

KILLBUCK AND KILLBUCK ISLAND

MARGARET PEARSON BOTHWELL

KILLBUCK, a wooded island, stood like a regal sentinel close by "the Point" at Pittsburgh. The island was initially known as "Smoky Island." It had been occupied at an early date by Indians, and it is likely that smoke from their campfires caused it to be known as "Smoky Island."

It was an island on which important councils were held between Indians and white men in an effort to settle their differences. It was an island on which some white captives had been brutally tortured and killed. It was an island where white settlers dwelt for a time among the Indians, and remained on the soil after the Indians had vacated it. It was the site of the Tradesmen's Industrial Exposition which brought many people from distant places to view its numerous exhibits. It was an island where baseball had been played for some years by big league teams; and now, if present plans carry, the Pittsburgh Pirates¹ and visiting big league ball teams will play ball either on the site of that baseball diamond of long years ago or on nearby land.

Many years after the island was said to have been washed away by floods, Pennsylvania enacted "An Act to perfect the title to Killbuck island . . .," which will be commented upon more at length later on in this article.

A few of the white men who first knew the island intimately were George Croghan, the famous and daring man who was able to pacify the Indians when no one else could do so; the great George Washington, the intrepid Christopher Gist, and Croghan's own courageous half-brother, Edward Ward, and their brave cousin, Thomas Smallman.

Croghan, Gist, Ward and Smallman were well acquainted with

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1 The Pittsburgh Pirates are owned by the Pittsburgh Baseball Club, which is affiliated with the National League. The team now plays home games at Forbes Field in the Oakland district of Pittsburgh.

An article in the *Pittsburgh Press* of June 23, 1961, with the by-line "William Allan," reported, among other things, that "According to present plans, the stadium would be set close to the river bank," i.e., the Allegheny river bank.

Killbuck, the heroic Indian for whom the island close by "the Point" was named. The true name of that interesting Indian was Gelelemend.² He "was the grandson of Netawatwes. His name signifies leader, or a leader. His father was a chief of the Turtle tribe of the Delawares and was succeeded by his son, who became known as Killbuck, junior He became one of the most renowned of the Delaware chiefs."³ He was born in 1737 near Lehigh Water Gap.⁴ He "united with the Moravian Indian Mission at Salem, Ohio, in 1778, where, in baptism, he received the name of William Henry, after his friend, Judge William Henry of Lancaster."⁵ Killbuck reached the end of life's turbulent trail in 1811 in Goshen, Ohio.

Killbuck had roamed Pittsburgh's majestic hills and its verdant valleys in 1759 as a young man, in the service of the British, and he travelled them in the years when age had changed him into an old man. One of the men he met in his travels he hated, and that was "Old Col Cressop." James Kenny, in his journal of 1762, told about Killbuck's feud with Col. Cressap in the following words:

"I hear that Killbuck has been threatening Old Col Cressop, & that in y^e war time he lay many Days on a Hill Oposite his house waiting to Kill y^e Old Col, upon hearing of which old Cressap has sent Killbuck a Challenge that he wou'd fight him, each to take a Gun."⁶ Killbuck ignored that challenge.

Killbuck had ardently served the English cause prior to the desertion of that cause by the Americans, and after that he served America faithfully. Early in 1781 when he learned that many of the Delaware Indians at Coshocton, Ohio, had decided to violate their treaty obligations and ally themselves with the English, he caused a letter to be written to Mahingwegeesuch (Colonel Brod-

2 *The Heckewelder Narrative*, edited by William Elsey Connelley, 263; published in Cleveland, Ohio, by The Burrows Brothers Company, MCMVII.

3 *Ibid.*

4 Thomas F. Gordon's *Gazetteer of the State of Pennsylvania* (Phila., Pa., 1832). —"Lehigh Water Gap the name given to the pass of the r. Lehigh through the Blue Mtn."

Killbuck was probably born in Bucks County, Pa.

5 *The Pennsylvania Magazine of History and Biography*, X, 116-118. Petition dated January 8, 1805, of Killbuck to Governor Thomas McKean of Pennsylvania. It was stated in that volume, 116, with reference to the petition, that it "is in the handwriting of the Moravian missionary, Rev. Benjamin Mortimer," and that "The bracketed portions are interpolations in the handwriting of John Heckewelder."

6 *Ibid.*, XXXVII, 162 "Journal of James Kenny, 1761-63." The entry appeared in that journal on the "15th" of the "7th mo.," 1762.

head) at Fort Pitt informing him of their evil intentions.⁷ Colonel Brodhead, upon receipt of that letter, decided to attack "the revolted Delaware towns."⁸ One of those towns was Coshocton. He set out with his troops and they "experienced great kindness from the Moravian Indians & those at Newcomerstown," and "Captain Killbuck & Captain Luzerne, upon hearing of" Brodhead and his "troops being on the Muskingum, immediately pursued the Warriors, killed one of their greatest villains and brought his scalp to" Brodhead.⁹

Killbuck's adherence to the American cause when the Revolutionary War began, incurred the enmity of many of his own people. Threats were made against his life by "those Indians who had joined the English, and were resolved to go to war."¹⁰ Killbuck, in consequence of those threats against him, "fled to Pittsburgh," where he "was kindly received by Col. Gibson at that time the principal commanding officer among the troops there," and Colonel Gibson then gave Smoky Island to him in the name of the Commonwealth of Pennsylvania.¹¹

In 1782, while Killbuck was still living on Smoky Island, otherwise known as Killbuck Island, "the Scotch-Irish settlers on Chartiers creek marched to attack the friendly Delawares on Smoky Island . . . The attack upon those friendly Indians was made on Sunday morning, March 24th."¹² Those bloody years caused many tears. During that attack "A small guard" at Smoky Island "of regular soldiers from the fort was surprised and made prisoners," but "Chief Killbuck and a few of his warriors escaped to Fort Pitt."¹³

"Before the Scotch-Irish settlers left for home" after that attack "they sent word to Colonel John Gibson, then in temporary command of Fort Pitt during the absence of General Irvine at Carlisle that they would kill and scalp him at the first opportunity, for no other

7 *Pennsylvania Archives*, Series I, 8, 769-770. The letter was dated Salem, Feby 26, 1781, and although it was signed "Col^o Henry," one of the names by which Killbuck was known, he could not have written the letter because of his inability to write, and as the letter was transmitted to Col. Brodhead with a letter of the same date addressed to him (Brodhead) by John Heckewelder, it can be assumed that the latter wrote it for Killbuck, and, indeed, some historians have averred that Heckewelder wrote it.

8 Colonel Daniel Brodhead's letter dated "Phila May 22d 1781" to President Reed. *Pennsylvania Archives*, 1781, 161.

9 *Ibid.*, 161-162.

10 *The Pennsylvania Magazine of History and Biography*, X, 116-118.

11 *Ibid.*, 117.

12 C. Hale Sipe's *Fort Ligonier and Its Times*, 548-549. He cited, as his authority, Butterfield's *Washington-Irvine Correspondence*, pp. 100 to 103 & 108.

13 *Ibid.*

reason than that he had been a protector of the friendly Delawares." ¹⁴ Tempers were hotter then than the flames of hell.

After things simmered down, Killbuck decided to sell Killbuck Island. He lacked a written title to the island, but believing implicitly in Colonel Gibson's word that the island was his, he executed a deed for it, as "Killbuck, alias William Henry," in November, 1803, to Abner Barker. In that deed, the island was described as "A certain island situate in the Allegheny River nearly opposite to the Point in the Borough of Pittsburgh known by the name of Killbuck's (or Smokey Island) containing about thirty acres." ¹⁵ The deed remained unrecorded for three years.

Killbuck, simultaneously with the execution of that deed to Barker, executed an assignment to him "dated this Day of 1803" with further reference to Killbuck Island. Killbuck was described in the assignment as "Killbuck an Indian, alias William Henry." ¹⁶

About two years after the execution of the deed to Abner Barker, Killbuck presented a petition to Governor Thomas McKean of the Commonwealth of Pennsylvania, dated January 8, 1805, praying that "an indisputable written title for ever to Killbuck's island near Pittsburgh" be granted to him. ¹⁷

He declared in the petition that Colonel John Gibson had given to him, in the name of the Commonwealth of Pennsylvania, "the little island . . . which is known to this day by the name of Killbuck's Island."

He also averred in that petition, that Colonel Gibson had told him "The island shall be your sole property," and that the "Colonel gave directions that a part of the island should be cleared, ploughed

¹⁴ *Ibid.*

¹⁵ D.B. 14, p. 231, Allegheny County, Pa., records. The deed was dated Nov. 23, 1803, and was acknowledged on that date by Killbuck in Washington County, Ohio. However, it was not recorded in Allegheny County, Pa., until Nov. 24, 1806, on which date Reverend John Heckewelder "personally appeared" in that county and acknowledged before E. Denny, a justice of the peace, "that he was present and saw Killbuck execute the transfer to Abner Barker." The acknowledgment was recorded on p. 232.

¹⁶ D.B. 14, p. 232, Allegheny County, Pa., records. This was an assignment by Killbuck to Barker of rents, profits, etc., that were due or to become due from "Killbucks or Smokey Island." It was, presumably, exacted by Barker for two reasons, the first being that Killbuck's title to the island was open to question, and the second being that he wanted some return on the money he had paid for the island. The assignment was recorded on the same date as the deed, *i.e.*, on Nov. 24, 1806. The full date of the execution of the assignment is not shown in the record.

¹⁷ *The Pennsylvania Magazine of History and Biography*, X, 116-118.

and planted for" him "with corn, which was also done again in the following years."

He emphasized in the petition that the grant of the island to him "was afterwards confirmed by General Irvine and his successors the different commanding officers at Pittsburg." He then stated that, long before the grant to him of the island by Colonel Gibson, it had been considered as his "Property by all the people of" his "Nation," and that ever since the island had been granted to him by Colonel Gibson, acting for the Commonwealth, he had "either lived on it" himself, or had "rented it out at a stipulated annual rate, to a tenant" who had "from time to time made" payments to him through his agents.

He stated later on in the petition: "I remained faithful to the Americans as long as the revolutionary war continued, which was about six years from the time I fled to Pittsburg, and was known there by the name of Col. Killbuck or Col. Henry in the service of the United States; and I have continued to be their firm friend ever since." He informed the Governor that the commanding officers under whom he served had "often sent" him "into the Indian country on scouting parties"; that he was "frequently put in imminent danger," and that he had "performed various important services." He could have added that his services had saved the lives of many white people.

Toward the end of the petition, he wrote that he had always considered his title to Killbuck Island "as undisputed," and that "not being acquainted with the laws and usages of the white people," he had "never asked for a written title to the land, not supposing it to be necessary after having heard the words and promises" of the "great men" who had assured him that the island was his land.

He stated also that "The Commissioners" had promised that more land should be given to him, and then he stressed that he wanted "no more land" for himself and his children, "except the little island" near Pittsburgh that was known by his name.

He mentioned in the petition that he could "not recollect having had any personal acquaintance with" Governor McKean, but that his "son John, who received his education at Princeton College," remembered him "perfectly well." He then informed the Governor that "persuant to advice given" him, it was also his "intention to apply by petition to the Assembly" for title to the island.

His assertions that the island had been promised him bear the

stamp of truth, for many years later, the legislature of Pennsylvania stated in Act No. 941 of 1873, that "Wm. Henry alias Killbuck, an Indian of the Delaware tribe, became seized and possessed of a certain island at the headwaters of the Ohio river, near to and adjoining what was afterwards the southwestern portion of the city of Allegheny, nearly opposite the Point in the city of Pittsburg, the said Killbuck being placed in possession of said island for services in the French and Revolutionary wars; " ¹⁸

"On the 27th of June, 1806" Killbuck "made an application to the Land Office" of Pennsylvania for title to the island. He stated that it contained "about twenty acres, be the same more or less." ¹⁹ This application was made about five months before his deed to Abner Barker for the island was recorded in Allegheny County.

Abner Barker had paid Killbuck two hundred dollars for Killbuck Island. Barker was related to William Barker who, some years later, married a twice-widowed lady whose maiden name had been Fanny Smallman. She was a descendant of Major Thomas Smallman who had known Killbuck well. (See Appendix I.)

In 1811, the year that Killbuck drew his last breath, the Pennsylvania legislature enacted a law, the first paragraph of which was:

"WHEREAS William Henry Killbuck, a native American, of the Delaware tribe, in the time of the revolutionary war, rendered essential services to the United States, some of which were particularly advantageous to Pennsylvania; Therefore"

In Section I, which then followed, it was declared "That the treasurer of this Commonwealth is hereby directed to pay to John Heckewelder, the sum of forty dollars immediately; And the further

¹⁸ *Pennsylvania Laws 1873*, p. 860. Act No. 941 was approved on April 28, 1873.

The very next day the Commonwealth of Pennsylvania conveyed to the persons named in the act—and whose title to the land described in the act had been ratified and confirmed by the act—the land "formerly known as Killbuck or Smoky Island." Surprisingly, on April 30, 1873, those same persons conveyed "All the undivided half part of all that certain tract of land . . . formerly known as Killbuck or Smoky Island," to Frederick M. Magee, Robert Woods and Stephen H. Geyer. (D.B. 332, p. 11, Allegheny County, Pa., records.) There were some other very interesting property transactions at about that time involving the land "formerly known as Killbuck or Smoky Island."

¹⁹ *Allegheny City vs. James K. Moorhead, et al.* 80, *Pennsylvania State Reports*, 118-140. Chief Justice Agnew delivered the opinion of the Court, Jan. 6, 1876.

Both sides were represented by very able counsel in that litigation. The attorneys for plaintiffs-in-error were W. B. Rogers and M. W. Acheson. The defendants-in-error were represented by S. Schoyer, Jr., Hampton & Dalzell, A. M. Brown, G. Shiras, Jr., S. A. and W. S. Purviance, R. Woods and G. P. Hamilton.

sum of forty dollars annually during the life of William Henry Killbuck, to be by him the said John, transmitted to him the said William, clear of all charges, and that at all times within three months after the receipt thereof."

Section II provided "That the further sum of sixty dollars is hereby appropriated to be paid by the Treasurer of this Commonwealth to John Heckewelder, who shall procure three rifles therefor, and shall deliver or cause to be delivered one thereof to the oldest son of William Henry Killbuck (to wit) John Henry Killbuck, one other thereof, to his second son Charles Henry Killbuck, and the other to his youngest son Christian Gotlieb Killbuck, which said rifles he shall present to the persons aforesaid in the name of this state." ²⁰

Not long after the enactment of that Act, it was declared obsolete by the legislature of Pennsylvania, and it can be surmised that its action was taken after the death of Killbuck.

When Killbuck Island is discussed, someone is likely to ask: "Did it have a high bluff as some say?" The question was answered by Hugh H. Brackenridge in his "Description of Pittsburgh in 1786." In that description he mentioned an island, which it was assumed by a publisher²¹ was "Smoky Island," and which must certainly have been that island. Brackenridge wrote: "At the distance of about four or five hundred yards from the head of the Ohio is a small island, lying to the northwest side of the river, at the distance of about seventy yards from the shore. It is covered with wood, and at the lowest point is a lofty hill, famous for the number of wild turkeys which inhabit it." ²²

The exact words of the publisher referred to above appeared in a footnote regarding the description just quoted,²³ and were as follows: "This must be 'Smoky island', the last of which was washed away by the flood of 1832. As to the 'lofty hill' at its foot, no one living can, I think, remember it. It was not there in 1832, if my memory serves me right. Still that does not mitigate against its being there in 1786."

Brackenridge also stated, in the description mentioned, "The island is not more in length than one-quarter of a mile, and in

20 *Laws of Pennsylvania, 1810-11, Chapter LXXXV, 113-114. The Act was approved on March 28, 1811.*

21 *A. Warner & Co., Chicago, Ill.*

22 *Warner's History of Allegheny County, Part I, 493-494.*

23 *Ibid.*, first f/n 494.

breadth about one hundred yards. A small space on the upper end is cleared and overgrown with grass. The savages had cleared it during the late war, a party of them attached to the United States having placed their wigwams and raised corn there. The Ohio, at the distance of about one mile from its source, winds round the lower end of the island and disappears."²⁴

Killbuck, as stated earlier, had made application to the Land Office of Pennsylvania on June 27, 1806, for title to the island and had stated that it contained about twenty acres. He "proceeded no further and no warrant was issued."²⁵

Abner Barker, to whom Killbuck had conveyed the island in 1803, had learned, undoubtedly, that Killbuck had not received a warrant for the island and had urged him to make application to the Land Office for a patent. When Killbuck failed to receive a patent for the land, Abner Barker probably concluded that it would be unwise to put any more money into what he must have deemed an unwise investment, so the island passed to George S. Birnie because of unpaid taxes. Birnie executed an instrument dated "Pittsburgh Sep^r 24th 1829."²⁶ It was stated therein that he had "some years ago purchased in conjunction with the late William Blair the Island opposite Pittsburgh called 'Smokey Island' sold by the Commissioners for taxes which the subscriber had purposed to give up to W. Blair," and that "Now for and in consideration of the sum of ten dollars" to him paid by Zenas Neel and relying upon Neel's assurance that he, Birnie, would "not be charged with any Taxes that have already accrued or may hereafter accrue on said property" he relinquished "all his right title interest claim of in and to the said Island to him said Neel his heirs and assigns forever without any recourse to him"

The heirs of Zenas Neel conveyed the island in 1849 to Andrew Fulton, John E. Parke, James K. Moorhead, *et al.*²⁷ Almost a quarter century later, the legislature of Pennsylvania enacted Act No. 941 of 1873 by which the Surveyor General of that state was authorized and directed to issue a patent to the grantees of the heirs of Zenas Neel.

In that same year of 1849, William Reed had become interested

²⁴ *Ibid.*, 494.

²⁵ *Allegheny City vs. James K. Moorhead, et al.*, 80, *Pa. State Reports*, 118-140, paragraph "1" of the syllabus to that opinion.

²⁶ George S. Birnie's release to Zenas Neel, dated Sept. 24, 1829, and recorded in D.B. 39, p. 216 of Allegheny Co., Pa., records on December 23, 1829.

²⁷ D.B. 88, p. 570, Allegheny Co., Pa., records. The deed was dated September 10, 1849.

in the island. His efforts to acquire title to it are told herein in some detail later.

Despite the enactment of Act No. 941 of 1873, mentioned above, the grantees of the heirs of Zenas Neel found that the City of Allegheny was unwilling to surrender possession of the island to them. They accordingly filed an action in ejectment on September 2, 1874, against the City of Allegheny in Common Pleas Court No. 2 of Allegheny County, Pennsylvania. A decision adverse to the City of Allegheny was rendered in that litigation, and it appealed the case to the Supreme Court of Pennsylvania.²⁸ The latter court's summation of the testimony given in the lower court was very interesting. A part of its summation follows:

"There was evidence for the plaintiff that previously to 1832, there was a small channel at the head of the island, which ran down between that and the main shore, thus forming the island; it was about 100 feet from Bank Lane; the main shore was a perpendicular bluff; the water would be at the base of the bluff about half the year; in dry times the water would not run there. Bank Lane was on the top of the bluff; along some places it was so narrow that a horse could not travel; a man could walk along it; there was a path and a fence some places. At a low stage of water there was a slough only 3 or 4 feet wide; it was back water and would run up all that width as far as School street; at a 6 feet stage of water, the water would just go through; there was always some water when the river was lowest; at a 5 or 6 feet stage of water, between the island and the main shore, the water would be 30 or 40 feet wide; the higher the water the wider it would be. At the time of the trial the pavement of South Avenue came out to the slough; the pavement is just in front of the fences of the lot holders. At the corner of School Street there had been filling out about 200 feet each way. A survey was made on behalf of the plaintiffs; by it the north line of South Avenue would come inside, over Bank lane; there was a little interference by the line of South Avenue with Bank lane, the most would be 10 or 15 feet; South Avenue lies toward the river more. The edge of South avenue at the bank of the river is a steep descent; its width is not, filled out, 60 feet; at the upper end it is filled out into low ground, and then it runs into a kind of a wet place or swale, where there had been land at one time; the south line of the patent goes beyond the high-and low-water lines as estab-

²⁸ *Allegheny City vs. Moorhead, et al.*, 80, *Pa. State Reports*, 118-140.

lished by the commissioners; about 10 acres of the channel of the river, beyond the low-water line of the commissioners, is included within the patent lines. When there were 5 or 6 feet of water in the river, the whole of the island would be submerged. By a sudden fall in the river, the water between the island and the main land would be left in ponds, between which there would be wide open spaces, so that the place of the channel could be walked over easily; the deepest water was at the head of Killbuck island; in ordinary stages of water there was a channel; boats would go through; when the river was well up the space between the river and the end of the lots was quite narrow; there was just a pathway around the fences of the lots. The bank was low where Bank lane came down to School street. Between the island and Bank lane there was a slough The slough was formed by the water coming in at the head of the island, and the drainage from a little run from the hill; it was never dry. The defendants gave evidence that the north line of Bank lane was not a straight line; it ran irregularly with the angle at lines of the lots. South avenue is a straight line; the southern line of the patent takes a large portion of the bed of the river; the area comprised within the lines of the patent is 90 acres 133 perches; the area between the high-water line and the north line of Bank lane is 62 acres 150 perches; the area embraced by the patent lines between the high-and low-water lines of the commissioners is 7 acres 98 perches; the area of the patent lying outside of the commissioners' low-water line is 20 acres 45 perches; these 20 acres 45 perches are covered with water at all stages; the patent measuring from low-water line toward Pittsburg takes 300 feet, which would leave 740 feet for the channel to the low-water line on the Pittsburg side; the patent takes about 350 feet from the limit of the waterways on the Ohio river as left by the commissioners; and where it encroaches most leaves about 850 feet of channel in the Ohio within low-water line; since the commissioners fixed the water lines, the city of Allegheny has graded Bank lane in a number of places, in conformity with those lines. They gave evidence further, that 'Union bridge' was about 300 or 400 feet above Killbuck island. The witnesses varied as to the contents of the island from 3 acres to 15 acres. There was evidence that up to the year 1832, Killbuck island was as high as the main land and was never overflowed till then; in order to make a flow in channel between the island and the main land on the Allegheny City side, the stage of water must be 6 or 8 feet."

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The testimony given in the lower court in said litigation to the effect that "the main shore was a perpendicular bluff" certainly supports Mr. Brackenridge's assertion, referred to earlier in this article, regarding the "lofty hill" of the island.

In the printed report of *Allegheny City vs. Moorhead, et al.*,²⁹ the following statement appeared:

"Killbuck island was situated at the confluence of the Allegheny river with the Ohio, lying near the northeastern shore and close to the territory, now Allegheny City; the main channel of the Allegheny and Ohio rivers being on the southward side of the island, between it and the city of Pittsburg; the channel on the other side being almost filled, and incapable of being used at all except in times of high water At the time the 'Reserve' tract was laid out, there was at or near the junction of the Allegheny river with the Ohio river, an island, afterwards known as 'Killbuck' or 'Smoky Island'; it was in front of Bank Lane (which was afterwards called 'South Avenue') and appears both in McLean's plot and in the plot of the survey laying out the town lots on the 'Reserve' tract; it was not, however, part of that tract. The head of the island, as appears by McLean's plot, was about opposite 'the Point' in Pittsburg at the junction of the Monongahela and Allegheny Rivers."

Years before that litigation, Killbuck Island was a haven for David Morgan and his small family when they arrived there in 1817 even though they camped out at first and were frightened by "the melancholy cry of the loon sporting in the waters of the Allegheny,"³⁰ by owl hoots and by other weird sounds. Mr. Morgan had transported the family's worldly possessions "from the city of New York to Allegheny on a hand cart" while his wife trudged at his side carrying one of their children.³¹

The next year (1818) Morgan built a shanty for himself and his family "on the neutral or disputed territory known as Smoky or Killbuck Island." He and his wife lived there happily with their children until one autumn evening in 1820 when he and his wife, after putting their children to bed, went to visit their nearest neighbors, Mr. and Mrs. Jacob Cupps, and while they were there, they noticed, to their horror, flames devouring their home. They all

²⁹ *Ibid.*

³⁰ John E. Parke's *Historical Gleanings and Recollections of Seventy Years*, 72 (Rand, Avery & Co., Boston, Franklin Press, 1886).

³¹ *Ibid.*

raced frantically to the shack. It had only one entrance and flames had closed that entrance to everyone. Morgan tore loose some slabs from another part of the shack, entered it and carried out his youngest child, an infant, which, though alive when carried out, mercifully died soon afterwards. Morgan himself was severely burned. He and his wife were heartbroken at the loss of their four children, but they murmured, "The Lord gave, and the Lord hath taken away; blessed be the name of the Lord!"³²

It is interesting to note that in Act No. 941 of 1873 of the Pennsylvania legislature, referred to earlier, it was stated that when the title to Killbuck Island became vested in Zenas Neel on September 24, 1829, he was "then in possession of the land, residing thereon with his family, and running and operating a foundry upon the same." In the next paragraph of that Act, it was stated that "By the great flood and freshet" of 1832, "the soil of the island was washed away, except a small part which was carried off by another flood about ten years thereafter." The very next paragraph stated that Zenas Neel died in 1834, "being the sole and undisputed occupant of the island and undisputed owner of the possessory title to said island by himself and those under whom he claimed from a period previous to the formation of the state government."

Even though, according to that act of the legislature, the greater part of the island was said to have been washed away in 1832, a school was located upon it in 1837. The school had an advertisement in the 1837 Pittsburgh Directory, and the first portion of the advertisement was as follows:

"ENGLISH AND CLASSICAL SCHOOL FOR BOYS

At Kilbuck, near Alleghenytown;

On the premises erected by Bishop Hopkins, and lately occupied by Hon. Harmar Denny."

Now it could be assumed that the school was located in Kilbuck township, excepting for the fact that the school's location was described as follows:

"The present location of the school is one of the most beautiful in the neighborhood of the city; commanding a view of the Ohio, the Monongahela and Allegheny rivers."³³

³² *Ibid.*, 73.

³³ Bishop Hopkins was Bishop John H. Hopkins of Trinity Church. He was a very remarkable man. See Warner's *History of Allegheny County*, Part I, 336, 337, 344.

Inasmuch as the school commanded a view of the three rivers, it is reasonable to assume that it was located on Killbuck Island.

Referring again to William Reed; his efforts to obtain title to Killbuck Island, and his failure to get possession of the island, were described in litigation mentioned earlier, to-wit, in *City of Allegheny vs. Moorhead, et al.*, as follows:

On September 3d 1849, William Reed made an application to the Land Office to take up Killbuck island; it was described in the application as containing about 44 acres. A caveat was filed against the application . . . On the 15th of September 1851, the caveat was heard before the board of property, who directed a warrant of survey to issue to Reed, on payment of one-third the valuation. Reed on the same day paid \$1999.12, the one-third of the valuation, and the warrant of survey accordingly issued; by this survey the ground applied for contained 43 acres 127 perches. Reed brought an action of ejectment against the city of Allegheny to recover the tract so surveyed to him. He recovered in the court below. The judgment was reversed in the Supreme Court (12 Harris 39) on the ground that the land surveyed was not an island, but a mere sand-bar, having no land capable of sustaining vegetation, and, therefore, not the subject of entry in the Land Office . . .

In Killbuck's conveyance of the island to Abner Barker, the island was said to contain about thirty acres, but the Reed survey stated that it contained 43 acres 127 perches.

Incidentally, Reed's application to the Land Office for a patent to the island was made a week before the heirs of Zenas Neel conveyed the island to A. S. Nicholson, John E. Parke, Wm. Coleman, James K. Moorhead, *et al.*

Some insight into what man did to change the form of Killbuck Island is given at length in the case of *Allegheny City vs. Moorhead, et al.*, but paragraphs 5 and 6 of the syllabus to the Supreme Court's opinion in that case enable one to understand to some degree what happened. Those paragraphs stated:

"5. The street [Bank lane] was widened by deposits by the owners of the lots and by the city and was widened by the city [Allegheny] to a defined width; this was not as an accretion by gradual deposits or as an enlargement by dereliction of the water.

"6. The channel between the island and Allegheny City became so filled as to be useless as a highway, unless in high water; the land lying between the natural low-water line of the island and Bank lane belonged to the Commonwealth."

Paragraph 12 of said syllabus commented upon Act No. 941 of 1873, referred to hereinbefore, and then stated "the land described in the act covered more than the island. In ejectment for the land mentioned in the act, the recovery was for less than Killbuck island;

Held, that the act was constitutional, at least for the extent of the recovery."

The Act, just mentioned, declared among other things, "That the title of A. S. Nicholson, John E. Parke, Wm. Coleman, James K. Moorehead, Samuel M. Fulton, Jane M. Dilworth, Margaret M. Fulton, Edwin C. Matthews, James M'Greggor, and Thos. H. B. Patterson, as tenants in common, in equal interests, to all that certain tract or piece of land hereinafter described, known as Smoky or Killbuck island, is hereby ratified and confirmed, and they, and their heirs, and assigns, are hereby declared to be seized of a fee simple title in the same." Section 2 of the Act defined the boundaries of the island. (See Appendix II hereof.)

The attorneys for the men just mentioned were resourceful and, knowing from Mr. Reed's experience, that a patent to the island could not be obtained from the Land Office, they had appealed, and successfully, as indicated, to the legislature to enact an act giving title to the island to their clients. Those attorneys won the ejectment action that they instituted in behalf of their clients which was, as stated earlier, initially known as "James K. Moorhead, *et al.*, against the City of Allegheny," and which, on appeal by the city, became "Allegheny City vs. James K. Moorhead, *et al.*"

While that litigation was pending, it was decided, in November of 1874, by some of the leading citizens of Allegheny County that there should be "a permanent exposition of the arts, sciences and industries of Western Pennsylvania," and "Then it was that Mr. F. A. Parke . . . suggested the neutral or disputed territory known as Smoky or Killbuck Island"³⁴ as its home. The result was that a lease of the ground was obtained from the City of Allegheny by "the Tradesmen's Industrial Institute for and during the term of fifteen years free of rent."³⁵

In December of that year of 1874, the Tradesmen's Industrial Institute was granted a charter. The incorporators were some of Allegheny County's foremost citizens. A very fine building, designed by architect Edward M. Butz, was erected by the Institute on land that was known and referred to as "Killbuck Island." An excellent picture of the impressive Exposition Building had beneath it the words:

³⁴ John E. Parke's *Historical Gleanings and Recollections of Seventy Years*, 134.

³⁵ *Ibid.*

FIRST EXPOSITION WILL OPEN OCTOBER 7TH & CLOSE
NOVEMBER 6TH, 1875.

OPEN FOR THE RECEPTION OF GOODS FROM SEPTEMBER
15TH TO OCTOBER 5TH, 1875.³⁶

An advertisement³⁷ of October 6th, 1875, of the Institute was
as follows:

FIRST GRAND EXPOSITION
Competition Open To The World
TRADESMEN'S INDUSTRIAL INSTITUTE OF PITTSBURGH, PA.
PREMIUMS VALUED AT \$50,000

NOTHING EXCLUDED

Every department will be filled with the most interesting
Inventions' and Arts of the age.

Music by First Class Bands

Will be in attendance from 10 A.M. until 10 P.M. during the
entire exposition.

Unparalleled Attractions In Every Department

ALL KINDS OF LIVE STOCK AND FARMERS' PRODUCTS

REDUCED FARES ON ALL RAILROADS

The exposition continued for awhile under the auspices of the
Tradesmen's Industrial Institute and then it was operated by the
Pittsburgh Exposition Society.³⁸

Flames ended the Exposition's existence. News of the fire was
headlined by local newspapers and many columns were devoted to it.
The following excerpts from the *Pittsburgh Commercial Gazette* of
Wednesday morning, October 3, 1883, tell briefly the extent of the
destruction wrought by the fire: "The magnificent buildings of the
Pittsburgh Exposition Society, on the north bank of the Allegheny
River, have been totally destroyed . . . Nothing but the site remains
of the home of the specimens of brain and brawn in which Pitts-
burghers felt so much proper pride, and which were the source of
admiration of visitors from all sections of the United States . . ."
The next day's issue of that publication asked in an editorial, "What

³⁶ *Allegheny County Sesqui-Centennial Review*, edited by George E. Kelly, 283.
The editorial comment beneath the picture was: "The Tradesmen's Industrial Institute, forerunner of the Pittsburgh or Western Pennsylvania Exposition, began its career in 1875 on a plot of ground that later became the well-known baseball park. This was directly across the Allegheny River from the present Exposition Building. The Institute burned in the early eighties."

³⁷ *Pittsburgh Legal Journal* of October 6, 1875.

³⁸ *Pittsburgh and Allegheny Illustrated Review*, 123 (J. M. Elstner & Co., 1889).

Shall Be Done?" The next lines were: "The exposition which so long graced the historic Smoky Island is now a thing of the past, and the question of rebuilding is now being widely discussed. The present exposition society is not likely to rebuild on the old site, as the lease will expire in two or three years."

Another exposition came into being later, but not on the same site.

Changes made by acts of God and by acts of man removed Killbuck Island from the Pittsburgh scene. That little island, which was dear to Killbuck's heart, and which was a landmark in the years when Pittsburgh soil was drenched with the blood of warriors, has vanished from sight, but Killbuck and his island will live forever in history.

APPENDIX I

There are substantial reasons for believing that Abner Barker, who acquired Killbuck Island from Killbuck in 1803, had probably heard about the island from Major Thomas Smallman, who played an important part in Pittsburgh's earliest and most dangerous years and was well acquainted with Killbuck. Abner Barker was related to William Barker who became the third husband of Fanny Smallman, a descendant of Major Smallman.

Fanny's first husband was David Davis. They had a son, John H. Davis, who was born on April 10, 1812. David Davis had an extensive business on Wood Street where, as a hatter, he sold hats to practically all the males of Pittsburgh. He died six years after his marriage to Fanny Smallman. She operated the business after his death.

Several years passed and she married Robert Elder who lived only four years after their marriage.

Fanny remained a widow for three years, and then, on September 23, 1828, she married William Barker. They had no children but they had forty happy years together. Death claimed her at seventy-five years of age on April 18, 1868, and he drew his last breath about a year later. Interred in the same lot with them in Allegheny Cemetery, Pittsburgh, Pennsylvania, are the mortal remains of Edward Smallman, who died on September 3, 1833, aged sixty years, and of his wife, Martha, who died on November 29, 1844, aged eighty-one years. The remains of the latter two were removed to that cemetery from another one.

A family bible in the possession of Mr. and Mrs. John H. Mars

of Mt. Lebanon, Allegheny County, Pennsylvania, identifies Martha Smallman as "Grandmother to John H. Davis, Sr.," Fanny's only child. Mr. Mars is a descendant of Fanny Smallman and David Davis, her first husband.

A painting, almost life-size, of Fanny Smallman; a matching one of William Barker, and a painting of her son, John H. Davis, as a child, are in the possession of Mr. and Mrs. Richard S. Large of Blackridge, Allegheny County, Pennsylvania.

Fanny Smallman was an attractive woman, judging by her portrait, and she had the look of a person who had strength of character and enduring charm. Her son appeared to be a handsome lad. William Barker was a fine-looking man and appeared to have been a man of integrity, judging by his portrait, and he was, indeed, such a man.

APPENDIX II

Section 2 of Act 941, approved April 28th, 1873:

"That the surveyor general be and he is hereby directed and required, upon the payment of the office fees and the sum of three hundred dollars for the use of the commonwealth, as the price of the land at two shillings per acre, with interest, to issue a patent to the parties named in the first section of this act, and to their heirs and assigns, for all that certain tract or piece of land lying, being and situate at the head of the Ohio river near to and adjoining the north bank thereof, being north and west of the Point in the city of Pittsburg, formerly known as Killbuck or Smoky island, and bounded and described as follows, namely, Beginning at the angle or bend in Bank lane, as the same is laid down in the original plan of the borough (now city) of Allegheny; thence south fourteen degrees east sixty perches more or less to the Allegheny river, on the south side of the island; thence down said river south sixty-six and three-quarter degrees, west sixty-two perches; thence south eighty-one degrees, west forty-two perches; thence north eighty-seven and one-half degrees, west thirty perches; thence north seventy-six and one-half degrees, west fourteen perches; thence north sixty-eight degrees, west twenty-four perches; thence north sixty-six and three quarter degrees, west eighty-five perches; thence north fourteen degrees, west to Bank lane, and thence up Bank Lane to the place of beginning."