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## HISTORY

On the night of September 20, 1777, following the Battle of the Brandywine, the forces of General Wayne were attacked by the British about one mile south of the Warren Tavern, Chester County, PA. The totality of dead has never been ascertained, but in one long grave on the Association's grounds were buried the remains of fifty-three soldiers. Here and there in the woods nearby are the obliterated graves of others whose lives were sacrificed.

This stirring event in the history of the American Revolution has long been known as the Paoli Massacre, and during the winter at Valley Forge, this British attack furnished the war cry "Remember Paoli, which fired the hearts of our soldiers on many a well-fought field."

This name is indelibly associated with this Revolutionary attack because Paoli, two miles east, was at that time, the nearest settlement. Consequently, until the present time, it has borne that name, although, since August 13, 1889, the Borough of Malvern includes within its corporate limits, the sacred ground where the patriots were buried.

The long grave of the fifty-three patriots was unmarked until 1817, when on the Fortieth Anniversary, at the suggestion of William Darlington, M.D. (1782-1863), of West Chester, a monument of marble, still standing, was erected by the Republican Artillerists and the citizens of Chester and Delaware Counties. On September 20, 1877, under the guidance of J(ames) B(ayard) Wood, M.D. (1817-1889), of West Chester, the larger granite monument was dedicated to the perpetual memory of the patriots who gave their lives for the American cause. Two years later, September 20, 1879, through the instigation of Dr. Wood, the guns which had been unearthed at Warwick Furnace, were mounted in front of the long grave, and to this day are well preserved by the Association.

Since its organization in 1897, the Paoli Memorial Association has preserved the ground and monuments and made many improvements. The property was made accessible in 1921 by the construction of a macadamized road. The following year, the granite marker, dedicated in 1877, was moved to a more central position of the property. On May 8, 1922, the then newly constructed caretaker's bungalow, built near one of the entrances to the grounds was accepted by the Association.

On September 20, 1928, the Association granted the American Legion the privilege of erecting a monument to the men who served in World War I from this vicinity. This monument, with the names in bronze, was placed in front of the flag pole.

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Concerning the grounds themselves, on the 24<sup>th</sup> of December, 1822, as recorded in Miscellaneous Deed Book No. 2, page 241, Chester County Court House, Cromwell & Mary Pearce for \$458 granted and sold to Lt. Col. William Darlington & Major Samuel Anderson, Commanding Officers of Chester and Delaware Battalions of Volunteers, a tract of land, on which had been erected the Paoli Monument, consisting of 22 acres and 110 perches, to have and to hold "in trust as a place of parade for the use and benefit of all volunteer corps lawfully organized that have contributed towards the purchase of the same, or that may think proper to assemble thereon."

It apparently having been subsequently discovered that the purchase from Cromwell Pearce did not embrace the complete grave site, on the 20<sup>th</sup> of September 1832, as recorded in Deed Book S-7, Vol. 165, page 266, Chester County Court House, John & Barbara Griffith, for \$10, granted and sold to Col. William Harris, Lt. Col. Emmor Elton, Major John S. Yokum, and Major David McConkey, field and commanding officers of the First Regiment of Chester & Delaware County Volunteers, a lot or piece of land on which was erected a part of the Paoli Monument consisting of 10 perches to have and to hold "in trust and to their successors in office forever as a place of parade for the use and benefit of all volunteer corps lawfully organized and may think proper to assemble thereon to perform military duty."

On June 14, 1869, as recorded in Miscellaneous Docket No. 3, page 209, Chester County Court House, twenty-four citizens, many stated as theretofore forming part of the military volunteer organizations of the County, petitioned the Court of Common Pleas representing that all the officers to whom the conveyances of land were made were deceased, no volunteer organizations as described in the deed existed and as a consequence there were no persons legally authorized to take charge of the trust imposed by the deeds. In the light of "barbarous depredations" that had been committed by the defacing of the monument and "improper destruction of timber upon the tracts," the petition requested "that trustees should be appointed by the Court to take the place of those named in said Deeds of Trust, now deceased, having authority to protect the said monument and premises from further depredation or destruction and preserve the premises for the use of any future volunteer military organizations which may be embraced in the terms of the trust."

On that same date, according to the prayer of the petitioners, the Court appointed Capt. William Wayne, Col. Henry R. Guss and Capt. N.A. Pennypacker trustees.

In the same docket, on August 15, 1874, a petition is recorded as filed by the trustees asking to be discharged from their trust. "Whereupon it appearing to the Court that the

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circumstances under which the trustees were appointed have ceased to exist and that there is no further necessity for their continuance in that capacity" the Court decreed that the trustees be discharged "upon their surrendering all trust property and accounting for all monies which have come into their hands as trustees."

October 5, 1886, a report and account were filed and approved by the Court.

August 30, 1897, the Charter and Certificate of Incorporation presented to the Court of Common Pleas of Chester County of the Paoli Memorial Association was approved "to hold, improve and preserve the land and improvements thereon, known as the Paoli Parade Grounds and including the monuments now erected."

The Prothonotary's office in Miscellaneous Docket No.9, page 13, is recorded a petition dated December 13, 1904, pointing out that all the officers to whom the land was conveyed are deceased, no voluntary organizations or commanding officers as described in the deeds exist. There exists no persons legally authorized by name or description to take charge of the trust. Further, that the counties' military organizations are now part of the National Guard with headquarters in Philadelphia and on this basis no care or attention has been given the grounds by the military organizations. The petition prays "that the Paoli Memorial Association be appointed by the Court trustee to take the place of those named in said deeds of trust with full power and authority to carry out the uses and purposes for which the two tracts of land were granted."

On that same date the following decree was issued and is recorded: "The Court do appoint the Paoli Memorial Association trustee of the Paoli Parade Ground and the monuments thereon erected, to take the place of the trustees named in the deeds of trust with full power and authority to carry out the uses and purposes for which the said tracts of land were granted."

The minute book of the Association records that at a special meeting of the Association held on December 27, 1904, the committee reported that the petition had been approved by the Court without any opposition appearing, and at the annual meeting held on September 20, 1905, it was again reported that the application was made without the aid of the military members who did not care to obligate themselves but would not oppose, and a copy of the decree is recorded in the minutes of that meeting.

Thus the authority and trust is abundantly clear. The Association has met its obligations. Those now charged accept their responsibility to see that this historic site and its improvements

shall be maintained as a proper memorial and continue to be held, improved and preserved for generations yet to come.

Today, the grounds are still owned and maintained by the Paoli Memorial Association through its Board of Directors and its members. The Association, although private, is open to the community through membership in the Association and the annual meeting is always held on a Saturday, on or following September 20, the anniversary of the Battle of Paoli.

The Paoli Memorial Association has, since its founding, permitted various non-profit organizations to utilize the grounds, somewhat removed from the hallowed and sacred grounds around the gravesite and memorials. In the 1940's, the Malvern Civic Association (now the Malvern Park & Civic Association) was formed. Subsequent to its formation, two tennis courts were built and playground equipment erected on the site closer to Monument Avenue and the macadamized road referred to above. This area has been maintained since by the Malvern Park & Civic Association.

In the 1950's, two baseball fields were erected on the site even further away from the grave site, parade grounds and memorials and along Monument Avenue. The ball fields are part of and maintained by the Chester Valley Little League. Also in the 1950's, and west of the two baseball fields, a Boy Scout cabin was built on the western end of the dedicated property and adjacent to Sugartown Road. Troop 7 calls the cabin its home and maintains the cabin and surrounding grounds.