THE THREE WILLS OF BARON VON STEUBEN

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In his lifetime, Friedrich Wilhelm von Steuben had three testaments drawn up, all of which have been preserved for posterity. The first known will of Steuben, which he had prepared sometime prior to his departure for America in 1777, is in the Archives of the Hohenzollern family in Hechingen, Germany. The exact date of this first will cannot be determined since these Archives are not open to researchers.1 His second testament dated May 28, 1781, a few months before the end of the war, is in the manuscript collection of the Oneida Historical Society.2 The third and last one which belongs to the New York Historical Society3 was prepared on February 12, 1794, just nine months before his death.

Though Steuben's first testament is unavailable for examination, it is possible to publish for the first time his second will with explanatory notes. The third testament was published in 19114 without explanatory notes; the researchers decided to republish it with notes and annotations. A period of thirteen years had elapsed between the second and third testament: the war had come to a successful end, Steuben had changed his lifestyle and during this period—between the end of war and his death—many of his expectations, dreams, and desires had ended in disappointments.

On the date of his second will and testament (May 28, 1781), Steuben was 51 years old and was in the prime of life. Though he already had prepared a will while in Europe, Steuben may have felt the necessity or a desire to have an up-to-date document, or perhaps he was anticipating an untimely death in battle similar to that of De Kalb; or perhaps he even had a foreboding of a severe illness which did overtake him shortly after his second will had been prepared. It was on July 23, 1781, not quite two months after the date of his second will, that Steuben reported in a letter to Richard Peters that he had been very sick and had been treated by Dr. Thomas Walker for a severe case of skin eruption (possibly shingles or hives) which forced him to go on leave from his military duties.5 This illness and the extremely hot weather had completely debilitated him.

Though the second testament bears the date, May 28, 1781, more than likely it was executed sometime prior to this date. In his letter of May 26, 1781, to General von Bouvinghausen6 in Stuttgart, Steuben mentions that he has completed his will, and in another letter written on the same day to General Nathaniel Greene,7 Steuben reported that he had been at Albemarle Court House since May 21, 1781, which indicates that this testament may have been prepared at this place between May 21 and May 26, 1781. However, the question of the date is further complicated by the fact that David Ross, who witnessed Steuben's will, wrote Jefferson from Point of Fork on May 28th.8 Was David Ross at Albemarle Court House and Point of
Fort on the same day? It would seem the will was either witnessed by David Ross prior to May 28th or he signed it at a later date. The fact that Steuben wrote General von Bouvinghausen on May 26th about a will suggests that it was completed prior to May 28th and the latter date was possibly added later. David Ross could have been at both Point of Fork and Albemarle Court House on the same day since they are located about 15 miles from each other.

On May 28th, Steuben sent to Jefferson from Albemarle Court House a situation report which plays an important role here. First of all, the report substantiates the fact that Steuben was positively at the Court House on the date of his will. Secondly, this report conveys very dramatically how dangerous and untenable his position was in an attempt to protect the meager supplies from the overwhelming number of English troops which were poised for attack.

Steuben was 63 years old when his third testament was prepared on February 12, 1794, just 9 months before he died. Up to this date, Steuben's financial difficulties had not been completely resolved when his testament was written. Congress had granted him a yearly pension of $2,500, and he possessed large amounts of land in Virginia, Pennsylvania and New York. At this time, his land holdings could not yet be utilized or profitably sold to settle his debts. He had made several attempts to clear parts of the 16,000 acres he owned in the fertile Mohawk Valley in New York State. The attempts to induce settlers to settle the parts of these lands had not proven successful. In addition to this, the times were a bit unsettled: there were rumbles of war with England and rumours of an English invasion of upper New York State. Because of the imminence of war with England, Steuben was asked by the New York Legislature in the spring of 1794, to prepare a system of defenses for the Northern and Western frontiers of the State. In August, 1794, he retired to his farm near Utica, New York, to draw up a plan of defense during the long winter months.

The object of spending the entire winter in his log house alone with his secretary, John W. Mulligan, was to enable him to complete his defense project and also to lay plans for the development of his land holdings. However, Steuben was denied this opportunity, for on November 26, 1794, he was taken ill and on Thursday, November 28, Steuben died of an apparent stroke.

Second Testament May 28, 1781

I, Frederick William
Baron de Steuben, considering the uncertainty of human events do while in a sound state of Mind make this last Will and Testament in manner following that is to say—

It is my desire that immediately after my decease my body be buried in a Military manner & in my Uniform if possible in a Camp & not in a Church Yard—

The Will I made before my departure from Europe I desire may remain in full force subject only to this alteration hereinafter specified—

Whereas since my residence in

[ 20 ]
America I have by the generosity of the good people of the Thirteen United States of America become entitled to the Following Tracts of Land—that is to say:

Twelve Thousand Acres—to be given me as Major General by a Resolve of Congress—

Twenty two thousand Acres given me by the United Illinois & Oubache Companies—being the same quantity as was given at the same time to Maj. General Sinclair—and

Fifteen Thousand Acres voted me by the Honrble House of Delegates of the State of Virginia in the last Winter Session of that House—

And notwithstanding the Land given as above mentioned by the United Illinois & Oubache Companies is in dispute between the States of Pennsylvania & Virginia—I have reason to believe that however the said dispute is settled the State whose property the said Lands I had is determined to be—will confirm the said grants in favor of me or my Heirs. This I believe from the confidence I have in the generosity of the good people of America.

I therefore give Desire & bequeath all & every the said Tracts of Land together with all other Lands & Tenaments whatsoever in America that I may die Seized of interested in or entitled to—to my Nephew Frederick Guillaum de Canitz Baron de Steuben—

an to Heirs forever—I give to Captain Benjamin Walker my Aid de Camp Two Thousand Guineas. I give to my Aid de Camp Captain William North One Thousand Guineas—
give to my Aid de Camp Lieut. James Fairlie One Thousand Guineas—
I give to Captain Peter Stephen Duponceau Five hundred Guineas—I give to Captain Deponierre Five hundred Guineas
I give to M. De Beaumarchais Five hundred Guineas—
give to Baron de Hahn—
Two hundred Guineas—I give to Mr. Franc Consullar Intime du Prince de Hohenzollern
Four Hundred Guineas to be distributed as I have directed amongst my old Servants in Europe—

The several desires & bequests herein before and herein after given by me to and infavor of my said Nephew Frederick Guillaume de Canitz Baron de Steuben shall be subject to the condition and restriction hereinafter mentioned—that is to say—that my said Nephew

[ 21 ]
Frederick William de Canitz Baron de Steuben shall come himself to America & become a good & worthy Citizen of this Republick—shall renounce this Title of Baron de Steuben & shall like a good Republican take upon him no other Name or Title but Frederick Steuben—he shall also renounce & make over to his younger Brother Augustin de Canitz—all his Rights Privileges & Possessions which he may by my Will, make in Europe, or any other way be entitled to or possessed of—and in case of his refusal to comply with these conditions I will that every thing bequeathed to him by this testament be disposed of by my Executors in two years after my decease in the most advantageous manner and applied to the use of the Invalid Officers & Soldiers of the American Army & will that before my said Nephew leaves Europe to take possession of the Estate in America herein bequeathed him—he shall have made three Gold Snuff boxes 27 of the value of Sixty Guineas each—with my picture in the lid of each box—which boxes he will present to my worthy & respectable Friends His Excellency General Washington, John Walker & Everard Meade Esqrs as a small token of the Friendship of esteem I had for them—I do also will that my said Nephew cause three other Snuff boxes to be made of the value of Forty Guineas each with the device FRIENDSHIP UNTILL DEATH on the lid one of which he will give to each of my Aid de Camps Cap Walker Cap North & Lieut Fairlie—I give to the said Captain Walker the best Horse I shall have at the time of my Death together with my gold watch—the two next best Horses I give to Cap. North & Lieut. Fairlie and I also bequeath my Pistols to the said Capt. North—All the rest of my Effects I desire may be sold and after paying the expence of my Interment, be distributed amongst the Servants living with me at the time of my death—if the Negro Man Nathan is living with me at the time of my Decease he shall be then set at Liberty—My Dog called Azore 30 I desire may be delivered to M's Washington And I do hereby constitute & appoint my very worthy & respectable Friends His Excellency Gen'. Washington, John
Walker and Evard Meade Esqrs Executors of this my Will contained on Six Sides or pages each of which is signed with my hand—

In Witness whereof I have hereunto set my hand and Seal this twenty Eight day of May 1781—

Sealed & delivered in the presence of us

William Davies
Henry Young
David Ross

Codicil

Whereas no Provision is made in the above will for the pecuniary Legacies therein be queathed—Now I therefore will that so soon as my Executors shall think fit after my decease as much of the Lands therein specified——shall be sold as will raise a sum sufficient for the payment thereof and the remainder of

Third Testament February 12th, 1794

I Frederick William Baron de Steuben of the City and State of New York do make this my Last Will and Testament

Sufficient reasons having determined me to exclude my relations in Europe from any participation in my estate in America and to adopt my Friends and former Aid Des Camps Benjamin Walker and William North as my Children and make them sole devisees of all my Estates therein, except as hereinafterwards is otherwise disposed of in consequence thereof—

I bequeath to the said Benjamin Walker the sum of Three Thousand dollars and the Gold hilted Sword given me by Congress.

To the said William North I bequeath my Silver hilted Sword and the Gold box given me by the City of New York—

To John I. Mulligan I bequeath the whole of my library Maps and Charts and the sum of Two Thousand five hundred Dollars to complete it

And to each of my Servants living with me at the time of my decease one years wages and besides this to my Valet de Chambre all my wearing apparel but I do hereby declare that those legacies to my Servants are on the following conditions, that that on my Decease they do not permit any person to touche my Body, not even to change the Shirt in which I shall die but that they wrap me up in my old Military Cloak and in twenty four hours after my
Decease bury me in such spot as I have before my Decease point out to them and that they never acquaint any person with the place where I shall be buried.
And lastly I do give devise and bequeath all the Rest and Residue of my Estate Real and Personal after the Payment of my Debts and the legacies aforesaid to the said Benjamin Walker and William North to hold to them their Heirs Executors and Administrators share and share alike hereby appointing the said Benjamin Walker & William North Executors of this last Will and Testament and revoking all former Wills by me heretofore made.

New York February 12th, 1794

Steuben

Signed Sealed, published and declared as the last Will and Testament of the above Testator in the presence of & attested and subscribed by us in his presence:

Chal. Williams
Charles Adams
W. H. Robinson

1 Both authors have visited Hechingen on two separate occasions. Dr. von Zemenszky was told in 1968 the papers of Steuben were not available for research. In the summer of 1971, Dr. Pritchett was refused access to the Archives as well as the papers of Steuben.

2 Utica, New York.

3 New York, New York.

4 George H. Carter, ed., Proceedings Upon the Unveiling of the Statue of Baron van Steuben, Major General in the Continental Army During the Revolutionary War, in Washington, D. C., December 7, 1910, and Upon the Presentation of the Replica to His Majesty the German Emperor and the German Nation, in Potsdam, September 2, 1911. Erected by the Congress of the United States (Washington, D. C.: GPO, 1912), 201-02.


6 Palmer, p. 270.

7 MS No. 77 Nathaniel Greene Papers in the William L. Clements Library. University of Michigan, Ann Arbor. See also Palmer, 270.


9 Boyd, Bryan and Hutter, 30.

10 As a soldier Steuben would prefer interment in an Army camp. Such a burial might suggest that he was not religious, but Steuben was a religious man. After the war, he was a member of the consistory of the German Reformed Church and, according to its records, he was chairman of its Board of Trustees on June 20, 1786, when it was located in Nassau Street in New York City. See Edward I. Corwin, J. H. Dubbs and J. T. Hamilton, A History of the Reformed Church, German, the Reformed Church, Dutch, and the Moravian Church in the United States (New York: Christian Literature Co., 1845), 314.


12 According to Resolutions which the Continental Congress passed on three occasions, Steuben would not have received the number of acres as stated in his will, e.g. on September 16, 1776, a resolution was passed granting 500 acres to any soldier who attained the rank of Colonel, but then on September 18, 1776, the Continental Congress passed another resolution that a soldier who served voluntarily until the end of the War could only be eligible for a land grant. On August 12, 1780, a resolution was made that soldiers with certain ranks would receive a specified amount of lands. For example, a Major General (Steuben's rank) could receive at the end of the War only 1,100 acres. There is no evidence any place that the Continental Congress had given him 12,000 acres. Even in his letter to General von Bouvinghausen on May 26, 1781, Steuben mentions that he had been given 12,500 acres by the Continental Congress.

13 This was a private company of land speculators among whom were such prominent men of Pennsylvania as Benjamin Franklin and Robert Morris. In his letter of May 26, 1781, to General von Bouvinghausen (see note 6 above), Steuben claimed that it was the State of Pennsylvania which had given him 22,000 acres; there is no mention, in this same letter, of an Illinois and Oubache Company. Actually, the Pennsylvania Assembly granted him only 2,000 acres, according to William Henry Egle, ed., Pennsylvania Archives Third Series (Harrisburg: Clarence M. Burch, 1894), III, 579, 728.
In 1775. His rank is incorrectly given in the will; he did not attain the rank of Major General until 1791, ten years after this testament was written.

On October 5, 1780, Virginia resolved to grant Steuben 15,000 acres after the War. In this case, Steuben's numbers agree here. See William Walter Hening, ed., *The Statistics at Large, Being A. Collection of All the Laws of Virginia From the First Session of the Legislature, in the Year 1619* (Richmond: George Cochran, 1822), X, 375.

Steuben's sister, Dorothea Maria Justina, had two sons, August Wilhelm Friedrich Julius von Canitz, the older of the two, and Wilhelm Augustus Hans Karl von Canitz. In the notes to the third and last will, the relationship of Steuben with his two nephews is explained.

[1753-1818] appointed Aide-de-Camp on September 5, 1778, and later became Washington's Aide-de-Camp on January 25, 1782.

An English gold coin minted since 1670 and was worth 21 shillings at this time.

[1770-1844] came with Steuben from France and was given the rank of Captain and was appointed Aide-de-Camp to Steuben at once. In the fall of 1779, he had to take leave of absence from his military duties because of a lung infection. After his recovery, he became an Adjutant to General Nathaniel Greene; however, he suffered a relapse and was forced to retire from the service. In 1781, he became a citizen of Pennsylvania. Late in life Duponceau wrote down anecdotes and recollections of Steuben, the title of which is given below in note 30.

His name is incorrectly given here. It should read Louis de Pontier. He also accompanied Steuben to America. According to Palmer, p. 99 (See note 5 above), Steuben had made him his Adjutant. Later, Louis de Pontiere served in the Regiment of Pulański until April, 1784.


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ständige Heyrath ohne die einwilligung Seiner Verwanten eine Schändliche desertion, ein nichtswürdges und Landstreicherisches Leben waren die Haubt-züge und dann jhen Reise durch Teuschland und frankreich wo Sie Theils unter den namen meines neveus Bettelten, Theils Beträchtliche Schulden machten, waren so viele Schwert Streiche in meiner Seele. 


... See Worthington C. Ford and Guillard Hunt, ed., Journals of the Continental Congress (Washington, D.C.: GPO, 1904-12), XXVI, 178. On April 1, 1784, Congress passed a resolution that "a gold hilted sword be presented to him, as a mark of the high sense of his character and services." The whereabouts of this Sword is unknown. 

In 1911, Mrs. Francis B. Austin of Sunnys, New Jersey, great-grand-daughter of Colonel William North, owned this Sword and gold box. See George H. Carter, ed., Proceedings Upon the Unveiling of the Statue of Baron von Steuben, Major General in the Continental Army During the Revolutionary War, in Washington, D.C., December 7, 1910, and Upon the Presentation of the Replica to His Majesty and the German Emperor and the German Nation, in Potsdam, September 2, 1911, Erected by the Congress of the United States (Washington, D.C.: GPO, 1911-11). The whereabouts of these items today is unknown. 

Steuben became acquainted with Mulligan in 1791 and employed him as his secretary. In this will, Mulligan's middle initial is I.; however, Palmer, p. 403, gives the letter W as the middle initial. See Friedrich Kapp, Leben des Amerikanischen Generals Friedrich Wilhelm von Steuben (Philadelphia: Schäfer, 1858), 381-84 for an interesting conversation which Kapp had with Mulligan regarding Steuben. There is no documentary evidence that Steuben really did "point out" the exact place where he was to be buried. 

1758-1808, Former British officer in the Revolution, land promoter and secret agent for the English, Williamson settled in New York after the Revolution. He became a close friend of Alexander Hamilton, and while serving in the New York State Assembly from 1796-1800, he was an advisor to various British Cabinet Officers regarding American Affairs. He also did much to colonize Western New York. 


His full name is William H. Robinson. He is an unknown merchant who appeared before Peter Ogilvie, Judge of Court Probates, on February 2, 1795, to swear that he saw Steuben sign this will on February 12, 1794. This statement is among the Steuben Papers in the New York Historical Society, New York City. The third will is in the handwriting of Baron Steuben.