

State buys city plots to move graves for highway

Aug 22, 1979

BUCKHANNON — The completion of Corridor H around the northwest portion of the city proceeded another step recently with the verbal agreement between Buckhannon City Council and the state Department of Highways.

Mayor William R. Short said yesterday the state has agreed to purchase approximately 650 grave sites in the new section of Heavner Cemetery for the relocation of Baptist cemetery graves in the path of the new highway.

The agreement, Short explained, will allow the city to pay off the remaining debt on the city-owned portion of Heavner

cemetery that is located in back of the mausoleum.

Short added that the plots will be sold for \$100 each — the same price paid by private individuals.

He also noted that contracts have not yet been signed for the relocation project but that it is out for bid. Bids will be opened Sept. 10 in Charleston, according to a legal advertisement in the Record Delta.

Meanwhile, Gov. Jay Rockefeller told Democrats in Elkins, Saturday that his administration is going to push Corridor H construction "as fast as we can."

He told a gathering at the VFW hall,

"There is going to be a Corridor H. We're definitely working on it. We're working on the Buckhannon bypass right now. We're moving little projects here and there."

Sen. Jennings Randolph, also attending the Randolph County Democratic picnic, told the group, "No one wants Corridor H more than I do."

The highway will link Interstate 79 near Weston with Interstate 81 in Virginia.

Governor Rockefeller said the "endless studies of environmental impact are over and that people who opposed the project originally are now satisfied the route will be environmentally sound.

Construction began the first part of this month near the start of the four-lane portion of the Weston Road, outside of Buckhannon. The first segment, bid in June, will be built up to the Liggett Addition.

Bidding on the second phase, through Liggett Addition to just beyond the Clarksburg Road, is expected to be finished by early fall.

THE RECORD DELTA—Saturday, February 23, 1980—PAGE FIVE

Baptist cemetery records are accurate, city says

BUCKHANNON — A letter to the editor in the Record Delta Saturday apparently stirred a bit of helpless frustration among city officials concerning the Baptist Cemetery.

The writer, Maurice Davis, has been championing a drive to halt displacement of the graves in the cemetery to make way for Corridor H bypass construction.

He also wants the state to recognize the site as an historical and sentimental monument in history, meaningful to Upshur County residents and to poor black and white families to have relatives buried there and to black West Virginians as well.

His letter Saturday mentioned that the number of people buried there was "an approximation, since the City of Buckhannon didn't see fit to keep accurate records" in those days.

City Recorder Elizabeth Poundstone wined at the words.

"There may not have been accurate records kept before the cemetery became city property, I don't know," she said Monday morning. "It was a privately-owned cemetery at first, and the city didn't really have anything to do with it. Later, the owners asked the city to take it over, and it was deeded to the city. From that time on, accurate records were kept on who was buried there," she declared.

Whatever records were kept before the owners gave the cemetery to the city are still there (in city hall), she said.

"It makes us look bad, but really, we couldn't keep records on that cemetery because it wasn't ours to keep records on until it was given to the city," she said.

Cemetery history will not be ignored *Feb 23, 1980*

Another Open Letter to the Citizens of Buckhannon,

W. Va. Dept. of Culture and History Capitol Complex, Building 1-W, Room 100 Charleston, WV 25305

"Save the Cemetery Committee"

P. O. Box 165 Clarksburg, WV 26301

Dear Sirs,

If your "homework" had been thoroughly done, all the Cemetery History and Family Histories traced, you would find that some of the most prominent people in the early formation of the City of Buckhannon are buried in the Baptist Cemetery.

Granted, maybe there were a "few" poor whites buried there but I believe that your figures are incorrect as to the "100 poor whites and 400 negro people" buried there.

The population of negroes in Upshur County and Buckhannon in 1880 was a grand total of 201. This total rose in 1890, to the sum of 256, and in 1900, the

population was 221. Most of the poor whites in Upshur County were buried in the Poor Farm Cemetery, soon to be relocated by the state in the designated sections in Heavner Cemetery.

If your "homework" had been completed, you would also realize that the original First United Presbyterian Church Cemetery was relocated to the Baptist Cemetery from the site of the original Presbyterian Church on Kanawha Street, after the Civil War, between the years 1865-1872.

True, this site of the Baptist Cemetery is a Historical Site:

(1) the site of the log church erected in 1814 by the Baptists.

(2) the site of a cemetery where the negro population buried their families.

(3) the site of an Indian Battle fought between the years of 1782-1795. (see page 171 of Border Settlers of Northwestern Virginia, original edition). This battle occurred between the Indians and several settlers of Bush's Fort, who were

enroute to West's Fort in Jane Lew.

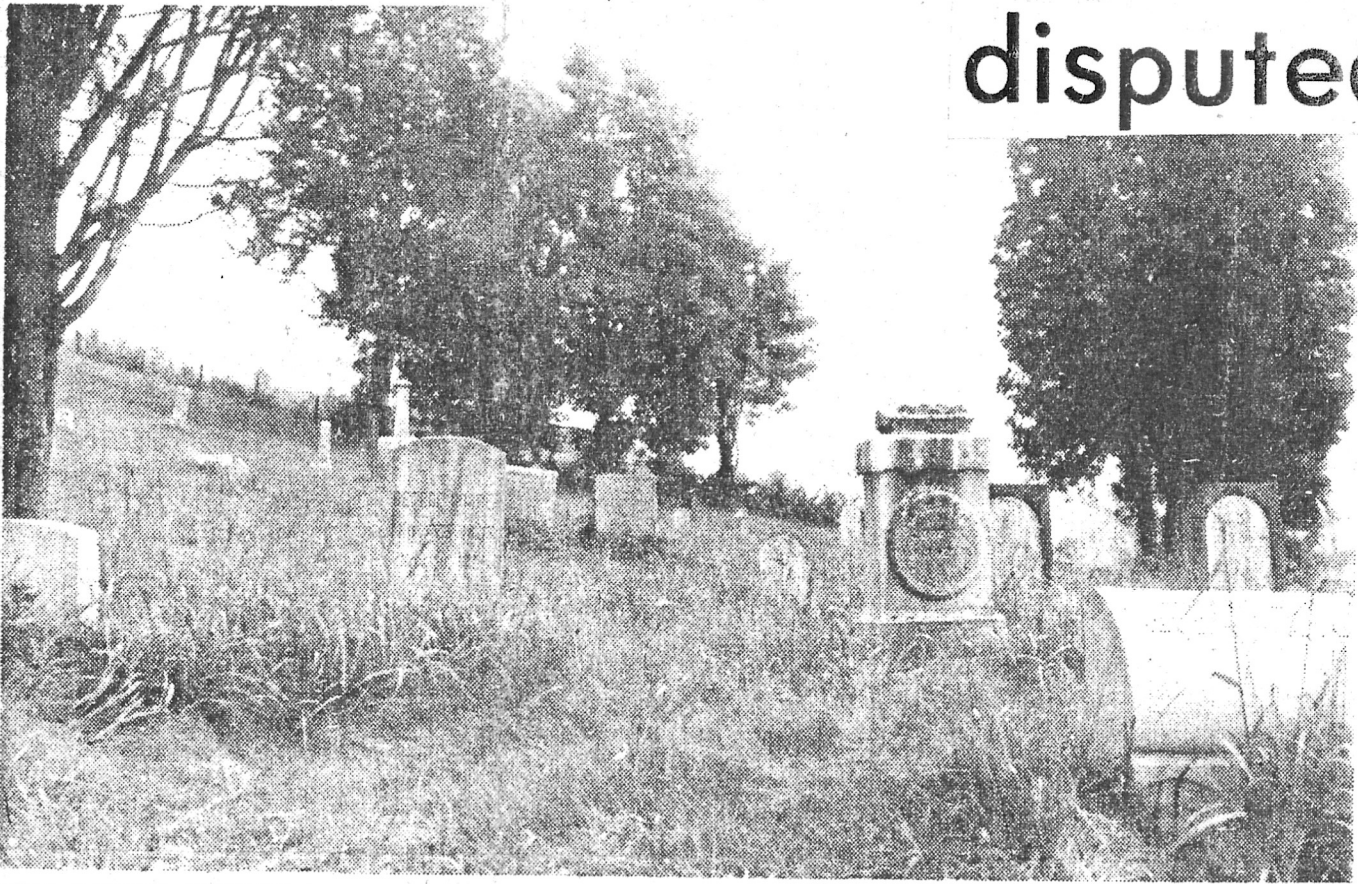
The people who are buried in the cemetery, or their relatives, should not mind a relocation to a better area in the Heavner Cemetery. The graves will be relocated properly and reinterred properly . . . and probably will receive much better care than they have in the past years, due to the hilly conditions of the present Cemetery land.

The state will place a metal marker near the site designating this site for its historical contribution to Buckhannon and the state will donate to the First Baptist Church, the original historical marker of the cemetery.

Yes, I have relatives buried there, my great-great-grandparents, but I for one will not object to this move. I believe it is a good move for the cemetery to be relocated, for the city of Buckhannon, and for the progress of Corridor H.

Catherine F. Austin

Relocation of cemetery disputed



THE BAPTIST CEMETERY as it looked last summer just before disinterment work began in preparation for the construction of a segment of Corridor H. The state contracted with

the city of Buckhannon and family members to move the graves to plots in the Heavner Cemetery. (Photo by Laurence Bennett)

BUCKHANNON—Judge William L. Fury Monday ordered the cessation of some, but not all, disinterment operations now being conducted at the city's Baptist cemetery on the Hall Road until a protesting relative can present testimony on the matter. The cemetery is being relocated to make way for a segment of Corridor H.

Fury's order was the result of testimony presented at a court proceeding in which Clarksburg resident M. A. Davis appeared to protest the removal of the graves on grounds that the cemetery is a historical landmark, and as such, should not be moved.

Davis testified that the DOH, in the process of its condemnation proceedings, had failed to notify many relatives of those interred in the cemetery and produced a list of the excluded relatives.

He further explained he is a relative of "Major" Wilson, one of the interred.

"The list represents black people from Upshur County who are buried in that cemetery," Davis said, explaining that because relatives were not notified they had been, in effect, denied an opportunity to protest the relocation of the graves.

DOH attorney Russell Stobbs pointed out that his clients had not been given access to Davis' list and that an attorney had been appointed to represent the interests of unknown relatives.

With the exception of Davis, other relatives of those interred in the cemetery have settled with the DOH.

Davis appeared in his own behalf, but asked that he be permitted to represent those people whose names appeared on the list.

He also presented letters from the state Human Rights Commission, the National Association for the Advancement of Colored People, the state Department of Culture and History and others, all of whom he said were opposed to the cemetery on the historical premise.

Judge Fury deferred further proceedings on the matter for 30 days under the stipulation that the interested parties appear in court with an attorney prepared to present evidence and testimony pertinent to the dispute. He also ordered all other disinterrments at the cemetery to continue.

The proceeding has been set for Jan. 16 at 9 a.m.

Cemetery preservation *wed.* effort still pressed *Mar. 5, 1980*

Dear Citizens:

As is the case with most patronizing whites, whenever it appears that their impeccable credentials may be challenged, all of a sudden the fur starts to fly.

I do not claim to be an authority on the history of Buckhannon or Upshur County. My purpose has been to see if there were any white people in the area interested in Buckhannon's posterity.

If Ms. Austin's homework is correct there are apparently many of Buckhannon and Upshur County prominent forefathers buried there. It might make one wonder as to the humanistic credentials of Ms. Austin's constituents, since skulls and skeletons are usually the remains after 100 years or better.

I will challenge Ms. Austin or anyone else as to my credentials as a black

"man" surviving as a man in a white dominated society. And I will present the credentials of the Davis family as being a credit to the betterment of Buckhannon and Upshur County as first Class businessmen and first class citizens to any one who's interested.

I would also like to apologize to Ms. Austin since there have apparently been no poor whites in her family. But as far as black people are concerned it is my opinion that more progress has been made by joining hands with poor whites than with patronizing ones.

Sincerely,
M. A. Davis
P.O. Box 165
Clarksburg, WV 26301

Seven college presidents in the United States are graduates of West Virginia Wesleyan College.



THE OLD BAPTIST CEMETERY

Cemetery relocations under investigation

19 Sept. 1981 - Sat.

BUCKHANNON—The Legislature's Commission on Special Investigations is looking into cost overruns incurred when the state Department of Highways hired a contractor here last year to relocate graves from the Baptist cemetery and the "poor farm cemetery" to make way for a segment of Corridor H.

Buckhannon Mayor William Short said the problem is not with the city but with the DOH who contracted the relocations.

The DOH paid the city for the graves in Heaven Cemetery, where all the graves were relocated, as well as for the city-owned land formerly occupied by the two cemeteries, Short explained.

"I think they ran into more graves than they anticipated," Short added, noting that when a state inspector visited the city to inquire about the project, "he said there was no problem at City Hall."

would be 647 graves which, when relocated, would cost the state \$189,939. But the open-ended contract, which specifies the DOH will pay a set price for each grave moved, ended up costing the state \$665,408, more than three and half times the original contract.

Danny Skeens, DOH right-of-way division spokesman, said in Charleston Thursday that the cost of cemetery relocation is always affected by whether there are unmarked graves for which markers have to be supplied.

Skeens said the poor farm cemetery here had 176 bodies without markers. He also noted that many markers in the Baptist cemetery had been bulldozed years ago and that some of the pre-Civil War graves contained more than one body.

The contractor, David Spangler of Highland Memorial Gardens in Princeton, does most of the relocation work for the

Cemetery case settled in

18 Oct. 1989 - Wed.

BUCKHANNON — An Upshur County jury awarded \$12,000 to Mulvina Whitehair in a case related to the 1980 relocation of bodies buried in the old Baptist Cemetery on Post Mill Road. The decision came Oct. 17 after the jury deliberated about one hour and 45 minutes.

In her suit, Whitehair asked that Highland Memory Gardens, Inc. pay damages because they lost the body of her sister, Vergie Mary Whitehair. Highland Memory Gardens acted under a contract with the West Virginia Department of Highways (DOH) to relocate graves to make way for the Buckhannon bypass of Corridor H. Six of Whitehair's relatives, including her sister, were buried in the old Baptist Cemetery.

Whitehair originally filed the suit in January 1981 but on Nov. 1, 1982

Judge William Fury granted Highland Memorial Garden's motion to dismiss the case. In March 1985, the West Virginia Supreme Court of Appeals reversed Judge Fury's decision and remanded the case to the Upshur County Circuit Court.

At issue for the plaintiff was the care taken to make sure graves were properly located. Highland Memory Gardens argued that they made every effort to locate Vergie Mary Whitehair's grave. Since Mulvina Whitehair was unable to pinpoint her sister's grave plot on a map of the cemetery, the location was assumed to be unknown.

Mrs. Whitehair testified that representatives of DOH and Highland Memory Gardens promised to notify her before disinterring her relatives, but never did. Most of the family were

in marked graves in one section of the cemetery, but her sister was in an unmarked grave in another area of the cemetery.

Whitehair acknowledged that she could not locate her sister's grave on a plot of the grave sites, but said she volunteered to point the grave out on the ground. Whitehair testified that she visited the grave every holiday since her sister died in 1930 and she knew exactly where the grave was.

Patrick Long and Carl Brown Jr., both inspectors for DOH at the time, and Danny Joe Skeans, the cemetery relocation coordinator for the the state of West Virginia, testified that care was taken to locate missing graves. The state had contracted with Highland Memory Gardens to relocate the graves, but the three were assigned to make sure the operation was con-

Upshur

ducted properly.

All three testified that they had been told that Vergie Mary Whitehair was buried with a doll and two gold watches. They testified that they were told to and did watch for those items to be uncovered.

Jurors asked, after only ten minutes of deliberation, to see the contract between the State of West Virginia and Highland Memory Gardens. They deliberated about an hour and a half more before returning their verdict.