aged 0–9 in 1830, but not for the two older males of 1830, the 3 older males in 1820, or the 4 older males in 1810.
- An alleged daughter Nancy was born about 1820 to Rebecca. This would account for the female child 0–10 in August 1820. A more likely birth period for her would be 1818 or 1819, given that the oldest son Abraham is said to have been born in May 1820. (1850, 1860, and 1870 censuses of Wayne County all place Nancy Horton's birth between 2 June 1819 and 1 June 1820.) An 1818–19 birth for Nancy, considered together with the fact that Rebecca bore 4 sons in the next 6 years, also suggests that Samuel did not marry Rebecca until after he returned from the war and settled (1816) in Grayson County near her family.
- By 15 September of this year, Samuel remarried (see deed transcript under that date).

Multiple possibilities seem to exist here:

- Samuel was possibly married *prior* to Rebecca Crask, given that he would have been about 34 at Nancy's birth. Or ...
- Samuel's family of 1810 was his birth family rather than one he created as an adult. Given his alleged birth c.1784, he likely would not have married until c.1804 or later. The 1810 census has two possibilities for a wife, but there are no small children and the 1820 census reports only one child born in this decade—ostensibly the eldest daughter Nancy. The fact that Samuel volunteered for service in the U.S. Army in 1814, not just compulsory service in the local militia, also suggests he was not already encumbered by a wife and children.
- The excess of young adult males in his household in 1810, 1820, and 1830 might represent apprentices, given that he is known to have apprenticed one boy, aged 16 in 1810—agreeing to teach him the trade of millwright. However, the 1820 census shows the family had only 1 male employed in a trade and that trade was then *farming*.

This 1830 census also enables us to put Samuel into neighborhood context.

NEIGHBORS:

James Odle	Lapsly Hall [Witter's b-in-law]	Wm. Mathews Sr.
Henry Eidson	Richard Atenberry	John Kelly
E W. Moore	Henly Burch	Thos. Bivens
David Atterberry	Samuel Witters	Jones? Cunningham
Lawson F? Mathews	Liddy Lamb	John Whitenhill
George Mathews	Wm. Mathews Jr.	John B. Haynes
Sam Mathew	Jeddiah Ashcroft	Wm. H? Roby
[Cont. at top of col. 2]	[Cont. at top of col. 3]	Lewis Huff

- The 1830 census also provides evidence of continuity of neighborhood. Samuel of 1810 resided between families surnamed **Eidson** and **Huff**. Samuel of 1830 also resided between families surnamed **Eidson** and **Huff**. Neither are particularly common names.
- As previously noted, Samuel’s neighbor Lapsly Hall is said to be his brother-in-law, the two having married Crask sisters.
- While the womanless Witter household is missing one daughter, born about 1819–20, the Liddy Lamb household next door has an extra female in that age bracket who would have been born after the death of her husband—if she were the widowed Charlotte Lamb of Logan County.

15 SEPTEMBER 1830
OHIO COUNTY, KENTUCKY

Estate settlement¹³⁷

“Bill of the sale of the property of John Curtis Deceased which took place [this day] ...”

1 Bunch combs to Samuel Witters	\$.56 ½
1 Bunch combs to Samuel Witters	.56 ½
1 Bunch combs to Samuel Witters	.62 ½

COMMENTS:

- Some two dozen “bunches” of combs were sold in all that day. Curtis appears to have been a merchant, judging by the nature of the goods sold.
- Appraisers of Curtis’s estate on 11 September were Edward W. Moore, **Joseph Crask**, and George Matthews (who appears 5 households from Witter on the census taken about the same time as this auction.)

22 NOVEMBER 1830
OHIO COUNTY, KENTUCKY

Deed

“This Indenture made this 22nd day of November in the year of Christ Eighteen hundred and thirty between **Samuel Witter** and **Syntha Anna his wife** of Ohio County Kentucky of the One part and **William M^cullough** of Grayson County and State aforesaid of the other part Witnesseth that said **Samuel Witter** and his wife for and in Consideration of the sum of Two hundred Dollars to them in hand paid the receipt whereof they do hereby acknowledge on the following conditions and Terms: Viz, that Should be land hereafter named or any part of it be taken by a better claim than that under which said **Samuel Witter** holds he is not to refund the above named Sum of money and interest to Said William M^culough but Conveys him all the interest and benefit of his recourse on **James Landrum** from whom said Witter purchased said land to allow Said M^culough to bring an action against said Landrum in his said Witters name and to recover his proportion according to the quantity of land said M^culough buys of said Witter out of the consideration named in the Deed of Conveyance from James Landrum to Said Samuel Witter. The Said Samuel Witter and his wife hereupon do sell and transfer unto Said M^culough all their right and title of a certain tract or parcel of land in Ohio County on the Waters of **Pipe run**, a branch of **rough Creek** to Contain **two hundred and thirty four acres** by survey being a part of **Isaac Winston’s [Winsted’s] 2062 acre Survey** included in the following meets and bounds (viz)

¹³⁷ Ohio Co., Wills [& Estates] B, 1824–41, pp. 137–41 (images 261–63).

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

Beginning at a White Oak marked WM north East Corner to **William Merewethers**, thence N75° E 90 poles to a multberry, thence North 100 poles to two black gums and white Oak, thence South 65° W 20 poles to two white Oaks thence N 17 W 90 poles to three hickories, thence West 138 poles to two white oaks, thence S 26° W 80 poles to 2 White Oaks and Elm, thence South 133 poles to a White Oak and hickory, thence East to the Beginning.

“To Have and To Hold said land free from the claim of sd **Samuel Witter** and **Synthanna** his wife or their Heirs forever but should sd land be taken by a better claim than that which said Witter hereon sells to s^d M^culough then said Witter is to convey to said M^culough the benefit of his recourse on James Landrum or as much thereof as will amount to his proper possession of this land Witter bought of Landrum. In Testimony whereof the said **Samuel Witter** and **Synthanna** his wife have this day hereunto set their hands and afixed there Seals in presence of ATTEST: William Maxwell, Henly Burch. [Signed] Samuel Witter {LS} [Legal Seal], Syntha anna Witter {LS}.”

“Commonwealth of Kentucky, Ohio County Towit

I Charles Henderson clerk of the County Court for the County aforesaid do Certify that this deed from Samuel Witter & wife to William M^culough was this day produced to me in my office and proved to be the act and Deed of the said Samuel Witter & wife by the oaths of Henly Burch one of the Subscribing Witnesses thereto, whereupon the Said Deed was admitted to record. Given under my hand this 4th day of July 1831. [Signed] Chas. Henderson.”¹³⁸

COMMENT:

In 1829, Witter was taxed on 732 acrs. After the above sale, he should have 408 acres. The tax roll created this fall charges him with only 150 acres. No deed has been found by which he disposed of the missing 258 acres *or* the 150 acres that he still at the time of the Fall 1830 tax roll.

FALL 1830

OHIO COUNTY, KENTUCKY

Tax roll¹³⁹

Witter, Samuel 150 acres, Ohio Co., Rough, entered by Winstead; \$2 per acre
1 male 21+, 2 horses, \$200 total value

Burch Henry 100a Ohio Co., Rough, entered, surveyed, patented by Winsted; \$.50 per acre¹⁴⁰

Hall, Lapsley 100a Ohio Co., Rough, entered, surveyed, patented by Winsted; \$.50 per acre
1 male 21+, 3 horses, \$240 total value

COMMENTS:

- Henry/Henly Burch was enumerated adjacent to Samuel Witter on the 1 June census above.
- Lapsley Hall, Witter’s alleged brother-in-law, was 3 houses from him this year on the census.
- Samuel has a new tract of land, having sold his earlier tract. No purchase of this land has been found, raising the possibility that he acquired it by virtue of a new marriage. However,

¹³⁸ Ohio Co., Deed Book F: 286–87; FHL microfilm 493644, item 2.

¹³⁹ Ohio Co., “Tax Books 1799–1809, 1811–1817, 1819–1831, 1833, 1835, 1837–1839, 1841–1845,” especially image 761 (Witter); no certification date.

¹⁴⁰ Henly Burch, 1826–27, bought 400 acres from Benjamin Burch, apparently on **Long Falls Creek**; also 100+ acres from James & Piney Landrum (Deeds, E:858 and AA:39). Richard Atterbury, who lived adjacent to Burch and 2 houses from Samuel Witter in 1830 also bought land from James & Piney Landrum, 100a **Whetstone Creek** (D:254–55).

in skimming the probate books, I found no estate wherein the widow was named Synthianna, Cynthia, or any similar name.

2 MAY 1831
OHIO COUNTY, KENTUCKY

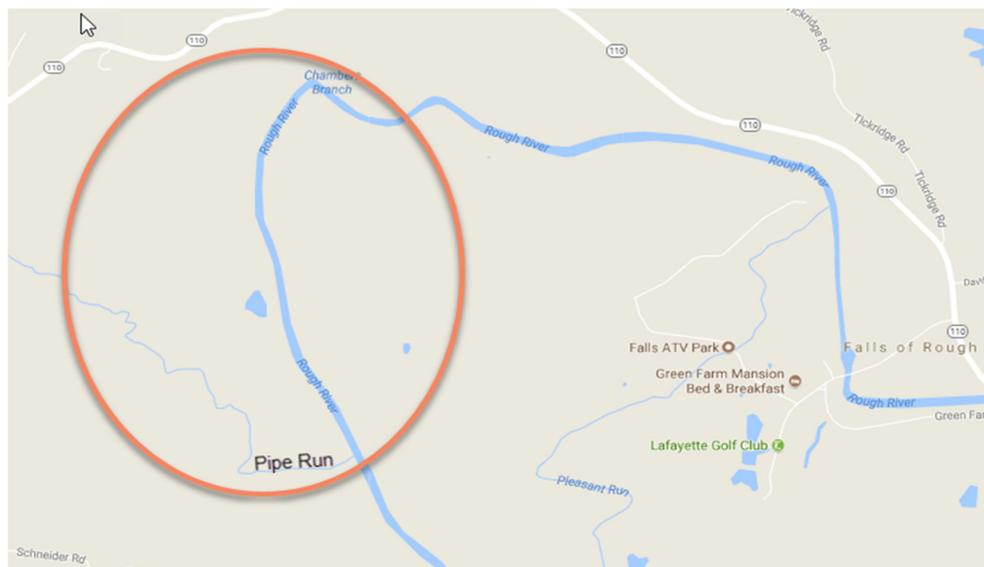
Court order

“Ordered that Miles Vanmeter be appointed Surveyor of the road in room of Lawson **Mathews** that is to say of the **State road leading from Boling Green to Cloverport** that part of sd road from **Sebastians Mills** to the Breckinridge County line and that he have the hands in the following bounds to keep the same in repair 30 feet wide as the law directs To wit Beginning at the **Mouth [of] Pipe run**, thence up sd. Run to **Geo. Mathews’s** Spring branch to include **Henry Eidson**, thence with **Harris Ck** to **Rock Lick**, thence with **Rough Ck** to the Begng.”¹⁴¹ (image 442)

COMMENT:

See above note wherein Ogle was appointed to this section of the state road. The 1830 census enumerates the men above in this order: James Odle, Henry Eidson [skip 2], Lawson Matthews, George Mathews, [skip 2] Lapsley Hall.

From this, we should be able to place Witter within a mile or so on the map. Rough Creek is now known as Rough River. Pipe Run’s mouth on Rough River is shown on the map below.

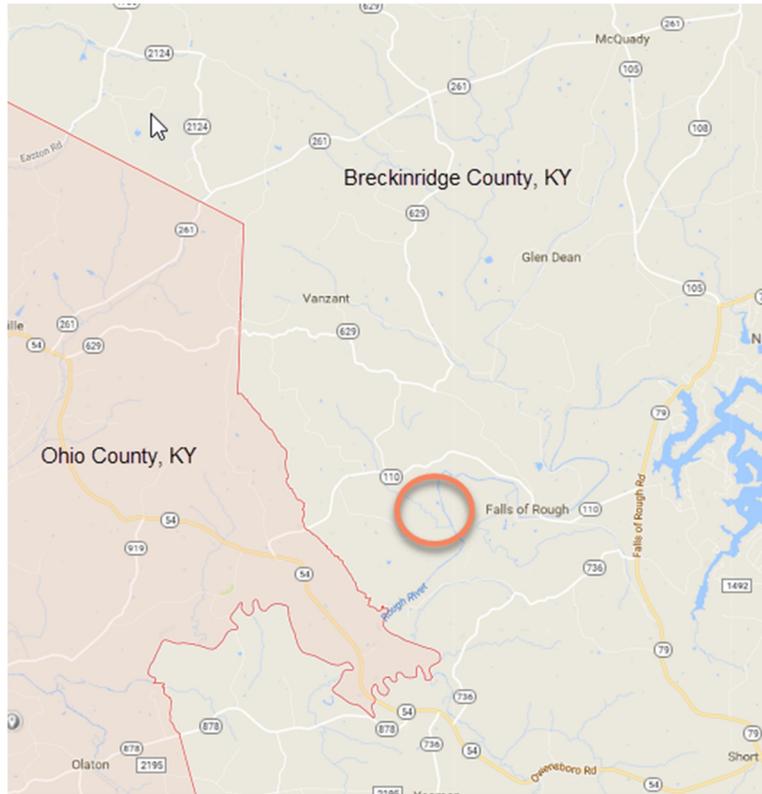


COMMENT:

After a county-line readjustment between 1830 and 1840, this area fell into (and still is in) Breckenridge County. See the map below.¹⁴²

¹⁴¹ Ohio Co., Court Order Book 5, p. 80 (image 442).

¹⁴² Thorndale and Dollarhide, *Map Guide to the Federal Censuses, 1830 and 1840 maps*.



NOVEMBER 1831
OHIO COUNTY, KENTUCKY
Court Order

“A list of Deeds recorded in the County Court of Ohio County from 1st day of October 1830 to 1st of October 1831.” Includes

50 **Samuel Witter** to Wm. McCullough 4 July 1831¹⁴³

COMMENT:

This entry should represent the sale of Samuel’s last 150 acres on Rough that was patented to Winstead.

Re the notation “50”: This two-page list has 3 columns. Column 2 cites grantor to grantee. Column 3 cites the date. Column 1 carries this “50” for every entry. That “50” likely signifies the filing fee—50¢ was a typical fee shown in these books for similar services.

FALL 1831
OHIO COUNTY, KENTUCKY
Tax roll¹⁴⁴

Witter, Samuel No
Whitter, Tarlton No [No land; Tarlton would not die until 1834, as detailed below]

¹⁴³ Ohio Co., County Court Order Book 5, p. 90 (image 448).

¹⁴⁴ Ohio Co., “Tax Books 1799–1809, 1811–1817, 1819–1831, 1833, 1835, 1837–1839, 1841–1845,” no certification date.

COMMENT:

Samuel Witter has now removed from Ohio County, transplanting his family into Marion County, Illinois. Undocumented trees at *Ancestry* and elsewhere claim a different trajectory and time table for him, thereby garbling his identity. The most-common alternate claims are these:¹⁴⁵

Witter, Samuel J.

Born: ca. 1780, Baltimore, Maryland

Marr.: ca. 1821 Rebecca Crask

1820: Grayson County, Ky.

1830: Washington Co., Ky.

1840: Breckinridge Co., Ky.

Died: 6 May 1846, Washington Co., KY

Aside from lacking proof of birth, death, or identity, this chronology has other problems. The 1830 Washington County man was one Samuel Water, who can be traced there under that surname through numerous records.¹⁴⁶ The 1840 Breckenridge man was aged 20–29 in 1840, clearly a younger generation than the Samuel Witter who headed a household in 1820. Unlike the older men who were born in an era in which middle names were uncommon, the younger 1840 male did carry a middle initial that the older Samuel Witter never used.¹⁴⁷

9 SEPTEMBER 1833

MARION COUNTY, ILLINOIS

Land purchase

Purchaser: **Witter, Samuel**
Residence: Marion
Aliquot Parts: SE of the SW
Section Number: 23
Township/range: 1N 4E
Meridian: 3
County of land: Marion
Acres: 40
Price per acre: 1.25
Total Price: 50
Type of Sale: FD [meaning “Federal”]
Date of Purchase: 9/09/1933
Volume/Page: 145: 37¹⁴⁸

23 NOVEMBER 1833

MARION COUNTY, ILLINOIS

¹⁴⁵ For example, see PatriciaBrown76, “Walter S. Farlow” tree. Also Watson (aka mcldw11461), “Davis/White; Hall/Vining; Watson/Hammond/Krebs Family Tree.”

¹⁴⁶ 1830 U.S. census, Washington Co., Ky., p. 136, line 15.

¹⁴⁷ 1840 U.S. census, Breckinridge Co., Ky., p. 421 (and unnumbered facing page), line 25.

¹⁴⁸ State of Illinois, “Illinois Public Domain Land Detail,” Samuel Witter entry. This is the only such sale for Samuel in the database; there are no sales for his proposed sons Abra(ha)m, James C., John K., or Lapsley.

Land sale

“This Undenture made & entered into this Twenty third day of November 1833, Between **Samuel Witter** of the County of Marion and State of Illinois of the one part & **Samuel Leech** of the County of Wayne & State afforesaid of the other Part Witnesseth: That the said **Samuel Witter** for & in Consideration of the Sum of Five Hundred Dollars Current money of the United States to him in hand Paid the Receipt whereof is hereby acknowledged have granted Bargained & sold Released Conveyed & Confirmed & by these Presents do grant bargain & Sell, Release, Convey & Confirm unto the s^d Samuel Leech his heirs & assigns forever all that Tract or Parcel of Land Situate in the County of Marion & State of Illinois and whych is designated & Known on the map of the United States Lands in the District of Vandalia by the **South East quarter of the South West quarter of Section No. Twenty Three in Township No one North of the Base Line in Range No Four East of the third principal Meridian Containing forty acres.** To have & to hold the afforesaid Lot or parsell of Land within described to him the said Samuel Leech his heirs & assigns forever to his own Proper use benefit & behooff. And the said Samuel Witter for himself his heirs Executors & Administrators doth Covenant & agree to and with the Said Samuel Leech his heirs Executors & administrators that he will warrant & forever defend the title to the afforesaid tract or Parcell of Land with all and Singular the appurtenances thereunto belonging to him the said Samuel Leech his heirs Executors & administrators and against all other Persons whatsoever. In witness whereof I have hereunto Set my hand and Seal the day and year first above written. [Signed] **Samuel Witter** {Seal}.
Witness: N. N. Smith, George W. Leech.

“Before me Samuel Slocum a Justice of the Peace in and for the County of Wayne & State of Illinois Personally appeared Nicholas N. Smith Subscribing Witness to the foregoing Deed & made oath that he was present on the third day of November 1833 & Saw Samuel Witter Sign & heard him acknowledge the foregoing Deed to be his Voluntary act & deed for the Interests & purposes therein Written. [Signed] N. N. Smith.

“Sworn to and & [sic] Subscribed before me this **2nd day of July 1834.** Samuel Slocum.

“I, **Samuel Leech**, Clerk of the County Commissioners Court in and for Said County of Wayne & State of Illinois do Certify that Samuel C. Slocum Whose name is signed to the above affadavit was at the date thereof (To Wit) 2nd day of July 1834 an acting Justice of the Peace for said County of Wayne and that due faith & Credit is and ought to be given to all his official acts as Such. In Testimony Whereof I have hereunto Set my hand and Caused the Seal of Said Court to be hereonto offered at Fairfield, this 2nd day of July 1836. Samuel Leech, Clerk.”

“Recorded July 5th 1836, Samuel Hull, Rec.”¹⁴⁹

Deed to SE ¼ SW ¼ Sec. 23 T1N R4E cont’g 40 acres. Deed Book A:283”

COMMENT:

This deed presents several considerations other than the stated facts:

- Witter, just two months earlier, had paid the U.S. Land Office \$50 for this tract. He is now selling it for \$500. *Some situation*, unidentified in this document, has radically increased the value of the property. As a beginning point, we might question whether he had in that short interval built a mill thereon.
- Witter sells this land, ostensibly, as a fee-simple sale with full warranty. However, at the time he sold it, he did not yet have a title to the land. He had “entered” the land at the U.S. Land Office and paid cash for it, but the patent would not be issued for another two years (see 16

¹⁴⁹ Marion Co., Ill., Deed Book A: 283–84; FHL microfilm 1010398.

October 1835, below). Nine months after the patent was issued, the Witter-Leach document was proved before a local justice and then recorded.

- The buyer of the property is the clerk of court who did the final recording.
- No wife participates in the sale, while Samuel's 1842 sale of the land not only included a wife but a wife of the same unusual name as the one with whom he sold Kentucky land in 1830. Had this been a mortgage, rather than a sale, a wife's consent would not have been necessary. That consent *was* necessary for a sale. Despite the documents filed here in 1833, the sale obviously did not go through because the legal land description here is exactly the same as that on the 1842 deed.

1835

MARION COUNTY, ILLINOIS

Land patent

U.S. Land Office, Vandalia. Patent 16 October 1835. Cash Sale to **Samuel Witter** of Marion County, Illinois, representing a cash sale of 40 acres described as SE¼ of SW¼, Section 23, Township 1N, Range 4 E, located in Marion County.¹⁵⁰

COMMENT:

Witter's land lay roughly one mile from the county line that Marion shared with Wayne County. Samuel's proposed sons Abraham and James C.—as well as his proposed daughter Nancy Horton—would surface in adjacent Wayne County about 1848. Joseph Crask, said to be the brother of Samuel's first wife, also took out land in Wayne near Samuel's children.

Ten days after Witter purchased this land, the bounty land that he had been awarded in Monroe County, Arkansas, was sold for unpaid taxes by the territorial auditor.

26 OCTOBER 1835

BATESVILLE, ARKANSAS

Tax sale

"Received of **William B. Duncan and Company** of Natchez, Mississippi, the sum of two hundred dollars being in full for the South East quarter of section no. Fourteen, in Township no. One North of Range no. One West, containing one hundred and sixty acres at \$1.25 per acre." Signed: A. W. Lyon, Receiver.¹⁵¹

COMMENT:

Witter's name does not appear in the deeds (or other records) of Monroe County. Nor does his name appear in this record by which his land was sold. The record was found by identifying the owner of the land at the time of the earliest surviving tax roll (1877) and working the land's title back to this document.

The purchaser of Witter's land, William B. Duncan, was a speculator from Natchez, Adams County, Mississippi. The financial Panic of 1837 plunged him (and thousands of other land speculators) into financial turmoil. In November 1842, to cover part of his debts, Duncan and wife Rebecca executed a deed to T. R. Hyde, a New Orleans merchant, conveying 34 tracts totalling 4,170 acres. Each tract (most of which appear to be bounty lands) was itemized by legal land de-

¹⁵⁰ Bureau of Land Management, "Land Patent Search," Samuel Witter (Marion County, Illinois), Accession Nr. IL2560__001, Patent 7651.

¹⁵¹ Monroe Co., Ark., Deed Book ABC, doc. no. 138.

scription. Buried deep in that 1842 document is the description “South East quarter of section no. Fourteen, in Township no. One North of Range no. One West,” that enables us to identify it as Witter’s land.

Hyde of New Orleans would hold this land, as an absentee owner, until 12 October 1882, at which time his agent W. L. McKinley sold the tract to one Parker C. Ewan—another speculator who generated hundreds of deeds in Monroe County.¹⁵²

The location of the land office that sold Witter’s bounty land for unpaid taxes is relevant to determining the fate of this Samuel Witter. See January 1849 below.

1835–36

MARION-WAYNE COUNTIES, ILLINOIS

Legislative actions

9 December. “Mr. Clark [state legislator representing Marion County] gave notice, that on Monday next, or some day thereafter, he should ask leave to introduce a bill, for ‘An act to authorise **Samuel Witter**, to build a Toll Bridge, across the Skillet Fork of the Little Wabash river, on the state road leading from Fairfield [Wayne Co.] to Salem [Marion Co.]’.”¹⁵³

14 December. “Mr. Clark, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled. ‘An act authorizing **Samuel Witter** to build a Toll Bridge.’ Which was read the first time; and Ordered to a second reading.”¹⁵⁴

15 December. “The bill for ‘An act authorizing **Samuel Witter** to build a toll-bridge;’ Was read the second time; and On motion of Mr. Clark, referred to a select committee. Ordered, That Messrs. Clark, Frazer and Pace, be that committee.”¹⁵⁵

16 December. “Mr. Clark, from the select committee, to which was referred the bill entitled, ‘An act authorising **Samuel Witter** to build a Toll Bridge.’ reported the same back to the House with sundry amendments, which were read and concurred in. Ordered to be engrossed for a third reading.”¹⁵⁶

21 December 1835. “Mr. Frazer gave notice that on Wednesday next, or some day thereafter, he will ask leave to introduce a bill for ‘An act for the benefit of **Samuel Witter**’.”¹⁵⁷

22 December 1835. “The engrossed bills, entitled, ‘... ‘An act to authorise **Samuel Witter** to build a Toll Bridge’ ... Were severally read the third time, and passed. Ordered, That the titles of the bill be as aforesaid, and that the clerk carry said bills to the Senate, and ask their concurrence therein.”¹⁵⁸

24 December 1835. “Mr. Frazer presented the petition of sundry citizens of Marion connty [sic], praying the passage of ‘An act to authorise **Samuel Witter** to build a Toll Bridge.’ And on his motion the reading thereof was dispensed with, and the same was laid on the table.”¹⁵⁹

¹⁵² Monroe Co., Ark., Deed Book 2: 385. Also see E. S. Mills, “Samuel Witter’s Arkansas Bounty Land, War of 1812,” research report to Witter Research Group, 11 Oct. 2013.

¹⁵³ *Journal of the House of Representatives at the Second Session of the Ninth General Assembly of the State of Illinois, Begun and Held ... in the Town of Vandalia, December 7, 1835* (Vandalia: J. Y. Sawyer, 1835), 41.

¹⁵⁴ *Ibid.*, p. 54.

¹⁵⁵ *Ibid.*, p. 68.

¹⁵⁶ *Ibid.*, 75.

¹⁵⁷ *Ibid.*, 113.

¹⁵⁸ *Ibid.*, 122

¹⁵⁹ *Ibid.*, 143

31 December 1835. “The bills entitled, ‘... An act for the benefit of **Samuel Witter;**’ ... Were severally read the second time; and Ordered to be engrossed for a third reading.”¹⁶⁰

1 January 1836. “The engrossed bill entitled, ‘An act for the benefit of **Samuel Witter;**’ Was read the third time; and, on motion of Mr. Frazer, The bill was amended by inserting the words ‘Town one north.’ The bill then passed as amended. Ordered, That the title of the bill be as aforesaid, that the clerk inform the Senate thereof and ask their concurrence therein.”¹⁶¹

12 January 1836. “A message from the Senate, by Mr. Thomas their Assistant Secretary: ‘Mr. Speaker,— The Senate have concurred with the House of Representatives in the passage of a bill from the House of Representatives entitled ... ‘An act authorizing Samuel Witter to build a toll-bridge.’”¹⁶²

COMMENT:

Many of the skills needed to build a water mill were those also needed for bridge building—both requiring the builder to erect stable structures on pilings buried within a moving body of water.

The financial hopes that Witter had for this toll bridge would soon be an albatross for him. In May 1837, a worldwide financial bubble burst—one largely built on land speculation. That Panic of 1837 sent the economy into a death spiral that bankrupted many Americans and pushed others to suicide. It would be a decade before most Americans recovered. Samuel Witter struggled also and ended up selling his land before the nation’s recovery.

11 APRIL 1837

MARION COUNTY, ILLINOIS

Court minute

Estate of Lewis Pritchett. “Sale Bill.” Purchasers included

“ Samuel Witter	1 Lot of hogs		\$40.00	
	1 Hand Bellows		.20	
	95 lbs. Bacon @ .10½		9.97½	
	100 lbs. Bacon @ .10½		10.50	Total: \$60.67½
“Samuel Kell	1 Log chain 3.50	1 bay mare \$75.	78.50	
	1 Box & contents 1.00	1 set plates .32	1.32	
	32 yds. Domestic @ .20		6.40	
	1 silk Handf. [handkerchief]		1.06¼	Total: \$87.28¼ ¹⁶³

COMMENT:

Ostensibly, these were two separate purchases by two different men. However, as shown below, in November 1838, the administrators of this estate sued Samuel Witter and Samuel Kell jointly. Clearly a connection existed between these men who made consecutive purchases at the Pritchett sale. Possibly, Kell (whose name appears in the second position in the suit for debt) had acted as surety for Witter at this estate sale.

¹⁶⁰ Ibid., 193.

¹⁶¹ Ibid., 201.

¹⁶² Ibid., 295.

¹⁶³ Marion Co., Ill., Probate Book B, 1835–1838, p. 162; imaged as FHL microfilm 1010803.

Perhaps coincidentally, this surname bears striking similarity to the “Kella” middle name that many trees attribute to Samuel’s son John—although a likelier possibility for John’s middle name would be Kelly, the Witter associates in Ohio County where John was born.

APRIL 1837–FEBRUARY 1839

MARION COUNTY, ILLINOIS

Court inute

“Administrators of Lewis Pritchett vs. **Samuel Witter** & Thos. Jenkins

“Action of Debt brought on promisory [*sic*] note drawn by the said ~~John Mars~~ and Samuel Witter and Thos Jenkins payable to plaintiffs [*sic*] for \$10.70 [due] twelve months after date and dated **April 11th 1837**. On application of the plaintiffs[,] a summons issued the **10th day of Nov 1838** returnable the 19th Inst. at 1 oclock PM.”

“Which was returned by Wm. M. Draper Enclosed read to defendant on **14th Nov 1838** Whereupon the defendant came not but made default [*sic*] it is considered that the plaintiff recover A Judgment for the sum of \$10.70 Debt and 37½ cents Interest and Costs of suit taxed at \$2.46¼ cts. [Signed] Jas. Marshall PJP.”

“Execution Issued to Wm. M. Draper **Decr the 11.**”

“Feby the 20th 1839 W? Si--? the returned, the above satisfied.”¹⁶⁴

“Administrators of Lewis Pritchett vs. **Samuel Witter** & Samuel Kell

“Action of debt brought on promsory [*sic*] note drawn by the Said Samuel Witter & Samuel Kell[,] payable to plantiffes [*sic*] for \$40.00 [due] twelve months after date dated **April the 11th 1837.**” With the following Credit: Returnd? received \$20 **April the 20th 1838. Nov the 10th 1838** on application of the plaintiffs a summon issued returnable the **19th Inst.** at 1 oclock PM, which was returned in [illegible] time by Wm. M. Draper Const[able], Wherapun [*sic*] the defendants came not but made default [*sic*], it is considered that the balance be reckon? and Judgment rendered for the sum of \$20 debt and 75 cents interest and costs of suit taxed at \$2.21¼. [Signed] James Marshall PJP.”

“**Decr. the 11th**” “Execution Issued to Wm. Draper.”

“**Feby the 20th 1839** W Smith returned the above satisfied.”¹⁶⁵

26 JUNE 1837

CLAY & MARION COUNTIES, ILLINOIS

Land purchase

Purchaser: **Witten, Samuel**

Residence: Marion

Aliquot Parts: SWNW

¹⁶⁴ Marion Co., Ill., Probate Book A, 1837 [actually County Court Minutes, 1837–1840], p. 165; FHL microfilm 1010803. No cover is filmed for this volume. The GSU film target labels it “Probate Book A, 1837” but the immediately preceding item is “Probate Book A, 1823–1836.” The volume filmed immediately thereafter is “Probate Book B, 1835–1838.” I am relabelling the volume here to reflect its actual contents.

NOTE: Probate Book B carries an index. Witter himself is still alive but, given that Witter appeared in the prior volume, the index was searched for references to known associates. One name of interest was found: Lewis Pritchett, a merchant, bee keeper, and real estate speculator in the county seat of Salem, whose executors were suing Witter. I examined each of the c.100 pages relating to his estate for Witter references. **I need to read both this Book B and “Probate Book A, 1823–1836” for references to him attending estate sales or otherwise involved in the probates of others.**

¹⁶⁵ Marion Co., County Court Minutes, 1837–1840, 168.

Section Number: 05
 Township/range: 2 N 5 E
 Meridian: 3
 County of land Clay
 Acres: 39.20
 Price per acre: 1.25
 Total Price 49
 Type of Sale FD [meaning "Federal"]
 Date of Purchase: 06/26/1837
 Volume/Page: 145: 168¹⁶⁶

**8 AUGUST 1837
 MARION COUNTY, ILLINOIS**

Probate

"A further Inventory of the Estate of Lewis Pritchett returned by James Marshall agent for the administration August 8th 1837. A list of old accounts and notes due L. Pritchett" includes

Samuel Witter	Note	\$16.00	
Ditto	"	44.00	
Ditto	"	47.00	
Ditto	"	600.00	
Ditto	Acct.	107.57	
Ditto	"	4.25	
Ditto	"	6.00	Total \$818.82 ¹⁶⁷

**10 AUGUST 1837
 MARION COUNTY, ILLINOIS**

Probate

"Estate of Lewis Pritchett. Second Sale Bill August 10th 1837" includes

Samuel Witter	6 Papers of pins	\$.76
Samuel Witter	28 yds circ_ssion @ .17 1/2	4.00
Samuel Witter	32 yds. Shirting @ .15	4.80
Samuel Witter	1 Slate	.22
Samuel Witter	1 padlock	.26
Samuel Witter	6 doz. G. Buttons @ 8	.96
Samuel Witter	1 Box balls	.71
Samuel Witter	1 Bunch Tape	.31
Samuel Witter	3 pr. side Combs @ 6¼	.18¾
Samuel Witter	1 dozen spools @ 6¼	.75
Samuel Witter	47 ½ yds Footings @ 12½	5.93¾
Ditto	20 yds. Edging @5	1.00
Samuel Witter	29 yds. Lace @ 9	2.61
Samuel Witter	12 doz. buttons @4	.48

¹⁶⁶ State of Illinois, "Illinois Public Domain Land Detail," Samuel Witter entry. This is the only such sale for Samuel in the database; there are no sales for his proposed sons Abra(ha)m, James C., John K., or Lapsley.

¹⁶⁷ Marion Co., Ill., Probate Book B, 1835-1838, p. 164.

Ditto	12 doz. ditto @4	.48
Ditto	11 doz. ditto @4	.48
Ditto	12 doz. ditto @4	.48
Samuel Witter	1 Lot of Thimbles	1.01 ¹⁶⁸

17 JANUARY 1838

MARION COUNTY, ILLINOIS

Probate

Estate of Lewis Pritchett. "A third further Inventory of debts due the Decedent, recorded 17 Jany 1838."

Samuel G. Kell	Acct.	1.84 ¹⁶⁹
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JANUARY 1838–MARCH 1839

MARION COUNTY, ILLINOIS

Court minute

"Wm. N. Dobbins for the use of A. G. Baley vs. **Samuel Witter**.

"Action of debt brought on promisory [*sic*] note under Seal drawn by the Said Samuel Witter for \$48.40 with twelve percent interest until paid[,] drawn one day after date[,] dated **Jan'y 13th 1838**.

"**Sept the 12th 1838**. On application of the plaintiff [*sic*] a summons Issued to Martin de long, Constable returnable the 17th Inst. at 2^o o'clock PM.

"**Sept the 17 1838**. Constable returned Summons Enclosed service by reading to defendant on the 12 inst." "Whereupon the said Witter failed to attend it is considered that the plaintiff recover Judgment for \$48.40 Debt and \$3.88 Interest and costs of suit taxed at \$1.56¼. [Signed] Jas. Marshall PJP."

"**Oct the 8th**." "Execution Issued to J. F. Smith ... By cash acct pd on Blacks Execution."

"**March the 18th 1839** cash by Smith \$30.00 Settled in full."¹⁷⁰

9 FEBRUARY 1838

MARION COUNTY, ILLINOIS

Estate settlement

"At a court of Probate holden in Salem on Friday the 9th day of Feby AD 1838, **Samuel Witter** appeared in court for Settlement with the administrators of Lewis Pickett Decd. al? Viz. Came one of the Said administrators being present & after Examination of the claims of the said Witter vs. the said Estate centered [*sic*] to the Settlement as follows:¹⁷¹

87½ days work at \$2.00 per day	175.00
One receipt Drawn Jany 20 AD 1836	247.55
One Do. Do. Do. Do.	5.79½

¹⁶⁸ Ibid., pp. 197, 199–200, 202–5.

¹⁶⁹ Ibid., p. 174.

¹⁷⁰ Marion Co., Probate Book A, 1837 [actually County Court Minutes, 1837–1840], p. 117.

¹⁷¹ Marion Co., Probate Book C, 1837–44, pp. 80–81; imaged as FHL microfilm 1010803 digital film [007654517](#). See imaged copy. This volume has a list of estates, administrators, and guardians at the front of the book, but no index per se. I read the list. Again, Lewis Pritchett was the only individual of known connection to Witter. All documents relating to the Pritchett estate were then examined. **The document above was not one of those indexed under Pritchett's name. I spotted it by checking several pages before and after one of the indexed pages.** I also spotted a Nathan Huff, who may or may not be connected to the Huffs in Witter's Ky. neighborhood.

Samuel Witter (1784?-1849?)
Rebecca Crask & Synthianna [-?-]

Feeding 10 head of Cattle 2 months	15.00
Attending to hogs whilst fattening	1.50
1 bushel Salt	1.50
the use of tools whilst working on mill used by other hands [sic]	10.00
20 bushels Corn @20	4.00
3 Do. Do. @25	.75
bo[ar]ding 2 hands 5 Days Each	1.50
Do. 1 weake [week]	1.00
2½ bushels meal by Parker @ .50	1.25
2½ Do. for Pritchett	1.25
1 pair Socks @ 50 / 2 Do. @ 37½ Ea.	1.25
Amount of goods returned for which a bond was given	64.58
the above accountes were proven by Witters oath	
to the amount of E medder a/c	83.00
to Peter Wholy Do.	158.16¾
to Leonard Moltons note	7.12¾
to Deaton Medders note	38.00
to Josiah Berketts note	1.00
to Reubin Hensons Do.	12.39
to James H. Mills Do.	.50
to Leroy Jackson's 2 notes	32.54
Nathaniel R. Eskridge a/c	18.70
David L. Hamblton Judgment	4.75
Stroud Bullard note	30.94
cash Land A.D. 1837	6.81¼
E. P. Welles note	5.86
N. R. Eskridges note	.62½
Wm. Boykins note	9.24
John Backets receipt	4.00
B. G. Wells order	<u>2.71</u>
The net amount is this	963.70
All of the above named notes were produced or Proven by the maker or Collector of the Same.	
The amount Due the Estate against the said Samuel Witter is this ...	
1 acct. Due AD 1835 for	6.00
1 Do. Due AD 1837 for	109.91
1 Do. Due AD 1837 for	13.75
1 note of hand for	44.00
1 Do. Do. for	47.50
1 Do. Do. for	16.00
1 Do. Do. for	612.41
1 rcpt. paid Chase for "Shooling"	<u>4.25</u>
Making in all Due Pritchett	875.36
ad[d] interest on \$3.59 for 6 months at 22 percent	21.54 [sic]
which amount taken from \$963.70	
Leaves a Balance due Witter of	88.34

[signed] James Marshall
Probate Justice of the Peace

Probat[e] fee filing \$1.50 Assd. Bth?
Entering Do. Do.

1.62½
.75”¹⁷²

COMMENT:

The meaning of the cryptic reference to “cash land A.D. 1837” is not yet determined.

15 MARCH 1838
CLAY COUNTY, ILLINIOS

Land sale.

“This Indenture made this 15th day of March in the year of our Lord One thousand eight hundred & thirty eight between **Samuel Witter & Synthiana** his wife of the County of Marion & State of Illinois of the one part & **Edward Pierce** of the County of Clay & State aforesaid of the other part WITNESSETH that the said **Samuel Witter & Synthiana** his wife for & in consideration of the sum of thirty seven dollars & 50/100 cents to them in hand paid the receipt whereof is hereby acknowledged do hereby grant, bargain, sell, convey & confirm unto the said Edward Pierce his heirs & assigns forever all that tract or parcel of land scituate & being in the County of Clay in the State of Illinois the **South West qr of the North West qr of Section number five Township number two North of the base line in Range five East of the third principal meridian** Containing 39 acres 20/100 hundredths toger with all & singular the appurtenances thereunto belonging or in any wise appertaining to Edward Pierce his heirs & assigns & the said-**SAMUEL Witter & Synthiana** is wife the aforesaid premises unto the said Edward Pierce his heirs & assigns against the claim or Claims of all & every person whomsoever do and will warrant & forever defend these presents.

“In witness whereof the said **Samuel Witter & Synthiana** his [wife, *word omitted*] of the first part have hereunto set their hands & seals the day & year above written. Signed sealed & delivered in presence of us, U. Turner; **W. D. Hayne**. [Signed] Samuel Witter {seal}; Synthiana Witter {seal}.

“State of Illinois, Marion County. This day personally appeared before me the undersigned an acting Justice of the peace in & for said County **Samuel Witters & Synthiana his wife** & acknowledged that they signed the foregoing deed of conveyance for the use and purpose therein contained.

“Given under my hand & seal this the 17 day of March 1838. **Wm. D. Hayne, J.P.**

“Filed for Record April 2nd 1838

“Recorded April 26th 1838. Wm. T. Duff Recorder of Clay (Coy).”¹⁷³

COMMENT:

Again, we have the same pattern Witter exhibited with his first piece of federal land in Marion Co.: executing a deed of sale for it before he received the final patent.

Unlike the Marion County sale, Witter took a loss on this land, purchasing it at the standard price of \$1.25 an acre (\$49 for the whole) and selling it for \$37.50. The circumstances suggest that he was seriously in need of cash—a circumstance that characterized much of his life.

TO DO:

Clay County’s records remain to be searched for potentially more information.

¹⁷² Marion Co., Probate Book C, 1837–44: 80–81.

¹⁷³ Clay Co., Ill., Deed Record B, p. 49; FHL microfilm 1008797.

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

A large Hayne/Haynes family was Samuel Witter's neighbor in Ohio County, Kentucky. If this William D. Hayne is from the same family, the fact that he and Witter both migrated to Marion and the fact that Witter sought him out to serve as notary for his selling of land suggests that this family needs to be more closely studied as a potential family for Synthianna.

The 1850 census shows:

William D. Haynes, 52, male, farmer, \$80, b. Va.
Elizabeth ", 47, female, b. Tenn.
Elizabeth, 25, female, b. Illinois
Martha, 13, female, b. Ill.
Sarah, 9, female, b. Ill.
Dyalmer, 2, male, b. Ill.
William Ryan, 12, b. Ill.

The gap in ages for the children and the presence of the 12-year-old child surnamed Ryan suggests that Haynes has been married twice, with a second marriage occurring ca. 1837 to a Widow Ryan.

21 JULY 1838–JANUARY 1839

MARION COUNTY, ILLINOIS

Court minute

"Willis H. Black vs. **Samuel Witter**. Debt \$11.00. In Acct.

"The parties attended without prose ? and the defendant confessed Judgment in favor of the plaintiff [sic] for the amount of account for \$11, whereupon the costs of suit were taxed at 37½ cts. [Signed] Jos. Marshall J.P.

"Execution Issued **August the 31st** to [illegible]

Jan'y 5th [1839] By cash 27 1/2 [sic] the balance on Dolares? Execution."¹⁷⁴

16 FEBRUARY 1839

MARION COUNTY, ILLINOIS

Court minute

"**Samuel Witter** vs. Hezakiah & Leonard Branson. Acct. \$100.00. Process Issued to Willis Smith constable Returnable the 25th at 12 oclock A.M. The Parties appeared and the Defendants made oath that they could not come safely to trial for the want of a meterial witness, wher upon the trial be continued till the 2d day of March 1839."

March 15. The parties appeared. The defendant demanded a Jury wher upon a Jury of six men being summoned and sworn, Proceeded to trial and after hearing the evidence the Jury Returned and brought in the following Verdict to Wit: we the Jury find for the defendant fore dollars & 17/100 cts, wher upon Judgement is Rendered in favor of the defendant for fore dollars and 77/100 debt and cost of this suit."

"**March 9 1839.** [cost notations follow.]

30th March "Execution Issued ... to W. Smith."¹⁷⁵

¹⁷⁴ Marion Co., Probate Book A, 1837 [actually County Court Minutes, 1837–1840], p. 64. I also cursorily examined Probate Book D, 1839–1841. The volume has a list of estates, administrators and guardians at the front of the book, but no index per se. I read the list and found no names of interest. **I still need to scan all pages of Book D for buried entries to Witter.**

¹⁷⁵ Ibid., 212.

11 FEBRUARY–30 MARCH 1839
MARION COUNTY, ILLINOIS

Court minute

“**Samuel Witter** vs. Lenard Branson. Acpt. [Accompt—i.e., Account] \$2.3/4

“Proces Ishued[sic] to Willis Smith constable Returnable the 25th day of February at 12 oclock AM. Proces Returned Executed. The parties appeared and the Defendant made oath that he could not come safely to trial for the want of a material witness, wher upon the trial be continued to the **2d day of March** continued till **March 9**.

“**March 9th** The parties appeared. The defendant confessed that he was Justly Indebted to the Plaintiff [for] two dollars 18/100 cent wher upon Judgment is Rendered for two dollars 18/100 Debt and cost of the suit. ...”

“**March the 30th 1839** “Execution Issued ... to W. Smith Const.”

“Recd the above in full by Willis Smith two dollars and 37½ cents was credited on the Execution [in case of] Bransons vs. **Witter**.”¹⁷⁶

16 FEBRUARY 1839–3 JANUARY 1840
MARION COUNTY, ILLINOIS

Court Minute.

“**Samuel Witter** vs. Hesakiah Branson. Acst? \$19.31½

“Process Ishued to Willis Smith const. Ret[urnable] the **25th Inst.** at 12 oclock AM. Process Returned Executed. The parties appeared and the Defendant put of[f] the trial for want of Evidence wherupon it be continued to the **2d day of March**. Continued till 9th Inst. at 12 oclock.

“**March 9th**. The parties appeared and on motion the defendant confessed that he was Justly indebted to “the plaintiff Nineteen dollars 3½ cents. Wherupon Judgement is rendered in favor of the plaintiff for Nineteen dollars and 3½ cents debt and cost of suit ...

“**30th March 1839** “Execution Issued ... to W. Smith Const.

“**Jun the 4th 1839** the a bove [sic] returned to this office. No property on which to Levy.” **Witters** give Branson a credit of \$2.18¾. The above renewed to plaintiff hand **December the 3d 1840**.

“**Jany the 3d** Wm Wilkins const returned the above Endorsed no property to be found.”¹⁷⁷

1 NOVEMBER 1839
CLAY & MARION COUNTIES, ILLINOIS

Land patent

U.S. Land Office, Vandalia. Patent 1 November 1839 to **Samuel Witter** of Marion County, Illinois, representing a cash sale of 40 acres described as SW¼ of NW¼, Section 5, Township 2N, Range 5 E, located in Clay County.¹⁷⁸

COMMENT:

This tract has not been found in the Illinois state land office database.

Clay County is adjacent to Marion County’s eastern border.

¹⁷⁶ Ibid., 213.

¹⁷⁷ Ibid., 214.

¹⁷⁸ Bureau of Land Management, “Land Patent Search,” Samuel Witter (Marion County, Illinois), Accession Nr. IL2560__001, Patent 7651.

1 FEBRUARY 1840
MARION COUNTY, ILLINOIS

Legislative actions

"Laws of Illinois In force, Feb. 1, 1840. AN ACT to amend 'An act authorizing **Samuel Witters** to build a toll bridge across the Skillet Fork of the Little Wabash.'

"Sec. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the aforesaid Witters, or his legal representative, is hereby allowed to demand and receive the following rates of toll from each person or persons for crossing said bridge, to wit: for each head of hogs, sheep, or goats, crossing said bridge, one cent; for each head of cattle, horses, mules or asses, the sum of three cents; for each foot passenger, six and one fourth cents; for each man and horse, twelve and a half cents; for each one horse waggon or carriage, eighteen and three fourth cents; for each two horse waggon drawn by horses or oxen, twenty five cents; for each four horse waggon, thirty seven and a half cents, whether drawn by horses or oxen; for each six horse waggon, whether drawn by horses or oxen, fifty cents; the said Witters shall be allowed to demand and receive for any species of property not herein enumerated in proportion to the above rates of toll. Said Witters shall not be allowed to exact any toll from people going to or returning from worshipping Almighty God. This act to take effect and be in force from and after its passage. APPROVED, February 1, 1840."¹⁷⁹

1 JUNE 1840
MARION COUNTY, ILLINOIS

Census

[No district cited]¹⁸⁰

Witter, Samuel

1 male	50-59	1 female	30-39	5 people total
1 male	10-14	1 female	5-9	2 engaged in agriculture
1 male	0-5			

8 FEBRUARY 1842
MARION COUNTY, ILLINOIS

Land sale

"This Indenture, made the Eighth day of February in the year one Thousand eight hundred and forty two between **Samuel Witter** and **Synthaanna** [sic] his wife of and in the County of Marion and State of Illinois of the one part and **James Marshall** of and in the county and State aforesaid of the second part, Witnesseth That the said party of the first part, for and in consideration of the sum of five hundred dollars current money of the United States, to them in hand paid, the receipt of which is hereby acknowledged, have grated, bargained, and sold, and by these presents do grant, bargain and sell, convey and Confirm unto the said party of the second part, and his heirs and assigns forever, all that tract of land situate and being in the county of Marion and State of Illinois and Known and described as the South East quarter of the South west quarter of Section number twenty-three township number one north of the base line in Range Number four (4) East of the third principal meridian containing forty acres, to-

¹⁷⁹ *Laws of the State of Illinois, Passed by the Eleventh General Assembly ... Held at Springfield, on the Ninth of December, One Thousand Eight Hundred and Thirty Nine* (Springfield: William Walters, Public Printer, 1840), 78.

¹⁸⁰ 1840 U.S. census, Marion Co., Ill., pp. 173 verso and 174, line 1. All individuals in the household were white. *Ancestry.com* mistakenly places this household in "Macon" County.

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

gether with all and singular the Appurtenances and privileges thereunto belonging, or in anywise appertaining and all the estate, right, title, and interest of the said party of the first part of and to the same.

“To have and hold the land and premises hereby conveyed with the privileges and appurtenances aforesaid unto the said James Marshall and his heirs and assigns, and to his own proper use and benefit, forever.

“And the said parties of the first part, for themselves there heirs, executors, and Administrators, do hereby covenant with the said party of the second part, and his heirs and assigns, as follows, viz: that the said part[y] of the first part lawfully seized of the said premises hereby conveyed, that the Said parties of the first part have a good right to convey the same, in manner aforesaid; that the said premises are free and clear from incumbrances, that the said party of the second part and his heirs and assigns Shall quietly enjoy the same forever, and that the parties of the first part will warrant and defend the Title to the said premises against all lawful or equitable claims whatsoever.

“In testimony whereof, the said party of the first part have hereunto set their hand and affixed their seal the day and year first above named. [Signed] Samuel Witter {seal} Synthy anna Witter, her X mark {seal}.

“State of Illinois, Marion County

Personally appeared before me the undersigned **Samuel Witter** and **Syntha ann** his wife whose Signature appear to the foregoing deed of conveyance and acknowledged they signed sealed and delivered the same for the use and purpose therein mentioned and the said Syntha anna having been by me made acquainted with the contents of the same acknowledged that she signed the same freely and voluntarily and without compulsion of her said Husband in testimony whereof I have hereunto set my hand and affixed my seal the Eighth day of February 1842. [Signed] Ephraim Meador JP {seal}.

“Recorded the 11th March 1842. John W. Roach Recr.”

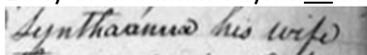
“**Witter, Samuel** & wife to James Marshall ... executed 8 February 1842 ... recorded 11 March 1842. Deed to SE¼ SW¼ Sec. 23 T1N R4E = 40 acres. Recorded 11 March 1842. Book C:363”¹⁸¹

COMMENT:

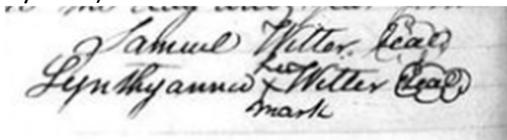
This is the same tract of land under conveyance in the Witter-to-Leach document of 1833.

Samuel’s second wife was likely named Cynthia Anna, rather than “Synthanna” as trees assert. Her name appears in this document four times, but never as *Synthanna*. The four iterations are:

- Body of document: Synthaaanna



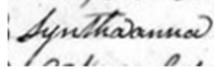
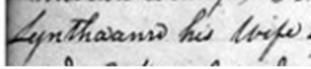
- At the signature block: Synthyaanna (“Synthy” or “Cynthy” being a common short form of Cynthia)



¹⁸¹ Marion Co., Ill., Deed Book C: 363; FHL microfilm 1010398.

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

- In the notarization: Twice it is written as Synthaaanna. Each time, the J.P. who notarized her acknowledgment closed out the “Syntha” portion of the name with the style of “a” that he used at the *ends* of words—i.e., with a leftward loop over the a. He then used a standard “a” (no loop) to write “ann” in one case and “anna” in the other.



More likely her name was the quite common Cynthia + Anna .

Samuel appears to have left Marion County in the wake of this sale. No subsequent records have been found for him in the following Ohio County records:

- **General Index 1, Grantor, 1823–1857;** FHL microfilm 1010520.
- **Probate Book E, 1841–44; FHL film 1010804**
Index at start of book. I read all for known associates. None found. **I still need to read this book for embedded references to Witter.**
- **Probate Books F, 1845–48; FHL film 1010805**
Index at start of book. Read all for known associates. None found. **I still need to read this book for embedded references to Witter.**
- **Probate Books G, 1847–49; FHL film 1010805**
This 472-page volume has no index at start or end of volume. **I need to read this book for embedded references to Witter.**
- **Probate Books H, 1849–60; FHL film 1010806**
Index at start of book. Read all for known associates. None found. **I still need to read this book for embedded references to Witter.**

COMMENT:

Extensive searches have also been made for all Samuel Witters, 1850 and later, in the interior states between Canada and the Gulf. Only one candidate has been found that cannot be accounted for otherwise. That man is said to have died c. January 1849 in Batesville, Arkansas—the town where the Samuel Witter bounty land had been sold for taxes. Only one record has been found there for the man, who is said to have died leaving only some personal property, likely a horse.

Left without property in Illinois, advancing in years, with declining physical ability to do the heavy construction work required of builders of mills and bridges, Samuel may well have gone to Arkansas to pursue a possibility of recovering the bounty land he had been awarded there.

JANUARY 1849

INDEPENDENCE COUNTY, ARKANSAS

Estate

“Estate of **Samuel Witter** deced. Letters of Administration. ... Know Ye that whereas Samuel Witter of the county of Independence died intestate as it is said on or about the [blank space] day of January AD 1849, having at the time of his death personal property in this State which may be lost[,] destroyed[,] or diminished in value if speedy care be not taken for the same: to the end therefore that the said property may be collected, preserved, and disposed of according to law, we do hereby appoint **William C. Bevens** of the County of Independence administrator of all and singular the goods and chattels[,] rights and

credits which were of the said Samuel Witter at the time of his death[,] with full power and authority to secure and dispose of the said property according to law and collect all earnings due said deceased and in general to do and perform all other acts and things which are or hereafter may be required of him by law.

“In testimony whereof I William R? Miller, Clerk of the Circuit Court and ex officio clerk of the Court of Probate in and for the County of Independence aforesaid have hereunto set my hand and affixed the seal of said court at office this 2nd day of June 1849. W. H. Miller, Clerk, By H. C. Lowe, DC.”¹⁸²

COMMENT:

The identity of this Samuel Witter has not been proved. Several points of similarity are worth noting.

- His death falls within the period of Samuel Witter who disappeared from Marion County in 1842 and apparently died before the 1850 census.
- The county seat of Independence County (Batesville) was the site of the land office where someone in the 1830s cashed in the bounty-land certificate of the War of 1812 soldier, Samuel Witter.
- The name Bevins (*var.* Bivins) is found among his associates in Ohio County, Ky., where he lived (1830) just 6 houses from one Thomas Bivens. However, the William C. Bevins who was appointed administrator was an attorney born in South Carolina, with no apparent Kentucky connection.¹⁸³ He likely was the local lawyer who routinely handled “vacant” estates for the local courts.

1 JUNE 1850

ILLINOIS-KENTUCKY

Census.

By 1850, Samuel’s proposed offspring had also left Marion County, scattering as follows:

Nancy (Witter) Horton: Wayne County, Illinois, as wife of Alphonzo Horton¹⁸⁴

Abraham P. Witter: Wayne Co., 1848; Jefferson Co., Illinois, 1851; not found on 1850 census¹⁸⁵

James C. Witter: Hamilton Co., Illinois, stayed through 1877 death¹⁸⁶

John Kella Witter: Ohio County, Kentucky, 1848–49 tax rolls¹⁸⁷

¹⁸² Independence Co., Ark., Letters Testamentary & Administrations, 1840–1880, pp. 48–49; imaged as “Arkansas, Wills and Probate Records, 1818–1998,” database with images, *Ancestry* (https://www.ancestry.com/interactive/8638/007117333_00275?pid=148864 : accessed 10 November 2017), Independence > Guardians Bonds and Letters, 1868–1895; Administrators Letters Testamentary, 1846–1881 > image 275 of 622.

¹⁸³ 1850 U.S. Census, Independence Co., Ark., Batesville, p. 389, dwelling/family 1061; this household is indexed by Ancestry as “Binns.”

¹⁸⁴ Wayne Co. was created in 1819, but deeds begin 1851, probates 1880, wills 1886; apparently there are no tax rolls for the pertinent years.

¹⁸⁵ Jefferson Co. land records begin 1822; if court, probate, or tax records survive, they have not been filmed for use at FHL. Neither the General Index to Grantees, 1822–1860 (FHL 1003253) nor the General Index to Grantors, 1822–1860 (FHL 1003250) includes any Witters.

¹⁸⁶ Hamilton Co. land records apparently have not been filmed. Court records at FHL include only Books A & B, 1821–1839. FHL has one personal property tax roll for 1858, in published form. **Probate records are extensive from 1823, including original files, and need to be searched.** Index to Probates, 1823–1970 (FHL film 988220) is imaged online. No Witters appear, although James is said to have left a probate dated 1877. The probate index has no “W” entries for 1877. **Files for 1876 are in Boxes 29, 30–31. Files for 1878 are in Boxes 33–34. There are no “W” entries shown for Box 32. I need to search these five boxes, item by item.**

Samuel Witter (1784?–1849?)
Rebecca Crask & Synthianna [–?–]

Lapsley Hall Witter: Ohio County, Kentucky, 1849 tax roll; 1860: Van Buren Co., Arkansas—then Missouri, Texas, and the western territories of Washington and Arizona

In 1850 Ohio County, the old Witter neighborhood of the 1820s and 1830s, included both offspring of Samuel Witter and Tarlton Whitter. In brief:¹⁸⁸

- Dwelling 621 Elizabeth Whitinghill (66)
- Dwelling 622 Humphrey Burchs (37)
- Dwelling 623 **Witters, Lapsley**, 26, male, farmer, birthplace unknown
 - Mary, 18, female, birthplace unknown
 - Sarah F., 5/12, female, b. Ky.
- Dwelling 624 John B. Haynes

Lapsley is also living in the same district as the widow of Tarlton “Whitter.” The neighbors also overlap those of Samuel in 1830:

- Dwelling 513 Elizabeth Whitter (age 60) with grown children
- Dwelling 514 Henderson Whitter (30)
- Dwelling 515 Elizabeth Crow (42), Elizabeth & Tarlton’s daughter
- Dwelling 519 John Haynes (61)
- Dwelling 522 Willing Whitinghill (40)
- Dwelling 538 Peter Whitinghill (42)
- Dwelling 534 Jacob Whitinghill (47)

The widow of Tarlton “Whitters” remained in Kentucky. Lapsley would not. In 1860 he was enumerated in Van Buren County, Arkansas. By 1866 he was in Missouri, by 1869 in Texas, and by 1872 in Washington Territory. His 1880 census data (below) reports a Kentucky birthplace for his father.

1880 U.S. Census
Yakima County, Washington¹⁸⁹

Witter, Lapsley, white, male, 54, married, shinglemaker, b. Ky., father b. Ky., mother b. Ky.
Mary, white, female, 35, married, keeping house, Ill., Ky., Ky.
Hinman?, white, male, 14, son, at home, Mo., Ky., Ill.
Carrie, white, female, 11, daughter, Texas, Ky., Ill.
Jim?, white, male, 8, son, Washington, Ky., Ill.
Dennis, white, male, 6, son, Washington, Ky., Ill.
Mary, white, female, 3, Washington, Ky., Ill.
La Clair, Cesk, white, male, 40, boarder, farmer, France, France, France

No “Synthianna” or likely variants has been found on the 1850 census of any state, who might logically be his widow. Given that she could not sign, after Samuel’s death it is likely that other

¹⁸⁷ See Mills, “Samuel Witter, War of 1812: Ohio County, Kentucky, Research.”

¹⁸⁸ 1850 U.S. census, Ohio Co., Ky., Dist. 2, p. 199 (penned), dwelling 623, family 623.

¹⁸⁹ 1880 U.S. census, Yakima Co., Washington Terr., p. 423-B (stamped), East Kittitass Precinct, ED 46, p. 20, dwelling 239, family 242.

recorders would have rendered her name as Cynthia Anna, names so common that a “global” search for that name, either nationally or statewide, is not practical without additional information. The searchers I’ve made thus far are:

- Syntha (& variations) b. 1815 (plus or minus 10 years) Illinois and Arkansas
- * Witter (& variations) b. 1838 (plus or minus 5 years) Illinois and Arkansas (for one of the unidentified children of the 1840 census)

28 SEPTEMBER 1850

Bounty land act

On this day, Congress passed a law providing additional **bounty land** to veterans and dependents of past wars. The relevant terms of this law were as follows:¹⁹⁰

“Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who performed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared by the United States on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and each of the commissioned officers who was engaged in the military service of the United States in the late war with Mexico, **shall be entitled to lands as follows: Those who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres.** Provided, That wherever any officer or soldier was honorably discharged in consequence of **disability** in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve : Provided, **The person so having been in service shall not receive said land, or any part thereof,** if it shall appear, by the muster rolls of his regiment or corps, that he deserted, or was dishonorably discharged from service, or **if he has received, or is entitled to, any military land bounty under any act of Congress heretofore passed.”**

COMMENT:

I have found no evidence of a bounty land application filed by Samuel under this law. The bounty land he had received in 1820 would disqualify him under the 1850 act and its sequels below.

22 MARCH 1852

Bounty land act

A new Congressional act of this day extended the 1850 **bounty land** law in several regards.¹⁹¹

¹⁹⁰ *U.S. Statutes at Large*, 31st Cong., 1st sess., 28 Sept. 1850, Chap. LXXXV, “An Act granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States.”

- Eligibility included all who “were called into military service, and whose services have been paid by the United States” after 18 June 1812—whether the service was in militias, volunteer, or regular troops—“upon proof of length of service as therein required. ... Nothing herein contained shall authorize bounty land to these who have heretofore received or become entitled to same.”
- The new act also counted the time spent marching “to the place where they were mustered [until they] were discharged” when that distance was “more than twenty miles from the place where the unit was organized. The marching credit was calculated at 20 miles per day.
- Bounty land warrants would now be “assignable, by deed or instrument of writing.”
- Any person who was entitled to a preemption right in federal land would be able to use the warrant in payment for the land at the rate of \$1.25 per acre.
- Bounty land warrants could be used for unpatented land anywhere in the public domain.

3 MARCH 1855

Bounty land act

By a supplementary act of this day, Congress extended **bounty-land** benefits in several ways:¹⁹²

- Beneficiaries would now include any “surviving commissioned and non-commissioned officers, musicians, and privates, whether of regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States, and every officer, commissioned, and non-commissioned, seaman, ordinary seaman, flotilla-man, marine, clerk, and landsman in the navy in any of the wars in which this country has been engaged” since 1790.
- “Wagon-masters and teamsters who may have been employed, under direction of competent authority in time of war in the transportation of military stores and supplies were now eligible.
- Those who had served as volunteers at the British fleet attack on Lewistown, Delaware, in the War of 1812 were also eligible.
- All classes were entitled to 160 acres. If a person had previously received less than that, he was now entitled to the difference.
- Surviving widows—or in the absence of a widow, a minor child or children—were entitled to the quantity that a deceased veteran would receive under the new act.
- Service less than 14 days would not qualify, unless “the person shall actually have been engaged in battle.”
- Certificates and warrants were again assignable.

COMMENT:

Samuel Witter of the 17th U.S. Infantry, who received a warrant for 160 acres and sold it by 1820, is still not eligible for additional land under the act of 1855. This was the last bounty land act passed by the Federal government.

¹⁹¹ U.S. *Statutes at Large*, 32nd Cong., 1st sess., 22 March 1852, Chap. 19, “An Act to make Land Warrants assignable, and for other Purposes.

¹⁹² U.S. *Statutes at Large*, 33rd Cong., 2nd sess., 3 March 1855, Chap. CCVII, “An Act in Addition to certain Acts granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States.

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