



# ELIZABETH SHOWN MILLS

Certified Genealogist<sup>SM</sup> Certified Genealogical Lecturer<sup>SM</sup>  
Fellow & Past President, American Society of Genealogists  
Trustee & Past President, Board for Certification of Genealogists

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141 Settlers Way, Hendersonville, TN 37075 • [eshown@comcast.net](mailto:eshown@comcast.net)  
[www.EvidenceExplained.com](http://www.EvidenceExplained.com) • [www.HistoricPathways.com](http://www.HistoricPathways.com)

DATE: 11 October 2013

REPORT TO: Witter Research Group

SUBJECT: **Samuel Witter's Arkansas Bounty Land, War of 1812**

BACKGROUND: One Samuel Witter (aka Witer), a millwright said to have been born in Pennsylvania about 1784, enlisted on 4 April 1814 in the 17<sup>th</sup> U.S. Cavalry, a Kentucky unit. He was recruited (place not stated) by Lt. James Hackley, then served under Capt. Benjamin W. Sanders and Lieut. R. M. Ewing. He was discharged at Chillicothe, Ohio, on 7 June 1815. His parents and origin are unknown. The only information proved for him after service is the 14 February 1820 issuance of a land warrant in his name and the subsequent patent dated November 1820, assigning him a tract of bounty land identified as SE¼ Section 14, Township 1 North, Range 2 West, Monroe County, Arkansas.

This Samuel Witter is of special interest to descendants of Samuel Witter (*ca.*1787–1876), a millwright born in Pennsylvania, who settled in 1849 in Lawrence County, Illinois. Some descendants believe the two Samuels to be the same.

Coincidentally or not, in the 1880s and 1890s, two grandchildren of the Pennsylvania-Illinois Samuel—James Witter and Della Witter (wife of Finley C. Shown)—moved directly from Lawrence County, Illinois, to Monroe County, Arkansas. The Showns settled about six miles from the site of the Samuel Witter bounty land.

QUESTIONS: Can the soldier Samuel Witter be placed in Monroe County, Arkansas, or did his land—like those of many veterans—end up in the hands of land speculators?

Can any record be found in Monroe to link the patentee to the Samuel of Pennsylvania and Illinois whose offspring moved to Monroe in the late 1800s?

LIMITATIONS: This block of research is limited to the Monroe County resources microfilmed by the Family History Library, Salt Lake City.

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## EXECUTIVE SUMMARY

No evidence is found in local records to place the soldier Samuel in Monroe County. No deed record exists by which Samuel Witter conveyed his bounty land to any other party. No documents appear to have been filed under any “Witter” name prior to 1900.

A lean “history” of Witter’s tract can be milked from the records by using the legal description of the land to identify the land’s owner at the time of the earliest surviving tax roll (1877). Using the owner

name provided by that tax roll, the land's chain of title could be tracked back to 1835, at which time the state auditor's office sold it for unpaid taxes. Witter himself was not mentioned in any of these records.

## BACKGROUND

Samuel Witter of the 17<sup>th</sup> U.S. infantry received his bounty land under the U.S. congressional acts of December 1811 and January 1812 (modified 27 January 2014) by which he was eligible for 160 acres upon completion of a five-year enlistment or duration of the war. Hostilities ended less than a year after he enlisted, the Army downsized, and he was discharged as having fulfilled his term.<sup>1</sup>

Recipients of bounty-land warrants under the Acts of 1811 and 1812 had five years after discharge to file for a warrant and exchange the warrant for land. That land was awarded only in the territories of Michigan, Illinois (north of the Illinois River) and "Louisiana" (specifically, the part of the Louisiana Territory between the Arkansas and St. Francis Rivers that subsequently became Arkansas).<sup>2</sup> Shortly before the five-year deadline, Witter's warrant was returned to the U.S. Land Office, in exchange for a tract of Arkansas land.

On 14 February 1820, Witter's warrant was recorded in the Warrant Registry as follows (boldface represents words penned only a printed form:

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

"Pursuant to the second section of an Act of Congress passed the 6<sup>th</sup> 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 24<sup>th</sup> of December, 1811, and of the 11<sup>th</sup> of January, 1812, **Samuel Witter**, late a **Private** in the company commanded by **Lieutenant R. W. Ewing**, of the **17<sup>th</sup> 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.** [Signed] J. C. Calhoun, Secretary of War. Registered. [Signed] Nat. Cutting, Clerk."<sup>3</sup>

The location of the land is identified by the U.S. General Land Office Register, "Index of Arkansas Patentees."<sup>4</sup>

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<sup>1</sup> For the background presented here, see E. S. Mills, "Samuel Witter (1787–1876) and the War of 1812," report to Witter Research Group, 15 January 2012 (updated 17 October 2017), pp. 11–14.

<sup>2</sup> *U.S. Statutes at Large*, 12<sup>th</sup> Cong., 1<sup>st</sup> Sess., 24 Dec. 1811, chap. 10, "An act for completing the existing military establishment." Also 6 May 1812, chap. 77, "An act to provide for designating, Surveying and granting the military bounty lands." Also 13<sup>th</sup> Cong., 1<sup>st</sup> Sess., 27 January 1814, "An act authorizing the President of the United States to cause certain regiments therein mentioned to be enlisted for five years, or during the war."

<sup>3</sup> *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.

<sup>4</sup> "U.S. War Bounty Land Warrants, 1789–1858," database and images, *Ancestry.com* (<http://www.ancestry.com> : accessed 2 January 2012), for *War of 1812 Military Bounty Land Warrants, 1815–1858*, National Archives microfilm publication M848, roll 1, target 2, "Index of Arkansas Patentees," p. 257.

Witter, Samuel,  
Vol. 1:293  
SE 14 [Southeast of Section 14] Township 1 North, Range 2 West, Warrant 23,042

The State of Arkansas has also posted online digital images from its state-level register of military bounty lands issued within its bounds. That state-level register is arranged by legal description (section, township, and range). It contains no name index and the Arkansas website provides no database. Using the legal description of the land, Witter’s registration was locatable in the register.<sup>5</sup>

**Township 1N Range 2W**

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

BLM’s accompanying database entry for the patent places the land in **Monroe County, Arkansas**.<sup>6</sup>

Two courses of action typified the handling of these War of 1812 bounty-land warrants:

1. Once the land was located, with the help of an “agent” who made the site selection for the veteran and carried out the formal land entry at the U.S. land office, the patent would be acquired by the agent, who then sold the land to speculators—men conveniently connected to the attorneys. In these situations, the veterans were never physically in the locale where the land was located.
2. Men who did choose to relocate to the area where bounty-land could be obtained were more careful in their selection of land. As with “squatters” without bounty-land warrants, they typically chose an unoccupied tract, threw up a cabin, cleared a few acres, and put a test patch under cultivation. If the first crops were adequately productive, they would then apply for the chosen tract. The five-year window allotted under the bounty-land act allowed time for land scouting and testing—if Samuel Witter of the 17<sup>th</sup> chose to go to Arkansas.

Research in the local land and tax records of Monroe County should resolve the question as to whether Samuel Witter was physically present in Monroe County.

**RESEARCH NOTES**

Surviving deed, probate, and court records contain no mention of Samuel or any other individual surnamed Witter (or Weider, Wetter, Widder, Widow, Witer, etc.) prior to the temporary residence of James Witter near the end of the century. Three critical records reveal the fate of Witter’s land.

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<sup>5</sup> 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.

<sup>6</sup> 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.

Real Estate Tax Book, 1877

FHL 1019813

Arranged by land description, revealing that Samuel's tract was taxed this year as follows:

**T. R. Hyde, SE½ [sic] S14 T1N R2W**

By reconsulting the deed indexes, it is possible to work the land's title back toward the point at which Witter disposed of the land to someone.

### **T. R. Hyde**

Hyde was a land speculator who created many dozens of deeds. Frequently his individual transactions sold dozens of land parcels at once. Every Hyde deed had to be read for all land descriptions until the relevant deed was found.

Deed Book ABC: 482–83

29 November 1842

**T. R. Hyde** of the City of New Orleans, merchant of **T. R. Hyde and Co.**, purchased from **Wm. B. Duncan and wife Rebecca** of Monroe County, Arkansas, 34 tracts of land totalling 4,170 acres. Included in the dense listing (at p. 483, line 5) was: **SE¼ S14 T1N R2W**. Witnesses: Wm Hawick, J. W. Johnson.

#### COMMENT:

All but three of the parcels conveyed in this deed were plots of 160 acres, suggesting the likelihood that most (if not all) of them represented bounty land warrants that speculators had purchased.

### **William B. Duncan**

Duncan, who lived in both Monroe County, Arkansas, and Natchez, Mississippi, was also a speculator who generated more than fifty deeds. The deed registers of the 1830s are rife with similar sales of massive blocks of small parcels held by speculators and "land companies" as far away as Boston and Albany, NY. In most cases, the land was being sold to these companies for unpaid taxes—so many cases, in fact, that the local clerk of court entered the text of the tax law into his registers. In brief:

Deed Book ABC: 96

April 1837

Whereas, on 2 March 1819, the U.S. Congress created the Territory of Arkansas and granted it power to impose "a tax on bounty lands situate in said territory, granted for military services during the late war, *after the expiration of three years from the date of the patent*, and also on all other lands in said Territory whether owned by residents or non-residents."

And whereas, the "General Assembly of said Territory ... have enacted laws imposing a yearly tax on every one hundred acres of consi[g]ned land lying in said territory of one dollar and sixty cents as a territorial tax and eighty cents as a tax for the use of the county in which the land is situate"

And whereas, the act also "authorized county courts [if the tax isn't paid] to levy an additional tax not to exceed twenty-five percent on the amount authorized to be levied."

And whereas, the Sheriff of the county is to advertise land for unpaid taxes for 60 days "in some newspaper printed in said territory," the said land is to be sold by 1 November of each year.

Witter's land appears amid a block sold by the office of the territorial auditor for delinquent taxes:

Deed Book ABC: “No. 138”

Batesville

26 October 1835

“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. Two West, containing one hundred and sixty acres at \$1.25 per acre.” Signed: A. W. Lyon, Receiver?

COMMENT:

The signature on the document is rendered illegible by a shadow at the bottom of the filmed page. However, sales before and after in this sequence were all signed by “A. W. Lyon, Receiver.” (The 1850 census of Arkansas records Aaron W. Lyon of Batesville as a 53-year-old native of New Jersey.<sup>7</sup>)

Duncan settled on part of these lands and launched a planting operation. Two months after buying Witter’s land, he also entered into a partnership with one Francis Surgett of Adams County, Mississippi, by which he was to continue to buy up tracts in Surgett’s name, from which Surgett would deed him one fifth part of those lands.<sup>8</sup> The Crash of 1837 plunged Duncan (and thousands of other land speculators) into financial turmoil, and his deeds of purchase became mortgages in which he pledged the property he already owned.<sup>9</sup> In November 1842, to cover part of his debts, he and wife Rebecca executed that deed to T. R. Hyde, merchant of New Orleans, conveying 34 tracts totalling 4,170 acres—including Witter’s land.

Hyde would hold the Witter, as an absentee owner, until 12 October 1882, at which time his agent W. L. McKinley sold the tract to one Parker C. Ewan<sup>10</sup>—another speculator who generated hundreds of deeds in Monroe County.

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<sup>7</sup> 1850 U.S. census, Independence Co., Ark., Batesville, stamped p. 396 verso, dwelling 1150, family 1153.

<sup>8</sup> Monroe Co., Deeds ABC: 149–51.

<sup>9</sup> For example, see Deed Book ABC:362–63 (26 January 1842) by which he mortgages 4 enslaved “negroes” who appear to be a family (Lorenzo, 25; Peggy 26; Malina, 5; and Willis, 1) to Francis Surgett as surety for \$1500 that he had borrowed from Surgett.

<sup>10</sup> Monroe Co., Deed Book W: 385.