



# Coalition Courier

“to build the future, we do not have  
to destroy the past”

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Protect Maryland  
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## Inside this issue:

### Proposed 2005 Legislative Program

In the 2004 Legislature, House Bill 817, sponsored by Delegates Carol S. Petzold, a member of the House Judiciary Committee and Delegate Bennett Bozman was introduced, on behalf of the Coalition, to amend sections of the Criminal Law, title 10 (Crime Against Public Health, Conduct, and Sensibilities) subtitle 4: Crimes Relating to Human Remains. After testimony supporting the proposed changes, the Committee took no action. Changes were opposed by the Director of the Office of Cemetery Oversight and by an opinion of an Assistant Attorney General.

At the CPMBS Board meeting held August 8<sup>th</sup> the Board members agreed that we should again seek changes in the 2005 Legislative session and discussed a plan of action to contact members of the House Judiciary Committee.

The first proposal is to delete the word willfully in section 10-404 so that a State's Attorney may present evidence to a court on damage to a burial site or funerary object by gross negligence or by accident and to hold the person(s) responsible for damages that were incurred by their action(s). Under present law, heirs or descendants would have to file a private civil court action to seek damages or other redress.

In view of the opinion of the Criminal Law Articles Review Committee, Acts of 2002, that a literal reading of subsection (b) of section 10-404 prohibits normal and routine maintenance and horticultural care of trees, shrubs, and even lawns. An amendment will be proposed to allow normal horticultural maintenance of a cemetery or burial site, including trimming of trees and shrubs, removal of weeds or noxious growths, grass cutting, or other routine care and maintenance.

In order to involve heirs or descendants in the decision process to disinter and reinter human remains, previous amendments to section 10-402 established specific procedures to apply to a State's Attorney for written approval to move remains and to require certain documentation and public notice before any action could be taken. After approval by a State's Attorney a permit must also be obtained from the Department of Health and Mental Hygiene.

An amendment is proposed to delete section (e) of section 10-404, which bypasses the requirements in 10-402 as to public notice and efforts to contact heirs, and because section 10-403 specifically deals with removal of human remains or funerary objects, and because there is no such thing as a “abandoned” cemetery accord-

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ing to opinions from the Office of the State Attorney General, all of section (e) should be deleted.

[Editors' Note: To better understand the proposed changes it is recommended that you go to the Maryland Archives (link below) and click on Code of Maryland, then click on Criminal Law, then click on Title 10: Crimes Against Public Health, Conduct, and Sensibilities, then click on Subtitle 4: Crimes Relating to Human Remains. You can then read Sections 10-401 (Definitions), 10-402 (Removing human remains without authority), 10-403 (Removal of human remains or funerary object), and 10-404 (Cemetery-Destroying funerary objects; indecent conduct). <http://www.mdarchives.state.md.us/msa/mdmanua/html/mmtoc.html>]

James R. Trader

### Letter to the Editors

July 27, 2004

Dear Editors Diane and Jeff Nesmeyer,

Thank you for your excellent Summer 2004 Issue.

Our outgoing President, Kristin Kraske, has led us through many legislative battles and whose creative perseverance has directed us to where we are now. I hope she will continue to be involved.

I suggest that in the future to include a small picture of the new President with his article "A Word From the President."

I am fascinated by the symbolism on gravestones, and wonder if the information on "Symbolism", that the "Coalition" may have compiled, could be available on the web site?

The suggestions by Melvin Mason to provide appropriate training for volunteers interested in documenting, cleaning cemetery areas and gravestones or repairing them, was appreciated. It has been difficult for me to know the right way to assist the "Coalition" in this important goal of: Identifying Maryland Cemeteries.

I believe this handbook prepared by the Mason brothers along with their workshops may strengthen our membership to become more involved.

I look forward to participating in one of their workshops as a volunteer. Please send me a schedule of their workshops for Montgomery

County Cemeteries.

Sincerely,

Edna Miller

### Editors' Desks

We have received our first "Letter to the Editor". The letter can be found on this page.

We think the suggestion to include a picture of President Ed Taylor with his article was an excellent one. Starting with this issue we have included his picture with his article. [page 7].

The following information is in response to Ms. Miller's letter. The iconography found on gravestones is one area of cemeteries that we find fascinating. We are so much enamored with the topic that we have researched and put together a program on symbolism that we have presented to several genealogical societies in the Northern Virginia area. We don't believe however, that the Coalition has compiled information regarding symbolism. There are quite a number of websites that provide a glossary of sorts for the meanings of the symbols found on gravestones. Some sites are better than others and, for the majority of sites, it appears that the same information is being repeated. We do not want to keep rehashing the same information but we will consider adding a page about symbolism on the Coalition's website. We will include a list of links and books on the subject. Unfortunately, the list of books will be very short as there are very few books on the topic. When the page is uploaded and available for viewing on the website we will make an announcement in the *Courier*.

The Coalition's first "Train the Trainer" session was to have been held in October. Unfortunately, our trainers had to cancel to attend a weekend conference in Long Island through the AGS. Hopefully, Melvin and Tom Mason will be able to conduct a workshop during the next quarter.

Ms. Miller, if you are interested in working in Montgomery County cemeteries, we suggest that you contact Anne Brockett at [a\\_brockett@hotmail.com](mailto:a_brockett@hotmail.com). She is involved with our Montgomery County group and I am sure looking for volunteers to help with the cemetery projects in the County. [Late arriving news on page 12.]

On page 8 we have provided a list of the House Judiciary Members and their contact information in Annapolis. Please contact them and ask that they support the legislation that was outlined by Jim Trader, earlier in this issue. Jim will follow up with additional information in our Winter issue.

We would like to thank George Horvath, Jim Trader, Jean Keenan, Crystie Krabel, and Ed Taylor for providing information for this issue.

Diane and Jeff Nesmeyer

### Quarterly Board of Directors'

#### Board Meeting

Saturday, October 30th, 2004

At 1:00 p.m.

**Miller Branch, Howard County Library**

**9421 Frederick Road**

**(across from Plum Tree Dr.)**

**Ellicott City, MD**

**All members are welcome!**

**Cemetery tour immediately following  
at St. James Methodist Churchyard**

**(Rts 32 & 99)**

#### Meeting Minutes

This meeting was held at Mt. Ida Mansion in Ellicott City, MD, on Sunday August 8, 2004. President Ed Taylor called the meeting to order at 1:15 p.m. Members present were: Ed Taylor, George Horvath, Jim Trader, Melvin Mason, Thomas Mason, Jean Keenan, Ann Bolt, Janice Hayes-Williams, Chrystie Krabal, and Kristin Kraske (ex-officio). Diane and Jeff Nesmeyer and two visitors from Allegany County were also present.

The minutes of the annual meeting were approved as were printed in the *Coalition Courier*.

Kristin gave the treasurer's report in the absence of her father, Gerry Kraske. The balance on hand is \$6,165.84. A financial report of the annual meeting will be given at the October meeting. The treasurer's report is filed with these minutes.

President Ed Taylor's Report - Discussion fol-

lowed each item:

1. Carroll County cemetery issue. George Horvath reported that there is a temporary halt to development on the site. Jim Trader wrote letters to the Carroll County State's Attorney. The Coalition needs to find a lawyer interested in cemetery issues who will work on litigation pro-bono. Members are asked to send suggestions. Janice stated that the Anne Arundel County Bar Association has a newsletter in which ads can be placed. Other counties probably have similar newsletters. Kristin moved that the Coalition place an ad in the A.A. County Bar Association newsletter to find a lawyer who will work with us. The motion was seconded by Melvin Mason and passed unanimously. Janice and Jean will work on writing the ad.
2. Publicity – Ed stressed the need for better publicity and his frustration with trying to have Coalition news published. He has sent items to papers around the state with little success. Ed will send a letter to Coalition members asking for their help in personally contacting newspaper reporters in their area to ask for better publicity.
3. Mt. Carmel Cemetery – Chrystie has studied the conditions at the cemetery for several years and sees improvement unlikely without legal help. She suggested that we might obtain a grant to finance cleanup. The general consensus was that a "Friends of the Mt. Carmel Cemetery" should be formed including family members and interested persons. George suggested that the Coalition send a member to a meeting of the Baltimore County Genealogical Society in September and ask for their help.
4. Legislation – Jim recommends that we go to Annapolis again this year and attempt to have the same changes in the wording of three bills made this year that we tried for last year. Everyone agreed that each member of the new Judiciary Committee of the state legislature needs to be visited this summer by a team of Coalition members to explain the changes we want and why they are important. If any member personally knows a member of the Judiciary committee they are encouraged to help with the visit to

that legislator. Janice listed three members that she would be willing to visit with the team. Ed, Jim, Barbara, Janice and Chrystie will serve on the visiting team.

5. Membership – Kristin reported that we have a paid membership of 70. She is contacting those whose dues have lapsed.

Additional Items:

1. The Mason brothers and the Nesmeyers offered to update the exhibit board.
2. Jean and Ed will each have 500 copies of the Coalition brochure printed in their areas so that copies will be available in two areas of the state.
3. The Coalition will donate \$25.00 to the Patapsco Female Institute for the use of Mt. Ida today.
4. The next quarterly meeting will be held on Saturday, October 30 in the meeting room at the Miller Branch, Howard Count Library, at 1 p.m. The library is located at 9421 Frederick Road. The phone is 410-313-1950. The room will be available from 12:30 p.m. until 3:30 p.m.

The meeting was adjourned at 3 p.m.

Jean W. Keenan, Secretary

Directions to Miller Library in Ellicott City:

Coming from the Washington area – Take Route 29 North to Route 40 West. Go three blocks and turn left at Plum Tree Drive (Crab Shanty Restaurant will be on the left hand side). Go to the stoplight at Route 144 (Frederick Road). Turn right. Library is on the left. Park in the lot to the right after you turn in. Knock on door. If it is not open, you can enter on the side of the building at the front door.

Coming from Glen Burnie – Take Route 100 west to Route 29 north and follow directions above.

Coming from the Eastern Shore – Cross the Bay Bridge. Continue on Route 50 to Route I-97 north. Continue to Route 100 west near Glen Burnie and follow directions above.

Coming from Western Maryland – Take I-70 east. At first exit to Ellicott City bear right onto Route

40. Go approximately 5 miles to Crab Shanty Restaurant at Plum Tree Drive.

Turn right and follow directions above.

Coming from Baltimore – Take Route 40 west. You will go under Route 29. Continue on about 3 blocks to Plum Tree Drive. Turn left and follow directions as above.

Coming from Catonsville – Take Route 144 (Frederick Road) through Ellicott City and continue on past St. John's Lane to Plum Tree Drive and follow directions to the library.

### **Cemetery Tour**

October 2nd, 16th, 23rd, and 30th, 2004

Green Mount Cemetery, Baltimore City

Greenmount Avenue and East Oliver Street

Opened in 1839 as the city's first urban-rural cemetery, Green Mount is the final resting place of Johns Hopkins, John W. Garrett, Enoch Pratt, William and Henry Walters, Betsy Patterson Bonaparte, Arunah Abell, Moses Sheppard, Isaac Emerson, Albert Ritchie, Theodore McKeldin, Robert Oliver, Harriett Lane Johnston, A. Aubrey Bodine, Walter Lord, John Wilkes Booth, and many others. Four guided tours of Green Mount Cemetery will be held during the month of October. Tours begin at 9:30 am from the main gate located at Greenmount Avenue and East Oliver Street. The two-hour tours are led by Baltimore historian and educator Wayne R. Schaumburg. The cost of the tour is \$10 and reservations are required. There is a limit of 40 people each tour. For information or to make reservations, contact Wayne at [wschaumburg@earthlink.net](mailto:wschaumburg@earthlink.net)

### **St. Mary's County News**

November 13, 2004 ~ Honoring CSA-POW Veterans of Pt. Lookout ~ 9 am-5pm

Bring the family! Come and spend the day with us in Confederate Memorial Park!

Feed the mind with a history lesson. Feed the soul with fellowship. Feed the body with homemade Brunswick stew!

HOMEMADE BRUNSWICK STEW WILL BE

SERVED PIPING HOT FOR YOUR MEAL-TIME ENJOYMENT !!! This will be mighty tasty on a crisp Fall day! Yummmmm!!

SCV Commander Tracy Clary states that NO ONE can out-do his awarding winning homemade Brunswick stew! And, now you can take the taste test...by the bowl, or by the quart! If that isn't enough to satisfy your taste buds, you can purchase it by the quart to take home to enjoy the next day...or freeze it for when company comes for a visit!! They'll wonder where such a delicious, unique recipe came from! This one-of-a-kind stew will be served with bread. If the youngsters would like a hot dog-dressed all the way, they've got that, too! And, to satisfy that after meal-time sweet tooth, they'll have cookies and muffins! Soft drinks, bottled water and coffee will also be available.

Memorial Service in the Pt. Lookout Cemetery. Immediately following this ceremony, our living history will be opened. Among the participants will be: sutlers and period seamstress, heritage/historical displays, Southern Pride Racing, Confederate Mechanized Cavalry, CSA authors, encampments, first person characters, and a POW prison portrayal every hour. For more information... [www.PLPOW.com](http://www.PLPOW.com) and click on November '04 event.

### Help Wanted

Your editors are looking for a few good members to help with *The Courier*. We specifically need people to volunteer to write summaries of the various newspaper articles that we receive from the members. Since many of the articles are protected by copyright we cannot reprint the article in its entirety without permission. We have been reviewing the articles and writing a summary to include in *The Courier*. If there is anyone wishing to write the summaries please contact us and we will forward the newspaper articles to you for the next issue.

Jeff and Diane Nesmeyer

### Baltimore City News

The following article appeared in the *Baltimore Sun* on June 14, 2004.

“Resurrecting a cemetery, demonstrating for peace” by Antero Pietila, Sun Staff

St. Peter's Cemetery off Moreland Avenue, west of N. Bentalou Street was in danger of succumbing to wilderness. Twenty years ago a restoration fund was created and eight years ago war protestor Philip Berrigan, his wife Elizabeth McAlister, and other members of Jonah House were hired as caretakers by the Archdiocese of Baltimore. They worked long hours in St. Peter's, the final resting place for parishioners of St. Peter the Apostle Roman Catholic Church. They brought down weeds and vines and restored parts of the 22-acre burial place. About 1/3 of the cemetery has been cleared and the other 2/3 is still overgrown with “impenetrable brush” and “invasive climbing vines”. Berrigan is now buried at St. Peter's graveyard and the work at the cemetery continues by McAlister and the Jonah House members.

The burials at St. Peter's are mostly Irish and other families connected with the Baltimore and Ohio Railroad. There is a “Strangers' Row” along the cemetery's border that contains a number of unmarked African American burials. No one has been buried in St. Peters for many years until 2002 when Berrigan died and the Archbishop approved his interment in St. Peter's. According to the article the only paying customer is a French-born sculptor who died in 1886. Payment has been made on a regular basis for the perpetual care of his grave.

If you go looking for this cemetery you may have trouble finding it. The mountains of rubber and rows of trailers from a tire-shredding plant hide the cemetery from view as well as a National Guard armory and several low-income housing complexes. The cemetery shows up on MapQuest when you enter the Jonah House address of 1301 Moreland Avenue.

[ed. Note: There may be some confusion over the title of this article. Pietila reported about Berrigan's past, Vietnam Conflict, and other people involved in the war protests of the 1960s and 70s, in addition to the cemetery. I included only the information regarding St. Peter's Cemetery.]

Diane Nesmeyer

### Baltimore County

[Received through the website]

A co-worker and I were recently discussing the existence of a cemetery located on what was the Bethlehem Steel Sparrows Point steel mill and were wondering if something could be done to preserve it before the new owners pave it over or otherwise damage it. The plant was purchased by ISG, International Steel Group, May 8, 2003 and they may be as unaware of its existence as was my co-worker who has been at the plant for 31 years.

The cemetery was next to a church near, as best I can figure, where H and 9th Streets intersected. At one time the town of Sparrows Point was a thriving community but has since been demolished. When I first found out about this cemetery in the late 1970's about 10 to 12 stones were visible behind an iron fence. Since discussing it I took my co-worker and went to find it. The cemetery has grown over to the point it is unrecognizable unless you literally stumble on it. We only found two stones, and only one had writing which was an S and a T, and the fence is gone.

Rumor had it that some of the stones pre-dated the original plant which was started in the late 1800's. I have tried the Maryland Historical Trust and they gave me your site. If nothing else perhaps you have the knowledge and contacts to find out something about it and at least keep it from being destroyed.

If you have any information about this cemetery I would appreciate your forwarding it to me.

Steven P. Strohmiere

57 Northship Road

Dundalk, MD 21222

Since my last email to you I visited the North Point Branch of the Baltimore County Library and found a pamphlet published by the Dundalk/Patapsco Neck Historical Society and another publication about Sparrows Point which make reference to the cemetery I am writing about.

The cemetery according to one reference dates to 1808 and should contain the grave of a Dr. Trotter (Trotten) who was an early resident of the area. There was also a comment about the stones being

stolen in an article which was not very recent.

This is just a little more information which might hopefully lead to some preservation or protection for this site.

[After some research and contact with a Board member the following information was sent to Mr. Strohmiere]

Steve,

I forwarded your e-mail to the Board members.

One Board member contacted me and suggested that you contact Dundalk-Patapsco Neck Historical Society.

[I found the following information on the Internet]

Dundalk-Patapsco Neck Historical Society

4 Center Place

Dundalk, MD 21222

(410) 284-2331

e-mail: [DUNHIST.SOC@aol](mailto:DUNHIST.SOC@aol)

web:

[www.museumsusa.org/data/museums/MD/177468.](http://www.museumsusa.org/data/museums/MD/177468.htm)

[htm](#)

She also suggested that you contact CHAPS, a division of Baltimore Heritage that is now protecting the area of Dundalk, which includes Beth Steel.

Click on the link below and once to the CHAPS page click on the bottom link to "CHAPS" and contact them about the possible burials and how to get help to protect the cemetery. . They might very well know something about it or be able to help.

Kathleen Kortuba would be the contact person:

<http://www.ci.baltimore.md.us/government/historic/districts/dundalk.html>

### New Members

Baltimore County Historical Society

Baltimore County

Marsha Schmidt

Montgomery County

Zion Church Preservation Committee

Frederick County



### **A Word From the President, Ed Taylor**

Recently the board of the Coalition voted to take legal action concerning the Flin Garner Family Cemetery in Carroll County. This action must be taken to show the public that the Coalition to Protect MD Burial Sites will pursue those that brake the law and destroy Maryland cemeteries.

Most of our members are aware of the problems concerning the Flin Garner Cemetery. Due to the great efforts of our Legislative Chairman James Trader and Carroll County member George Horvath, those that have destroyed the cemetery are going to be (called on the carpet). The Coalition has been blessed with the great help from Mr. Jeffrey White Esq. Thanks to all, however the fight has only just begun.

On another issue, I would wish to take this moment to wish our longtime member James Purman, good luck and a very special thank you. Mr. Purman will be leaving our state of Maryland this month and moving in with his daughter in the Mid-west. Jim has been a member of the Coalition almost since the beginning and a great cemetery preservationist. Jim, was mainly reasonable for beginning the restoration of Old Trinity Cemetery in Eldersburg, Md. Thank you Jim and May God Bless You.

### **Allegany County News**

#### **CUMBERLAND HISTORIC CEMETERY ORGANIZATION NEWS**

During the Fall season the CHCO is very busy erecting and restoring their designated and protected gravesite monuments. In total the CHCO is working on nine projects at this time. One of them being the Monument for the Unborn.

The CHCO has offered to do a cemetery survey for the Mineral County, W.Va. Genealogical Society. The cemetery in question is the Seymour Cemetery located in an area known as Seymours Bottom. This area is just across the Potomac River from Cumberland. The CHCO has had a problem. The caretaker of the farm in which the cemetery is located will not let the CHCO members visit the cemetery. The CHCO is in the process of determining if the state of West Virginia has a cemetery access law such as Maryland. The Coalition to Protect MD Burial Sites, which the CHCO is a charter member, worked to get the Maryland access bill to become law in Maryland.

On a sad note, well-known CHCO member Sally Williams Stern, died in Cumberland on Sat. August 28, 2004. Sally was a great cemetery preservationist, Confederate historian, and a great supporter of true U.S. history. She will be sadly missed by all who knew her. Sally's late husband was former Cumberland Mayor Harry Stern who died in 1994.

### **Mongtomery County Event**

On Sunday, October 17th, Peerless Rockville will hold a Peerless Places Tour. Eight Rockville landmarks that Peerless Rockville rescued, restored, or in some way had a hand in preserving over the past 30 years will be open to the public. Included are Montrose School, homes of Martin's Land and West Montgomery Avenue, Saint Mary's Chapel and F. Scott Fitzgerald's gravesite, the Rockville B & O Railroad Station, Wire Hardware Store, the Baptist Cemetery, and the Red Brick Courthouse. Tickets will be available that day at the Courthouse for \$15.

Eileen McGuckian

[See page 12 for more information on the progress of the Montgomery County group, headed by coordinator Anne Brockett.]

### House Judiciary Committee Members

To Write: Lowe House Office Building  
Room No., Annapolis, MD 21401-1991

To Call: 1-800-492-7122, dial extension number

Delegate Name	Room No.	Extension	District
Vallario, Joseph (chrmn)	121	3488	27A
Brown, Anthony (v. chrmn)	121	3707	25
Amedori, Carmen	322	3371	5A
Anderson, Curtis	317	3291	43
Carter, Jill	317	3283	41
Dumais, Kathleen	226	3052	15
Dwyer, Jr., Donald	213	3206	31
Gutierrez, Ana Sol	223	3028	18
Hennessy, W. Louis	216	3247	28
Kelley, Darryl A.	205	3212	26
Lee, Susan C	221	3019	16
McComas, Susan K.	326	3289	35
McMillan, Herbert	216	3439	30
Menes, Pauline H	210	3114	21
O'Donnell, Anthony J.	319	3314	29C
Petzold, Carol S.	222	3001	19
Quinter, Neil	206	3246	13
Shank, Christopher	321	3447	2B
Simmons, Luiz R. S.	225	3037	17
Sophocleus, Theodore	214	3233	32
Zirkin, Rober A.	304	3342	11

### Members in the News

CPMBS member Mary Ann Ashcraft has written an article "Carving a Path to Freedom: The Life and Work of African American Stonecarver Sebastian "Boss" Hammond" that appears in the *Markers XXI*, Annual Journal of the Association for Gravestone Studies, edited by Gary Collison. The article is very well written with good photographs to support the research and hypothesis in her article. In her notes she writes, "...indebted to George and Ann Parry Horvath for their assistance in researching many aspects of this subject and for their constant and enthusiastic support".

Congratulations to Mary Ann. There was a subject index at the end of this issue of the *Markers* for issues I—XX. There are no articles listed for Maryland. At least Mary Ann's article will change that oversight in the next compilation. Are there any other writers out there that want to put Maryland cemeteries on the map, or at least in the *Markers* journal? I am sure the AGS would like hear from you.

On June 10, 2004, member Jim Trader was interviewed on the program "One On One" on Public Channel Access 26 in Salisbury, hosted by Mr. Phillip Tilghman, former County Council member. The program aired at 7:30 p.m. on the same day. During the interview Maryland cemetery laws and the work of the Coalition was presented to educate viewers on the problems throughout Maryland in protecting our heritage as reflected in our burial sites. A copy of the videotape was presented to Jim for use in other presentations.

### Carroll County News

The following article appeared in the *Baltimore Sun* on April 16, 2004.

"Descendants in Carroll fix up ancestors' graves Efforts target burial site of town's founding family" by Sheridan Lyons, Sun Staff

[This story at least has a happy ending.] Several decades ago, the Richards family burying ground located on Rattlesnake Ridge was overgrown and practically inaccessible. Development of the area helped bring about the restoration of the cemetery that dates back to the 1750s and the final resting place of Edward Richards, whose family founded the town of Hampstead and Henry Bussard, the founder of Mount Airy.

The town of Hampstead allowed the development of the area with the requirement that the developer "fix up" the old graveyard. Assistance also came from the Richards Family Committee, Maryland Commission for Celebration 2000, and [CPMBS member] Robert Mosko, who donated his services to repair the broken monuments. Roads and sidewalks, put in for the schools and homes, made access to the cemetery much easier and the stones were removed for restoration and the land was cleared. An historic sign now marks the cemetery.

In April the burial ground was rededicated in a ceremony attended by the Mayor of Hampstead and several descendants of the Richards' family.

The following article appeared in the *Baltimore Sun* on July 13, 2004.

"Lot planned for home being checked as old cemetery site Construction is on hold as determination is made"

by Sheridan Lyons, Sun Staff

Eleven years ago a family found a cemetery in the vacant lot next to the house they moved to in Finksburg. The question of whether there were remains buried in her lot have always been in the back of her mind since the discovery in the neighboring lot over a decade ago. A former resident of the area reported to the Historical Society of Carroll County that in 1963, "We all knew there was a cemetery there that had close to one dozen or so stones two decades ago, when the now-deceased former owner fenced the lot" he said. The tombstones disappeared in 1980." Another caller to the historical society, a descendant of a couple buried in this cemetery, remembers visiting the cemetery over 50 years ago. The cemetery was overgrown even then and she recalls her mother stooping over and pulling the weeds that were growing.

The vacant lot was purchased in 2002 and plans to build a 3-bedroom house have been put on hold for 180 days to allow the Carroll County Health Department to determine ownership of the cemetery lot. The neighbor says the tombstones by her fence have disappeared as well a stack of stones that were once on the lot. George Horvath found a Health Department permit for a reburial at Evergreen Memorial Garden from an "unknown-unmarked graveyard". The permit was dated October 20, 2003.

George Horvath and others are concerned that there may be more burials on the site. The Carroll County's acting director of environmental health is not concerned with the graves but with the boundaries of the cemetery.

### Flin Garner Family Cemetery

As approved by Board members at the August 8<sup>th</sup> meeting, Jim Trader wrote the Secretary of Health about the unlawful issuance of a disinterment permit by the Health Officer of Carroll County to Height Funeral Home to remove and rebury unidentified/unknown human remains from the cemetery owned by the heirs of Flin Garner. He also wrote to the County State's Attorney requesting criminal charges be filed and report of the investigation. A complaint was also filed with the Maryland State Board of Morticians and disciplinary action requested. He also wrote to Mrs. Rosamond M. Freeman, a direct Garner heir, who has agreed

to be a plaintiff in a court case. Approval was also obtained by poll vote of Board members to be a party to the lawsuit as a "person-in-interest". Salisbury Attorney Jeffrey T. White has offered to present the court case and will contact Mrs. Freeman and the Coalition about the representation.

### Cecil County News

Letter received:

Mr. Edward Taylor, Jr., President of CHCO & CPMBS has suggested that I contact you concerning the Maryland laws regarding attempts to gain permission from the property owner to access the graves of my Lyon and Taylor ancestors. The deed to the property in question (Reference: Cecil County – WAS/133/48), lists the owners as George F. and Ethel J. Porter and the location as 168 Winch Road, Perryville, MD. A local resident has informed me that Mr. George F. Porter is deceased and that his son, George W. Porter, is currently residing there and that another son, Steve Porter, lives in the area. I was also advised that both of the sons are land developers, a fact that has aroused my suspicions about why they are ignoring my requests to visit the cemetery.

Since sometime in Jan., I have made several attempts to reach the Porters by phone and have written twice (the most recent via certified mail as Mr. Taylor suggested) and both times included a self-addressed, stamped envelope for a reply. In the letters, I have offered to make an appointment to visit at a mutually convenient time and to gain access in a way that will not disrupt the family residing there. However, none of these attempts has succeeded in generating any response from them, but I now have a copy of the certified letter receipt on which the signature appears to be S. W. Porter, so I have verification that someone at the address has received my letter requesting permission to view the graves.

I have received the document entitled, *Preservation of Historic Cemeteries: Summary of Applicable Laws and Appropriate Actions*, which outlines the applicable laws of the Annotated Code of Maryland and the Maryland Rules concerning cemeteries and also a copy of Section 14-121 of the Real Property Article. I am also in possession of a copy of the property deed which includes a description of the

graveyard located on the property, so it is a documented cemetery. From these documents, it appears that I have a legal right to access, but my concern is whether an attempt to exercise that right without written approval can be denied and what recourse do I have in that case? In other words, if I enter the property to reach the cemetery, can they refuse me entry or have me arrested?

Your advice concerning this situation will be most appreciated.

Sincerely yours,

Claire L. Abbott

139 Victoria Falls Lane

Wilmington, DE 19808

Response:

Because Maryland has few laws on the rights of heirs to access burial sites, in 1994 the Coalition and legislative friends proposed amendments to Article 14 to allow "persons-in-interest", as defined, to request access to a burial site from a property owner and an application form was included in the law. The Legislature would not agree to use of the mandatory word shall and used the word may. Of legal importance in this law is your proof of relationship to persons buried. I do not know if this was noted in your contacts with the property owners. You may file an application to visit with the owners but they may still deny access even if you have a legal right of visitation and you would have to pursue legal action in a court based on your right to access.

Often deeds or wills by property owners establish a reserved burial area on the land with right of access to and from by heirs or descendants, known as a covenant. The chain of title needs to be searched, as well as any will records, as far back as possible to determine if this reservation exists on the property. The county courthouse, telephone number (410) 996-5200 is located at 129 E. Main Street, Elkton, MD 21921.

I do not know if the cemetery or burial site in Perryville, MD has been inventoried or recorded by the Cecil County Historical Society (410-398-1790, 135 E. Main St., Elkton, MD 21921). If not or even if recorded, you might be able to have

them contact the land owners about visiting the site to check on conditions and you could possibly accompany them on the visit. If you need research done on the covenant they may have someone that can assist you with this record search as well as on any will records.

Often county libraries have copies of obituaries in local papers, and if you have dates on deaths of your heirs these could be checked at the main library (410-996-5600 on 301 Newark Av., Elkton, MD 21921). I have enclosed information on death certificate records in the Maryland Department of Health and Mental Hygiene, Division of Vital Records.

If any of the deeds has a plat or described right-of-way from an adjacent public road across the land to the burial site, you could certainly use this for public access to the site, but still could be charge with trespassing, but since you are out of State I doubt this would happen. If you visit the site take pictures to document the location and condition of the graves and gravestones, also date and initial copies of the pictures.

With kind regards,

James R. Trader,

Legislative Chairman and Board Member

### **Dorchester County News**

On August 9<sup>th</sup>, member Jim Trader was contacted by Mr. Donald Willey, 1208 Parks Road, Fishing Creek, MD 21634 (410) 397-3433, cell: 443-521-7974) for advice on protecting a cemetery at Hoopersville, MD that was in danger of erosion from the Chesapeake Bay. A plan of action, suggestions, and recommendations were made to Mr. Willey for discussion with interested persons at a meeting of August 13<sup>th</sup> at the Hoopersville Fire Company.

The meeting was attended by: Mr. Glenn L. Bramble, President, Board of County Commissioners; Senator Richard Colburn; Delegates Adelaide C. Eckardt and Jeannie Haddaway; and other interested heirs and persons. A subsequent meeting was held with the County Commissioners for assistance in seeking \$80,000 for shoreline protection and other activities. Establishment of a "Friends" organization, fund raising, documenta-

tion of the burial site, and sources of help were discussed with Mr. Willey.

James R. Trader

The following article appeared in the *Daily Banner* on August 22, 2004.

"Cemetery is losing more ground" by Richard Kendall

Donald Willey reported recently that a pathway that he had made at the shoreline bordering the Travers Graveyard is gone as a result of the winds [and water] from [Hurricane] Charley. He has found fragments of bone that he is awaiting confirmation that they are human remains. The meeting of August 13<sup>th</sup> [reported above by Jim Trader] has yet resulted in any improvements being made.

The graves that are in the area of the shoreline deterioration are: Parks, Travers, Meekins, Phillips, Ashton, Hooper, Jones, Lewis, White, Ruark, Tyler, Cox, Wroten, Trexler, Woodland, Creighton, Johnson, Simmons, Adams, Mills, and Tolly. "If anyone has relatives with those last names and is able to help, I would love to talk to them," Mr. Willey said. He can be reached by calling (410) 397-3433.

### **Wicomico County News**

The Maryland Commission on Indian Affairs has awarded a \$5,000 grant in partial reimbursement of the cost to analyze and report on prehistoric Native American human skeletal remains found at a site in the county that is under construction. This cooperative project that will preserve, understand, and document a sensitive human burial site between the anthropological and Native American communities is a first for Maryland.

[From the Summer 2004 edition of *The Phoenix* Preservation Maryland, vol. XXII, no. 2]

#### Noah Jackson Cemetery

Member Jim Trader visited Cedar Hill Park, near Bivalve in January 1995 to confirm condition of a gravesite marked by posts around the 4' x 8' grave of Noah Jackson. The site was first recorded in 1971 by local attorney Mr. John E. Jacob, Jr. Jim and a friend could not find the gravestone, and later learned from a supervisor in the Department of Recreation and Parks, that the stone was broken but

not where it was stored. Measurements from the gravesite to a nearby bathhouse were made and a burial site data form recorded with County Planning and Zoning Department of Assessments and Taxation.

Subsequent contacts with the Director of Recreation and Parks in 2003 and in the spring of 2004 failed to find the gravestone location. Jim advised the County Council at a meeting on April 6, 2004 that if the stone could not be found, the County could pay for a replacement. Intuition moved Jim to revisit the grave on April 16, 2004 where he found the trees on the high sandy hill had been cut down, the posts marking the grave had been removed, and a children's playground had been erected over the gravesite. Jim wrote the President of the County Council on April 19, 2004 about the destruction of the known gravesite and by copy to the County State's Attorney requesting an investigation, later visiting the site with investigators who had a copy of Jim's previous record.

Not having received any reply from the County Council or State's Attorney, Jim wrote the State's Attorney on June 12, 2004, requesting criminal charges be filed against the County Council and the Department of Recreation and Park, a court order to have the Council and the Department Director serve at least 25-hours of public service in cleanup and maintenance of neglected burial sites under his supervision, and court order to install a suitable bronze plaque or granite monument with working "beneath this playground lies the destroyed grave of Noah Jackson, born 3 FEB 1807, died 25 JUN 1880".

Jim paid to have a copy his June 12, 2004 letter to the State's Attorney published in the August 9, 2004 issue of the *Daily Times* of Salisbury, MD which resulted in a letter from a Bivalve resident to the Editor denying the cemetery destruction to which Jim replied with the facts and to which he has received no response.

James R. Trader

### Montgomery County News

We have made so much progress this year on the cemetery inventory project, it's amazing! To date, we have complete surveys on 108 cemeteries! And there are lots more currently being worked on. Now

it's time for the final push!

To stay on track to complete the project this year, there are still about 30 more cemeteries that need to be surveyed. In addition, there are a number of cemeteries that need just digital photography and GPS location. I know there are some folks who wanted to help out, but just haven't had the time and others who have generously said they could help more as needed. Well, fall is here, the weeds are dying back, the weather is gorgeous, and—I need you!

I'll be at the Red Brick Courthouse both Saturday and Sunday October 16th and 17th from 10:00 to 12:00. Please come by to drop off any completed forms and pick up a few more to do over the next month. It will be informal—no meeting, per se—just to trade forms. But we will have another big meeting with the whole group as celebration when we're done and to shop of the final product—our cemetery database and map!

Anne Brockett

### Anne Arundel County News

The following article appeared in the *Baltimore Sun* on September 11, 2004. "[A cemetery of the forgotten receives respect at long last. Hospital graveyard to be preserved as historic site.](#)" By Molly Knight, Sun Staff.

On September 10, 2004, the cemetery at Crownsville Hospital Center, final resting place of nearly 2,000 African-American men, women, and children, was dedicated as an historic site. Nearly 100 state officials, community leaders, historians, and former employees of the hospital gathered.

The ceremony was vindication for local historians who had worked to preserve the burial area. Janice Hayes-Williams (CPMBS Board Member) and her uncle spent three years searching the state archives for records to identify the names of those interred in the cemetery.

Last session the General Assembly voted prohibit the state from selling a cemetery owned by the state and on grounds of a state facility. [see Spring 2004 issue of the Courier, page 7].

A memorial stone will be placed at the cemetery within the next few weeks.

Diane Nesmeyer

**The Courier**

The Coalition Courier is published quarterly by the Coalition to Protect Maryland Burial Sites, Inc., P. O. Box 1533, Ellicott City, Maryland 21041, (410) 772-8602. Members of the Coalition receive the Courier as part of their membership which runs from June 1 through May 31st of each year. Individual memberships are \$10.00, household memberships are \$15, student memberships (grade 12 and under) are \$5, and organizational memberships are \$20.00 per year. Dues should be mailed to the Membership Chairperson at the address listed above.

The President, Board of Directors, and the Courier editors encourage all members to submit articles to the Courier. They further invite members to write to the Courier with questions or comments about any topic that pertains to burial sites. The topics can include preservation, protection, restoration and maintenance, historical and cultural significance, and documentation. They are also looking for questions or comments you may have about the Coalition. The questions, answers, and comments will be printed in future editions of the Courier. This is an opportunity for you to learn more about your Coalition and to have questions answered that you may have regarding burial sites.

All articles, questions, items of interest may be sent directly to the Coalition at the address listed above or e-mailed to the editors at their address listed below.

**Reprint Policy**

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**Coalition's Objectives**

The Coalition, through its members in each county, hope to reach out to all areas of the state to:

Facilitate the exchange of information among individuals and organizations concerned about the protection of Maryland burial sites.

Increase public awareness of the historic and cultural significance of burial sites and the serious threats to them.

Draft and gain passage of new laws to more effectively deal with criminal acts against burial sites and to establish effective and uniform procedures for the protection and preservation of burial sites regardless of their age, cultural affiliation or condition.

Organize support for stronger laws in Maryland to protect burial sites--Native American burials as well as traditional cemeteries.

Raise funds for statewide public education programs, focused on burial site protection, and to provide information and guidance to any government agency, group, organization or individual interested in preserving human burial sites.

**Editors**

Diane and Jeff Nesmeyer, nesmeyer@verizon.net  
14326 Springbrook Ct., Woodbridge, VA 22193-3421

**2004 Publication Deadlines**

Spring	March 15, 2004
Summer	June 15, 2004
Fall	September 15, 2004
Winter	December 15, 2004

**Board Meetings**

Board meetings are held quarterly and scheduled by the President. Meetings are first posted on the Coalition's Web Site and announced in the issue of the Courier published just prior to the meeting.

The Annual Meeting is held during the board meeting in April of each year. Election of new officers and Board members takes place as well as presentation of the annual reports, adoption of the budget for the coming year, and presentation of the Periwinkle Awards.

**2003-2004 Officers and Board of Directors****Officers**

President	Edward Taylor, Jr. (301) 722-4624 pres@cpmbs.org
Vice President	Paul Miller (410) 465-9158
Treasurer	Gary Kraske (410) 730-8278 treas@cpmbs.org
Secretary	Jean Keenan sec@cpmbs.org
Past President	Kristin Kraske (410) 772-8602

**Board of Directors**

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Thomas Mason	(PG County) (301) 736-4058
Ann Bolt	(Montgomery County) (301) 774-1960 Anncestor@aol.com
Dorothy Brault	(Montgomery County) (301) 309-0289 DottiMcBro@aol.com
James Trader	(Wicomico County) (410) 860-2364
Janice Hayes-Williams	(Anne Arundel County)
George Horvath	(Carroll County) (41) 526-4878
Christy Krabal	(Harford County) sacred_buff@msn.com
Robert Lyons	(Baltimore) (410) 747-3271
Barbara Sieg	(Howard) (410) 465-6721

**Standing Committees**

- Publicity Committee
- Finance Committee
- Nominating Committee
- Legislative Committee
- Awards Committee
- Family Remembrance Week Committee
- Archives Committee
- Fund Raising Committee
- Coalition Courier Committee

**Web Site**

<http://www.cpmbs.org>

**Coalition to Protect Maryland Burial Sites  
Membership Form**

**NOTE: This is NOT a renewal notification; it is provided for convenience only.  
Membership year is June 1 through May 31st**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone \_\_\_\_\_ E-mail \_\_\_\_\_ Date \_\_\_\_\_

<input type="checkbox"/> <b>New</b>	<b>Annual Membership Rates:</b>	Individual.....\$10
<input type="checkbox"/> <b>Renewal</b>		Student (grade 12 and under)...\$ 5
		Organization.....\$ 20
		Household.....\$15

Questions? Call Kristin Kraske,  
Membership (410) 772-8602

Make Checks Payable to: **Coalition to Protect Maryland  
Burial Sites, Inc.  
P.O. Box 1533  
Ellicott City, MD 21041-1533**

Can you help us in our various efforts? Please list occupations / skills / interest. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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