

CANAWLERS AT REST

JONATHAN BANES

b. February 12, 1817

d. April 13, 1906

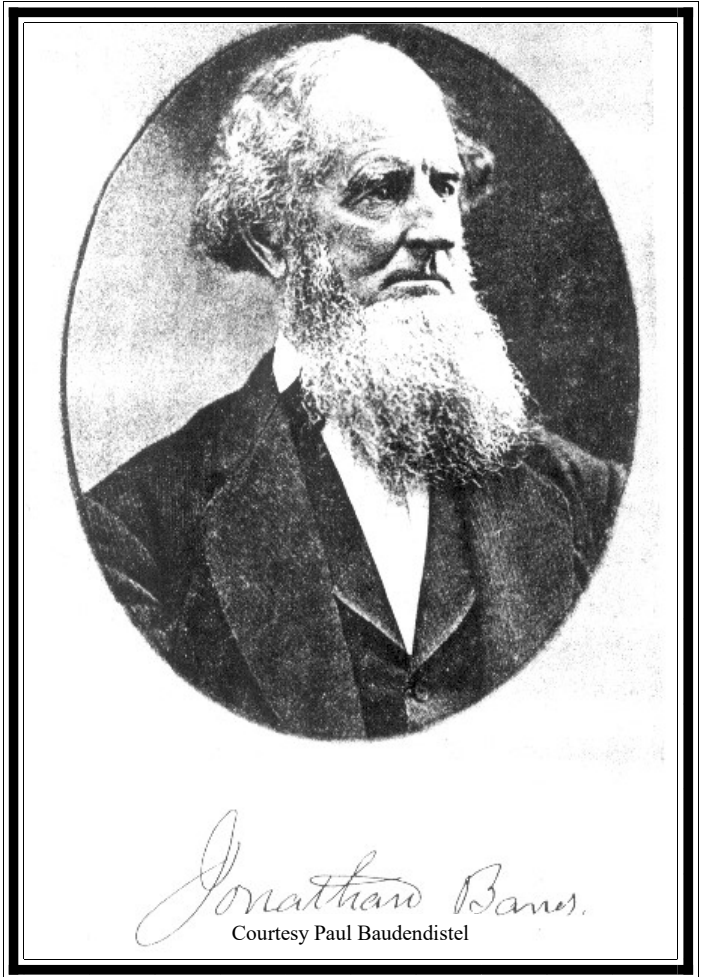
Jonathan Banes was the third in a line of Jonathan Banes. In this article his grandfather will be Jonathan 1, his father Jonathan 2 and our subject will be referred to as Jonathan.

Jonathan 1 was born about 1743. We know he died at age 90 in 1833. His son, Jonathan 2, was born about 1778. Jonathan 2 married Anna Gillingham, who was born in 1790 to John Gillingham, one of the old Keystone state Gillinghams. They had 6 children; Emaline, Cyrus, John, Jonathan, Eliza Ann, and Jenks. Johnathan 2 moved to Indiana after Anna died. He lived his last years in the home of his daughter Emaline High and died in 1862.

Emaline, the eldest of Jonathan 2 and Anna's children, married John High, who died in 1893. Emaline died in 1903. Their son Cyrus, moved west while still a young man and became an Indian scout. He supposedly was slain by the Indians. Another son John died when he was about twelve years old. Their other daughter, Eliza Ann, died about age six. Jenks, their youngest son, was in the mercantile business with Calvin Jones and Jonathan, our subject.

Jonathan Banes was born on February 12, 1817 in Bucks county, Pennsylvania, where the Banes family had lived for several generations. At age sixteen he left the home of his parents and moved to Montgomery county, Pennsylvania. There he was an apprentice to a carpenter. He then moved to Philadelphia and found work. While there he heard that the Whitewater Canal was being built in Indiana and found a woodworking job on it with the company of Wilcox and Van Horn. He arrived in Brookville, Indiana in 1837 and superintended the building of the wood-work of the dam at Brookville, several canal locks, the Case dam, and several canal bridges.

The dam at Brookville was located just below the junction of the east and west forks of the Whitewater River. The Case dam was located further down the river at Richland Creek. Both of these dams were feeder dams that



pooled water that was then fed into the Whitewater Canal. Wilcox and Van Horn Construction Company of Pennsylvania held the contract for the Brookville dam and Case dam. Jonathan worked for them. The Brookville dam was 11' x 258' and had a towpath bridge across the pool. Whole trees were placed in a stream's bottom with their branches facing upstream. The branches eventually became filled with dirt and stone. Upon this bed was built a long row of log cabin type structures that were filled with stone and dirt. These were then planked over and a comb built on the downstream end to deter undermining of the structure.

The locks below Brookville had 8 foot lifts. They were probably composite locks that were built of rubble stone and lined with wooden planks. The road bridges over the canal were built of wood. Thus there was much wood-working on the Whitewater Canal.

In 1839 Jonathan contracted to construct the lock and aqueduct at Metamora, but, that fall, work was suspended on the canal, owing to a lack of funds. He finally received payment for his work in the spring of 1840. He was paid with horses. He drove them to Pennsylvania and sold them to obtain cash. He returned to Brookville in the fall of 1840 and was engaged in merchandising with his brother Jenks and Calvin Jones.

On September 5, 1841 Jonathan married Maria Mount in Franklin county. Her father, Judge David Mount, was the first settler of Metamora. Her mother was Rhoda Hunt. Both David (1778 - May 18,1850) and Rhoda (1785 - February 1870) were born in New Jersey.

Maria Mount Banes siblings were Sarah Mount, who married Colonel Daniel Hankins, of Connersville and died in 1839; James Mount, who was associated for many year in business with Colonel Hankins; Jonathan Mount, who moved to and spent the remainder of his life in Carroll county, Indiana; Peter Mount, who moved to Wabash, Indiana and lived there some time; and Rebecca Ann Mount, who was born in 1815 and died a spinster in 1849. Rebecca and Maria Banes were the only Mount children born in Franklin county, Indiana. The rest of their children were born in New Jersey.

The land on which Metamora sits was acquired from the Indians on September 30, 1809 through a treaty known as the Twelve Mile Purchase. The Federal Government then granted the 160 acres where Metamora is located to Larkin Sims on October 22, 1811. Then on July 6, 1812 it was assigned to David Mount, a member of the Territorial House of Representatives and later of the Indiana House and Senate. Mount was soon joined by squatters. The settlement was called "Duck Creek Crossing" when its first post office opened in April 1826. It prospered and on March 20, 1838 David Mount and William Holland platted the town. It was divided by 18 alleys with Main Street being what is now Canal and Mill streets. On June 11, 1838, at the suggestion of Mrs. John A. Matson, the town's name was changed to Metamora, which means



A marker outside this home in Metamora, Indiana reads:

JONATHAN BANES HOME

Residence of Jonathan Banes who came to Franklin County in 1837 with Wilcox & Van Horn Construction Co. of Pennsylvania. He was paid in horses for his work as carpenter superintendent on several sections of the Whitewater Canal below Brookville. He sold them in Pennsylvania. He erected a cotton factory in 1845 on the site of the Metamora Mill. He married Maria Mount, daughter of the town's first settler.

Photo by Bob Schmidt

"beautiful squaw." The Whitewater Canal had not reached this town at this time.

The coming of the Whitewater Canal bisected Metamora from east to west and crossed Duck Creek. In 1843 Duck Creek Aqueduct was built 16 feet above the

Jonathan Bane's Family						
Name	Birth	Place	Death	Place	Marriage	Place
Jonathan Banes (1)	@1743		1833			
m. ?						
A. Jonathan Banes (2)	1778		1862			
m. Anna Gillingham Banes	1790		1850			
1. Emaline Banes High	1811		1903			
m. John High			1893			
2. Cyrus Banes	1813		1855			
3. John Banes	1815		1827			
4. Jonathan Banes (3)	2-12-1817	Bucks Co., PA	4-13-1906	Metamora twp, IN	9-5-1841	Franklin Co., IN
m. Maria Mount Banes	6-24-1820	Franklin Co. IN	7-14-1911			
a. William Mount Banes	6-5-1843		1919	Metamora twp., IN		
m. 1 Nancy Tague Banes	1845		1881		4-6-1871	
1. Cora Banes						
2. Balinda (Linnie) Banes						
3. Leroy Banes						
m. Bertha Gant						
A. Leroy Banes	6-19-1911					
m.. 2 Annie Olivia Clouds Banes	9-29-1863	Cincinnati, OH			9-29-1886	
1. Mary Banes	10-10-1888					
b. Mary D. Banes High	1846		9-12-1890			
m. E. W. High						
5. Ann Banes	1821		1827			
6. Jenks Gillingham Banes	1823					

creek. "Civil Engineering," a publication of the American Society of Civil Engineers described the aqueduct in its October 1932 issue as follows: "The clear span on the aqueduct is 70 feet long over Duck Creek. The water cross section is 17 feet wide and 3 feet deep, making a water load on the aqueduct of 115 tons."

On June 5, 1843 Jonathan and Maria's son William Mount Banes was born on their farm in Metamora. He eventually became one of the largest land owners in Franklin county. He passed away in 1919.

In 1845 Jonathan Banes erected a cotton factory in Metamora between Main Street and the Whitewater Canal and moved there. He operated his factory successfully for several years while also working with the merchandising business in Brookville.

In 1846 their daughter, Mary D. Banes was born. She later married E. W. High. Mary died September 12, 1890.

The 1850 Federal Census shows Jonathan Banes as a cotton manufacturer with an estate of \$17,630. Living in his home were Maria Banes, William Banes, Mary Banes, Minerva Archy, and Rhoda Mount, his mother-in-law, who had an estate of \$13,000. The 1860 census shows him as a farmer living with Maria Banes, William M. Banes, Mary D. Banes, and Philander Douty, a farm hand. His real estate is valued at \$25,600 and his personal estate at \$14,000.

Jonathan Banes was involved in a court case along with the Board of Commissioners of Franklin county in a complaint filed on September 27, 1865. The details of this case are in the side bars on this and the following page.

In the 1870 census he is still a farmer and living with him are Maria Banes, William Banes, Mary D. Banes, and Rhoda Mount, his mother-in-law, age 85. His real estate is valued at \$65,000 and personal estate at \$12,150. In the 1880 census he is a farmer living with Maria. In the 1900 census no occupation is listed and he is living with Maria and Clara Bowman, age 26, who is probably an employee taking care of them.

During his later years, Jonathan turned his attention to farming and to the investment in land both in Franklin county and in Illinois, most of which was unimproved. He then sold the land and became a wealthy businessman.

Jonathan Banes passed away on April 13, 1906. He was laid to rest in little Metamora Cemetery on Duck Creek Road. He was 89 years old. Maria Mount Banes died on July 14, 1911 at age 91, one hundred years after her father, David Mount, settled at Metamora. Their children inherited the following heirlooms brought from Pennsylvania: two very valuable four-poster beds, the posts standing seven feet high on one of them, and pieces of china, glass and earthenware.

Jonathan Banes' Court Case

By Mike Morthorst

This case is known as *Young vs. The Board of County Commissioners of Franklin County*. Banes was a co-defendant with the Commissioners and other individuals involving bounties offered to young men from Franklin County to enlist in the Union Army during the Civil War. The complaint was filed September 27, 1865.

As hostilities in the War Between the States began in earnest in 1862, President Lincoln requested the various states to institute a draft seeking 300,000 troops to serve 9 months. This measure proved quite unpopular as riots promptly broke out in Indiana, Wisconsin, and almost in Pennsylvania. Another draft riot took place in New York City some months later. As a way to lessen tensions, a bounty system was devised to assist in the raising of troops. After initially offering \$25 for a nine month enlistment period, the amount was progressively raised over the next few years to \$100 for 9 months and \$400 for a five year period. Bounties could also be offered by states and local governments, in addition to the federal government. During the Civil War the federal government spent a total \$300 million on bounties, with \$750 million paid by government of all types. For some soldiers, the system could be very lucrative, as they could collect bounties from each level of government. It was also possible for a bounty to be paid to an individual who did not actually serve in the military, but who merely supplied a substitute that entered the army in his place. Another situation was where bounties could be paid to a third party for any number of persons he had recruited for the military.

In the case involving Jonathan Banes, Franklin County Commissioners had passed a resolution in September 1864. It was in response to a Federal request for 500,000 troops, which worked out to 392 soldiers from Franklin County. The Commissioners appropriated bounty monies in the amount of \$117,600 to be paid from the county treasury. An individual payment could range from \$25 to \$500, although an average payment of \$300 was anticipated. Payment of the total of \$117,600 was to be made in the next sixteen to twenty-eight months. Three individuals, Messrs. Moore, Moorman and Morrow were requested to administer the bounties as trustees for the commissioners, and report back the results. These three people declined the appointment as trustees, so the commissioners decided to do the administration of the bounties themselves without appointing new trustees, in apparent violation of the applicable law.

A year later, the quota of 392 had been filled and 86 men remained to be paid from the balance of the fund,

(continued from previous page)

which then stood at \$25,800. As the commissioners were preparing to pay this amount, Jonathan Banes and four others made a claim for \$9,600 of the remaining funds for services they allegedly rendered in obtaining recruits. It is not

William Mount Banes acquired an estate of more than one thousand acres as a farmer, stock raiser and business man. He was married twice. First to Nancy Tague, daughter of an early settler of Metamora, Thomas Tague. They had three children, who were well educated. Cora and Belinda "Linnie" were graduated from Oxford (Ohio) College for Women and Leroy was graduated from Purdue University after which he became the manager of his father's farm. He married Bertha Gant and had a son Leroy born on June 19, 1911. Nancy died in 1881 at the age of thirty-six.

William Bane's second marriage on September 29, 1886 was to Annie Olivia Clouds, who was born in Cincinnati on September 29, 1863 and the daughter of Rev. George C Clouds, who was born in Philadelphia and was a Methodist Episcopal minister in Greensburg, Indiana, and Mary A. Clouds, who was born in Cincinnati. William and Annie Banes had one daughter, Mary, who was graduated from DePauw University in 1913 and then completed a librarian's course in August 1914 at the Carnegie Institute in Pittsburgh, Pennsylvania.

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With Special Thanks To:

Paul Baudendistel for his help in locating Jonathan Banes' grave and for furnishing Banes' picture.

Mike Morthorst for going to Fayette County to research the Bane's court case and writing his findings that appear in the sidebar.

spelled out what the Banes group actually did, but the Commissioners refused to make any further payments to the recruits until the claim of Banes and his colleagues was resolved. The position the recruits took was that they were entitled to immediate payment.

A lawsuit was filed in Franklin County (Brookville) Common Pleas Court, which was transferred to Fayette County (Connersville) in order to avoid any appearance of unfairness, since many Franklin County officials were involved in the court case. The 86 recruits, led by Edward Young, were the plaintiffs. The Board of Commissioners as an entity, as well as the individuals on it were named defendants, along with the County Auditor and the County Treasurer. Mr. Banes and his colleagues were also named as defendants, to which they objected, alleging their allegedly superior claim to the money. The trial court ruled the Banes group was entitled to judgment on their claim separately, and were dismissed as defendants in the case. Since the effect of this decision lessened the amount of money available for the troops, it was then appealed by them and ultimately ended up in the Indiana Supreme Court.

The Supreme Court reversed the trial court, finding that the Banes group was properly named as defendants and should remain in the case. Thus any judgment made would include all of the parties making a claim on the money available. The Court also took issue with the fact that the monies were distributed using an improper procedure, namely without trustees. It additionally found that there was a proper contract between the County and the recruits, with a valid offer made which the recruits accepted.

The Court did not decide the main issue of whether payment of the bounty to the 86 recruits was to be paid immediately, and merely sent it back to the Common Pleas Court for further hearing consistent with their ruling. This means we do not know how the case ultimately was decided. The case is so old that an attempt to locate the original docket book in the Fayette County Clerk of Court's office to learn that result was unsuccessful. However, there is a clue to what might have happened. It is found in the rationale for the Supreme Court decision. After describing the issues involving the Banes group, it characterized the Banes' interest as a "pretended claim of the defendants." It is very likely the ultimate decision reflected this observation of the Court.