



ELIZABETH SHOWN MILLS

Certified GenealogistSM Certified Genealogical LecturerSM
Fellow & Past President, American Society of Genealogists
Trustee & Past President, Board for Certification of Genealogists

141 Settlers Way, Hendersonville, TN 37075 • eshown@comcast.net
www.EvidenceExplained.com • www.HistoricPathways.com

DATE: 15 December 2011
REPORT TO: Witter Research Group
SUBJECT: **Samuel Witter, 17th U.S. Infantry, War of 1812, Enlistment Record: An Analysis**
QUESTION: Was this soldier the same man as Samuel Witter (1787–1876), enumerated in Franklin County, Penn. (1820–40), Bedford County, Penn. (1841–46); and Lawrence County, Ill. (1850–70)?
TASK: Analyze the document and prepare a work plan based upon the clues therein

THE DOCUMENT

About 1980, the U.S. National Archives supplied Witter researchers with a photocopy of a double-page spread from a U.S. Army enlistment register. The only citation of source is an official stamp on the back that states, in its entirety: “Copy from The National Archives, Record Group No. 94.” The image bears the folio number 123. The register page provides data on twelve men whose surnames begin with “W,” including Samuel Witter.

In the full transcription below, boldface indicates the words penned into the pre-printed register:

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

No.	4951	
Name:	Witter, Samuel	["Witer" is added below this]
ORGANIZATION:		
Rank	Rect. [Recruit]	
Regiment	17 U.S.I.	
Company Commander:	[blank]	
DESCRIPTION:		
Height	5'4"	
Eyes	Dark	
Hair	Dark	
Coloring	Dark	
Age	31	
Occupation	Mill Wright	
WHERE BORN:		
Town or County	[blank]	
State	Pennsylvania	
ENLISTMENT:		
When	Apr. 4 181_ [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[nfantry] R[oster], Lieut. R. M. Ewings Co., May 31/15 present
Discharged at Chillicothe, Ohio, June 7/15, term expired
See pension case.**

ANALYSIS

Physical Analysis:

Legibility is poor. The background of the photocopy is dark grey with many horizontal scratch lines streaking across it. The script is tidy but backhanded. That, coupled with the fact that the print is blurred on the photocopy, makes the details difficult to read. A more-readable copy can likely be obtained by consulting the microfilm from which this photocopy appears to have been made.¹

Consulting the microfilmed register is also necessary to determine the year of enlistment. On this photocopy, the last digit of the year is lost at the point where two pieces of paper are taped together.

The most important factor is this: As the details suggest, the register was not created contemporaneously with the enlistment. One guide prepared by a National Archives archivist provides the following background on this record set:

“These registers were compiled in the late nineteenth century by the Adjutant General and are based on a variety of original records such as muster and pay rolls, inspection and descriptive rolls, and other miscellaneous records in the Adjutant General's Office. As with the compiled service records, the information on these original records was transferred to the register, so no additional information is available from examining the original records. ... Another series of records, the enlistment papers, may also be useful. Unfortunately, the original enlistment papers for the War of 1812 period are fragmentary and incomplete. The papers are arranged alphabetically for the period 1798–1894. Much of the same information, however, can be found in the registers of enlistments.”²

The derivative nature of the record could account for what seems to be discrepancies in the content.

Content Analysis:

The details in the document do not provide adequate evidence to conclude that this Samuel Witter is the Samuel Witter (1787–1876) who migrated from Pennsylvania to Illinois. Some of its data matches known details for Samuel (1787–1876), some pieces of the data are possibly compatible, one piece of data is currently incompatible, and many details provide clues that can be pursued.

¹ *Register of Enlistments in the U.S. Army, 1798–1914*, National Archives microfilm publication M233, 81 rolls. The Descriptive Pamphlet (DP) prepared by NA for this set of film indicates that the “W” section for the time frame stated on the register’s page-header should appear on roll 13; to access the DP, use the microfilm query screen provided at the National Archives website (<https://eservices.archives.gov/orderonline>), query for the publication number, then click on the Adobe icon provided for that publication number.

² Stuart L. Butler, “Genealogical Records of the War of 1812,” *Prologue* 23 (Winter 1991); unpaginated HTML edition at *The National Archives* (<http://www.archives.gov/publications/prologue/1991/winter/war-of-1812.html> : last accessed 15 December 2011), para. 8.

Possibly Conflicting Data

Dates of Enlistment & Discharge

If the blurred enlistment date is indeed 1814, then the document seems to contradict itself. Witter is said to have enlisted for a term of five years; yet he was discharged on 7 June 1815 under the notation “term expired.” At least three explanations could exist:

- Witter was discharged early at the end of the war, because the Army no longer had need of all the forces it had mustered during the conflict (a common circumstance);
- The 1814 date of enlistment is in error, a circumstance that might be due a misreading by the clerk who prepared the register; or
- Considering the extent to which companies and regiments consolidated during the war, the 1814 date might represent the date Witter joined the 17th. Earlier service from 1810 *might* exist.

TO DO:

- *U.S. Statutes at Large* should be consulted for the enlistment laws that governed recruits by the U.S. Army in the 1810–15 period.
- Witter’s actual enlistment record needs to be sought. The relevant collection at the National Archives, “**Regular Army Enlistment Papers, 1798–1912**” has not been microfilmed.³ A D.C. area researcher needs to be engaged to search this collection.
- “**Muster Rolls of Regular Army Organizations, 1784–Oct. 31, 1912**”⁴ needs to be consulted for the original rolls on which Witter is said to appear: 6 June 1814, 16 and 25 February 1815, and 14 May 1815. The additional and contextual data provided by the rolls might help to explain the conditions under which Witter served and would likely identify some military actions in which he was involved.
- If his enlistment papers are no longer extant, then a third set of unfiled records might be consulted by the D.C. researcher: “**Registers of No. of Recruits, 1814–82**”; Recruiting Division, 1814–1913; Records of Divisions of the Adjutant General’s Office; Adjutant General’s Records, RG 94, National Archives.⁵ This set of registers, arranged by year and month, identifies location and *numbers* of recruits for each recruiting officer; theoretically, it should identify where Lt. Hackley would have recruited Witter if the April 1814 date is correct.

Compatible Data

Occupation:

The War of 1812 recruit is said to be a “Mill Wright.” The 1850 and 1860 enumerations of Lawrence County, Illinois, identify Samuel of Pennsylvania and Illinois as “millwright” and “millerite,” respectively.⁶

Birthplace:

The same state of birth, Pennsylvania, is attributed to both men. In neither case does a known record assert a place of birth within that state.

³ As cataloged in Lucille H. Pendell and Elizabeth Bethel, *Preliminary Inventory of the Records of the Adjutant General’s Office*, PI 17 (Washington: National Archives & Records Service, 1949), p. 28, entry 91.

⁴ *Ibid.*, p. 19, entry 53.

⁵ *Ibid.*, p. 94, entry 481. Pendell and Bethel catalog other Army collections for the time period, but their arrangements suggest time commitments that would place them lower than on this priority list.

⁶ 1850 U.S. census, Lawrence County, Illinois, p. 13 (stamped), dwelling 180, family 180; NA microfilm M432, roll 115. 1860 U.S. census, Lawrence Co., Ill., Luken Township, p. 157 (penned), dwell. 14, fam. 13; NA microfilm M653, roll 198.

Physical Description:

Samuel Witter of the military record is said to have dark complexion, dark hair, and dark eyes. A generation later, the youngest son of Samuel of Pennsylvania and Illinois (John W. Witters, born 15 May 1845, Bedford County, Pennsylvania), described himself in his Civil War “Declaration for Pension” as “dark complexion, black eyes, and dark hair.” Samuel of 1812 was quite short: 5’4”. John, son of Samuel, was also short: 5’6.”⁷

At this point, it is tempting to assume the two individuals are one and the same. However, any such conclusion would be premature so long as significant sources remain unexamined, significant research methods remain used, and contradictory information remains unresolved.

Possibly Compatible Data

Age

The surviving tombstone for the Pennsylvania-Illinois Samuel Witter cites his birthdate as 12 May 1787.⁸ The 1850, 1860, and 1870 censuses cite his age as 63, 71, and 69 respectively—suggesting a birth between 2 June 1786 and 1 June 1802.⁹ The stated age for the War of 1812 recruit is presumably his age at enlistment. If 1814 was the correct year of enlistment, then his reported age would place his birth between 4 April 1782 and 4 April 1783.

Superficially, the War of 1812 recruit appears to be several years older than Samuel Witter of Pennsylvania and Illinois. However, given the significant variation in the known Samuel’s age across several censuses, the accuracy of his birth date on the tombstone cannot be accepted without question. The same might be said for the recruit, whose military record gives no specific birth date at all.

Seemingly Incompatible Data

Place of Enlistment

The register’s statement that Samuel Witter enlisted in *Kentucky* does not seem compatible with known facts and assumptions for Samuel Witter of Pennsylvania and Illinois. The two earliest proved records for the Samuel of interest are the 1820 and 1830 censuses of Franklin County, Pennsylvania, the latter of which places Samuel, as a family man, seven houses from one Abraham Witter Jr.,¹⁰ his alleged brother.¹¹ Samuel would remain in Franklin through 1838–40, at which time he and the miller Abraham

⁷ John W. Witters (Pvt., Co. E, 154 Regt., Illinois Inf., Civil War), pension application no. S.C. 384432, Case Files of Approved Pension Applications ..., 1861–1934; Civil War and Later Pension Files; Department of Veterans Affairs, Record Group 15; National Archives.

⁸ Brian Cemetery (Lawrence Co., Ill.), in Christy Township, 5.5 miles SW of Sumner, off Highway 1801 in Section 30, Township 3N, Range 13W). The cemetery in 1977 was located on the farm of Eugene Laws, a grandson of Samuel’s daughter Sarah by her husband William Laws. The marker is contemporaneous to the time of death, insofar as its material and style.

⁹ 1850 U.S. census, Lawrence Co., Ill., p. 13 (stamped), dwelling 180, family 180; NA microfilm publication M432, roll 115. Also 1860 U.S. census, Lawrence Co., Ill., Luken Township, p. 157 (penned), dwell. 14, fam. 13; NA microfilm publication M653, roll 198. Also 1870 U.S. census, Lawrence Co., Ill., Lukin Township, p. 14 (penned), dwell. 91, fam. 91; NA microfilm publication M593, roll 245.

¹⁰ 1820 U.S. census, Franklin Co., Pa., p. 386 (penned) or p. 87 (stamped), lines 18–19; NA microfilm publication M33, roll 101. Also 1830 U.S. census, Franklin Co., Pa., Fannett Township, folio 215 (stamped no.), line 8, Samuel “Wither;” NA microfilm publication M19, roll 151.

¹¹ For the body of evidence that underpins this identification, see file copy of E. S. Mills, “Samuel Witter (1787–1876): Research Notes.”

moved across the county line into Bedford County, and Samuel is trackable there through 1845.¹² All of Samuel's known children were born in Pennsylvania, beginning 12 August 1820.¹³

Upon this basis, it has been *assumed* that Samuel Witter was born in Pennsylvania on 12 May 1787 and remained in that state consistently until his removal to Illinois. Any claim that he is one and the same as the Samuel Witter who enlisted in *Kentucky* requires evidence of his removal to Kentucky before 4 April 1814 or to a region in which that Kentucky regiment carried out recruitment activities. At least two common explanations might apply:

- **Earlier service.** Theoretically, Samuel (1787–1876) may have enlisted earlier in the war, when militia and volunteer units were raised in Pennsylvania. Some units saw short-term action. Many units on the western frontier disbanded and consolidated, as forces were decimated.
- **Wanderlust.** As a young and unmarried male, Samuel might have left Franklin County for the west—perhaps to join his kinsmen (the Christophal Witter family) who had settled along the Indiana-Ohio line.

TO DO:

Continued research is needed to

- document the early adulthood of Samuel (1787–1876) of Franklin-Bedford;
- track all possible activities of men named Samuel Witter in Kentucky prior to April 1814; and
- track all possible activities of men named Samuel Witter in Kentucky after the May 1815 discharge.

Clues to Be Pursued

Officers

The War of 1812 enlistment register identifies three officers under whom Samuel Witter served or *might* have served and implies the existence of others who also need to be studied.

- **“Lt. Hackley,”** by whom Witter was recruited. In many cases, the officers who recruited volunteers in the middle of a conflict were not the officers under whom they served. Rather, the recruit would be assigned to another company as needed. However, as the first military personnel with whom Witter is associated in known records, Hackley should be identified and his career at least sketched to identify more precisely where he might have recruited Witter.

¹² Samuel does not appear to have made a “clean” move from Franklin to adjacent Bedford County. He seems to be the best identifiable candidate for Samuel “Widow” of the 1838 assessment roll of Bedford. In 1839, Franklin Co., “Samuel Witter” and wife Rachel sold their half-interest in a tract of Franklin Co. land co-owned by them with William Timmons and wife Anna Maria. In 1840, “Sam^l Witter” is enumerated in Franklin, although Abraham has settled in Bedford. The 1841–46 triennial and annual assessment rolls of Bedford place Samuel there consistently, adjacent to Abraham. When the triennial roll was compiled for Bedford in 1847, Samuel and his grown sons were not listed; only Abraham and his sons remained. See Franklin Co. Deed Book 18:155. Also 1840 U.S. census, Franklin Co., Pa., Lurgent Township, p. 343, line 12, “Sam^l Witter”; NA microfilm publication M704, roll 458. Also Bedford County, Pa., Board of County Commissioners, “Assessment Book (Copy), 1835–1844 (1 vol.),” for 1838 Bedford Township, p.84 (Samuel “Widow”); 1841, Dublin Township, p. 333 (Samuel Witter and Abraham Witter); 1844, Dublin Township, pp. 543–44 (Samuel, Benjamin, and Abraham “Weetar”); and 1845 Dublin Township (Samuel, Benjamin, and Abraham “Weeter”).

¹³ The birth date for Samuel's first known child, Benjamin is from Benjamin's tombstone, Brian Cemetery. The 1850 and 1870 censuses also place his birth between 2 June 1820 and 1 June 1821. That age data is compatible with Bedford County tax records that add him to the rolls in 1842. See 1850 U.S. census, Richland Co., Ill., Clay and Richland Dist. no. 14, p. 149, dwell. 957, fam. 962; NA microfilm publication M432, roll 125. Also 1870 U.S. census, Lawrence Co., Ill., Christy Township, P.O. Sumner, p. 36 (stamped), dwell./fam. 142. In Illinois, the Witter clan lived along the Richland-Lawrence county line. Benjamin's household seems to have been missed in 1860.

- **Unidentified Officers**, who created the June 1814 Duty Roster at Lexington Barracks on which Witter is listed.
- **Capt. B. W. Sanders**, under whom Witter served in February 1815.
- **Lieut. R. M. Ewing**, in whose company Witter served in May 1815.

Military Actions

No actual battles are cited for the June 1814–May 1815 period in which Witter is said to have served. Studying the military actions of Hackley, Sanders, and Ewing should provide needed information on Witter’s activities in this period.

Military Comrades

Other volunteers serving under Sanders and Ewing—and others recruited by Hackley—should be identified and their lives studied, especially for the years immediately preceding and following the war. Comrades-at-arms were often associates before and after service.

Military Bounty Land

Bounty land was given to War of 1812 soldiers under acts of 1812 and 1814 (amended in 1842), 1847, 1850, 1852, and 1855. Samuel Witter had many opportunities to apply. The finding aids need to be examined and the laws need to be studied to properly interpret the results of the search for a Samuel Witter file.

Pension Application

Two sets of pension applications exist for War of 1812 veterans: (a) The “Old Wars” series for men whose service resulted in a disability; and (b) applications filed under U.S. Congressional Acts of 1871 and 1878.¹⁴ Descendants of Samuel Witter of Illinois state that they have found no pension application for him. Meanwhile, the Enlistment Register entry for Samuel of the War of 1812 explicitly says: “See Pension Case.” Again, several situations could be at play:

- We could, indeed, be studying two different Samuel Witters.
- The prior search(es) for a pension application by Witter descendants could have been incomplete or some variant spellings might not have been considered. Both results can happen, even when researchers submit a request form to the National Archives to have the search made by staff members. The record set should be reexamined for the many known variants, especially the service summary’s cross-reference to Samuel “Witer.”
- The “case” file may no longer be amid the Veterans Affairs records at NARA.
- Samuel Witter’s application may have been denied, prompting him to lodge a claim with the U.S. Congressional Court of Claims.

All of these possibilities need to be pursued.

¹⁴ With regard to the Act of 1878, Samuel of Pennsylvania and Illinois was dead before this law passed; and he left no widow or minor children who would qualify. If Samuel of the 17th was a different man, then he may have lived long enough to qualify under the 1878 act.

WORK PLAN

The possibilities for future findings are great. The following plan is by no means exhaustive. It focuses on the most accessible materials, with more complex studies falling later on the priority list. As with all task lists, this one will likely need to be amended as new findings occur.

1. **NA microfilm publication M233, *Register of Enlistments in the U.S. Army, 1798–1914*. 81 rolls.** Available at Ancestry.com. Examine roll 13 for a more legible copy of the document under study; especially confirm the year of enlistment.
2. ***U.S. Statutes at Large***. Three sets of laws need to be studied: (a) enlistment laws that governed recruits by the U.S. Army in the 1810–15 period; (b) bounty land acts of 1811–12 and 1847–55; and (c) pension laws of 1871 and 1878.
3. **NA microfilm publication M848, *War of 1812 Military Bounty Land Warrants, 1815–1858*. 14 rolls.** This set of film reproduces 105 registers in which the U.S. General Land Office recorded *most* but not all known recipients of bounty land *warrants* for War of 1812 service. Images are available at *Ancestry.com*.¹⁵

In consulting this record set, two things should be kept in mind: (1) The registers for Illinois are not complete; and (2) most warrants were not cashed in at the land office by the veterans themselves; most veterans sold their warrants and the lands were located by *assignees*.

4. **NA microfilm publication M313, *Index to War of 1812 Pension Application Files*. 102 rolls.** Available online at *FamilySearch*. As an auxiliary check to minimize the possibility of names being indexed under unanticipated variants, also check the following two published indexes:
 - A. Virgil D. White, *Index to Old Wars Pension Files, 1815–1926* (Waynesboro, TN: National Historical Publishing Co., 1993).
 - B. ———, *Index to War of 1812 Pension Files*, 2 vols. (Waynesboro, TN: National Historical Publishing Co., 1992).
5. **“War of 1812 Index of Soldiers, Undated,” Series 2.61, RG2, Records of the Department of the Auditor General, Pennsylvania State Archives, Harrisburg.** Digitized online at *Pennsylvania Historical & Museum Commission* (<http://www.phmc.state.pa.us/bah/dam/rg/di/r2-61War1812Index/r2-61%20WarOf1812Interface.htm>). This index to Pennsylvania *militia* units that saw service during the war might reveal earlier service for Samuel Witter.
6. **American Memory—A Century of Lawmaking for a New Nation, 1776–1875: U.S. Congressional Documents and Debates** (<http://memory.loc.gov/ammem/amlaw/lawhome.html>). If Samuel Witter appealed to his Congressman for assistance in obtaining a pension denied by the Pension Bureau, further information should be discoverable at this website, particularly through U.S. *Statutes at Large* (if a bill was passed in his favor), and the “Journals of Congress” module, and the “Congressional Debates” module (which should still chronicle his Congressman’s efforts, even if those efforts were not successful).

If Samuel Witter is discovered in these published government documents, it is likely possible to obtain some underlying documents via searches in other Congressional records.

¹⁵ National Archives and Records Service, *Pamphlet Describing M848* (Washington: General Services Administration, 1975).

If nothing is found in the time frame covered at *American Memory*, then *Statutes at Large*, *House Journals*, and *Senate Journals* for the post-1875 period should be examined at a Government Documents Repository.

7. **General Online Searches for Witter’s officers, unit, unit activities, and other soldiers identifiable for his unit.** The starting point would be:

- **Ewing, R. M., Lieut.** (31 May 1815)
- **Hackley, _____, Lieut.** (recruiting officer, Kentucky, April 181_)
- **Sanders, B. W., Capt.** (16 and 25 February 1815)

After units are identified by name or number for each officer, the search should expand for the activities of their units and others who served. From there, other known soldiers should be tracked for settlement patterns and all should be sought in pension applications and bounty-land applications.

8. **“Regular Army Enlistment Papers, 1798–1912”**; Records Relating to the Regular Army, 1798–1926; Records of the Adjutant General’s Office, RG 94; National Archives, Washington, D.C. Described in PI 17, entry 91. Unmicrofilmed. Engage the services of a D.C. area researcher.
9. **“Muster Rolls of Regular Army Organizations, 1784–Oct. 31, 1912”**; Muster Rolls, 1784–1912; General Records of the Adjutant General’s Office, RG 94. Described in PI 17, entry 53. Unmicrofilmed. Engage the services of a D.C. area researcher. Get full copies of the rolls on which Witter is said to appear: 6 June 1814, 16 and 25 February 1815, and 14 May 1815.
10. **“Registers of No. of Recruits,” 1814–82**; Recruiting Division, 1814–1913; Records of Divisions of the Adjutant General’s Office; Adjutant General’s Records, RG 94. Described in PI 17, entry 481. Unmicrofilmed. Engage the services of a D.C. area researcher to search for April 1814? recruitment activity by Lt. Hackley.
11. **War of 1812 Pension Application Files.** Digitized files are being placed online by *FamilySearch* and *Fold3*. However, the digitization of these files has just begun. When new postings are consulted, the search should include not just the surname *Witter* (and variants) but *all* individuals who have by that point been identified as comrades of Samuel Witter. Old veterans frequently testified for each other and, even when an ancestor is not directly named in a comrade’s file, the activities described therein may assist with research on the elusive ancestor.

ESM