

BEN AVON AREA HISTORICAL ASSOCIATION

NEWSLETTER

Vol. XXVIII - Number 1, August, 2012



www.benavon.com/BAAHA/
mailto: baaha@benavon.org

Ben Avon Heights Centennial

The borough of Ben Avon Heights was officially chartered in June 1913. Next year is its one hundredth birthday. In honor of that the community is celebrating with a weekend (June 21-23, 2013) of events for residents and former residents. Please help us spread the word to any former resident who would like to be included on the contact list. Interested parties can send their

information to Briar21@aol.com or Arlene Grubbs, 21 Briar Cliff Road, Pittsburgh, PA 15202. Throughout the next few issues look for articles about the interesting history of Ben Avon Heights Borough.

Beginning in September a fourteen month commemorative calendar featuring pictures and stories about the borough will be for sale. The calendar runs from November 2012 - December 2013. You



can purchase one at the Bellevue Hallmark Store or by sending your name address and number of calendars desired to Al Grubbs, 21 Briar Cliff Road, Pittsburgh PA 15202. Cost of each calendar is \$15.00. Checks should be made out to Ben Avon Heights Centennial Committee.

Settlers and Speculators

by Michael Weir

A Brief History of Ben Avon Heights
before it became Ben Avon Heights

[Editors note: This article excellently summarizes the process whereby the Commonwealth transferred title to most of the land in Allegheny County north of the Ohio River to settlers. Details apply to Ben Avon Heights and its neighbors. But the steps described outline the early history of all municipalities in northwest Allegheny County. This is the story of the Depreciation Lands.]

The lands in western Pennsylvania originally belonged to the Iroquois Indians. The end of the Revolutionary War in 1782 brought an end to British claims to the area. The lands north of the Ohio and the Allegheny Rivers were relinquished by the Indians through the second treaty of Fort Stanwix (now Rome, New York) in 1784 and the treaty of Fort McIntosh (now Beaver, Pennsylvania) in 1785. Not all of the Indians accepted the terms of the Treaty. The Indian threat delayed settlement on the lands. The 1794 victory of "Mad" Anthony Wayne at Fallen Timbers (near present day Toledo Ohio) and the subsequent Treaty of Greenville Ohio in 1795 put an end to the Indian threat, opening the land to further settlement.

The Indian threat was gone, but that did not end the struggle over the land. For the next four decades, the early frontier settlers and land speculators in Philadelphia fought over land titles.

Settlers

One of these early settlers was John Taylor. Taylor came to the United States from County Cavan Ireland in 1788 and slowly made his way westward to the northern bank of the Ohio. He settled in what would eventually become Avalon. At the time, the land was still in Pine Township. In 1801, he was paying Pine Township taxes on 238 acres of land.

Taylor bought land from a group of Indians. Taylor family lore has it that a second group of Indians approached him and demanded that he buy the land again from them. He refused. He still had to buy the land a second time because the Indian deed was not valid. In 1802, he bought 235 acres from John and Jane Moore. The Moores were early settlers of that portion of Pine Township that became Ohio Township in 1803. The agreement between Taylor and the Moores was dated March 16, 1802 and eventually recorded with the recorder of deeds on September 25, 1802. The purchase price was \$5 and "other good causes and valuable considerations."

In 1800, John was the only settler on the land. By the 1810 Census, he was married with three children. His wife, Mary Agnes Carnahan, came from Greentree. They had a total of seven children. The first child, James, was born in 1803. In 1832, possibly due to flooding, John and his family moved to the northern end of his land in what eventually became Ben Avon Heights. He built a house on a site that became 10 Oxford Road. John died in 1844 and Mary Agnes in 1859. Their eldest son, James, and his son, Samuel, continued to farm the land.

The Taylors did not keep all of the 238 acres. The land was passed on to John's son James on May 19, 1841.

James sold a parcel on the Ohio River in what is now Avalon to John Birmingham. This parcel was bounded by what became California Avenue on the north, Birmingham Avenue on the east, and the Ben Avon line on the west. Other parcels were given to younger children. John's grandson, Samuel, was sold 100 acres on September 1, 1868. The deed, listing a sale price of \$1.00, was not recorded until March 19, 1873. The family continued to live in the house John built until it burned down in 1902. The chimneys remained and were used as building material for the golf club house across the road.

On July 7, 1910, Samuel Taylor and his wife Agnes sold an 84 acre portion of the land to Walter P. Fraser for \$55,000. Fraser transferred the ownership to the Highfield Company in 1911 and subdivided the parcel into building lots and a golf course. At that time, the land was in Kilbuck Township. Kilbuck had been split off from Ohio Township in 1869. In 1913, it became the Borough of Ben Avon Heights. In 1936, the Borough annexed additional land, the Thompson Plan, from Kilbuck Township.

Speculators

The history of the land and its ownership had a second life apart from that of the settlers. This second life was carried out in the Legislature and in the Philadelphia offices of land speculators. The end of the Revolutionary War in 1782 left the new nation in possession of the American Northwest. The Pennsylvania legislature moved quickly to claim the land. In 1783 the Pennsylvania legislature provided for the use of these lands to compensate Pennsylvania's Revolutionary War veterans for the loss in value of the script that was used to pay them. The veterans were given

depreciation certificates that could be used to purchase land. Lands just north of the Ohio and Allegheny Rivers were to be auctioned off to purchasers with depreciation certificates. These lands became known as depreciation lands.

Act 12 of 1783 also provided for the outright transfer of lands farther to the north, around the City of Erie, to veterans. These lands became known as donation lands. This opened the door to land speculation as many veterans did not want to move west. They sold their rights to speculators who used these rights to purchase thousands of acres of land.

The depreciation lands were surveyed in 1785. The lands were divided into districts and, within districts, lots. The lots ranged in size from 200 to 350 acres. Part of District 3, Lot 141, and a small portion of Lot 139 eventually became Ben Avon Heights. Lot 141 ran north from the Ohio River through what is now Avalon and Ben Avon Heights, ending at the northern boundary of Ben Avon Heights. The southern end of Lot 139 eventually became part of Ben Avon. The southern ends of Lots 141 and 142 eventually became Avalon. These Lots were surveyed by Samuel Nicholson. Purchasers were limited to 1,000 acres and required to settle on the lands within two years. The lots were auctioned off in Philadelphia. The first auctions were held in November 1785. The lots surveyed by Nicholson were auctioned off in March 1786.

On March 9, 1786, Dr. Barnabas Binney, a Philadelphia physician who had served with General Washington, received warrants to purchase Lots 139, 141 and 142. By early 1787, Binney claimed a total of sixteen lots in District 3 including Lots 139, 141 and 142. He

received the patent (deed) for some of the lots. He did not complete his purchase of Lots 139, 141 and 142. Binney never set foot on his land. He died in 1787. Binney was one of many speculators who bought depreciation lands with the intention of selling them at a higher price.

In 1792, because some of the lands were already settled, the Legislature was pressured to recognize the rights of settlers on these lands. This opened up the unsold lots to settlement.

The sale of the lands by the Commonwealth was managed by the Pennsylvania State Comptroller General, John Nicholson. He also bought some of the lots. He was impeached in 1793 for diverting state funds. He was acquitted but resigned in 1794. He continued with land speculation. Nicholson was imprisoned for debt in 1799 and died the next year leaving behind \$4 million in debt. Binney and a David Jackson were involved in the speculation. In 1802, Binney's heirs gave up the depreciation certificates and claims to the Commonwealth "provided they shall be exonerated from the obligation given to the state by the said David Jackson and Barnabas Binney, as sureties for the said John Nicholson..."

The ownership of the claims was at best murky. When the Moores sold the Lot 141 to John Taylor, the deed described the lot and the past owners as "all that tract of land late of the property of William Elliot junior and formerly Barnabas Binney or of John Nicholson or as such returned to the Board of Commissioners of Allegheny County."

It took the Commonwealth decades to settle John Nicholson's estate and liquidate all of the claims created by his

speculative activities. The last liens were discharged in 1843.

The claim to John Taylor's land, Lot 141 after Dr. Binney had died was obtained by John Nicholson in 1795. When Nicholson died in 1800, the titles passed to a group of four speculators. All but one died, and the last, William Gramoud, sold the Lot and others at auction in 1803 for \$5,475.35. The sale to the winning bidders, Thomas Astley and James Gibson, was completed on May 6, 1804.

Astley and his partners purchased claims throughout Pennsylvania. Astley worked for the Philadelphia Land Company. Astley probably never set foot on the land. Astley and Gibson appointed a western Pennsylvania lawyer, Anthony Cruthers, to sell their holdings "some of which are settled on adversely to our title." Cruthers' charge was not to evict the settlers but to sell them the land they were farming for at least \$3.00 an acre. Astley eventually had his claim to Lot 141 recognized by the Commonwealth on April 17, 1832.

Initially, purchasers (warrantees) had to settle the land within two years. This provision was challenged in court. In 1833, after decades of litigation and subsequent legislation over this issue, the settlement requirement was dropped so that the warrantees who had purchased claims did not have to settle the land. As a result, warrantees and settlers had equal claims to the same parcels. Many settlers had to purchase their lands from the warrantees to get a clear title.

Resolution

John Taylor bought the land a third time in 1837 from Thomas Astley. The sale was handled by a local Allegheny City lawyer, Orlando Metcalf. The parcel

Astley sold Taylor was described as 100 acres at the north end of Lot 141 in the third District of depreciation lands. The price was \$1,500. These 100 acres were later passed onto his son and grandson.

It took John Taylor three purchases to gain a clear title to the land that would become Ben Avon Heights. Other settlers were able to purchase their land only once or twice.

Barnard Jackman, another early settler, may have had to pay twice. In 1805, he came to Allegheny County from Washington County with a brother and sister, William and Margaret. They bought and cleared land in what became Avalon. In a second purchase from the Commonwealth, Barnard was able to get the rights to the Lot 142 in 1830. The Jackman family had come from County Cavan in Ireland in 1787. The Jackman family may have known the Taylors in Ireland. In America, William Jackman's son Andrew married a Mary Ann Taylor.

William Dickson, an early settler in what became Ben Avon, may have had to pay only once. Lot 139, which included portions of the future Ben Avon and Ben Avon Heights, was claimed by the surveyor Samuel Nicholson in December of 1786, briefly owned by John Nicholson, and eventually purchased by Samuel Nicholson in February 1789.

Samuel Nicholson had no interest in settling the land. He was a speculator. He sold Lot 139 and two other lots, a total of 890 acres, to William Dickson on March 20, 1789 for £200. Dickson settled on the land where Ben Avon is today. He died in 1825 leaving behind a large family. The land was divided among his heirs. His son David took over the farm. Other children received smaller portions. A daughter, Jane, continued to live in the farm house with David. When

David died in 1860, his share was divided among nieces and nephews. Not all of William Dickson's heirs had an interest in living on their land. Parcels were sold off to others.

In 1864, three brothers, William, John and Alexander Wilson, bought about 140 acres in the northern portion of Lot 139. The brothers were in the livery business in Allegheny City and needed pasture for horses. They did not settle on the land until William's son Nelson built at home in 1905. The house still stands at the corner of Wilson and Newgate. Other homes followed. In the 1930s, a portion of the Wilson Farm, west of Penhurst, was sold to John I. Thompson. The Thompson Plan completed the division of the land into residential building lots on Wilson, Devon, and Kent. In 1936, the Plan was annexed by Ben Avon Heights.

With the annexation of the Thompson Plan, the present day boundaries of Ben Avon Heights were set.

Annual Report

from

Dick Herchenroether

Each volume of our newsletter designates a fiscal year for BAAHA running July through June. Each first issue gives you a report of BAAHA as a business. It also allow me to express gratitude for the support of our board and our members. Board members are:

Dick Herchenroether, President
Jean Henderson, Vice President
Trudy File, Secretary
Darlene Phillips, Archivist
Tracy Ferguson
Bob Kiser
B. J. Robertson

Members supporting BAAHA by an annual fee of \$10 or \$20 are listed in each newsletter following payment.

Members who donate at least \$50 get extra recognition on page seven. We make every effort to use all of these gifts wisely.

Just as our year was coming to a close in June, an email arrived from Terri Blanchette volunteering her time to work on whatever we needed help with. Her degrees in history and museum operations, as well as her experience, (most recently with Heinz History Center) make her time with us a special opportunity.

Growing

BAAHA, founded in 1984, is closing in on 30 years. And many of our faithful members from the early years have made their final donation. Just to be clear, many are still with us and I do not mean to rush anyone to the door! And we continually have new supporters join us. Our mission has grown as well. We began as caretakers of the Dickson Log House and programs were educational ones for the school. Now we are caretakers of a growing collection of documents, photos and artifacts of the Avonworth area's history.

Clubs, schools and municipal governments, as well as individuals, or their estates, turn to us to sort through material before it goes to land fill (or wherever). We established an office to store and work on preserving these items for future generations. Starting in 2011 we are actively numbering and cataloging our collection so when we get a request we can respond more quickly and fully. The office allows the general public to visit. Public access of the material puts meaning to its preservation. Currently we expect to have the office staffed for five hours each Tuesday and Thursday. Generally we can have someone open the office for a visit at other times or days.

Email baaha@benavon.org for an appointment.

Which brings me to the scary part. At least it would be if viewed as a problem. Instead viewed as an opportunity it is exciting. We need to be better known to the public as the local institution whose purpose is the preservation of documents and objects of local history. People who are aware of BAAHA often think of Ben Avon history exclusively. We want them to think of history in the sense of the southern portion of original Ohio Township, currently these municipalities: Townships of Ohio, Aleppo, Neville and Kilbuck and the Boroughs of Ben Avon, Emsworth, Ben Avon Heights, Glenfield and Avalon. Since it is fair to say the majority of residents do not know we exist gaining a broader role in the community is ambitious.

Perhaps our "visibles" should be reviewed. While we try to stress "Area" and not "Ben Avon" in our name, the Ben Avon only idea persists. And our nickname, BAAHA, sounds funny without conveying any meaning relating to our purpose. The sketch of the Dickson Log House or the oxen & wagon recall the successful effort to save the log house, but have little to do with our broader purpose. See <http://www.benavon.com/BAAHA/> We are also identified by the calligraphic script used on the newsletter masthead.

These long used icons are familiar to supporters who got us this far, and we may continue to use them. But we should open to new thoughts, whether they be a logo, nickname, program, web pages or whatever. Your thoughts on how to get the message out more broadly are welcome. Saving stuff that is not used has limited satisfaction. We want people to know where to go for answers to who, what, where, when and?

Financial Report

Ben Avon Area Historical Association
July 1, 2011 through June 30, 2012

	INCOME/EXPENSE	
	Year ending	Year ending
	<u>6/30/2011</u>	<u>6/30/2012</u>

INCOME		
Interest	\$ 12	\$ 9
Mailing list dues	1,527	1,420
Donations	3,165	5,239
Items for sale	<u>207</u>	<u>391</u>
TOTAL INCOME	<u>\$ 4,911</u>	<u>\$ 7,059</u>

EXPENSES		
Postage/supplies	\$ 233	\$ 185
Rent	3,775	3,575
Maintenance	0	0
Electric service	100	100
Publishing	848	466
Program/Education	315	115
Fund raising	65	115
Preservation	416	0
Property Insurance	799	774
Filing fee (IRS)	<u>n/a</u>	<u>400</u>
TOTAL EXPENSES	<u>\$6,551</u>	<u>\$5,730</u>
NET DECREASE	<u>\$ (1,641)</u>	<u>\$ 1,329</u>

	BALANCE SHEET	
	<u>6/30/2011</u>	<u>6/30/2012</u>

Cash	\$157	\$135
Checking/MM	<u>9,563</u>	<u>10,914</u>
TOTAL	<u>\$9,720</u>	<u>\$11,049</u>

Certified by:
Dick Herchenroether, President & Treasurer

Memorial Gifts

Nancy Trondle
Thomas Phillips
Margaret (Peg) Buzza

Corporate Support

Avon Club Foundation

Donor Clubs

July, 2011 through June, 2012

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(\$500 +)

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The gift of time/talent and in-kind supplies.

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Ben Avon Area Historical Association
 c/o 136 Dickson Avenue
 Ben Avon
 Pittsburgh, PA 15202



ADDRESS SERVICE REQUESTED

Renewing Members – THANK YOU!

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Ben Avon Area Historical Association c/o 136 Dickson Avenue, Ben Avon, PA 15202 baaha@benavon.org	
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Local Municipality:	
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Email address:	
Members (\$10/\$20)	Subscribers (from \$50)
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The month/year on your mailing label indicates the last time we received a contribution from you.
 Thank you for supporting BAAHA