

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 life style 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 28th⁹ 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 un-
certainty 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—¹⁰
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

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—¹¹
Twenty two thousand Acres given me by the
United Illinois & Oubache Companies ¹²—being the
same quantity as was given at the same time
to Maj. General Sinclair¹³—and
Fifteen Thousand Acres voted me by the Honrble
House of Delegates of the State of Virginia
in the last Winter Session of that House¹⁴—
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 Steuben¹⁵
an to Heirs forever—I give to Captain
Benjamin Walker¹⁶ my Aid de Camp Two
Thousand Guineas.¹⁷ I give to my Aid de Camp
Captain William North¹⁸ One Thousand
Guineas—give to my Aid de Camp Lieut.
James Fairlie¹⁹ One Thousand Guineas—
I give to Captain Peter Stephen Duponceau²⁰
Five hundred Guineas—I give to Captain
Depontiere²¹ Five hundred Guineas
I give to M. De Beaumarchais²² Five
hundred Guineas—I give to Baron de Hahn²³
Two hundred Guineas—I give to Mr. Franc²⁴
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

Walker and Evard Meade Esq³⁰ 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 Steuben (Seal)
presence of us
William Davies³¹
Henry Young³²
David Ross³³

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
of³⁴

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 relations³⁵ 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 Sword³⁶
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. Mulligan³⁸ 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 aparel
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 out³⁹ 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 my 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. Williams⁴⁰
Charles Adams⁴¹
W. H. Robinson⁴²

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.

⁵ MS Peters Papers, vol. IX p. 41 Rec. I/56-58 in Pennsylvania Historical Society, Philadelphia. Also partially published in John M. Palmer, *General von Steuben* (1937; rpt. Port Washington, New York; Kennikat, 1966), 286. Dr. Thomas Walker of Castle Hill in Albemarle County was a noted physician, explorer and merchant. He served as Commissary for the Virginia troops in the French and Indian War. From 1761-1772 he was a member of the House of Burgesses for Albemarle.

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.

⁸ Julian P. Boyd, Mina R. Bryan and Elizabeth L. Hutter, ed., *Papers of Thomas Jefferson, VI: 21 May 1781 to 1 March 1784* (Princeton: Princeton U. P., 1952), 27.

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 T. 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.

¹¹ Walter S. Franklin, ed., *Resolutions, Laws and Ordinances, Relating to the Pay, Half Pay, Commutation of Half Pay, Bounty Lands, and Other Promises Made by Congress to the Officers and Soldiers of the Revolution* (Washington, D. C.: Thomas Allen, 1838), 20.

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.

¹² 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.

¹³ Sinclair is Arthur St. Clair (1787-1818) who was a Colonel at the beginning of the Revolution 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.

¹⁴ 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.

¹⁵ 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.

¹⁶ (1753-1818) appointed Aide-de-Camp on September 3, 1778, and later became Washington's Aide-de-Camp on January 25, 1782.

¹⁷ An English gold coin minted since 1670 and was worth 21 shillings at this time.

¹⁸ (? -1836) Served in this capacity from May, 1779 to November, 1783. After the War, he rose to the rank of Brigadier General and was appointed Adjutant-General of the United States Army on July 19, 1798, by Washington.

¹⁹ (? -1830) At this time, he was on Steuben's staff but eventually was promoted to Major and made Aide-de-Camp by General Orders dated May 15, 1780.

²⁰ (1760-1844) 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.

²¹ His name is incorrectly given here. It should read Louis de Pontiere. 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 Pulaski until April, 1784.

²² Beaumarchais is a pseudonym. His complete name is Pierre Augustin Caron de Beaumarchais (1732-1799) who was a French dramatist and who was able to gain access to the French Royal Court by teaching the daughters of Louis XIV how to play the harp. Through his worldly connections, he handled the mercantile interests of the French Court and engaged in espionage activities for the French King. During the French Revolution, Beaumarchais lost his wealth and died in poverty.

²³ The title is fictitious; Hahn was a Brigadier in the French Army. He corresponded with Steuben and sought to have him join the French Army. The correspondence between Hahn and Steuben is in the Archive in Hechingen and is not available.

²⁴ Daniel Marianus Frank was an intimate friend of Steuben. Frank was a Chancellor employed by the Hohenzollern family to oversee the business affairs of the family. According to Steuben's letter to General von Bouvinghausen, Frank was supposed to receive only 200 louis d'ors, and each of Frank's two sons was also to receive 200 louis d'ors. Evidently Steuben forgot to include Frank's sons in the will.

²⁵ In the May 26th letter to Bouvinghausen, Steuben insisted that his nephew had to assume the double name Canitz-Steuben, in case he accepted his uncle's inheritance.

²⁶ See note 15.

²⁷ It was fashionable in the 18th Century to present friends with a gift of this type. Steuben may have had in mind the type of snuff box which Frederick the Great presented in appreciation and gratitude to Marshall Leopold von Anhalt-Dessau, the victor at Kesselsdorf. Such snuff boxes became extremely fashionable and were made by the Dresden Court Jeweler, Johann Christian Neuber, who practiced his craft quite scientifically. He gave a number to each precious stone he used in a snuff box and on the inside cover of the box, the number and name of the precious stone were inscribed, so that no one stone would be used a second time. Again, in his letter to Bouvinghausen Steuben wrote about having four snuff boxes made costing 50 louis d'ors.

²⁸ Major John Walker, son of Dr. Thomas Walker, who later treated Steuben for skin disorders and at whose home Steuben recovered from the illness. Major Walker was assigned to Steuben by Thomas Jefferson as liaison officer between the populace and Steuben.

²⁹ A prominent citizen of Virginia who had the rank of Lieutenant Colonel. In the spring of 1781 he, together with Lieutenant John Taylor and the Brigadier Alexander Spotswood, were commissioned to raise 600 foot soldiers and 100 calvrymen.

³⁰ An Italian greyhound which Steuben had brought with him from Paris. See Peter S. Duponceau, "Autobiographical Letters," *Pennsylvania Magazine of History and Biography*, XL (1916), 172.

³¹ On March 28, 1778, Washington appointed him Sub-Inspector, and then on February 12, 1781, he was transferred to 1st Virginia Regiment in order to assist Steuben in the procurement of military supplies as well as the recruitment of troops. Though Davies was among the officers who complained about Steuben's strict orders, Steuben considered him a friend and a fine officer, which possibly accounts for his signature as a witness.

³² A young officer with the rank of Captain attached to Steuben's staff.

³³ On February 2, 1781, Jefferson appointed this prominent merchant as commercial agent for the State of Virginia. In this capacity as Commissary Officer he was responsible for procuring all types of supplies for the Army. His base of operation was Point of Fork, very close to Albemarle Court House, and as a result, he had at this time much contact with Steuben. See Thomas S. Berry, "The Rise of Flour Milling in Virginia," *Virginia Magazine of History and Biography*, LXXVIII (1970), 393.

³⁴ This will is in the handwriting of William North, Aide-de-Camp to Steuben. Steuben's second and third wills have been transcribed from the original manuscripts without any changes in punctuation or spelling.

³⁵ Steuben learned that his two nephews had grown up as depraved and vicious young men. In 1785, they borrowed money from Beaumarchais on Steuben's account and came uninvited to America. During the year that they remained with their uncle, they were a source of irritation and caused him to spend money on them which he did not have. See John M. Palmer, *General von Steuben* (1937; rpt. Port Washington, New York: Kennikat, 1966), 272.

See also a letter in the Steuben MS of the Gratz Collection, Pennsylvania Historical Society, Philadelphia, which Steuben wrote on July 27, 1790, to a Herr Obersten in Germany. Two excerpts from this letter are given below:

"Im november-86, wurde der Capt: des französische Paquets bey mir angemeldet, er introducirte mir diese Bursche unter dem titul meiner neveys, ich faste mich zusammen um meine empfindungen nicht zu verrathen, nach deme die Gesellschaft Auseinand gegang liesz ich die von Canitz in mein Cabinet rufen, und ohne Jhene die geringste vorwürfe zu machen erheischte ich von ihnen ein freymüthiges bekenntnüz jhrer biszherigen wandels, & was sehr natürlich das diese Geschichte mit den vortheilhaftesten farben vorgestellt wurde dem ohngeachtet waren solche züge darinnen sichtbar, die eine Ehre Liebendes Hertz mit Schande anfüllen müzen. Eine unan-

ständige Heyrath ohne die einwilligung Seiner Verwanten eine Schändliche desertion, ein nichtswürdiges und Landstreicherisches Leben waren die Haupt-züge und dann jhen Reise durch Teuschland und frankreich wo Sie Theils unter den namen meines nevéus Bettelten, Theils Beträchtliche Schulden machten, waren so viele Schwert Streiche in meiner Seele."
"Nein mein werthester Herr Obrister, ich habe keinen Neveu mehr, und sollten Die von Canitz sich jemahls einfallen laszen einen Oncle in America zu suchen, so sind Sie in ihrer Erwartung betrogen. In New-York ist der von mir protestierte Wechsel von 500 Luisd'or von dem Schifs Capt: Waber, in den Hände eines juristen. Hier ist die anf orderung des Hern Megners, für die entwendeten 800 Spanische Thaler. Hier ist ein gefangniß für betrügen und falsaris. Hier haben die gesetze ihren Lauf. Hier kan kein Ahnen Register dem Betrüger beschirmen und hier würden Die von Canitz beym Ersten—Anlanden in die Hände der Gerechtigkeit fallen, von denen ich der letzte Mann in America sein wollte, der geneigt sein würde Sie zu befreyen."

³⁷ See Worthington C. Ford and Gaillard 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 Summit, 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 Réplica 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), 210-11. The whereabouts of these items today is unknown.

³⁸ 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 Generäls Friedrich Wilhelm von Steuben* (Philadelphia: Schäfer, 1858), 581-84 for an interesting conversation which Kapp had with Mulligan regarding Steuben.

³⁹ There is no documentary evidence that Steuben really did " point out" the exact place where he was to be buried.

⁴⁰ 1758-1808, Former British officer in the Revolution, land promoter and secret agent for the English. Willamson 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.

⁴¹ (1770-1800). The second son of John Adams who was a graduate of Harvard College and became a lawyer in New York City. See Andrew N. Adams, ed., *A Genealogical History of Henry Adams of Braintree, Massachusetts, and His Descendants of Cambridge, Massachusetts, 1632-1897* (Rutland, Vermont: Tuttle Co., 1898), 408.

⁴² 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.