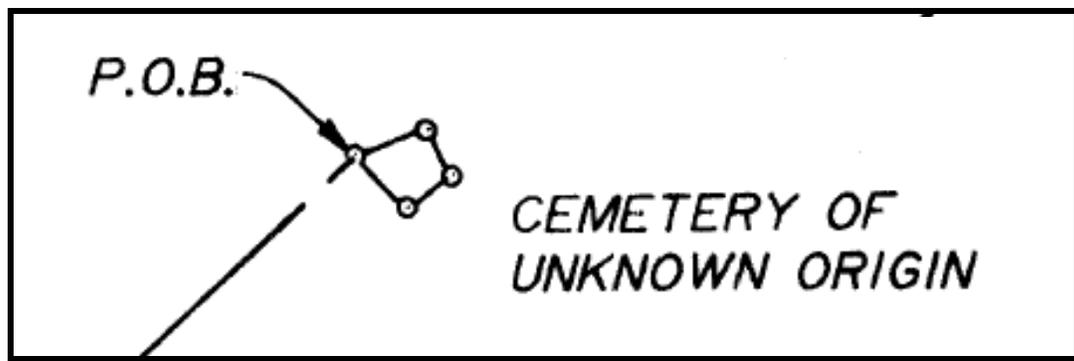


Historical Assessment of a “cemetery of unknown origin” in the L. Barnes Brockman, Sr. Business and Industrial Park, Amherst, Virginia.



Project Number 20120500

October 26, 2012

*Submitted to:
Town of Amherst
Mr. Jack Hobbs, Town Manager*

*Submitted by:
Randy Lichtenberger, Director of Cultural
Resources and Sarah Clarke, Senior
Architectural Historian*

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EXECUTIVE SUMMARY

This report presents the results of field reconnaissance and historical research into the origin and affiliation of an unmarked cemetery located within the L. Barnes Brockman, Sr. Business and Industrial Park (Brockman Park) in Amherst, Virginia

Hurt & Proffitt has completed intensive documentary research into the history of the Brockman Park property in order to verify the existence of a cemetery in the vicinity of the “cemetery of unknown origin,” (T.M. 96 – A – 36D). This research found no mention of the cemetery in plats, deeds, wills or other sources prior to the 1988 plat prepared by Hurt & Proffitt. However, based on oral history and physical evidence at the site, Hurt & Proffitt concludes that a cemetery in all likelihood does exist where the “cemetery of unknown origin” is indicated. The most recently staked cemetery boundaries, which follow a recent Draper Aden survey, appear to have inadvertently doubled the original Hurt & Proffitt-surveyed boundaries. There is ample reason to believe that the cemetery is contained within the much smaller area of the 1988 survey.

Hurt & Proffitt recommends that the cemetery, as depicted by the 1988 survey and as indicated by old irons recently rediscovered, be set aside and preserved in place with future access provided as stipulated by law. However, should the Town determine that it is in the public interest to pursue relocation of the cemetery, all burials will need to be located and accurately mapped prior to exhumation. The most efficient and reliable means of locating unmarked burials has proven to be topsoil/plow zone stripping. This method involves removing upper soil layers, typically to a depth of approximately one foot, at which point the edges of backfilled grave shafts will be visible in contrast to surrounding soils. This phase of investigation will provide the data on the number and locations of burials which is necessary to determine the scope of a potential reburial effort. Attached for your consideration is our proposal for the grave location and mapping phase (Appendix A).

1. INTRODUCTION

This report presents the results of field reconnaissance and historical research into the origin and affiliation of an unmarked cemetery located within the L. Barnes Brockman, Sr. Business and Industrial Park (Brockman Park) in Amherst, Virginia (Figure 1). The project was completed between September 6 and October 16, 2012 by Hurt & Proffitt's cultural resources division under contract to the Town of Amherst. Mr. Randy Lichtenberger, Director of Cultural Resources, and Ms. Sarah Clarke, Senior Architectural Historian, conducted the work. Mr. Lichtenberger and Ms. Clarke meet the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9) for Archaeology and Architectural History, respectively. They were assisted in the field by Mr. Keith Adams, an adjunct member of the Sweet Briar College faculty, who meets the Secretary's Standards for Archaeology. Although this project is not mandated by federal or state cultural resources laws, the work performed is intended to comply with the Virginia Department of Historic Resources' (VDHR's) *Guidelines for Conducting Cultural Resources Survey in Virginia* (VDHR 2011).

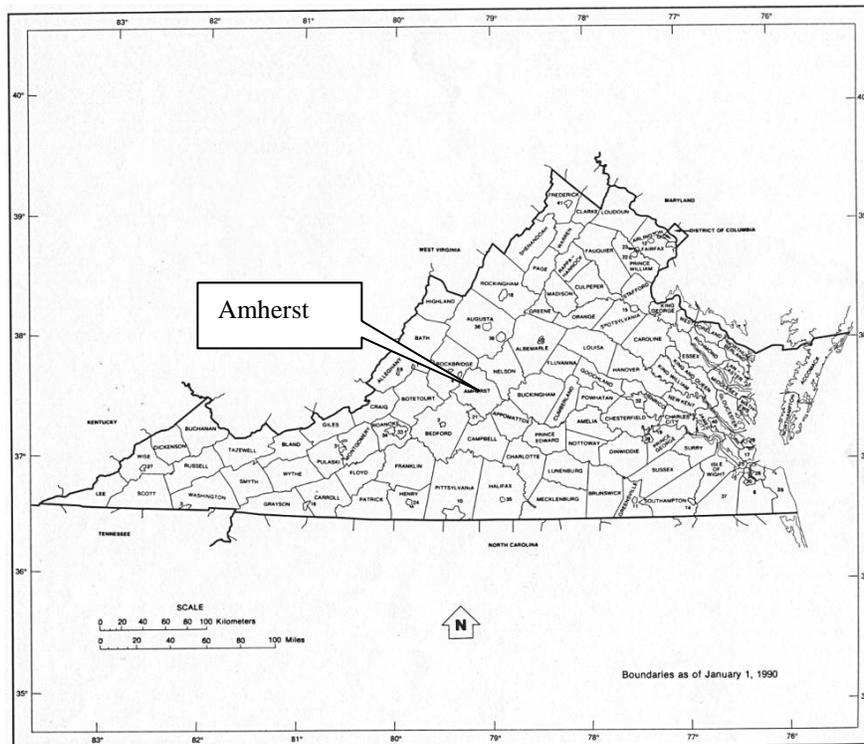


Figure 1. Project location.

2. SETTING

Located in the Virginia Piedmont Uplands, Brockman Park is situated within a topography of rolling hills and farmland visually framed by the nearby mountains. The 317 acres of land comprising the park was historically a part of the 18th century Montpelier plantation and was farmed as recently as the 1980s. Today, portions of the park fronting Route 60 have been developed while areas further north, away from the road, are comprised of fallow fields and woodland (Figures 2 and 3).

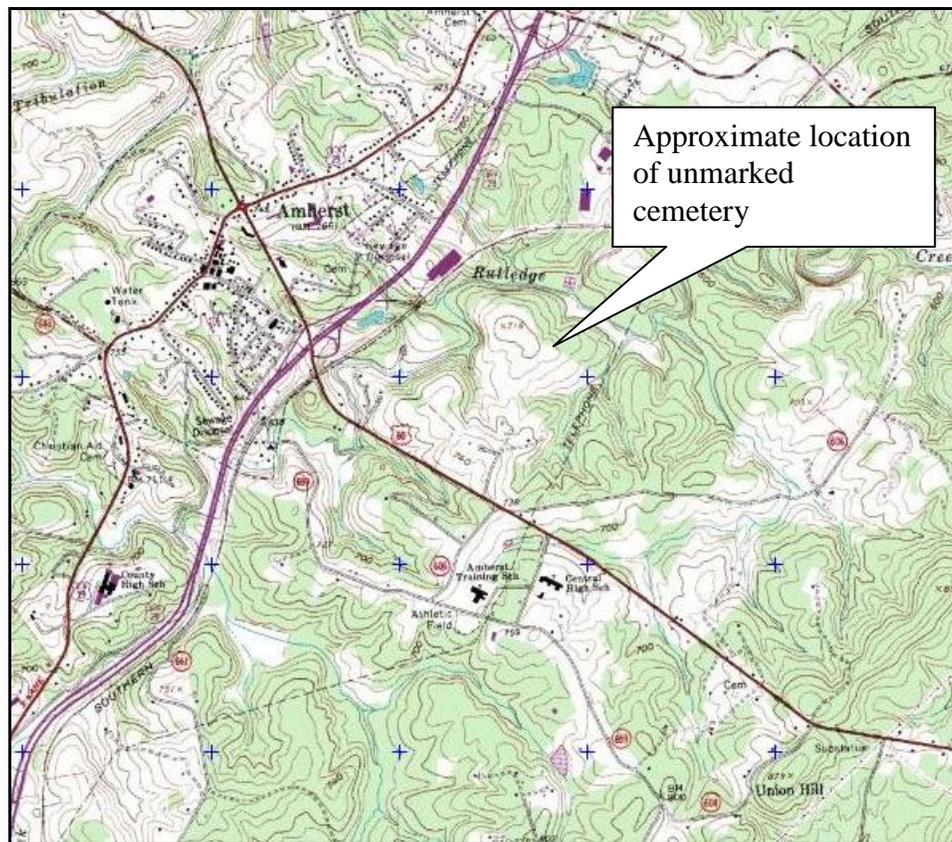


Figure 2. Cemetery location depicted on United States Geological Survey *Amherst, Virginia, Quadrangle Map, 7.5 minute series (USGS 1991).*

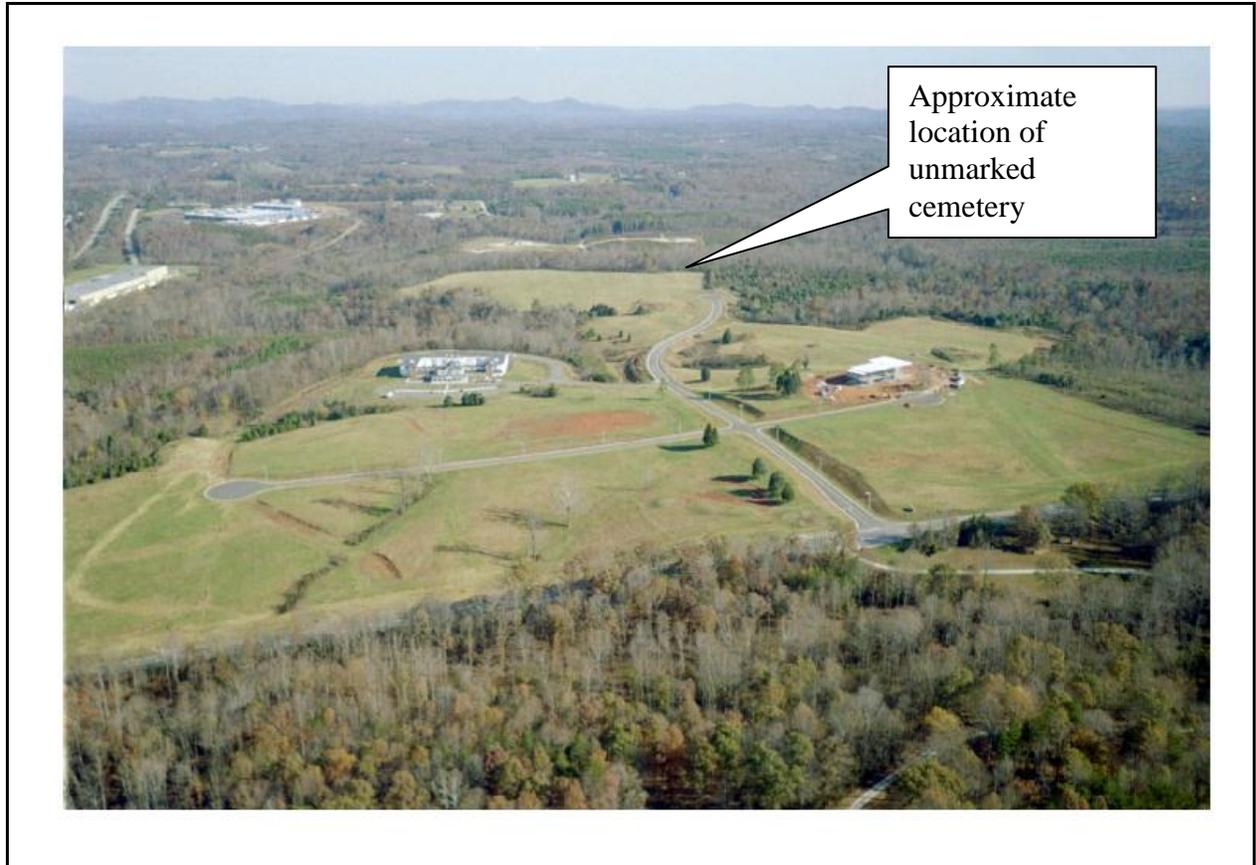


Figure 3. North view of Brockman Park (Courtesy of the Town of Amherst, <http://www.amherstva.gov/menu/business/1.%20barnes%20brockman%20sr.%20business%20and%20industrial%20park/>).

The unmarked cemetery that is the subject of this investigation lies just inside of woods adjacent to an open field. The area lies on the boundary between Brockman Park Lots 15 and 16 (formerly part of Lot 1B) which together comprise approximately 91 acres. The cemetery vicinity is gently sloping to the north. The nearest current water source is Rutledge Creek some 900 feet to the northeast.

Soils at the cemetery site are mapped as Clifford loam, 2 to 7 percent slopes (NRCS 2012). This soil forms on hillslopes at the summit or shoulder. It is composed of residuum weathered from granite and/or mica gneiss and/or mica schist. Clifford loam is relatively deep and well drained with no flooding or ponding. A typical profile consists of 10 inches of loam overlying 10 to 50 inches of clay which in turn overlies another 50 to 72 inches of clay.

3. SITE RECONNAISSANCE

Mr. Lichtenberger and Mr. Adams visited the cemetery site in May 2012 to assess the location for the presence of burials. The site had been recently cleared of brush and was well marked with survey stakes and flags following the boundaries of a recent plat by Draper Aden Associates (Figures 4 and 5). Two of the four sides of the cemetery were staked as over 100 feet in length. It has since been shown that this was a misinterpretation of the previous boundaries as originally recorded by Hurt & Proffitt in 1988.

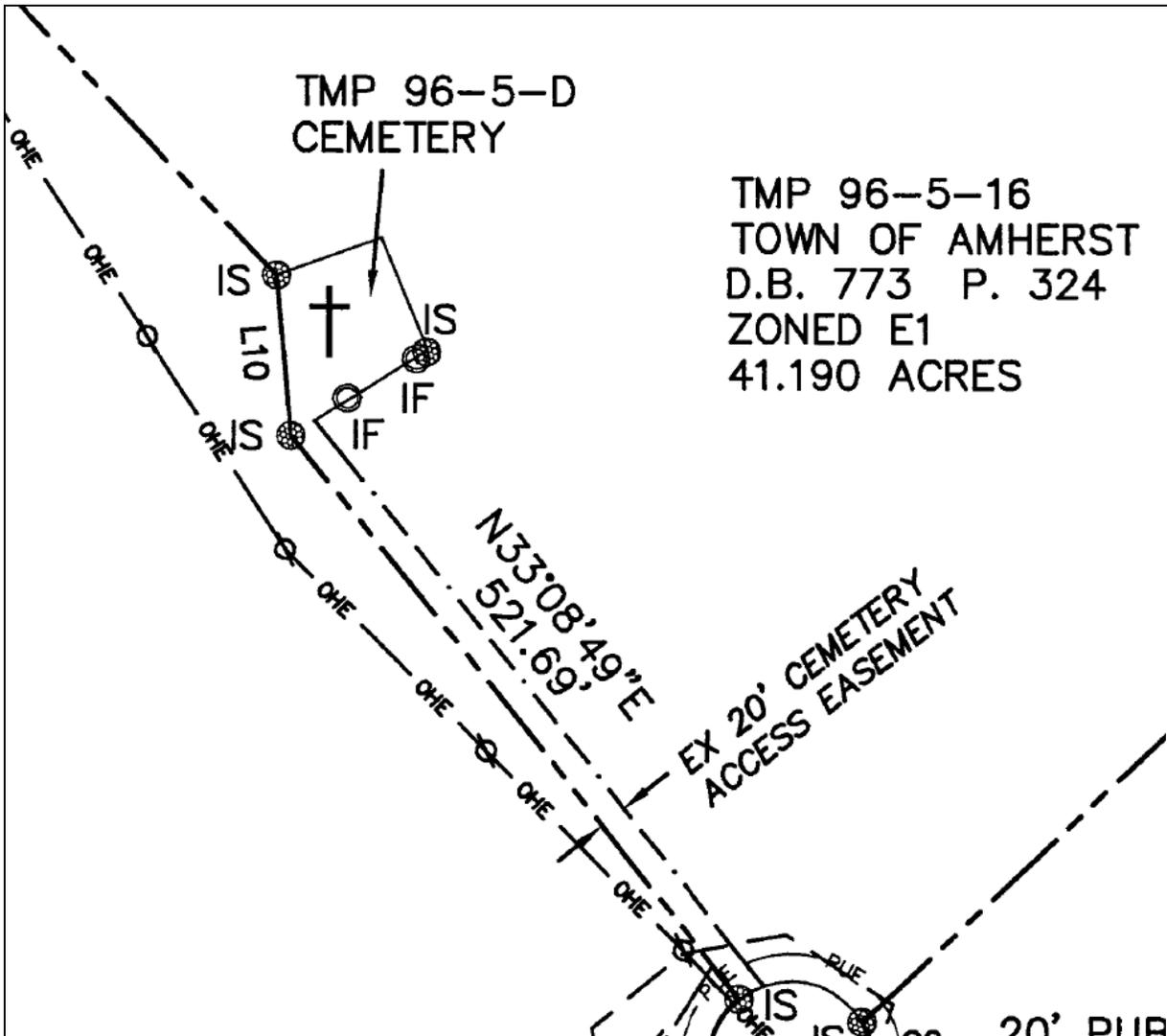


Figure 4. Cemetery boundaries depicted on recent Draper Aden Associates Plat.

LINE TABLE			CURVE TABLE						
LINE	BEARING	LENGTH	CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD
L1	N16°17'37"E	44.26	C1	91.28	60.00	87°10'10"	57.11	S79°33'44"W	82.73
L2	N22°02'10"W	149.94	C2	47.05	60.00	44°55'29"	24.81	N63°36'53"E	45.85
L3	N55°00'42"W	155.79	C3	36.53	50.00	41°51'48"	19.12	S65°08'43"W	35.73
L4	N79°08'19"E	129.23	C4	520.17	1030.00	28°56'08"	265.76	N58°40'53"E	514.66
L5	N49°58'36"E	133.35							
L6	S44°44'18"E	68.21							
L7	S85°47'53"E	98.77							
L8	S85°34'46"E	79.01							
L9	N28°12'53"E	42.97							
L10	N66°45'36"E	117.88							
L11	N73°08'57"E	48.82							

Figure 5. Bearings and distances from Draper Aden survey.

Mr. Lichtenberger and Mr. Adams found no discernible evidence of a cemetery during the May reconnaissance. There were no markers, fieldstone or otherwise, that appeared intentionally placed within the supposed cemetery boundaries. While a fair number of fieldstones were scattered about, none were in an upright position nor were they organized in a pattern. The stones were present across the entire hillside, well outside of the supposed cemetery and likely were not transported to the area as grave markers. No depressions were observed in the vicinity which could be attributed to slumping grave shafts. No vegetation was present that would indicate the presence of burials, such as periwinkle (*Vinca minor*), commonly used as groundcover within cemeteries. A single fencepost with wire nails was observed within the surveyed area, but it was attributed to an old farm fence.

4. HISTORY

Hurt & Proffitt conducted documentary research as well as a series of interviews with people who are connected with the Brockman Park property. Research was undertaken at the Amherst County Historical Museum, the Amherst County Circuit Court Clerk’s Office and the Library of Virginia (LVA). The Library of Congress online collection was consulted for historic maps of the project vicinity. Interviews were conducted with P. Massie Saunders, Jr., I. Paul Wailes, III; Granville B. Shrader and Mary Anna Penn, all of Amherst County.

Mr. P. Massie Saunders, Jr., a former employee of Hurt & Proffitt, was the first to record the “cemetery of unknown origin” on a plat of the “Miriam Arey Leith Richeson

Estate” produced by Hurt & Proffitt in 1988. That plat depicts the cemetery as a roughly diamond-shaped area with sides measuring 59’, 38.7’, 42.85’ and 57.23’ (Figure 6). Mr. Saunders did not recall how the cemetery came to be recorded but believes it may have been based on information provided in the field by an informant. He could not recall who that might have been, but suggested Mr. I. Paul Wailes, III or Mr. Thomas B. Howell, Sr. who were purchasing the tract at the time. Mr. Howell is deceased and the interview with Mr. Wailes is discussed below.

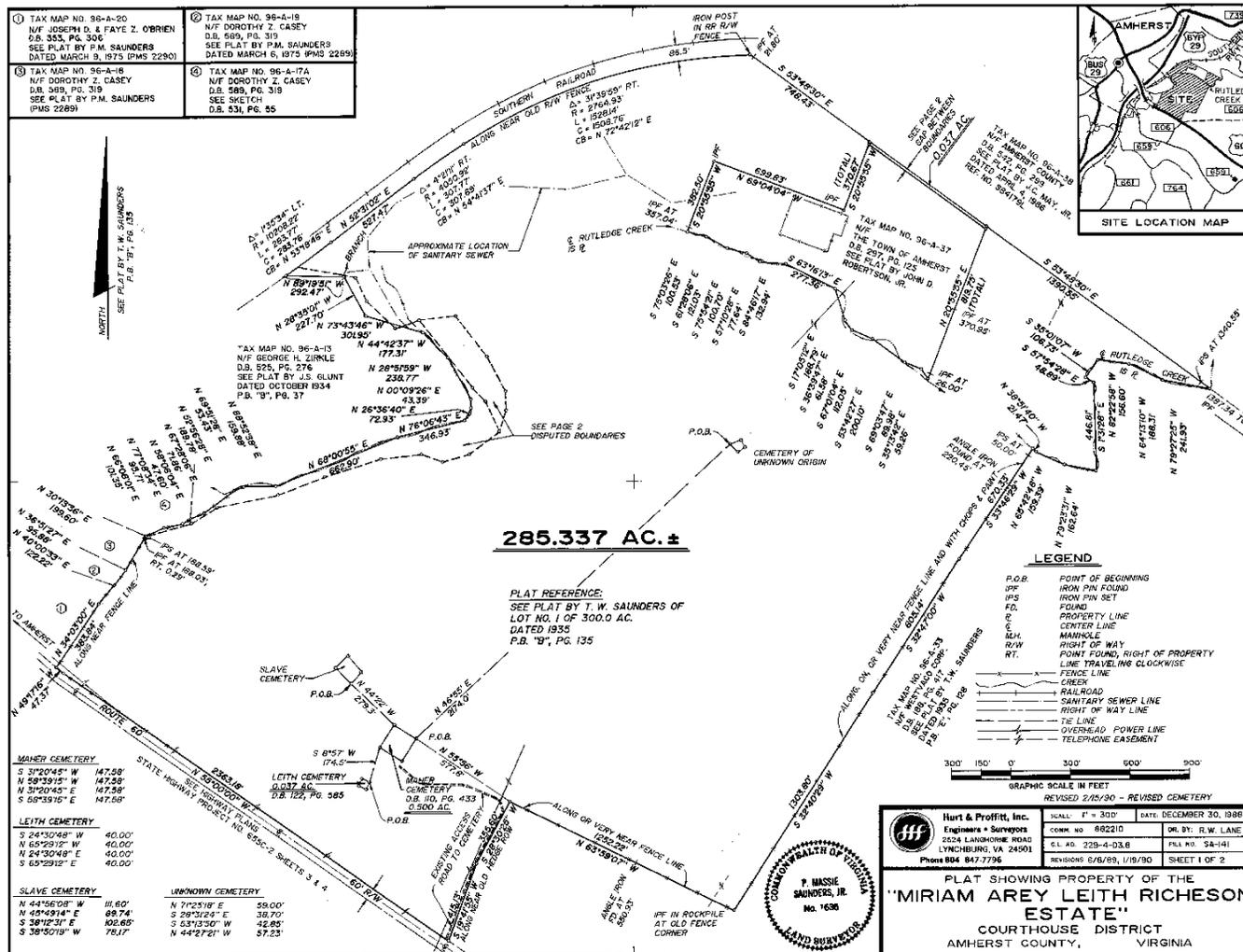


Figure 6. 1988 Hurt & Proffitt Plat (revised 1989, 1990).

Chain of Title

The following chain of title documents property transfers from the late 18th century to the present in an attempt to ascertain the origin of the unmarked cemetery. It is supplemented with land tax and map research as appropriate.

James Franklin began acquiring land in the Amherst area in 1789 when he purchased 180 acres of land “on the waters of Rutledge Creek” from John Stewart (DB F, PG 352). Franklin continued his land acquisition in 1792 with the purchase of 500 acres on the “south side of Rutledge Creek” from the estate of John West (DB G, PG 209). James Franklin died in July 1813; his will stated that he left “my plantation on south side of Rutledge with mansion” to his widow Nancy James Franklin (WB 5, PG 370). Nancy Franklin retained ownership of the property until her death in March 1843. At that time Nancy Franklin divided her holdings into thirds with one part going to the children of her deceased daughter Ann Davis, the second part passing to Sally W. Davis and the last portion going to the children of her deceased daughter Elizabeth Brown (WB 11, PG 314). The land given to the descendants of Elizabeth Brown consisted of the property referred to as Montpelier and is the land where the cemetery is currently mapped. The transfer of property appeared in the Land Tax Records of 1858 as belonging to Howell S. Brown, a descendant of Elizabeth Brown (VA Land Tax Records 1858). At his death, H.S. Brown gives the property to his son; however, the estate of H.S. Brown ultimately sold the land (WB 15, PG 257).

Reuben Coffey purchased the land from the heirs of H.S. Brown in 1865 (DB FF, PG 487). However, later that same year, Coffey sold Montpelier to Jesse L. Heiskell; who retained ownership only until 1868. At that time, Heiskell sold the property back to Coffey. The deed referenced a Chancery Court case in the Circuit Court of Amherst County and stated that the transfer of the Montpelier property back to Reuben Coffey was part of the decision of the case Heiskell v Coffey (DB KK, PG 127). At this time the Chancery Court cases of Amherst County are being processed and are not available to the public. However, once these records are available they should be examined for additional information regarding the property. It was also around this time that the first detailed county level maps were produced in Virginia. They were a direct result of the need for accurate mapping during the Civil War. The 1860s map of Amherst and Nelson

counties does not depict a house in the vicinity of Montpelier, suggesting it was simply left off (Figure 7). This is not surprising given that the names and properties included on these maps were still very much subjective. The property remained in the Coffey family even after the death of Reuben in 1883. At that time the property passed to M.B. Coffey, the son of Reuben Coffey; it later passed to Roy M. Coffey (WB 21, PG 55). The land remained in the Coffey family until 1934, at which time Roy M. Coffey sold it to Lee Maher (DB 105, PG 598).



Figure 7. Project vicinity depicted on the Civil War “Map of Nelson and Amherst counties, Va.” by Lt. C.S. Dwight, 186_? (www.memory.loc.gov; accessed 2012).

Lee Maher owned the Montpelier property for about three years before it was sold again to Kenneth Leith in 1937. The deed stated that there are two small tracts of land set aside as graveyards; one containing one-half acre and the other being forty feet square

(DB 110, PG 433). This is the first mention and description of cemeteries on the property found in the deeds. A plat produced at that time depicts several dwellings, the “mansion” and barns. However, only a farm road and barn are depicted in the general vicinity of the unmarked cemetery (Figures 8 and 9). The 1939 USGS 7.5 minute Amherst map also depicts the Leith property with several buildings near Route 60 and a road running through to the northeast in the general vicinity of the cemetery (Figure 10). However, no cemeteries or other structures are indicated on the property. Kenneth Leith and his wife gave the property to their son Kenneth Leith, Jr. He remained the owner of the land until 1988, at which time he sold the property to Wailes & Howell (DB 596, PG 297). In 1991 Wailes & Howell sold the property to Montpelier, Inc. (DB 620 PG 760), from whom the Amherst Industrial Development Authority acquired the tract.

Following completion of the deed research, Mr. Lichtenberger visited the Amherst Historical Museum where he was assisted by the director, Ms. Holly Mills. The museum retains a small amount of information on the property, primarily involving the former Montpelier mansion house which burned in the early 1940s. The documentation notes that the present Amherst Milling Company property was once part of the estate. A cemetery book at the museum lists the Leith cemetery but no others on the tract. However, Ms. Mills noted that several people have inquired about the “cemetery of unknown origin” since she has been at the museum. She is unsure whether they may have been descendants, but thinks they probably were simply documenting the locations of “lost” cemeteries in the area.

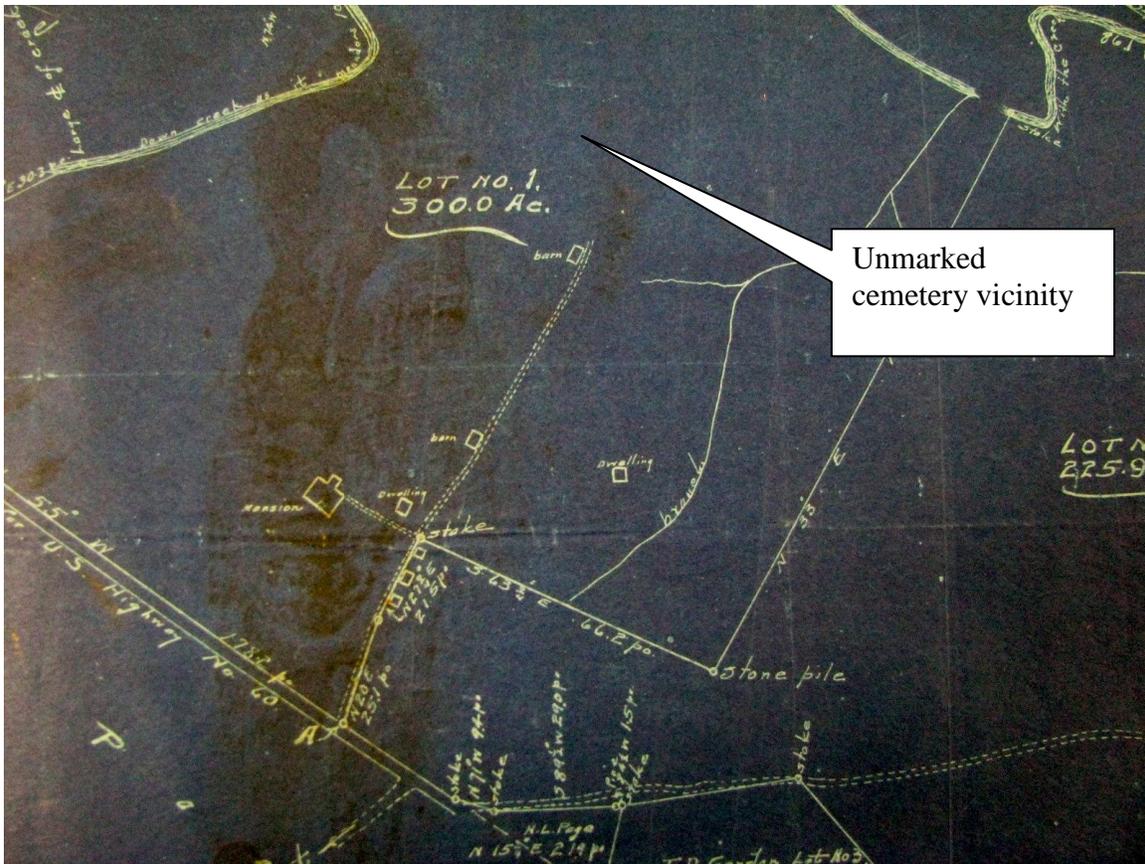


Figure 9. Portion of 1937 plat of the Maher property by T. W. Saunders (Saunders 1937).



Figure 10. Portion of 1939 USGS Amherst 7.5 minute topographic map depicting the location of the Leith property (USGS 1939).

Oral History

In addition to the interview with Mr. Saunders noted above, Hurt & Proffitt met with several people with knowledge or purported knowledge of the Brockman Park property history.

Mr. I. Paul Wailes, III

On Friday, September 21st, Mr. Lichtenberger, Mr. Adams, Mr. Jack Bailey and Mr. Tom Fore met at the cemetery site with Mr. Wailes. Mr. Wailes, who is in his 80s, is a former owner of the property and a lifelong resident of Amherst. He recalled vividly the fire that consumed one of the dwellings on the estate and remembered the three cemeteries on the south end of the property. However, he had no knowledge of a cemetery in the vicinity of the “cemetery of unknown origin.” He recommended speaking to Ms. Mary Anna Penn, an African-American woman who had worked at the farm for years. Mr. Wailes also confirmed the value of interviewing Mr. Granville

Shrader, who had farmed the land during the Leith ownership.

Mr. Granville B. Shrader

On Wednesday, October 10th, Mr. Lichtenberger, Mr. Adams and Mr. Jack Hobbs met at the cemetery site with Mr. Granville Shrader. Mr. Shrader had leased the land from the Leiths for approximately 35 years beginning in the 1960s. He was last on the property in the early 1980s. In a telephone interview, he had said he clearly remembered the cemetery in question, as it lay just off the corner of the field he had hayed. A wire fence had enclosed the cemetery at the time. Once in the field, Mr. Shrader immediately recognized the cemetery location and pointed out that it lay near the southeast corner of the recently marked boundaries.

Mr. Shrader recalled that the cemetery had measured no more than about 40 feet on each side and that there had been no gravestones present. He did have a vague memory of some type of wooden marker but could not be certain. With Mr. Shrader's assistance, the group located three locust fence posts, two of which were still in the ground. These posts were set a few feet inside the current surveyed cemetery boundaries (Figures 11-13). Two of the three posts also retained one or more wire nails that presumably held the fence wire in place. Mr. Shrader recalled that there were no other fences in the vicinity except the one enclosing the cemetery. He remembered a fence much further to the east and that the cattle could freely go into the woods in the cemetery vicinity. His uncle, Mr. William Bailey, had once cut over the timber in the surrounding woods, which is evident today by the relatively young age of the forest. Mr. Shrader had heard about the "slave cemetery" close to Route 60 early on from Mr. Jim Patterson, an African-American man who was associated with the Leith farm. Mr. Patterson had been a mail carrier on horseback in his youth and claimed to have made bricks used in the construction of Sweet Briar College. However, Mr. Shrader does not believe that Mr. Patterson ever talked about the "cemetery of unknown origin."

Following Mr. Shrader's departure, the remaining group was able to locate four irons, roughly corresponding to the corners of the cemetery as pointed out by Mr. Shrader. One of the irons coincided closely with the recently marked southeast corner of the cemetery. The other three lay in a roughly diamond-shaped configuration. These closely match the 1988 Hurt & Proffitt cemetery boundaries and are presumed to be the

irons set at that time. A line of fieldstones and tree stumps follows the southern Hurt & Proffitt boundary and two of the three fence posts lie along this line as well.



Figure 11. East view of the last fully intact fence post at the cemetery site.



Figure 12. Partial fence post lying on the ground surface near the southeast corner of the cemetery.



Figure 13. Broken off fencepost along the south boundary of the cemetery.

Ms. Mary Anna Penn

On Saturday, October 13th, Mr. Adams spoke with 93-year old Mary Anna Penn of Scott's Hill Road in the Town of Amherst. Ms. Penn is an African-American woman who Mr. Wailes knew to have worked at the Leith farm for a time. Due in part to her age, Ms. Penn had little memory of the property and none of the cemetery in question.

5. CONCLUSIONS AND RECOMMENDATIONS

Hurt & Proffitt has completed intensive documentary research into the history of the Brockman Park property in order to verify the existence of a cemetery in the vicinity of the "cemetery of unknown origin," (T.M. 96 – A – 36D). This research found no mention of the cemetery in plats, deeds, wills or other sources prior to the 1988 plat prepared by Hurt & Proffitt. Oral history, however, has confirmed the existence of a fenced-in area purported to be a cemetery which matches closely the boundaries surveyed in 1988. Physical evidence has been discovered in the form of remnant fence posts, and a line of rocks and stumps which conforms to the 1988 survey. It is likely that Mr. Saunders, who directed the survey, simply set irons a few feet outside the wire fence on all sides to insure that enough buffer was provided to protect and preserve the cemetery. He also may well have spoken with an undetermined informant who related to him that the fence was enclosing a cemetery.

Given the oral history and physical evidence at the site, Hurt & Proffitt concludes that a cemetery in all likelihood does exist where the "cemetery of unknown origin" is indicated. The most recently staked cemetery boundaries, which follow a recent Draper Aden survey, appear to have inadvertently doubled the original Hurt & Proffitt-surveyed boundaries. There is ample reason to believe that the cemetery is contained within the much smaller area of the 1988 survey.

Hurt & Proffitt recommends that the cemetery, as depicted by the 1988 survey and as indicated by old irons recently rediscovered, be set aside and preserved in place with future access provided as stipulated by law. However, should the Town determine that it is in the public interest to pursue relocation of the cemetery, all burials will need to be located and accurately mapped prior to exhumation. The most efficient and reliable

means of locating unmarked burials has proven to be topsoil/plow zone stripping. This method involves removing upper soil layers, typically to a depth of approximately one foot, at which point the edges of backfilled grave shafts will be visible in contrast to surrounding soils. This phase of investigation will provide the data on the number of burials which is necessary to determine the scope of a potential reburial effort and will guide any exhumation plan with detailed mapping. We have prepared a proposal for the grave location and mapping phase for the Town's consideration.

REFERENCES CITED

Amherst County Deed Books. Circuit Court Clerk's Office, Amherst. Available on microfilm at the Library of Virginia, Richmond, VA.

Amherst County Will Books. Available on microfilm at the Library of Virginia, Richmond, VA.

Virginia Land Tax Books for Amherst County. Available on microfilm at the Library of Virginia, Richmond, VA.

Natural Resources Conservation Service (NRCS)

2012 National Cooperative Soil Survey, Web Soil Survey 1.1, electronic database. Accessed 2012 <http://websoilsurvey.nrcs.usda.gov>.

United States Geological Survey

1939 *Amherst, Virginia, Quadrangle Map*, 7.5 minute series. U.S. Geological Survey, Washington, DC.

1991 *Amherst, Virginia, Quadrangle Map*, 7.5 minute series. U.S. Geological Survey, Washington, DC.

Virginia Department of Historic Resources (VDHR).

2011 *Guidelines for Conducting Cultural Resources Survey in Virginia*. VDHR, Richmond.