



COORDINATING COMMITTEE

PUR-1649
ADDENDUM NO. 1

REQUEST FOR PROPOSALS
REGARDING QUALIFICATIONS & EXPERIENCE/
AND PRICE PROPOSALS

DEPARTMENT OF SOLID WASTE
ARCHEOLOGICAL SERVICES AT WASHINGTON COUNTY
40-WEST LANDFILL

DATE: Tuesday, November 7, 2023

BIDS DUE: Wednesday, November 29, 2023
4:00 P.M.(EDT/EST)

To Bidders:

This Addendum is hereby made a part of the Contract Documents on which all bids will be based and is issued to correct and clarify the original documents.

Please acknowledge receipt of this Addendum at the appropriate space on the Proposal Form. This Addendum consists of two (2) pages.

NOTE: All Bidders must enter the Washington County Administration Complex through either the front door at the 100 West Washington Street entrance or through the rear entrance (w/blue canopy roof) which is handicap accessible and must use the elevator to access the Purchasing Department to submit their bid and/or to attend the Pre-Bid Conference. Alternate routes are controlled by a door access system. The general public will be subject to wand search and will be required to remove any unauthorized items from the building prior to entry. Prohibited items include but are not limited to: Weapons of any type; Firearms, ammunition, and explosive devices; Cutting instruments of any type - including knives, scissors, box cutters, work tools, knitting needles, or anything with a cutting edge, etc.; Pepper spray, mace, or any other chemical defense sprays; and Illegal substances.

ITEM NO. 1: *Inquiry:* Can the County please provide PDF copies of the following reports:

Phase I and II Archeological Investigation of the Proposed Washington County Lund Landfill Site by Joseph Hopkins Associates, Inc.

Memorandum of Agreement (MOA) with the U.S. Army Corps of Engineers, the Advisory Council on Historic Preservation, and the Maryland State Historic Trust

Work Plan, Data Recovery for Area I cemetery (18WA470), Forty West Landfill, Washington County, Maryland, September 18, 2001 by Joseph Hopkins Associates, Inc.

Response: Phase I and II Archeological Investigation has been included with this Addendum. The other information requested is not available.

ITEM NO. 2: Inquiry: would it be possible to obtain a copy of the approved 2001 Workplan (including MHT comments) and a copy of the MOA for the cemetery site?

Response: A copy of the work plan is not available.

ITEM NO. 3: Refer to the RFP document, Page 5, Request for Proposals, 9.0 Proposal Submittals, Letter C; **CHANGE** this paragraph to read as follows:

Two separate proposals shall be submitted. One shall be the Qualifications and Experience (Q & E) of the Contractor or Contractor team. The other shall be the Price Proposal. The Price Proposal will be opened only if the firm is considered responsible, qualified, and responsive to this request after detailed review of the Q & E by the Coordinating Committee. **(DO NOT INCLUDE ANY PRICE FIGURES IN THE Q&E/TECHNICAL PROPOSALS.)**

By Authority of:



Rick F. Curry, CPPO
Director of Purchasing

PHASE I AND II ARCHAEOLOGICAL INVESTIGATION
OF THE
PROPOSED WASHINGTON COUNTY LUND LANDFILL SITE
CONOCOCHIEGUE,
WASHINGTON COUNTY, MARYLAND



by

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Project Archaeologist
and
Joseph W. Hopkins, III, PhD.
Principal Investigator

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Baltimore, Maryland 21214

for

John E. Harms, Jr. and Associates,
90 Ritchie Highway
Pasadena, Maryland 21122

September 20, 1996

ABSTRACT

A Phase I Archeological Investigation was conducted on the property for the proposed Lund Landfill, Washington County, Maryland. The Project Area was bounded on three sides by Conococheague Creek, and on the fourth by residential development along Independence Road. A small extension of the project area south across Conococheague Creek will be impacted by a bridge emplacement. The project research strategy combined controlled surface collection within current agricultural fields and subsurface testing within regrowth areas.

Existing predictive models for prehistoric population and land use suggested that several areas of high probability existed within the project area. Subsequent field testing of both high probability and selected low probability areas yielded only three scattered prehistoric artifacts.

Five historic period resources were identified by the survey. The first two resources were structures identified on the property, but outside the expected area of impact. The third resource was a mixed domestic-agricultural complex with structures, dating from the mid-19th to mid-twentieth century exists near the center of the project area. The fourth resource, a smaller cellar hole and small adjacent artifact concentration, appear to be from a mid- to late 19th century domestic context. The fifth historical period resource identified on the property was an early 19th century to the mid 19th century multifamily cemetery with an estimated forty to fifty burials.

The archeological remains associated with the standing structure complex and the open cellar hole consisted of mixed historic materials confined to a plow zone. No further archeological work is recommended for those locations.

The early 19th century cemetery is an intact archaeological resource which could provide significant contributions to our knowledge of the early history of Western Maryland. After consultation with the Maryland Historical Trust, additional Phase II archival research of the cemetery population determined that this cemetery is associated with the settlement and development of the region by German-American Protestant groups in the late 18th and early 19th century.

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INTRODUCTION

Washington County, Maryland is planning to develop a sanitary landfill on the subject property located near Conococheague, Maryland, north of Route 40. The main property is bounded on three sides by Conococheague Creek, and by Independence Rd. to the west. A second small parcel directly south across Conococheague Creek is impacted by a proposed access bridge emplacement. This was tested for Associated Engineering at the same time (Figure 1). Construction of the project requires a Wetlands Permit from the U.S. Army, Corps of Engineers, as well as from the Maryland State Department of Natural Resources. The project is subject to the requirements of the National Historic Preservation Act, 36 CFR 800.4 and Article 83B,5-618, of the Annotated Code of Maryland, and is required to identify significant historic resources that might suffer adverse impact from the development. If any such significant (eligible for nomination to the National Register of Historic Places) resources are identified, then measures must be developed to avoid or mitigate the adverse effects. John E. Harms, Jr. and Associates, and Associated Engineering, county subcontractors, contracted with Joseph Hopkins Associates to conduct the required identification and evaluation studies.

The project area is in the Appalachian Physiographic Province (Vokes and Edwards 1974). The project falls within the Council for Maryland Archeology Research Unit 19, the Antietam Creek-Conococheague Creek Drainages (Figure 2). Conococheague Creek, a fifth order stream which drains into the Potomac River, borders the project area to the north, east and south. Independence Road and a private access road border the project area to the west.

Archival and background research began on notice to proceed, March 30, 1996. Field work was conducted from April 2, 1996 to June 28, 1996. Phase II archival research pertaining to the identified historic cemetery was conducted from July 26, 1996 to August 15, 1996.

The entire project area encompassed approximately 453.95 acres. The investigations were conducted as part of the landfill project design planning, so it was assumed that all interior areas of the parcel may be impacted. The 100 year flood plains along the north and south Conococheague Creek shores were exempted from study as they are excluded from development plans. Undisturbed areas that would potentially suffer adverse effects comprised approximately 350 acres. The bridge emplacement site consisted of an additional 28 acres.

Dr. Joseph W. Hopkins, III, was Principal Investigator for the project. Tery Harris served as Field Director, and principal author of the report. David Moran, Tori Imes, Chris Bowen, Deanna Shapiro, Damien Gessner, and Susan Hathaway served as field technicians for the research. Mr. Moran prepared CAD versions of the field maps for the report. Ms. Harris prepared the artifact catalogs and did the preliminary statistical analysis of the collection. The qualifications of the investigators are presented in Appendix I.

The report follows the outline presented in the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994).

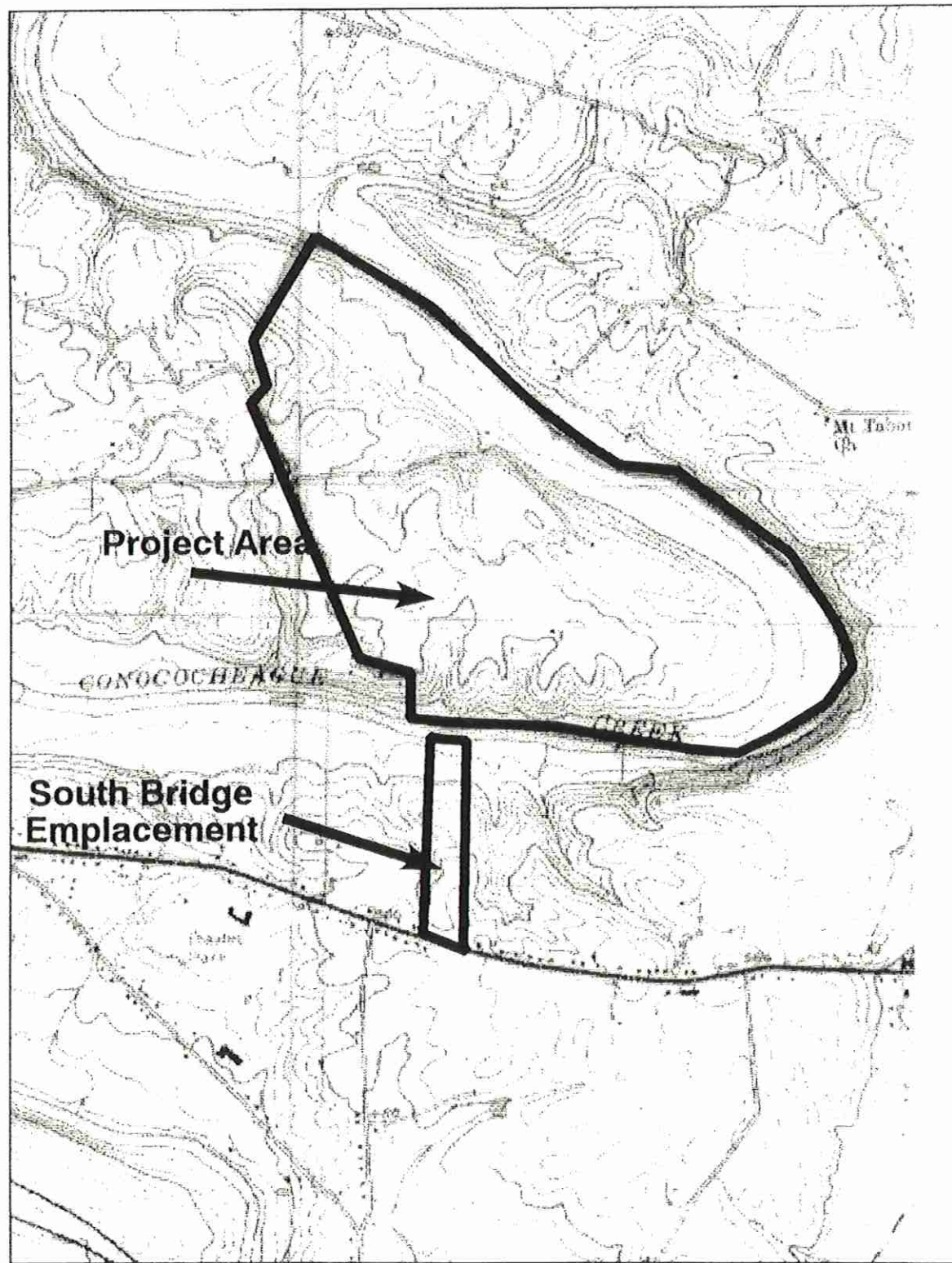


Figure 1. Project Area on USGS Mason-Dixon MD-PA Quadrangle.

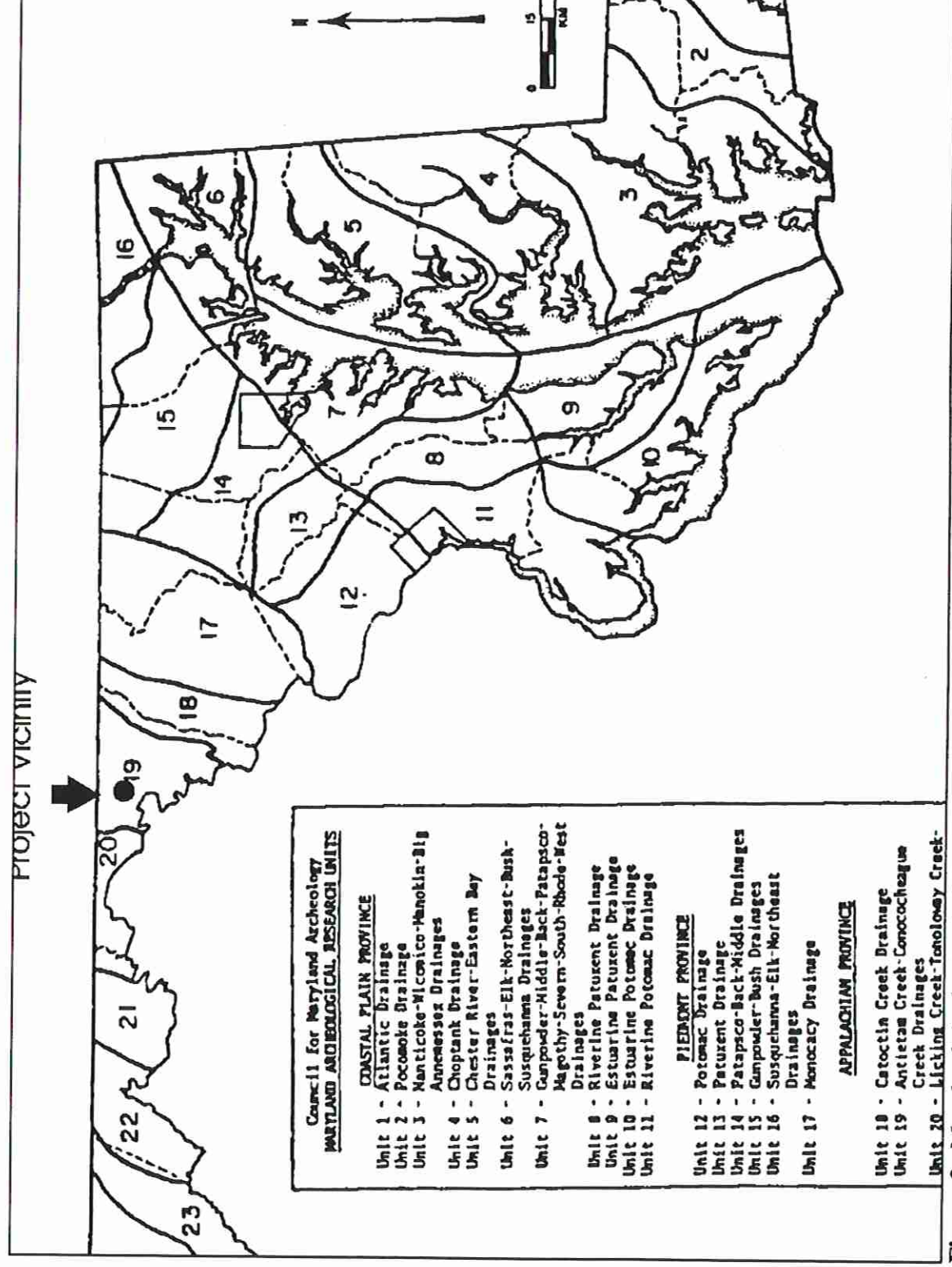


Figure 2. Maryland Archeological Research Units with Project Area Indicated.

RESEARCH DESIGN

The purpose of the Phase I survey was to locate any significant historic or prehistoric archeological resources that would be adversely affected by the proposed project. Because the project area had not previously been investigated, an identification survey was required to locate any archaeological resources that might be present on the property, and define the need, if any, for further archeological work on any sites identified.

One intact archaeological resource was identified by the Phase I survey: the Area 1 historic cemetery. The Phase II evaluation study of the nineteenth century family cemetery sought to identify the individuals interred in the cemetery, to locate any interested parties as defined by pertinent Maryland State burial legislation, and to characterize the demographic profile of the burial population in the cemetery. In order to evaluate any potential for significant contribution to existing knowledge it was also necessary to place the previous information into the context of both archaeological and historical studies of family cemeteries and German-American ethnic groups. The Phase II research also reviewed other cemeteries in Maryland and adjacent portions of West Virginia and Pennsylvania, to determine where further investigations were deemed appropriate.

Material on file at the Maryland Historical Trust Library, including both Historic Structures Files and the Maryland Archeological Site Survey files, was reviewed. Published and unpublished historic and archeological reports for the geographic area were reviewed. Material from the Washington County Historical Society and from the Library of Congress Geography and Map Reading Room was also reviewed. R. Michael Stewart's 1980 Doctoral Thesis provided a predictive model for prehistoric utilization of the Hagerstown Valley (Stewart 1980).

The predictive model for the Hagerstown Valley found in Stewart's 1980 thesis was applied to the project area to designate high and low probability areas for prehistoric resources. In general summary, Stewart's model suggests that no sites predating the Middle Archaic period will be found in the shale based lithography of the Conococheague Creek basin. Post Middle Archaic base camp sites are expected to be associated with physiographic markers of favored environmental resources. Specifically, such sites are expected to be associated with terraces or floodplains near low order stream junctions with higher order streams, and in locations associated with multiple springheads or stream runs. These locations are considered physiographic markers for prehistorically favored marsh resources. Upland ridges and high terraces were the location of satellite activity areas associated with base camps in favored areas. As such, the potential of upland areas is in part determined by the potential of surrounding low terrace or floodplain locations. Where present, upland sites most likely date to the Late Archaic or Early Woodland periods.

Historic maps consulted during the archival research formed the basis of the historic resources predictive model. No historic resources before the late 18th century were anticipated. Local histories suggest that agricultural use in the vicinity of the project area may have dated from the late part of that century. Historic maps from the 19th century documented the existence of at least four separate structures within the project area from the mid-nineteenth century. Any historic resources in the project area were expected to be associated with these four structures.

The testing design covered 100% of the identified high potential areas, using a combination of surface collection in agricultural fields and subsurface testing in reforested areas where it was not feasible to plow (Figure 3). In addition, surface survey of approximately half of the intervening low potential areas in agricultural fields allowed testing of the probability model used to predict prehistoric resource location.

The main project area was divided into seven areas, each with a grid established off a separate datum reference point (Figure 3). Most of the survey area consisted of a series of agricultural fields and the reforested bluffs adjacent to them. Because the main survey area was largely agricultural fields, the bulk of the survey investigation in this area consisted of controlled surface survey of the fields at 20 meter (65 foot) intervals. Three fields of corn chaff required discing prior to surface collection. Surface survey was conducted after the area had been subjected to a soaking rain, to maximize artifact recovery. The reforested areas adjacent to these agricultural fields were investigated by Shovel Test Pits (STPs). Areas with slope greater than 10% were exempted from survey, as were areas previously defined as wetlands.

The bridge emplacement area on the south side of Conococheague Creek consisted of both upland and floodplain areas, and extends south to US Route 40. Background research suggested that this area was also in mixed agricultural use from the late 18th century and throughout the 19th century. Historic maps for the mid 19th century confirm the presence of houses along the then named National Pike. However, the strong slope of the access area immediately adjacent to US Route 40 is an unlikely house site and was exempted from testing. No buildings were indicated on historic maps in the parcel between Route 40 and the creek shore to the north. As the upland terraces have no nearby water sources, they were also exempted from survey as very low probability areas. The floodplain terrace of the Conococheague was deemed a high probability area. As the field was reforested it was tested with STPs placed at 20 meter (65 foot) intervals.

It is anticipated that all material recovered from the investigations will be turned over to the Maryland Historical Trust for curation. Any historic architectural resources from the Area 5a farm complex are outside the scope of this study.

LUND SITE

(PROPOSED WASHINGTON COUNTY LANDFILL)

ARCHEOLOGICAL AREA MAP

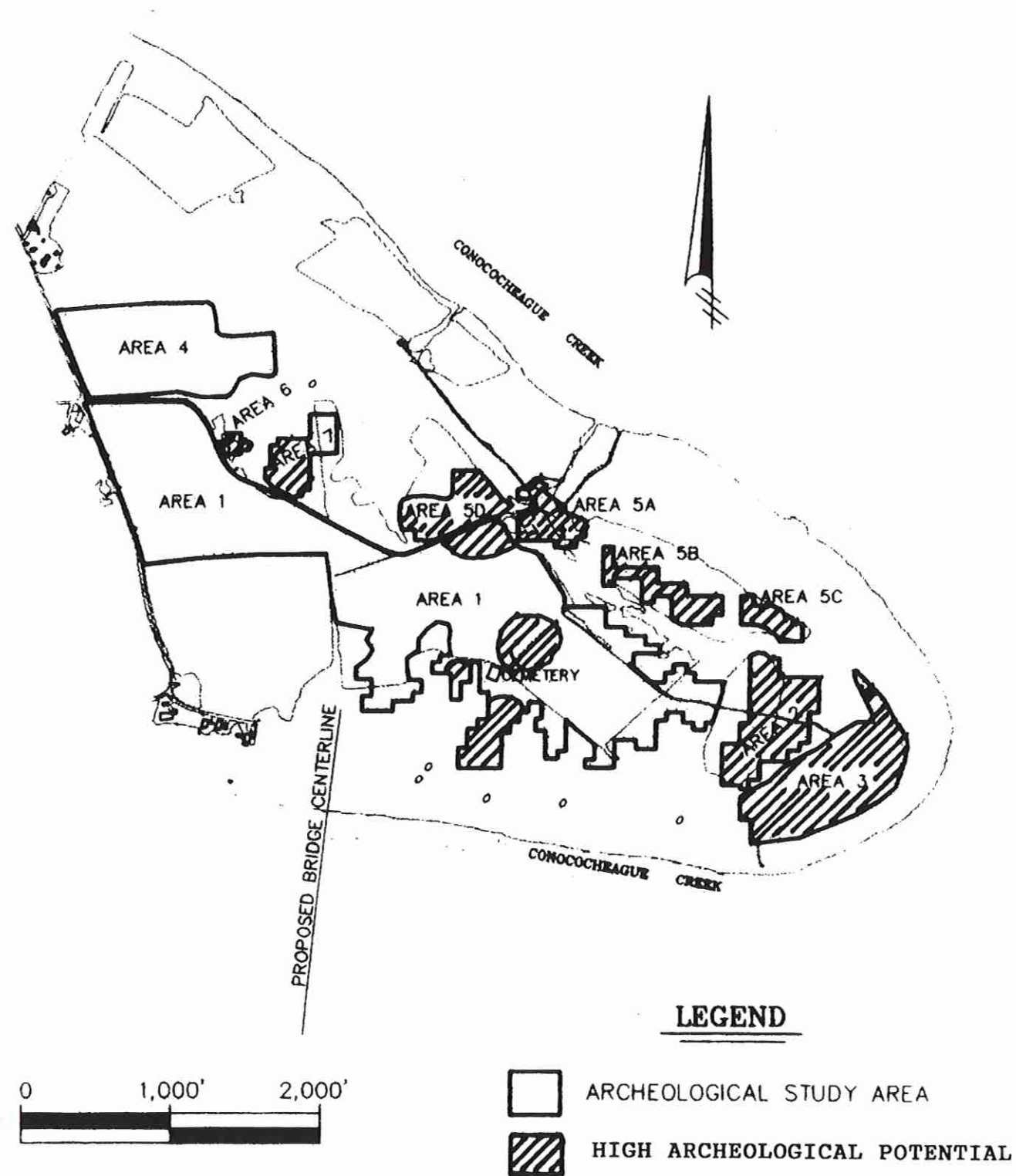


Figure 3: Main Project Area showing archeological potential and Individual Survey Areas.

RESULTS OF ARCHIVAL AND BACKGROUND RESEARCH

Soils present in the study area consist of the Berks-Montevallo association of shallow soils over shale. The bulk of the main project area is Berks shaly silt loam of varying slopes (Matthews 1962). Also present on the project area are (by order of predominance) Montevallo shaly loam of 20 to 30 percent slope, and Waynesboro gravelly loam. The southern bridge emplacement consists of Atkins silt loam on the floodplain terrace, and Berks shaly silt loam and Montevallo shaly loam on the upland ridges (Matthews 1962). Atkins silt loam is described as poorly drained soils in recently deposited alluvium on the flood plains, made up of outwash from acid shale and sandstone areas. Berks shaly silt loam is a well drained to over drained shallow soil which has developed primarily from acid shales. Montevallo shaly loam consist of very shallow excessively drained soils directly overlying partially decomposed shales. Montevallo soils are strongly acidic. Waynesboro series soils are deep, well drained soils developed in very old alluvial deposits on river terraces. Waynesboro soils are also acidic.

The main portion of the project area consists of a single ridge contained in a bow of the Conococheague Creek, and contoured by the streams which have cut its sides. Springheads and water runs are abundant, but access to the Conococheague itself is limited as slopes are quite strong from the upland ridges down to the floodplain terraces. Roughly two thirds of the project area is under cultivation or pasturage. The remaining third consists of regrowth forest of some 30 to 40 years age. The southern bridge emplacement area crosses an upland ridge with no easily accessible water source, and an extreme slope down to the floodplain terrace on the Conococheague. The upland ridge consists of high grasses and multiflora rose clumps. The floodplain terrace is currently under thick regrowth including hawthorn and cedar trees, some hardwoods, and grass.

The files of the State Archeologist and the Historic Sites Inventory at the MD Historical Trust were reviewed for known sites or previous investigations in the project area. No archaeological sites or standing structures have been registered or investigated within the project area. One historic bridge [Wilson's Bridge (WA-V-001)] has been recorded within a mile of the project area, adjacent to Route 40. This 5 arch stone bridge was completed in 1819 and is the oldest and largest of the 25 stone bridges extant in Washington County. The nearest registered archaeological site is 18 WA 160, some three miles north on a bluff above Conococheague Creek. Table 1 presents historic structures and archaeological sites located in an approximately five mile radius of the project area. Also within a three mile radius of the project area are three unregistered collection areas, described in Stewart's survey (Stewart 1980) as having produced prehistoric artifacts but never field checked.

Site	Name	Periods	Topography	Site Type
18WA53		Late Archaic, Early and Late Woodland	Hillslope	Hunting Station
18WA54	Conococheague I	Late Archaic to Late Woodland, Historic	Floodplain and Hillslope	Seasonal Basecamp
18WA55		Late Archaic to Middle Woodland, Historic	Floodplain and slope	Hunting/ Butchering Station
18WA56		Prehistoric	Low Terrace	Activity Area
18WA128		Prehistoric	Low Terrace	from collection only
18WA143		Middle Archaic	Hillslope	from collection only
18WA144		1820-1860	Hilltop/Bluff	Historic Rural
18WA439	Moore Farm	Middle Archaic to Middle Woodland, 1780-1860	High Terrace	from collection only
WA-V-001	Wilson's Bridge	1819-Present		Stone Bridge

Table 1. Registered Archaeological Properties and Historic Structures in the Project Area Vicinity.

CULTURE HISTORY

Human habitation of the region began in the Paleo-Indian period, around 10,500 BC (Funk 1978). The Paleo-Indian period is considered to have been based on big game hunting, particularly of extinct species, and is characterized by distinctive fluted projectile points. Although no Paleo-Indian artifacts associated with extinct species have been found in the east, excavations, such as those at the Shawnee Minisink site, have recovered some evidence that eastern Paleo-Indians utilized many of the plant foods later important in prehistoric economy, and may have begun to utilize fish as a resource (Dent 1985, McNett 1985). Until recently, recorded Paleo-Indian sites in Maryland have consisted of surface finds (Brown 1976). An in-situ Paleo-Indian period site was investigated near the Baltimore-Washington Airport (Curry and Ebricht 1989).

By 7000 BC, there was a change in tool types which corresponded to a shift in subsistence towards a broader-spectrum based adaptation, utilizing a number of species of animals and plants, rather than focusing primarily on large animals. Stemmed and side-notched points like the Kirk replaced the earlier fluted pieces. Elk or wapiti were no longer found in any abundance in the region, and Virginia deer became the large game animal being hunted. However, bones of a number of other smaller animals showed that a wide variety of species were successfully hunted. The appearance of mortars and pestles suggests that vegetable foods assumed greater importance. New evidence from Paleo-Indian sites, and our reconstructions of the Archaic way of life, suggest that the transition from the Paleo-Indian way of life in the east was gradual.

Within the Hagerstown Valley, Stewart's work notes that an area approximately 20 miles by 10 miles encompassing Antietam Creek and the St. James Run/ Marsh Run complex would also include all the registered Paleo-Indian sites in the Hagerstown Valley (Stewart 1980:320). A strong preference for high quality cryptocrystalline lithic resources has long been recognized as a determinate of the Paleo-Indian site location (Gardner 1974, Gardner 1977). However, the highly variable quality of chert deposits distributed throughout the Hagerstown Valley suggests that these resources were exploited opportunistically rather than systematically (Stewart 1980: 319-321). Stewart therefore found that within the Hagerstown Valley, the distribution of cryptocrystalline materials was not an accurate indicator of Paleo-Indian settlement patterns. Environmental conditions are a more successful indicator. Stewart found that all of the Valley Paleo-Indian sites are "associated with the floodplain, alluvial fans, or low terraces of third and higher order streams, and possess a southern exposure." (Stewart 1980:324). His survey also found that no Paleo-Indian sites were reported in areas with shale bedrock, such as the Conococheague Creek drainage (Stewart 1980:325).

Archaic sites are much more numerous, larger, and richer in artifacts than the earlier Paleo-Indian sites (Hudson 1976, Funk 1978). Large amounts of bone, particularly of deer, and the importance of projectile points in the artifact assemblages from the Archaic indicate that hunting remained an important aspect of a broad based adaptation. This adaptation supported

a more sedentary population than the earlier Paleo-Indian way of life. Increasing territoriality and regional diversity are reflected in the varieties of artifacts, especially projectile points, through the Early, Middle, and Late Archaic.

Archaic assemblages are characterized by the predominance of rhyolite. The primary rhyolite deposits utilized by prehistoric peoples in the Valley lie in the Catoctin Mountains, adjacent to the northeast edge of the Hagerstown Valley. In the Hagerstown Valley, Early Archaic sites demonstrate a gradual transition from preference for cryptocrystalline lithic resources to a preference for rhyolite and a concomitant change in lithic technologies. By the Late Archaic, in nearly three quarters of the sites described in Stewart's thesis, rhyolite dominates the assemblage (Stewart 1980: 351-352). The utilization of rhyolite resources may factor in the higher incidence of Early and Middle Archaic sites in the eastern portion of the Valley, specifically along the Antietam Creek and St. James/Marsh Run complex drainages (Stewart 1980:328-349).

Environmental setting appears to remain the primary factor in settlement patterning throughout the Archaic. As population density intensified throughout the Archaic, the resulting number of sites and the degree of site revisitation increased. Within the Valley, however, the same ecological niches were preferentially exploited, while new ecological niches opened by the Boreal period climatic changes became part of an opportunistic exploitation pattern (Stewart 1980:336-349) in the Early and Middle Archaic, and a seasonal pattern in the Late Archaic (Stewart 1980:355-356). Revisited and short term camps continue to be associated with higher order stream junctions and floodplains. Specifically, the marsh environments within the St. James/ Marsh Run drainage continue to be a foci of settlement. Upland environments are more frequently associated with Early Archaic use than Middle Archaic, and most frequently with the Late Archaic. Lecroy Phase Middle Archaic occupation is the earliest utilization known of the shale based Conococheague Creek drainage, but use of this environment is still limited (Stewart 1980:347). By the Late Archaic, there is more extensive utilization of the Conococheague Creek drainage (Stewart 1980:355-356).

It was previously thought that the break around 1500 BC, from the Archaic to the Woodland period, represented the introduction of horticulture. It is now known that cultivated foods played a relatively small role in the diet during the Early Woodland period. It is believed that a very efficient hunting and gathering system may have made the acceptance of cultigens slow at first (Caldwell 1958). Only around 700 BC, when new varieties of cultigens adapted to local conditions arrived in the Mid-Atlantic area, did agriculture begin to assume the important role that it had at the time of the arrival of the first Europeans (Fitting 1978).

Changes in settlement pattern and subsistence strategies between Late Archaic and Early Woodland populations in the Hagerstown Valley appear reliably in artifact assemblages rather than in environmental settings.

"The range of environmental settings in which Early Woodland sites are found replicates almost exactly the nature and distribution of Late Archaic sites. With

the exception of first order stream environments, sites with Late Archaic components generally always possess an Early Woodland component. First order stream environments are generally those associated with hunting stations..." (Stewart 1980:371-372).

Early Woodland tool kits demonstrate an even greater preference for rhyolite than in preceding periods. This may reflect the development of fully modern conditions and increased subsistence viability of mountain and intermontane environments containing lithic resources, and adoption of seasonal rotations which included the utilization of these resources (Stewart 1980: 371). Middle and Late Woodland assemblages demonstrate a decreased use of rhyolite compared to any of the preceding temporal periods.

Middle Woodland settlements patterns mirror Early Woodland environmental preferences, but represent more consistent use of base camps in floodplains and stream junctions, and more intermittent use of high terrace environments. Utilization of first order stream hunting areas appears to be minimal during the later Middle Woodland (Stewart 1980:382). Late Woodland patterns represent an intensification of the Middle Woodland trends.

"Fifth and higher order streams are the focus of base camps and revisited hunting/extractive camps with lateral tributary drainages being the major locational factor. The use of adjacent Pleistocene/high terrace zone "uplands" is minimal in comparison with Early Woodland and earlier periods....Sites in these upland zones appear to be forays out of base camps and not revisited locales that are part of a scheduled seasonal round." (Stewart 1980:396).

When the Europeans arrived, the region was occupied by the Seneca, Native American Iroquois speakers (Abler and Tooker 1978). They lived most of the year in settled villages and had hereditary chiefs. They practiced a seasonal subsistence cycle that included the cultivation of corn, beans and squash. Deer were the most important animal hunted, although remains of elk, bear, and wolf, as well as smaller animals have been recovered from contact period sites (Stephenson and Ferguson 1963; Humphrey and Chambers 1985). The introduction of European diseases, perhaps as much as any military or political conflict, ultimately spelled the downfall of Maryland's Native Americans.

Organized historic settlement of Western Maryland began in the early eighteenth century (Scharf 1882:58-69). The majority of settlement began near the Potomac River, or tributaries flowing into the Potomac. Settlement in the early eighteenth century was intermittent and sparse. By mid-century population in Western Maryland was dense enough to motivate the formation of Frederick County, which then extended as far west as modern Garret County. The influx of settlers continued through the late eighteenth century, and an act of Assembly in 1776 separated the northwestern portion of then Frederick county into Washington county.

Permanent settlement of Washington County land began in the second quarter of the eighteenth century with the issuance of land patents to early land holders like Lord Baltimore

(Scharf 1882:984-985). By 1800 commercial centers had been established at Hagerstown on the Antietam and Williamsport on the Potomac. In 1820 the population of Washington County had reached nearly 23,000 (Scharf 1882:1554). Population and development was sufficiently advanced near the project area in 1819 to require and support the construction of a 5 arch stone bridge over the Conococheague near Witmer's Mill as part of a toll turnpike between Clear Spring and Hagerstown. Wilson's bridge is still standing today, approximately one and a half miles southwest of the entrance to the main project area.

Many of the late eighteenth century settlers in the Hagerstown Valley were Germanic immigrants coming into Maryland through the Pennsylvanian settlements in Adams, Somerset and Franklin Counties. Religious refugees, these groups included splinter sects such as Seventhday Baptists and Dunkers, as well as more common groups such as Lutheran, Mennonites and German Reformed congregations. Other early settlers included representatives of established Maryland families, and Scot-Irish immigrants.

Census records from 1800 and 1810 indicate the settlement of Conococheague and its outlying farms was established prior to 1800, in part by Germanic families whose surnames appear on later land ownership maps (Clark 1964, Morrow and Morrow 1983). The census of 1800 lists Deavers [Deever], Stoufers [Stouffer], and Baightills [a spelling variant of Wachtel] in Conococheague Hundred and the adjacent Elizabeth Hundred and Upper Antietam Hundred. By the Census of 1810, the spelling of Wachtel has reverted to Wachtell, and the Stine family has appeared in the adjacent Salisbury (formerly Elizabeth) Hundred. Inscriptions on the gravestones in the cemetery on the project area document the presence of both the Stine and Wachtel families on the property from the early 1820s to the late 1850s.

The Germanic Conococheague settlers included all of the major German Protestant denominations. In the early nineteenth century, congregations from the Lutheran and Reformed churches frequently shared the same facilities. Ministers based in Hagerstown or Clear Spring made visiting rounds which included the Conococheague settlement (Scharf 1882:1248-1249). By the mid-nineteenth century, the Conococheague settlements had established congregations of their own. In addition, Dunker and Mennonite churches were established on the eastern side of the creek by the third quarter of the nineteenth century (Scharf 1882:1288-1290).

The events of the Civil War brought a series of campaigns through the Hagerstown Valley. The settlements not directly effected by military engagements or "requisition" demands from armies moving through Washington County would still have experienced the War in the form of a severely reduced work force and an influx of the wounded from both sides (Scharf 1882:211-298).

Washington County remained principally an agricultural area from the late nineteenth century to the mid-twentieth century. The presence of limited light industry around Hagerstown has not substantially altered the rural nature of the surrounding areas in the later twentieth century. Recent residential development in established subdivisions in the area around Hagerstown has impacted the vicinity of the project area within the last decade.

Two mid-eighteenth century land patents included the current project area. The area to the north and west would have been part of "Little Friendship", a 200 acre parcel granted to Joseph Chapline in 1745 and/or 1760 (Tracey Collection, Washington County Historical Society; Scharf 1882:984-985). The southern and eastern portions of the project area were part of the Resurvey of White Oak Grove, a 354 acre parcel patented to Conrad Hogmire in 1763 (Tracey Collection, Washington County Historical Society; Scharf 1882:984-985).

Taggart and Downin's 1859 map of Washington County, Maryland indicates there were four property lots within the project area at that time (Figure 4). This map also shows an east-west road passing through the northern portion of the project area. This road follows the same basic path throughout the 19th century and into the mid 20th century.

The northern and western portion of the project area was a lot belonging to J.W. Stouffer, containing a building site presumed to be a dwelling house. John W. Stouffer, born 1801, died 1877, appears in Scharf as "...a substantial farmer, active politician, and a man of general influence and popularity..." (Scharf 1966:1055). Williams adds that he was a "German Baptist" had twelve children, and that his homestead was known as Mansion Farm (Williams 1968:836). This house site has been tentatively associated with the historic log cabin complex on the northern 100 year floodplain excluded from the testing areas (Figure 5).

South of Stouffer's property is the long interior lot belonging to Valentine and Mary Wachtell and John Stine. The dwelling indicated on this lot is near the middle of the project area, and has been tentatively associated with the cellar hole identified in Area 1. Court records located during the Phase II archival research provided a clear description of this farm as of 1865 (Washington County Equity Court Case 1851, attached newspaper notice of estate sale). The farm was 166 acres, with 40 acres of timber, an orchard, a well and a spring. The house was a two storey "loghouse", and a log barn also stood on the property. The two storey home must have looked very similar to the existing log portion of the structure on the north floodplain (Figure 5). The Wachtell and Stene [Stine] lot also included the floodplains on the point.

The southern floodplains in the project area were divided between two lots; the largest encompassed most of the southern bank and extended across the creek. This lot, marked "V. Wachtel", contains no dwelling indicated within the main project area, and incorporates part of the floodplain within the southern bridge emplacement. The 19th century cemetery located in Area 1 of the main project area falls within this lot. This was the property of Valentine Wachtel. It is possible that prior to 1849 Valentine and his family were living in the house marked as "Deever" on the Taggart map. In 1849, Valentine, his wife Mary, and his brother-in-law John Stine conveyed or leased that portion of the parcel to Catherine Deaver, Benjamin Lee and Otho Wachtel (WCLR Liber I.N. No. 4, folio 578). After 1849 Valentine and Mary may have been living with John Stine in his home. Again, court records consulted during the Phase II research provided a description of this farm as of 1867 and 1873. An 1867 executor's account reports:

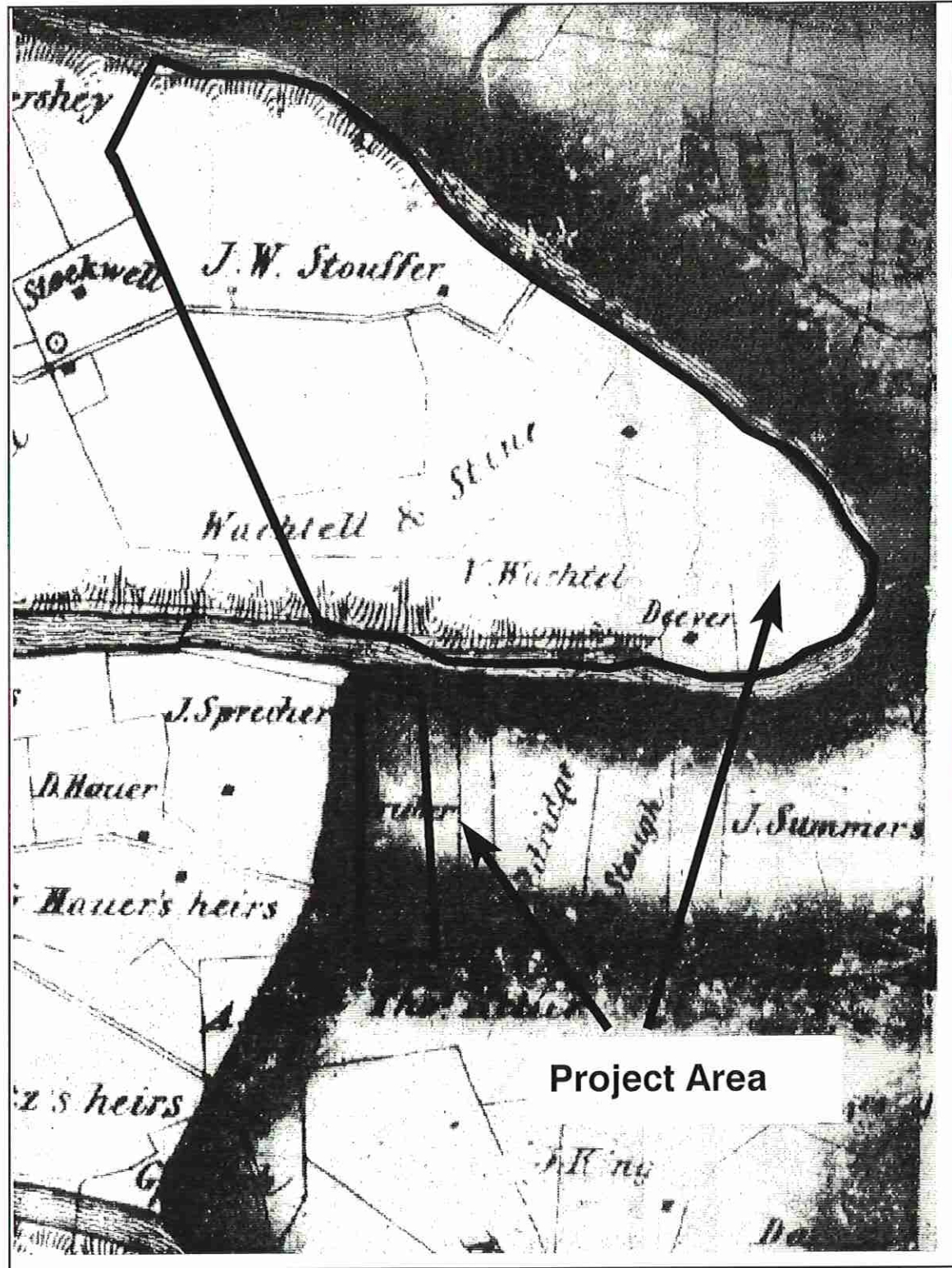


Figure 4 Taggart and Downin 1859 Washington County Map, Showing Project Area.



Figure 5. North Flood Plain Log Structure.

"...making a porch to the house, making grape frames, trimming 50 apple trees, purchasing five glass windows, making a springhouse door, covering the springhouse, building a henhouse, making a door for the smokehouse, making a partition in the corner of the house, and making ten panels of paling fence..."
(Washington County Equity Court Case 1503)

The attached newspaper notice of the estate sale, dated 1873, describes "...a log house, barn, stable, orchard of choice fruit, a spring of running water, and also a quantity of timber...". The farm was 108 acres.

The final lot, a small lot on the eastern end of the south bank, bears the legend "Deever" and has a dwelling indicated near the center, and may also have extended across the creek. The Catherine Deaver house site (assumed to belong previously to Valentine Wachtel) has been tentatively associated with the stone foundation present on the south creek bank just outside the project area.

The 1861 [military] Macomb map of Washington County indicates only one building site within the project area, implying that two of the three early 19th century buildings may have been abandoned. The one remaining dwelling is located at the eastern edge of the southern bank, and may represent the old Deever dwelling (Figure 6). Conversely, the one structure depicted may have been included due to some type of specific strategic interest.

Western Maryland in general, and the Hagerstown Valley in particular, were subject to a series of campaigns through the course of the Civil War. There is no reason to believe that the settlement of Conococheague and the outlying farms in the Project Area were not subject to the same type of destruction and vandalism which Scharf describes for Hagerstown, some five miles east (Scharf 1882:211-298, see especially 285-287).

The first post war map available for Washington County is the 1877 Lake, Griffin and Stevenson Atlas of Washington County. The map for District 4, Clearspring is replicated as Figure 7. Once again there are three dwellings located within the project area; labeled Dr. Scott, R.H. Wilson and Geo. Kretter. The house labeled C. Wankler may lay just inside the western project boundary. Patron listings in the front of the 1877 Washington County Atlas identify R.H. Wilson as a farmer and merchant owning some 300 acres, and having settled in the area in 1847. Wilson purchased the parcel from the Equity Court Trustee of case 1851 (John Stine versus Mary E. and Rose Ann Wachtel) in 1867 (WCLR Liber L.B.N. No.1 folio 728). (The southern portion of the project area parcel was acquired by Wilson's son John in 1916 when George Kretzer defaulted on his mortgage (WCLR Liber 150 folio 115). Burial use of the Area 1 cemetery seems to end in 1857 when Valentine Wachtel died.

The project area was still in use as agricultural land in early 20th century. A 1913 forestry map prepared by the Maryland Board of Forestry indicates the majority of the main project area is under cultivation (Besley 1913). The 1944 and 1968 Washington County

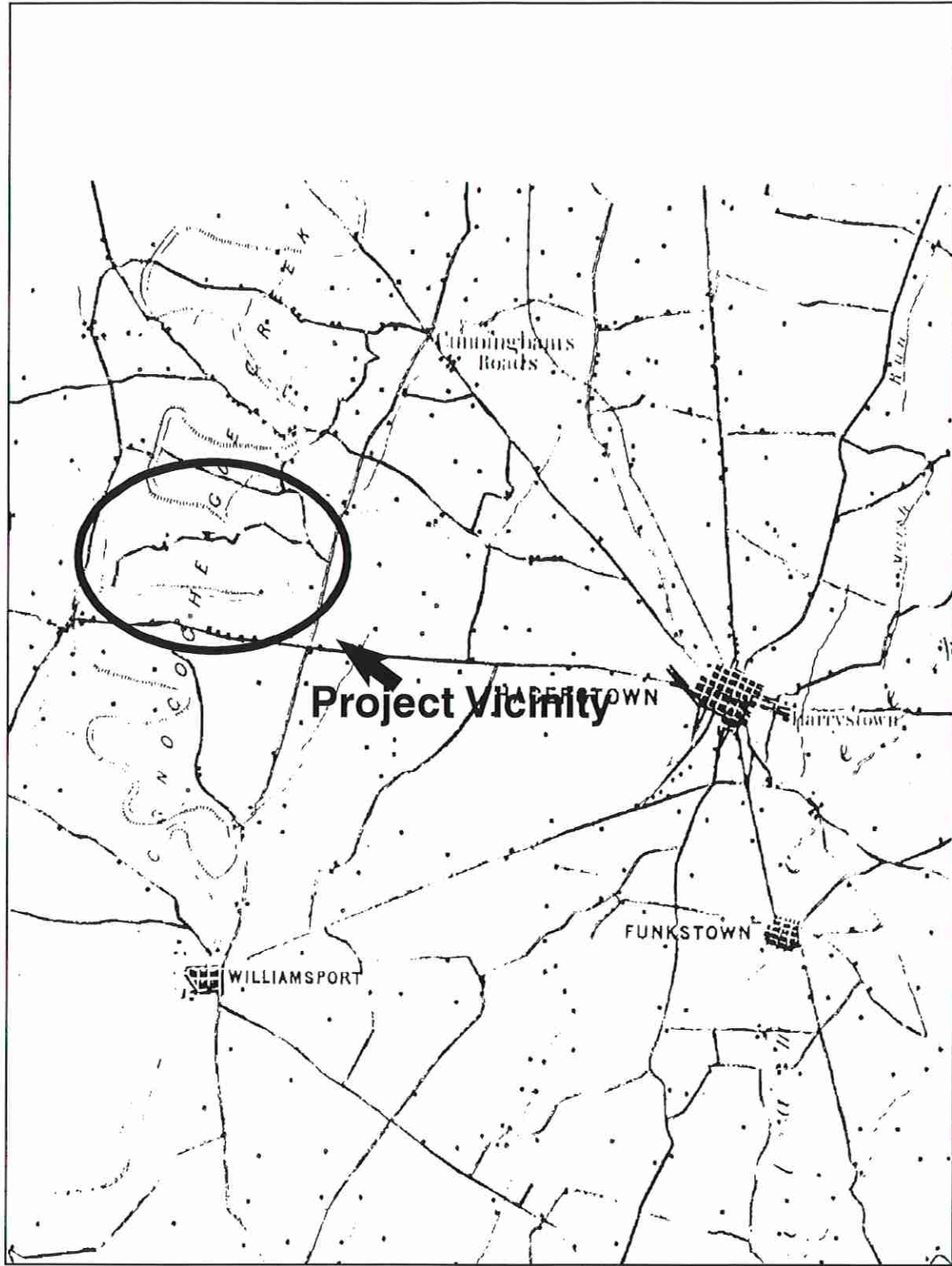


Figure 6. Macomb's 1861 Map of Washington County, Showing Project Area.

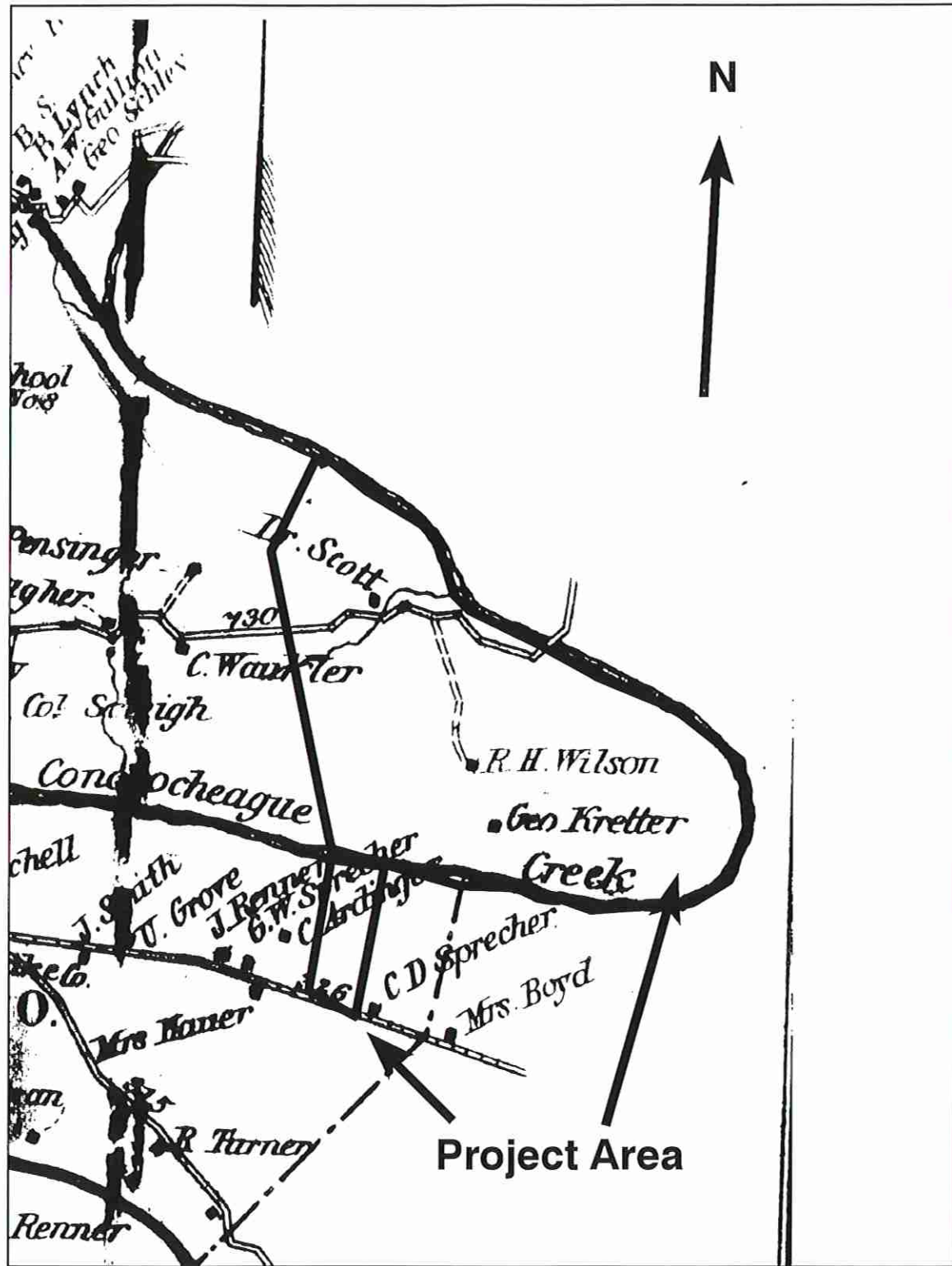


Figure 7. 1877 Lake, Griffin and Stevenson, Showing Project Area.

Topographic maps prepared by the Maryland Geological Survey indicate very little change in the interior road path, and no subsequent residential development seems to have taken place within the main project area. When the property was acquired by the County in 1990, the project area had been previously consolidated into one parcel and was worked as a single farm, presumably from the farm complex in Area 5.

FIELD INVESTIGATIONS

Field Methods

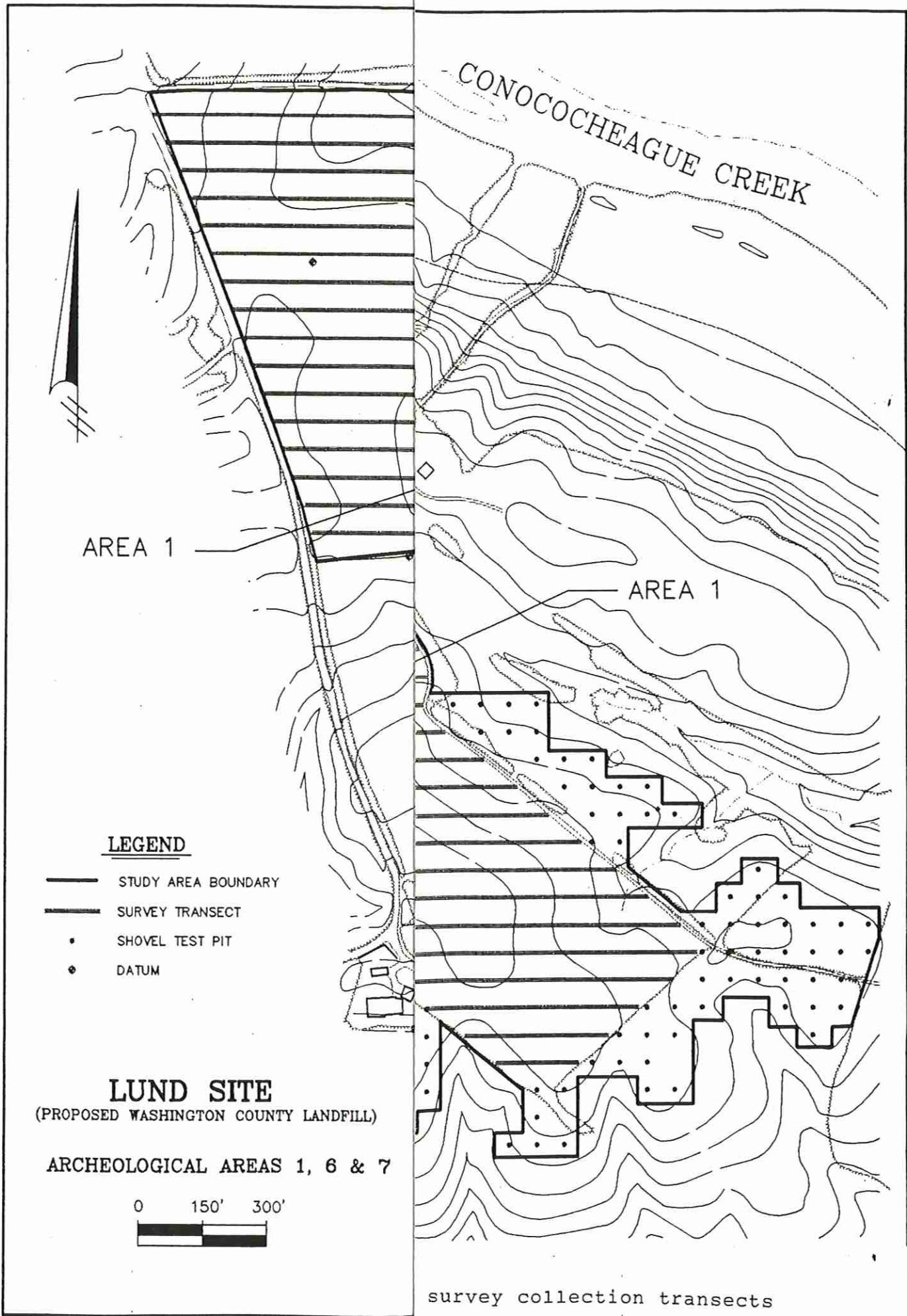
The main project area was divided into seven testing areas (Figure 3). Each test area was established based on natural physiographic limits. Any location where line of sight or physical barriers required use of a new datum was designated by a separate area number, in the order that the areas were reached during testing. A brief description of the current conditions and testing strategy for each test area follows. Survey results will be presented in the field results section following.

Surface collection transects were laid out with a compass and tape, and collected in ten foot square collection units designated by the transect name and the northwest corner distance (i.e. N130 transect, E40). All cultural materials appearing in the collection unit were collected except coal and small brick fragments which were noted but not collected. Large brick fragments, and coal appearing in association with other cultural materials were collected.

STPs were laid in with compass and tape and designated by their grid coordinate. STPs averaged 30-35 centimeters (cm) in diameter and were excavated in natural stratigraphic levels to a depth ten centimeters into sterile subsoil. In general the root mass and topsoil (where present) were excavated as part of the underlying plowzone stratum. All excavated soil was screened through 1/4 inch hardware cloth mesh and any artifacts found were retained by provenience for identification. Coal was collected if it appeared in association with other cultural materials. A profile was drawn of each STP, and soil texture and color were recorded following standardized description.

Area 1 comprised the largest testing area, and covered most of the current agricultural fields south of the internal access road (Figure 8). A series of reforested bluffs adjacent to these fields were also included in Area 1. The Area 1 test grid was established using the northeast of three wooden poles surrounding Monitoring Well 17. This places the grid datum (Datum #1) five feet off the surveyed center point of Monitoring Well 17, at angle of 262° WSW. Agricultural fields in Area 1 were surface collected in a series of east-west transects placed at 65 foot intervals. The adjacent reforested bluff areas were tested with 117 STPs placed at 65 foot intervals. The early-to-mid 19th century family cemetery identified previous to the start of field work is also located in Area 1, just southwest of the datum. No subsurface testing of the cemetery was conducted as part of the Phase I survey work, but a plan map was produced to record the location of each individual stone identified within the cemetery, and to demarcate the approximate boundaries established by the distribution of remaining stones.

Area 2 consisted of a single agricultural field and the adjacent reforested edge which together formed the second terrace of the point (Figure 9). Area 2 was separated from the eastern edge of Area 1 by an area with a slope greater than 10%. The Area 2 field areas were surface collected in north-south transects, and the reforested area was tested with 31 STPs placed



at 65 foot intervals. The Area 2 grid was established using Piezometric testing site #8 as datum (Datum #2).

Area 3 consisted of a single agricultural field which occupies the first terrace of the point. Area 3 was physically separated from Area 2 by a small but steep drop from the reforested terrace edge of Area 2 to the plowed surface of Area 3. This field was surface collected along north-south transects placed at an interval of 65 feet, measured from Piezometric test site 9 (P-9, or Datum #3). The thin strip of wetlands adjacent to the creek bank was not tested.

Area 4 was considered a low potential area, as this area has no access to prehistorical favored environmental resources. Because it consisted of a large hay pasture that could not be disturbed, no testing was carried out in Area 4.

Area 5a was the terrace containing the standing farm complex near the center of the project area (Figure 9). This area was tested with 39 STPs placed at 65 foot intervals. A plan of the building complex was made in the field, and at least one photograph was taken of the exterior of each building. The Area 5 grid was established using Piezometric testing site #11 as Datum #5.

Area 5b consisted of the south face of the wide ridge adjacent to the Area 5a building complex. This area was a hay pasture which could not be plowed for surface collection as originally planned. As the southern exposure adjacent to a natural spring and stream run had a high prehistoric potential, this face was tested with 26 STPs placed at 65 foot intervals.

Area 5c consisted of the lower terrace adjacent to the 5b ridge. Area 5c was also a hay pasture not amenable to plowing. As this area was designated a high probability area, the entire point was tested with 14 STPs placed at 65 foot intervals.

Area 5d was a single cornfield west of the Area 5a house terrace. This area was plowed, and after a washing rain, was surface collected in a series of east-west transects placed at 65 foot intervals. The northern most portions of this field, of greater than 10% slope, were not tested.

Area 6 was a small reforested ridge area between two spring heads in the project area. The presence of these springs made this a high probability area. Area 6 was tested with eight STPs placed at 65 foot intervals. No easily accessed survey reference point was available to establish a datum for Area 6, so a datum was arbitrarily established at an old survey stake, and triangulated for the field map.

Area 7 was a larger reforested ridge also between two stream runs. A small piece of hay pasture was included in Area 7 along the eastern edge. Area 7 was tested with 24 STPs placed at 65 foot intervals. The Area 7 test grid was established using Monitoring Well #14, center point, as datum.

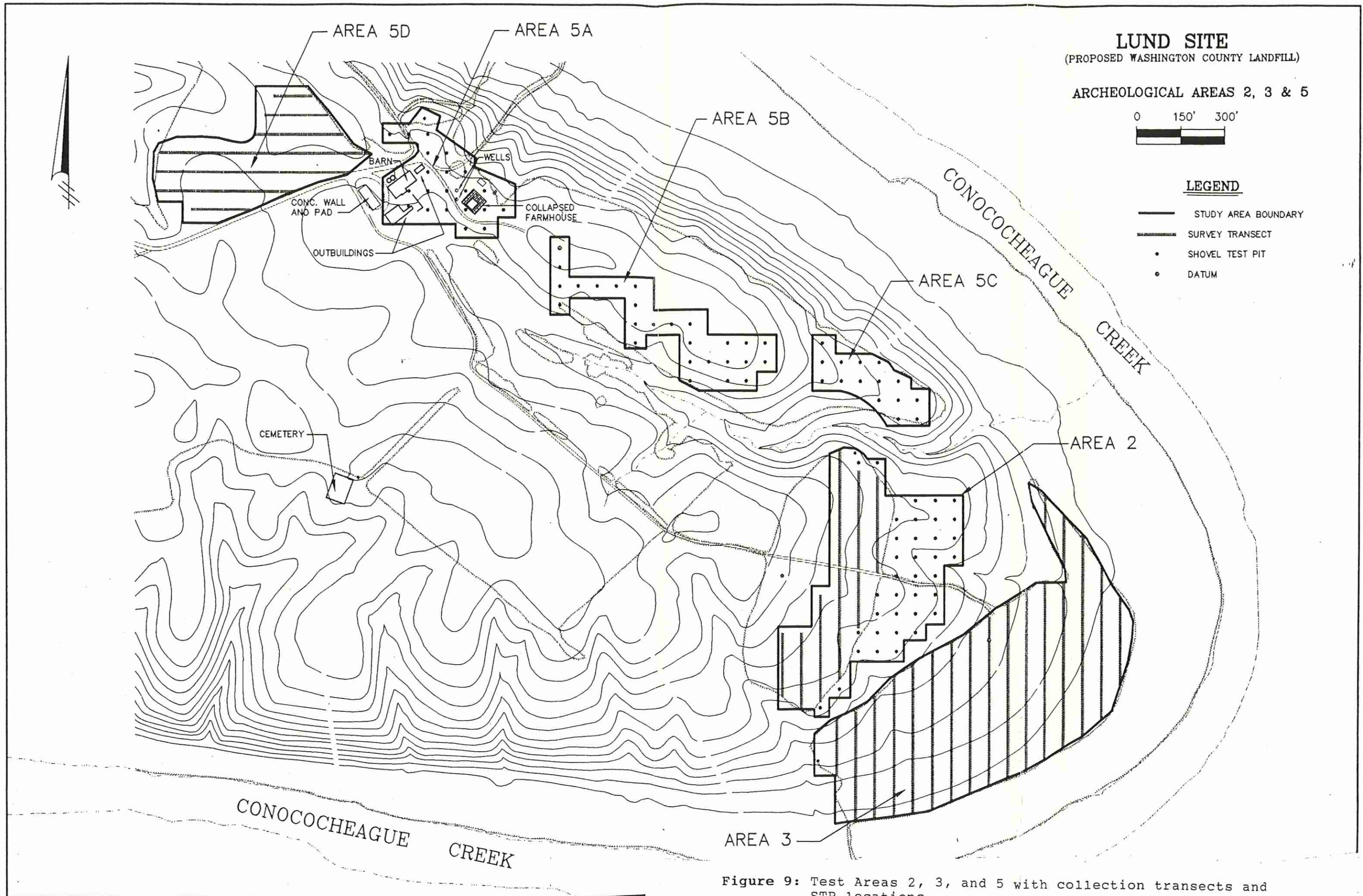


Figure 9: Test Areas 2, 3, and 5 with collection transects and STP locations

Lab Methods

All the artifacts recovered during the Phase I investigations were catalogued. A complete catalog of all the artifacts recovered is presented in Appendix II.

All the prehistoric material recovered consisted of lithics. The following typology was used to describe this collection:

Lithic tools include projectile points, bifaces, utilized and retouched items, and ground stone artifacts. Debitage and fire-cracked rock (FCR) were classified in separate groups. All chipped stone lithics were classified as flake, core, biface, or shatter and chunk.

Flake: A flake has distinguishable ventral and dorsal surfaces. Flakes are further subdivided into unutilized flakes (debitage), which show no signs of use after they are struck off; utilized flakes which show minute edge damage from being used in the form they were struck off; and retouched flakes, in which the edges of the flake have been modified in some places by retouch to form tools.

flakes were further classified in the following categories:

Primary flakes: Flakes characterized by a single or double vertical ridge on the dorsal surface produced by the removal of previous flakes. The cross section of these flakes is usually triangular while the bulb of percussion is frequently pronounced. Generally primary flakes are the larger ones in a collection due to their manufacture during the early stages of core reduction.

Secondary flakes: Characterized by a complex flake removal pattern on the dorsal surface, these flakes are often referred to as biface thinning flakes. Striking platforms, usually carefully prepared, are lenticular in shape, faceted, and ground. The bulb of percussion is usually obvious with lines of radiation on the ventral surface. Secondary flakes show a thin lenticular horizontal cross-section and a thin slightly curved or flat longitudinal cross-section.

Broken flakes: This category is used when exact assignment to a flake type is not possible. Sometimes enough of the flake remains to be able to distinguish between a broken primary and a broken secondary flake. This category is included in the miscellaneous group for the flake counts so as not to skew the data in any one direction.

Core: A core is a piece that exhibits only negative scars from the regular removal of flakes.

Biface: A biface is a piece that has been worked on both faces. If made from a flake the ventral surface has been obscured.

Shatter and Chunk These categories are used to count lithic manufacturing debris that do not fit the criteria for flakes or cores. Shatter is usually small and thin but without any flake attributes. Chunks are pieces of usable raw material with at least one broken surface, but with an absence of negative flake scars and striking platforms found on cores.

For all pieces, material and cortex were recorded. Generally, the raw material consisted of quartz or quartzite. The presence of cortex on an item is often interpreted to reflect primary processing of raw material on the site. The presence of cortex on a piece was noted in the catalogue.

Historic artifacts were catalogued according to a functional analysis system modified from South's original functional groups (South 1977). In most cases, the original Group categories have been simplified and smaller groups have been merged into larger groups.

Artifacts were classified using the following groups: Domestic, Architectural, Clothing, Personal, Faunal, Botanical, Munitions (or Military), and Utilities. The artifacts were further classified according to material, type and subtype, decoration, function, portion and color. As a special case, vessel glass believed to be lamp chimney fragments has been incorporated into the Domestic category rather than the Furniture category. The Utilities category refers to coal and its by-products, and charcoal.

Field Results

The investigation recovered a total of 257 artifacts. These included both prehistoric and historic artifacts. The latter ranged from a whiteware and ironstone to modern materials such as plastics and brass shell casings. Appendix II lists the artifacts recovered by test area and provenience. Historic artifacts were predominately domestic, the ceramics largely temporally undiagnostic redwares and stonewares. The prehistoric artifact assemblage consisted of three flakes and lacked diagnostic tools or ceramics, making identification of a principle period of utilization impossible.

Area 1

A total of 28 east-west collection transects of varying lengths were surveyed within the Area 1 testing area (Figure 8). Large numbers of shale plates observed on the surface of the majority of these fields suggest that the plowzone in these agricultural fields is very thin, and directly overlays shale bedrock. Only two prehistoric artifacts were recovered from the Area 1

surface survey: S195 E240 produced one flake of an undetermined lithic material, and N1300 W1580 produced one slate flake.

A total of 23 historic artifacts were recovered from the Area 1 survey transects. Domestic artifacts accounted for 11 of the 23 recovered historic artifacts. Six of these were temporally undiagnostic redware sherds. Three whiteware sherds, one stoneware sherd, and one piece of domestic vessel glass completed the domestic assemblage. The assemblage also included architectural materials (N=8), faunal materials (N=3), and utility byproducts (N=1). In only two cases were more than one artifact recovered from the same collection unit; N130 E80 and N845 W30 both produced two artifacts. In only one case were artifacts recovered from adjoining collection units: S118 E690 and S118 E700 both produced a single artifact. (The S118 finds were not transect collections, but were recovered because of the size of the brick bat in S118 E690). Four Area 1 surface collection units produced historic artifacts which may be related to the open cellar hole near N455 E455: N260 E200 (flat glass), N325 E70 (flat glass), N325 E230 (grey bodied stoneware), and N390 E30 (redware).

A total of 117 STPs were excavated in Area 1 within reforested areas adjacent to the agricultural fields (Figure 10). No undisturbed soil development was encountered in Area 1 STPs. All areas demonstrated plowzone stratigraphy, although weak soil development within the plowzone was noted in several STPs. The Area 1 plowzone was generally a yellowish brown or dark yellowish brown silty clay or silt loam ranging from 12 to 35 cm in depth. The most common depth of the plowzone was 20 cm. Only one region in Area 1 demonstrated particularly deep stratigraphy. The flat terrace and adjacent slope area in the north of Area 1, where an abandoned cellar hole was located near N455 E455, produced soil profiles with deep plowzone stratigraphy (45-50 cm).

Area 1 STPs produced a total of 16 historic artifacts, produced by three STPs adjacent to the cellar hole: N390 E520, N455 E455 and N455 E520. All artifacts were recovered from the plowzone. This assemblage was nearly evenly split between architectural (N=7) and domestic (N=9) materials. Five ceramic sherds were recovered; two whiteware sherds, 2 redware sherds and one stoneware sherd. The small size of the related assemblage makes dating of this terrace deposits extremely tentative, however artifacts recovered here are consistent with a mid-to late nineteenth century occupation. The absence of modern materials in the assemblage suggests that it was abandoned before the mid-twentieth century, and the relative absence of architectural materials such as brick or nails suggest the structure debris may have been removed from the terrace after abandonment.

The cellar hole encountered in Area 1 measured 16 feet square, and was situated on a small terrace above a spring head, located at the northern edge of Area 1 (see Figure 8). This places the cellar hole below but within sight of the farm complex still standing in Area 5a, and an association between the two historic concentrations may be possible. The southern edge of the terrace had been truncated by the current access road. A large amount of waste stone was piled along the edge of this road in places. A noticeable amount of waste stone was spread throughout the terrace, and near the edge of the stream bank, suggesting that this cellar hole may

have been previously robbed of a stone lining. The presence of a non-native lilac bush on the terrace in the undergrowth between the cellar hole and the access road suggest that this was a domestic structure rather than an activity oriented outbuilding.

Historic artifacts observed on the road surface near N455 E455 and along the north edge of the adjacent agricultural fields suggests that this low density deposit has been scattered out and now extends from the cellar hole into the agricultural fields to the south approximately 200 to 300 feet.

The Area 1 Historic Cemetery

Just south of the Area 1 datum is a small family cemetery marked predominately by fieldstone markers, with some engraved cut stone markers. No boundary fence marks the extent of the plot, but dimensions measured from the one standing fence post found associated with the cemetery suggest a plot forming a irregular quadrangle with a maximum side length of 72.5 feet (Figure 10). No subsurface testing was conducted within the cemetery. The ground surface was cleared by hand, and some of the larger brush removed with a brush hook to facilitate identification of grave markers and mapping of the cemetery.

The present condition of the cemetery suggests that substantial dislocation of grave markers has taken place in the past. All of the stones mapped may not represent the actual location of a grave shaft. The smaller, low relief fieldstone markers have survived intact in higher proportions than the high profile cut stone markers, which have all broken off at the base. Since the majority of the grave markers are unmarked fieldstone, it was very difficult during the clearing and mapping stage to distinguish non-grave related fieldstones from intentional placed fieldstone markers. Graves appear to be oriented east-west, and the map suggests family groupings with some form of interior row placement. A list of stone inscriptions is presented below.

Features were assigned burial numbers in the field as they were cleared. Some numbers were reassigned as duplicates were found in the course of mapping the cemetery. Some pairings of stones which seemed obvious on the ground proved to be unlikely when seen on the finished map. Conversely, some pairing of stones which were overlooked during mapping became more apparent on the finished cemetery map. In addition, all stones assigned burial numbers were photographed, and subsequent examination of the photographs has helped to clarify or identify inscriptions which were difficult to read under field lighting conditions.

Background research located a previous survey of the Area 1 cemetery. Samuel Webster Piper surveyed and recorded the inscriptions of Washington County cemeteries during the 1930's. His notes were presented to the Conococheague Chapter of the National Society of the Daughters of the American Revolution in 1942, and later published as a series entitled **Washington County Cemetery Records** (Morrow 1993). The information on the Area 1 cemetery follows (Morrow 1993:109):

LEGEND

- HEADSTONE
- FOOTSTONE
- - - SINKHOLE

LUND SITE CEMETERY

MW-17



510

APPROX. BOUNDARY 60'

Ground Hog Hole ○

■FS

■HB8

■HB75

■HB35

■HB32

■HB68

■FB68

■FB9

■FS

■B66

■B67

■FS

■FS?

■HB64

■FB64

■HB36

■B34

■HB11

■FS

■B37

■HB30

■B30

■HB12

■FB12

■FS?

■HB38

■FB38

■HB13

■HB63

■HB40

■FB40

■HB69 ○Tree

■HB29

■HB14

B1 (Sink)

■B61B

■FB41

■B28

○Stump

B62 (Sink)

■FS

■B42

■B28

B2 (Sink)

■B61A

■B43

B3 (Sink)

■HB15

■FB15

HB31 (Sink)

■B44

■HB72

■HB16

APPROX. BOUNDARY 65'

APPROX. BOUNDARY 75'

■B45

■FB70

■HB4

■FS

■B70

■HB27

■HB17

■FS

■HB7

■FB60

■B59

■B58

■B74

■FS

■B46

■HB47

■FB71

■HB18

■HB19

■HB5

■FB57

■HB47

■FB47

■FS

■HB20

■FB21

■HB6

■FS

■HB56

■FS

■B48

■HB25

■FS

■UNNAMED Sink

STP S65 W65

■B54b

■B54a

■FS

■B49

■FB53

B24 (Sink)

■FS

■B53

■HB51

■HB23

■HB22

■FS

■B50

■B49

■HB52

■FB52

■HB22

■FS

■HB53

■HB51

■HB23

■HB22

■HB52

■FB52

■HB22

Fence Post



Figure 10 Area 1 Cemetery, Plan View.

Edward T Hayman Farm, near ROW's Park, at Route 40 and Conococheague Creek, north side.

Troup, Jack age 57 years, 2 months, and 9 days. Died Jan. 1845.

Wachtel, Benjamin H age 26 years, 7 months, and 3 days. Died 11 Oct. 1855.

Wachtel, Mary wife of Valentine Wachtel age 61 years, 8 months, and 17 days.
Died 9 July 1856.

Wachtel, E. Born (no date). Died 13 Oct 1825.

thirty seven graves, plain stones
lots of graves, no stones

Apparently in 1938-1939, when Mr Piper surveyed the Area 1 cemetery, the cemetery was in better condition than its current state. Specifically, Jack Troup's stone, now broken and missing the name, must have still been complete. Mr. Piper's information suggests 41 visibly marked graves at the time of his survey. It is unclear whether "lots of graves, no stones" referred to visible unmarked grave sinks, or to fieldstone features not in identifiable header-footer pairs. However, the lower range of Mr Piper's count is comparable to the lower range of the estimate produced during this fieldwork, suggesting that a minimum of 41 burials are indeed present in the cemetery.

Dates on marked stones range from 1825 to 1856. Family names appearing on the stones include Stine and Wachtel, and based on Piper's survey, Troup. Stine and Wachtel are both names appearing on the 1859 Taggart land ownership map, suggesting that this was a family cemetery used by the owners of the center parcel (marked "Stine and Wachtell") and the southern parcel (marked "V. Wachtel", probably Valentine, whose wife Mary is buried in this cemetery). Marked stones are divided between the earlier fieldstone markers generally marked with scratched initials and/or dates (Figures 11, Figure 12, and Figure 13), and professionally engraved cut stone markers with more standard "In memory of..." inscriptions (Figure 14 and Figure 15). One point of interest is the location of markings; while the newer cut stones are presumed to be engraved on the east face, the older scratched fieldstones are marked on the west face of the stone.

In all, an estimated 40 to 50 graves are included in this cemetery. Only 10 stones are marked in any way, and of these 10 stones, two are almost certainly the marked foot stones for marked headstones included in this group. An additional three fieldstones are obviously shaped, but not marked. Five unmarked and one marked grave sinks have also been identified, bring the number of positively identified graves to 17.



Figure 11. Area 1 Cemetery View.



Figure 12. Headstone, Sarah (Wachtel) Stine.



Figure 13. Headstone, Elizabeth Wachtel.



Figure 14. Headstone, Benjamin H. Wachtel



Figure 15. Headstone, Mary (Stine) Wachtel

In addition to these 17 easily identified graves, there are an additional 89 possible field stone markers which were identified during the mapping, with varying degrees of surety. Thirty two of these are believed to be foot stones. If even half of the remaining 57 fieldstones are headstones, as identified, then the cemetery would have forty graves in all. If a higher proportion of the stones are accurate markers, then the number of total graves will increase proportionately.

Assigned burial #	Stone type	Inscription
22	faced marble	"R.I. W" or "M W"- presumed to be dislocated footer of Mary Wachtel
35	fieldstone	<u>"S. STINE 8 Jan. 1845"</u>
36	fieldstone	<u>"E.W. Oct 13th 1823"</u>
37	fieldstone	"1837" or "1831"
39	fieldstone	<u>"W"</u>
54a	faced marble	"J.T."- presumed to be dislocated footer of Jack Troup
56	faced stone	"[name missing] died Jan. 5, 1845 aged 57 years, [months obscured], and 9 days"- from Piper (Morrow 1993) this is Jack Troup.
58	faced stone	"...Memory of Benjamin H Wachtel who died <i>May</i> 11, 1855 aged 26 years [...] 8 days [...]"
61a	faced marble	"In Memory of Mary, wife of <i>William</i> Wachtel, died July 9, 1856 aged 61 years, 8 months, and 17 days"--re Piper this should read "wife of Valentine Wachtel"
64	fieldstone	<u>"W" 1832</u>
65	fieldstone	"H W Dec 8 1842"

Table 2. Cemetery Stone Inscriptions.

Note: Underlining indicates inscriptions marked on the reverse or west face, italics indicate particularly tentative readings.

Area 2

A total of six north-south collection transect of varying length were surveyed within the Area 2 testing area (Figure 9). Very few shale plates were observed in this agricultural field, but a fair number of water smoothed cobbles, largely absent in Area 1, were observed. The Area 2 surface survey produced one historic artifact, a piece of buff bodied stoneware from the

southwestern portion of the field (S310 W65 transect). Faunal remains of probably natural and recent deposition were also recovered. No prehistoric artifacts were recovered.

Thirty-one STPs were excavated within the reforested eastern edge of the Area 2 terrace. All STPs demonstrated plowzone over subsoil stratigraphy, with limited soil development of a dark brown loose silt loam organic topsoil. This topsoil ranged from 3-10 cm, but was completely absent in four cases (S195 E195, S65 E260, N65 E325, and S390 E130). Beneath this topsoil was a brown to yellowish brown silty clay to silt loam plowzone ranging from 17-30 cm below surface in depth. Subsoil in Area 2 was a strong brown to reddish brown silty clay to clay which ranged from 32 cm below surface in most areas to greater than 82 cm in one STP (S195 E390).

No prehistoric or historic artifacts were recovered from STP excavation in Area 2.

Area 3

Investigations in Area 3 consisted completely of controlled surface collection along north-south transects (Figure 9). A total of 12 transects of varying length were surveyed in this area. Plow furrows in this agricultural field suggest that soil profiles are relatively deep in this area, and water smoothed cobbles were observed on the surface.

The surface survey in Area 3 recovered one prehistoric artifact, a rhyolite flake, and one historic artifact, a whiteware sherd. Noted but not collected were two water smoothed pieces of jasper, possibly manuports.

Area 5

Investigations in Area 5 were separated into 5a, the house terrace and farm complex, 5b the southern exposure of the ridge east of the farm complex, 5c the point terrace at the eastern edge of the ridge in Area 5, and 5d the corn field north and west of the farm complex (Figure 9). Testing in sections 5a to 5c consisted of STPs placed at 65 foot intervals. Section 5d was investigated with a controlled surface collection of the southern portion of the corn field after plowing.

Standing Structures in the Area 5a Farm Complex

The farm complex in Area 5a consisted of six buildings in varying condition, and two visible subsurface features (Figure 9).

At the southwestern edge of Area 5a is the largest of these buildings, a bank barn in fair to good condition. The upper structure appears to be constructed of wooden supports cut with a circular saw, and the siding has been secured predominantly with cut nails (Figures 16 and 17). The roof is weathered "tin". The northern and southern foundation walls (the short axis of the barn) are fieldstone construction, with point repairs in modern materials. The eastern and

western foundation walls (the long axis) have been repaired or replaced with cinder block. The lower floor interior has been refitted with late 20th century equipment, and the barn was wired for electricity. Two cinder block silos are situated off the southwest corner of the barn, and a small covered silo access has been added to this corner (Figure 20). The northeast corner has a stock chute to allow truck loading of livestock (Figure 21).

Southeast of the main barn is an ancillary barn or hay shed. This structure is in fair condition. The roof is weathered "tin", and the west, south and north walls are cinder block construction. The east face is open to the air. Upright supports consist of smoothed saplings, and some of the framing timber appears to match the framing members of the main barn. At the time of fieldwork, remnants of last year's stored hay bales were still visible inside the shed.

Directly north of, and nearly adjoining, the main barn is a rectangular shed of undetermined function. Breaks in the exterior show that the walls are constructed out of concrete poured around large open terra cotta blocks. The building interior was not accessible.

A collapsed farm house is located on the eastern portion of the terrace (Figure 9). The farm house walls have collapsed nearly completely, but the stone and mortar cellar/foundation appears to remain intact beneath the wall fall (Figure 22). The house was wooden frame over the stone foundation, probably two stories with a shingled exterior. A covered side porch had been added to the eastern face of the house, and a cinder block foundation addition on the south face probably marks the location of a frame ell addition on this face. Where visible the upright supports are cedar saplings, and the frame rests on a wooden sill. Both cut and wire nails were used in the house construction. The original house floor plan was impossible to reconstruct in its current state of collapse.

The northern edge of the Area 5a house terrace leads into a very steep slope down to the Conococheague floodplain terrace. Two small outbuildings are located on the terrace adjacent to the slope. The first, in the northeast corner of the house terrace, is a small (roughly seven foot by seven foot) weathered "tin" building whose south wall stands on piers raising it roughly 18 inches off the ground surface. Ceramic sherds and domestic glass were observed beneath this portion of the outbuilding, but close inspection was impossible due to the tangle of fencing and brambles around and behind the outbuilding. Directly in front of this outbuilding is a six foot by six foot poured concrete subterranean cistern or holding tank. This is currently open to the air, and a single support beam crosses the center of the opening. This is presumed to be a previously cleaned privy tank. The tank depth was not measured but appeared to be shallow.

The final outbuilding is northwest of the house, along the northern edge of the terrace. This structure has collapsed almost completely, with only a small portion in the northwestern corner remaining. Construction materials were wood and weathered tin roofing.

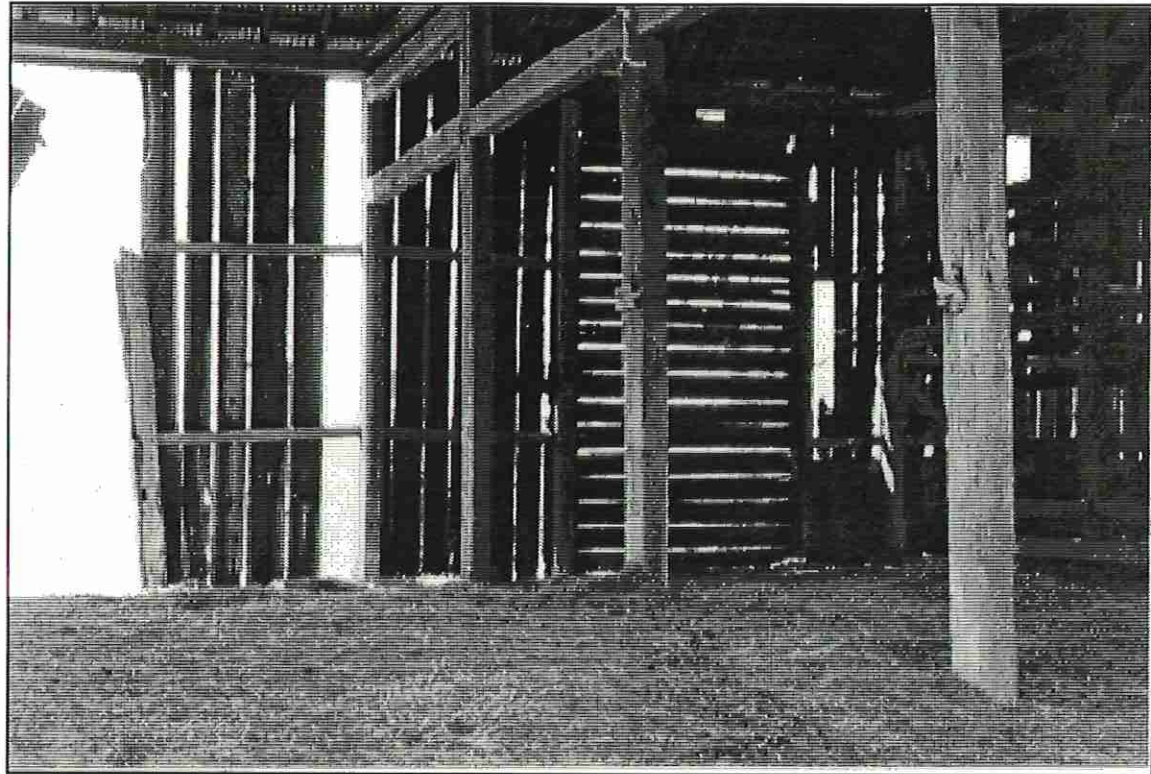


Figure 16. Main Barn Upper Structure Framing Details



Figure 17. Main Barn, Interior Support Beam.

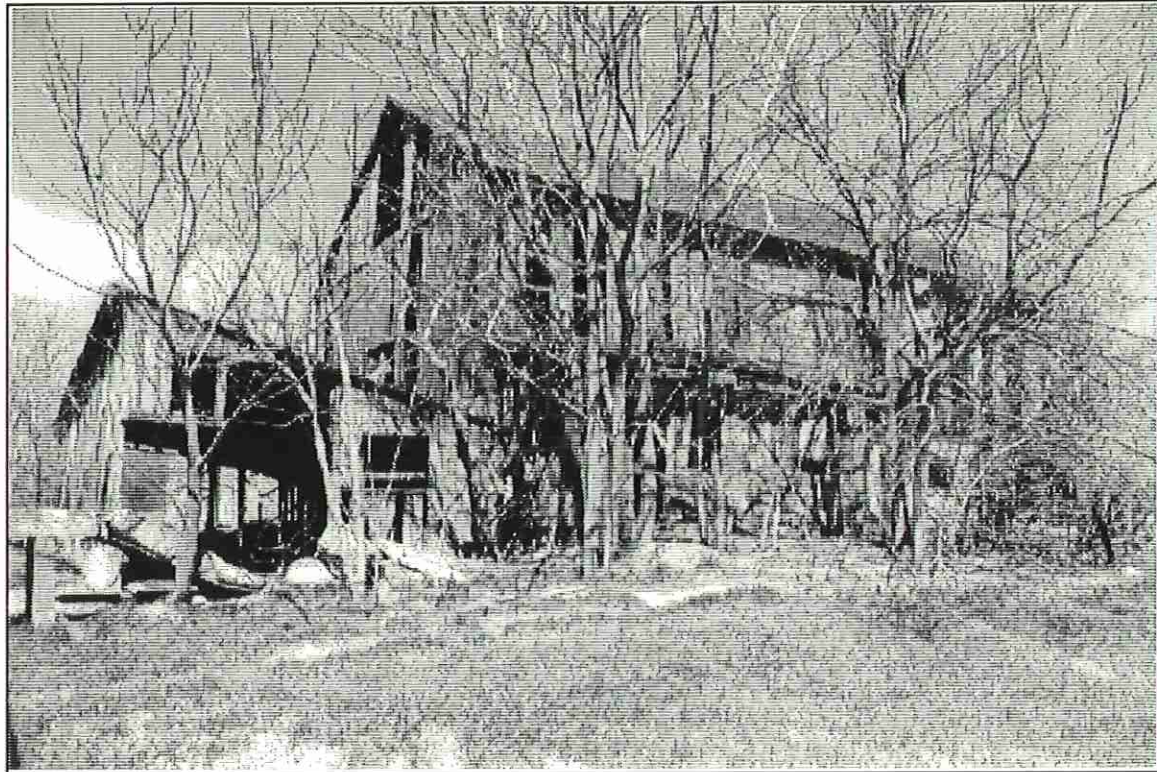


Figure 18. Main Barn, West Face.



Figure 19. Main Barn, North Face.

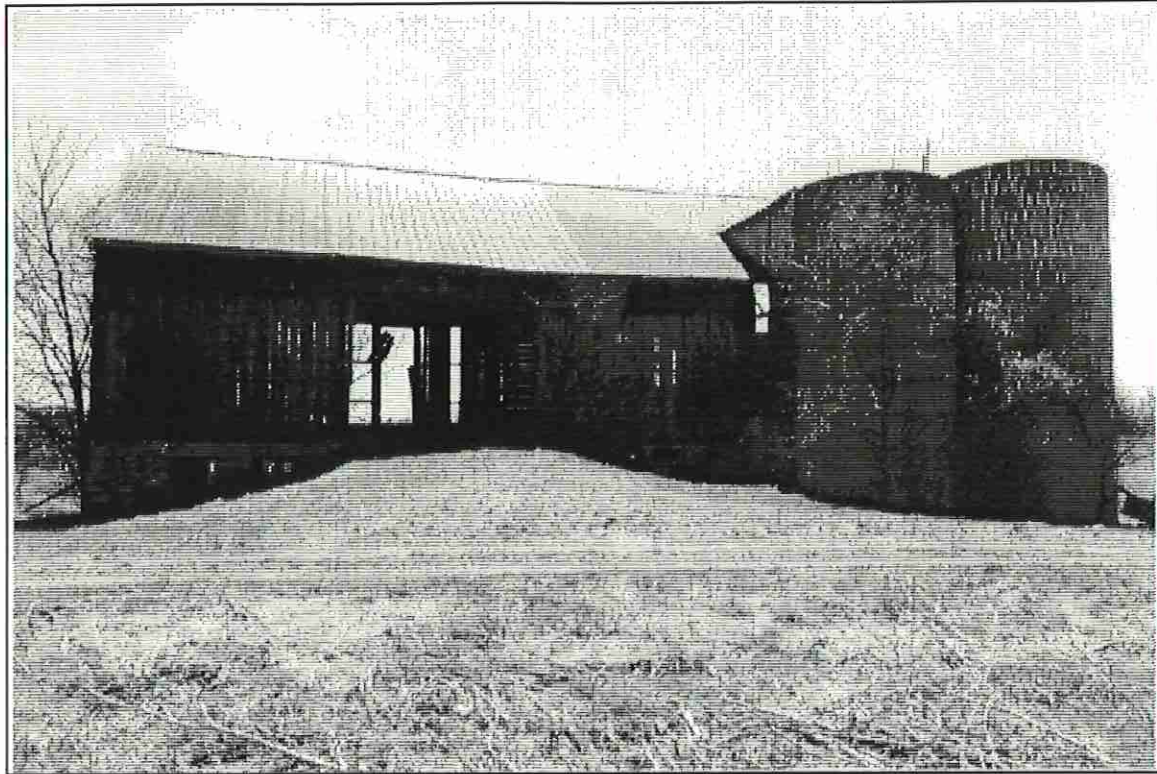


Figure 20. Main Barn Silo.



Figure 21. Main Barn, Livestock Chute.

A drilled well sits off the southwest corner of the farmhouse, with a concrete cover and pipes for pumping water. Further to the west is a large circular sink approximately 18" deep, and 10' in diameter. This sink has been tentatively identified as a refilled well. No testing was conducted on either feature.

Subsurface Testing Results in Area 5a

A total of 39 STPs were excavated in Area 5a, the house terrace and areas adjacent to the building complex. Of these STPs, 21 were part of the initial test grid, and 18 were radial excavations associated with positive STPs. Historic artifacts recovered from these STPs are discussed in more detail below. No prehistoric artifacts were recovered from Area 5a. The majority of artifacts were recovered from the Layer 1 plowzone (N=209). Three whiteware sherds were recovered from a sub-plowzone context in N325 W585.

Most STPs revealed a simple plowzone stratigraphy. Most commonly, Layer 1 was a brown to dark brown silty loam or silty clay plowzone which ranged in depth from 4 cm to 32 cm. Beneath this plowzone was either a reddish brown to brownish yellow silty clay subsoil with inclusions of decaying shale bedrock ranging in depth from 24 cm to 47 cm (Layer 2), or bedrock. Deep plowzone deposits were generally associated with deep subsoil deposits.

Three STPs (N195 W390, N325 W585, and N325 W390) revealed stratigraphic profiles which included a second, lighter brownish yellow clay beneath the more common Layer 2 subsoils described above. A fourth STP, N260 W485, was atypical and contained a six centimeter 10 YR 5/1 gray sand and gravel layer between the Layer 1 plowzone and the underlying brownish yellow clay/decaying shale. No artifacts were recovered from N260 W485.

A total of 212 historic artifacts were recovered from Area 5a. One hundred twenty-eight of these artifacts were categorized as domestic, predominately domestic glass (N=83, or 39% of the entire artifacts assemblage). The remaining portion of the domestic materials was comprised of (listed in order of dominance): domestic ceramic sherds (N=17, or 8% of the entire assemblage), bottle glass (N=13), vessel glass [includes lamp chimneys] (N=5), domestic plastics (N=6), and two pieces from a metal alloy decoration of some type. Architectural materials (N=49, or 23% of the assemblage) consisted primarily of flat window glass (N=25), and iron hardware and nails (N=20). One piece of slate roofing tile, one piece of mortar and two brick fragments were also recovered.

Other functional categories represented in the Area 5a artifacts assemblage include the Clothing category (N=1), the Munitions category (N=4), and the Agricultural Activities category (N=8). The Utilities category accounted for seventeen artifacts. Three artifacts could

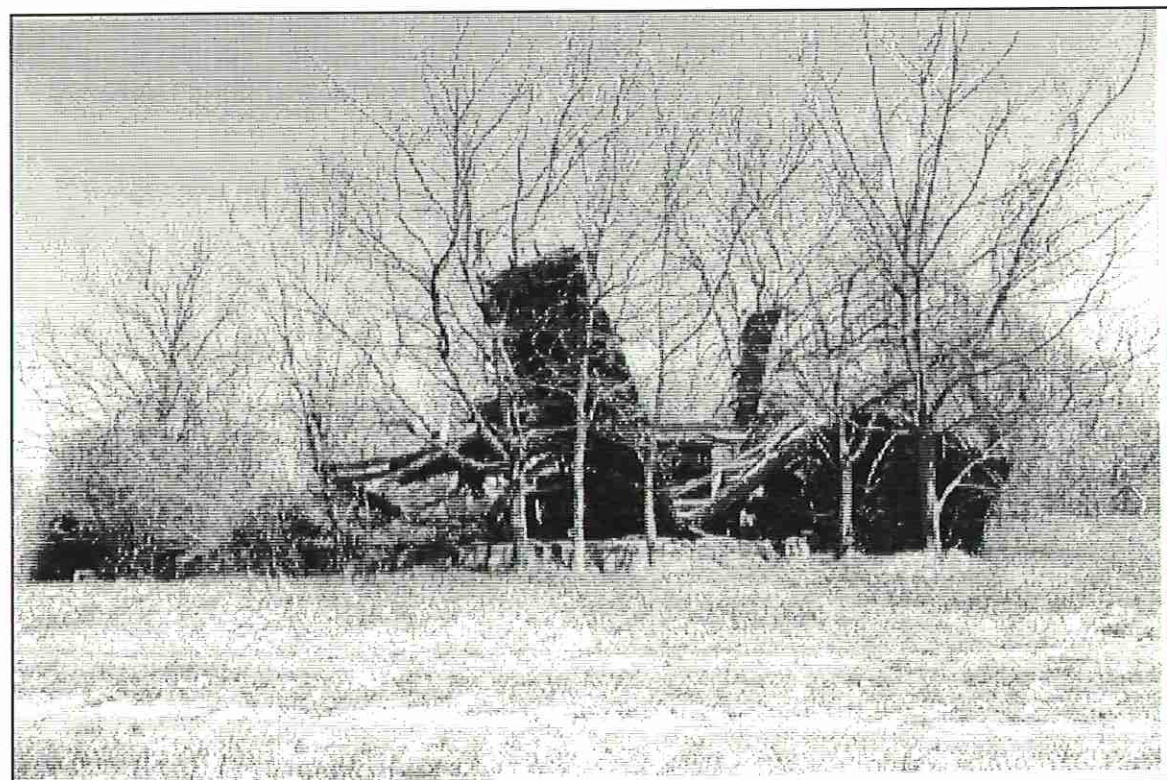


Figure 22. Farm House Remains, Facing North.

not be identified at even the functional category level. The complete absence of the faunal or botanical materials usually associated with domestic deposits suggest that Area 5a was subject to periodic trash removal or off-site trash disposal patterns, which would also account for the relatively low density of artifact distribution across the terrace.

The most commonly used form of stratum dating (where historic deposits are present) is the Mean Ceramic Dating Formula developed by Stanley South (South 1977). The number of ceramic sherds recovered in Area 5a is insufficient to generate an accurate Mean Ceramic Date for the assemblage. However some general inferences may be drawn about the use period of Area 5a based on the chronological periods of popularity of three of the artifacts types recovered: domestic ceramics, domestic glass, and nails.

The most commonly recovered ceramic type is whiteware (N=8). Also recovered were two pieces of buff bodied stoneware with white interior Bristol glaze, and exterior dark brown Albany slips. Two stoneware sherds had an interior Albany slip and clear exterior glaze, one buff bodied and one grey bodied. The remaining ceramic sherds included semiporcelain (N=2), coarse grey bodied stoneware (N=1), redware (N=1), a refined earthenware sherd with a dusty rose glaze (N=1), and a single ironstone sherd.

White refined earthenwares (pearlware, whiteware and ironstone) were readily available in America from 1780, and the later two continue to the present. These wares are generally more finely dated according to decorative technique, color, and pattern. Only two of the eight Area 5a whiteware sherds were decorated; one sherd was blue hand painted and one was mustard hand painted. Hand painted blue or mustard monochrome decoration was popular in the early 19th century (Miller 1994). Undecorated whiteware can be attributed to any period between 1820 and the present. Six sherds fell into this category. However, undecorated or solely shape molded whiteware dinner sets may have been more common in the last half of the nineteenth century, when they were competing with similar "white granite" or ironstone wares widely popular at this time (Miller 1990, Mullins 1988). American ironstone wares made during this period are also common, and difficult to distinguish from whitewares. One ironstone sherd was recovered in the Area 5a assemblage. Ironstone dates from 1840 to the present, and was most commonly only molded.

Stonewares, both coarse and refined, were readily available throughout the eighteenth and nineteenth centuries. Until the late nineteenth century advent of fully automated glass production, storage vessels were commonly the more durable stoneware, as were many serving vessels such as jugs and tankards. Albany slip decorated American stonewares are most commonly attributed to late nineteenth century sites. Four stoneware sherds recovered from Area 5a are Albany slip decorated. Two of these also have Bristol glazes, a white interior treatment popular in the last quarter of the nineteenth century.

The three remaining ceramic sherds from the Area 5a assemblage are largely chronologically undiagnostic, as both semiporcelain and redware have lengthy use spans and lack

additional differentiation indicators. Semiporcelain (or opaque porcelain) dates from 1880 to present. Redwares were widely utilized in utilitarian vessel forms, and both imported and local redwares were readily available from the eighteenth century into the twentieth century.

The Area 5a ceramic assemblage suggest a use period from the early or mid-nineteenth century (as indicated by the presence of monochrome hand painted whitewares) to the early twentieth century (represented by both undecorated whitewares and ironstone).

Unlike ceramic chronologies, which depend upon ware type and decorative treatment, glass typologies are based primarily upon chemical composition (earlier distinctions) and manufacturing technique (later distinctions). In some cases decorative treatment or logo will further refine the period of production.

All of the domestic glass recovered in the Area 5a assemblage is "modern" soda-lime glass (Jones and Sullivan 1985). Most sherds were too small to identify manufacturing technique. Three of the bottle sherds are machine made bottles dating from the early twentieth century to present, and one jar is a machine made threaded screw mouth canning jar of the variety still in use today. One bottle has a red and tan painted "Pepsi" logo.

Another diagnostic indicator in the glass assemblage is the presence of milk glass jar liner fragments, a canning sealant which was developed in the late 1860's and which worked in conjunction with screw threaded jar lids or screw bands of the "Mason" jar variety (Jones and Sullivan 1985). This type of fastener was in wide use in the last half of the nineteenth century and the first half of the twentieth century. A modified version more commonly used with a metal sealant ring alone is still in use today.

The proportional abundance of domestic glass is itself a relative chronological indicator. By the end of the nineteenth century, bottle machinery was semi-automated, and in the early twentieth century was fully automated. Glass bottles became an inexpensive alternative to more expensive ceramic storage containers (Jones and Sullivan 1985, Busch 1991, Miller and Sullivan 1991). The relative percentages of kitchen glass to kitchen ceramics may serve as a gross chronological indicator. As glass bottles became more plentiful and less expensive, storage functions previously fulfilled by ceramic vessels were subsumed by reusable glass bottles. However, glass bottles are less durable and subject to more breakage than their ceramic counterparts. These two use patterns produce higher bottle glass frequencies, and lower utilitarian ceramic frequencies, in late nineteenth century and 20th century deposits.

The Area 5a assemblage has a rough utilitarian ceramic to domestic glass frequency of one ceramic sherd to 16 glass sherds. This frequency is high enough to suggest use of the farm complex from the mid-nineteenth century into the twentieth century.

The final chronological indicator available for the Area 5a farm complex is the nail assemblage recovered from the excavated STPs and observed in the structure construction. The STP assemblage produced 2 cut nails (usually dating to the mid-19th century) and 14 wire nails

(post dating the 1850's). Where observable, the house construction is a mix of both wire nails (predominant in the superstructure) and cut nails (observed in the floor supports and frame). As noted earlier, the main barn also has a mix of wire nails and cut nails. The mixture of nail types suggests a complex which was initially constructed when both nail types were common (circa the 1850s or 1860s), and maintained thereafter in periods where wire nails predominated.

In summary, the Area 5a artifact assemblage supports second or third quarter of the nineteenth century construction of the farm complex, and occupation which continued into the mid-twentieth century (as indicated by the presence of hard plastics in the artifact assemblage). In conjunction with Phase II archival research, artifact analysis suggests that the Area 5a building complex was constructed by Rufus Wilson when he acquired the property in 1867, and used by the Wilson and Hayman families into the 1960's. (Margaretta Hayman being the granddaughter of Rufus Wilson, see Appendix V for Deed Chain).

Area 5b and 5c

Areas 5b and 5c were tested as part of the same grid, but were physically separated by an area of slope greater than 10%. The southern exposure and point tip were tested as high probability areas identified using Stewart's predictive model (Stewart 1980). Twenty six STPs were excavated in Area 5b, and 14 in Area 5c. No artifacts were recovered from either area.

Both areas exhibited identical stratigraphy. Layer 1 is a brown to yellowish brown silty clay plowzone with some shale plate inclusions, ranging in depth from 17 cm to 35 cm and most commonly directly overlying decaying shale bedrock. Where present, the subsoil was a brownish yellow to strong brown sandy clay with decaying shale bedrock inclusions.

Area 5d

Investigations in Area 5d consisted of seven east-west surface collection transects in the southern portion of the corn field west of the farm complex, where slope was less than 10%. Soil deposits appear to be deeper than those in the Area 1 agricultural fields, as fewer shale plates were observed. No artifacts were recovered from the Area 5d surface investigation.

Area 6

Eight STPs were placed in Area 6 at 65 foot intervals (Figure 8). All exhibited similar stratigraphy, and all were sterile. Layer 1 consisted of a shallow yellowish brown to brownish yellow silty clay plowzone with shale plates and grit. The depth of this plowzone was very consistent, ranging between 18 and 23 cms in depth. Underlying this plowzone was a silty clay with decaying shale bedrock inclusions, which ranged from a grayish brown to a very pale brown. STP NO E65 was atypical, with a mottled Layer 2 clay subsoil of 10 YR 8/6 yellow mottled with 10 YR 8/3 very pale brown.

Area 7

Twenty-four STPS were placed in Area 7 at 65 foot intervals (Figure 8). All exhibited plowzone stratigraphy, although some areas had an unusually thick topsoil (usually restricted largely to the root mat and excavated with the plowzone during fieldwork, hence incorporated into the plowzone in stratigraphic descriptions.) Layer 1 (where present) consisted of the loose dark brown silt loam topsoil which ranged from 3 cm to 8 cms. Layer 2 was the brown to yellowish brown sandy clay plowzone which ranged in depth from 13 to 31 cms. Subsoil was a brown to brownish yellow clay with shale bedrock inclusions where present. STPs located in the southeastern and eastern portion of Area 7 were generally plowzone over bedrock. No artifacts were recovered from Area 7.

Southern Bridge Emplacement Parcel

The southern bridge emplacement parcel is roughly 2290 feet north-south and 540 feet east-west, comprising approximately 28 acres (Figure 23). The parcel is bordered to the north by US Route 40 (National Pike), and extends across Conococheague Creek and up a stream cut into Area 1. The adjoining properties to the east and west are private residences. Physiographically the parcel contains both upland ridge areas (the southern 2/3 of the parcel) and the first and second terraces of the Conococheague Creek (the northern 1/3 of the parcel). The upland ridges have no easily accessible water source, and an extreme slope separates the upland terraces from the floodplain terrace on the Conococheague. The upland ridge vegetation consists of high grasses and multiflora rose clumps. The floodplain terrace is currently under thick regrowth including hawthorn, birch, and redcedar, some hardwoods, and varied underbrush.

As the upland terraces within the testing area have no nearby water sources, they were considered low potential areas. The second floodplain terrace of the Conococheague was deemed a high potential area and tested with STPs placed at 20 meter (65 foot) intervals. The first floodplain terrace of the Conococheague was very narrow and frequently flooded by the Conococheague Creek throughout the study period. Such flooding is likely to have disturbed any archaeological resources if present, and would have made the terrace largely unsuitable for use.

The National Pike was an important early historic route through western Maryland which closely followed the path of the current Route 40. Historic maps for the mid 19th century confirm the presence of houses to the east and west of the parcel. However, the strong slope of the access area immediately adjacent to US Route 40 is an unlikely house site (as supported by historic maps) and was exempted from testing. The three nineteenth century maps, and two twentieth century maps available for the Conococheague area all clearly indicate house sites preferentially placed along the road, and no building sites near the creek are indicated. The parcel was still apparently in agricultural use in the early twentieth century. It is not presently clear when the area was last used for agricultural purposes. As archival evidence suggested that

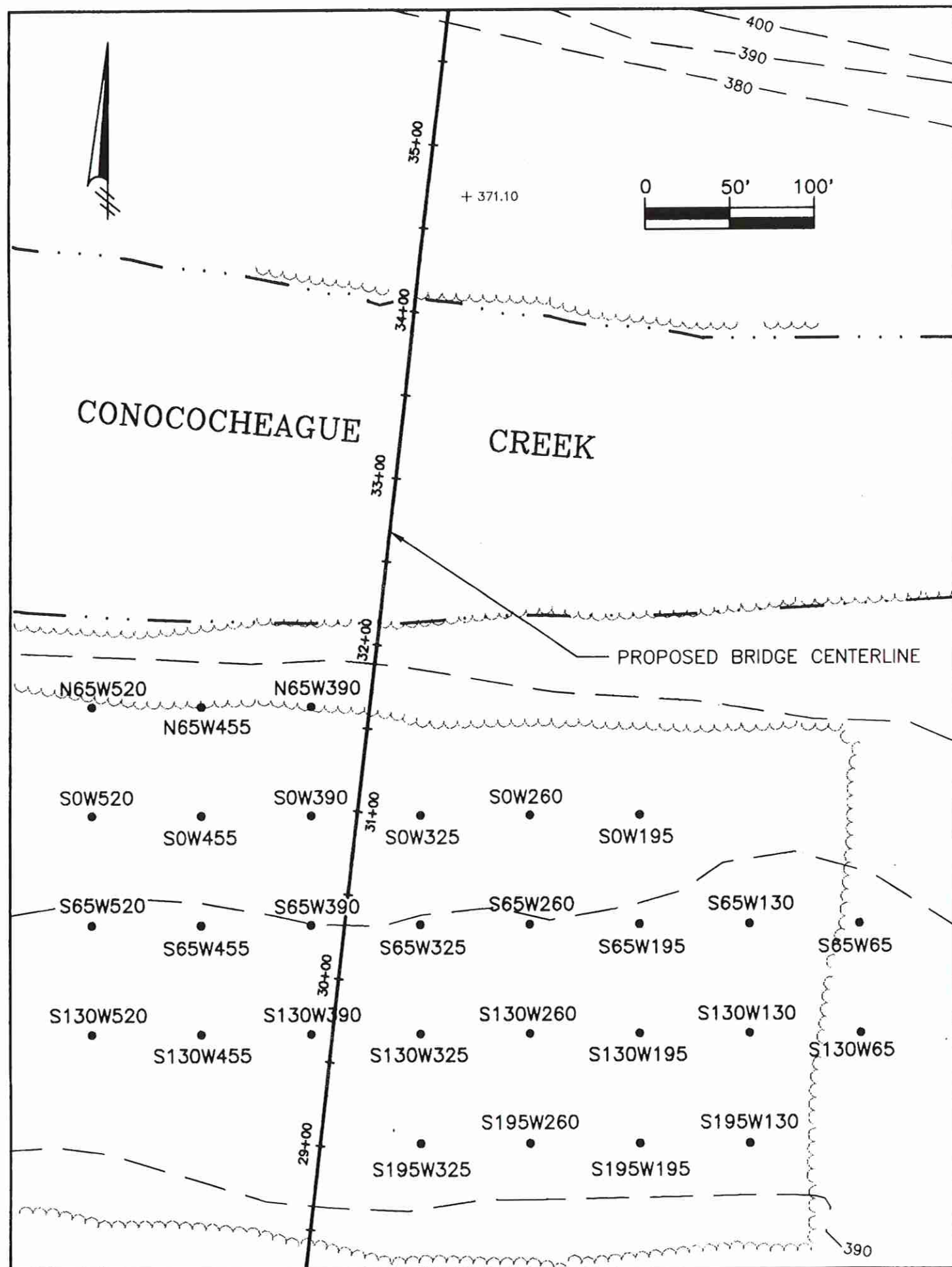


Figure 23 Southern Bridge Emplacement Parcel, with STP Locations.

no domestic structure had stood within the parcel from the mid-nineteenth century on, the entire parcel adjacent to Route 40 was considered to have low potential for historic resources. Any historic resources encountered within the parcel are most likely to be associated with outbuildings of nearby residences, or lower density scatters created by agricultural activities.

Field work on this parcel was conducted from May 1996 to July 2, 1996. Bad weather and poor site drainage resulted in extended delays before the actual field investigations could be conducted. Field visits in May and June found significant percentages of the testing areas under standing water. Dense regrowth vegetation required the use of a brush hook and hours of manual labor to cut sighting transects and working areas within the underbrush (Figure 24).

A total of 31 STPs were laid in on a regular 65 foot (20 meter) interval (Figure 23). Of these, 24 were actually excavated during field work. The W390 transect (N=3) was not excavated as this line fell within the recently disturbed road cut on the parcel. STPs S65 W455 and S65 W520 remained under standing water at the time of final fieldwork and hence were also not excavated. Finally, S195 W455 and S195 W520 were not excavated as the transect below (S130 W455 and S130 W520) already indicated slopes greater than 10% and slopewash deeper than manual excavation could penetrate.

Soil stratigraphy encountered falls into four groups, by area. The largest area of the parcel exhibits a simple plowzone stratigraphy. Level 1 was a light olive brown or yellowish brown silty clay or clayey silt plowzone ranging from 20 to 34 cm in depth. The underlying subsoil was a brownish yellow clay with some variation in silt and gravel content. This plowzone stratigraphy was encountered in the central and eastern areas of the testing area, from W65 to approximately W390.

Water logged mineral stained soils were encountered in the far western section of the parcel, from S0 W455 to S0 W520 and assumed to extend into the area of standing water at S65 W455 and W520. S65 W325 also exhibits some signs of this mineral staining in the subsoil. The ground surface in this area also showed signs of silt deposition on the surface in shallow basins. S0 W455 and S0 W520 had nearly identical profiles: Level 1 consisted of a deep (29 cms) 10 YR 6/4 light yellowish brown mottled with a 10 YR 7/4 or 7/2 light gray or very pale brown damp silty clay with manganese nodules. The Level 2 subsoil was a 10 YR 6/8 brownish yellow mottled with a 10 YR 7/4 or 8/2 very pale brown slightly silty clay, with heavier concentrations of manganese nodules.

Soils along either edge of the terrace also varied from the plowzone profile. Soil profiles along the terrace edge under the tree line (N65 transect) exhibit indicate spots of undisturbed natural soil development. N65 W520 and N65 W390 fall into this category. N65 W455 exhibited plowzone stratigraphy. Soil profiles along the terrace/slope interface indicated the presence of slopewash gravels in the soils. This group included S130 W520, S130 W455, S195 W325, S195 W260, S195 W195, and S195 W130. The presence of slopes greater than 10% mark the southern boundary of the testing area.

No artifacts, either prehistoric or historic, were recovered from these test excavations, and no subsurface features were encountered.



Figure 24. On Site Vegetation, South Bridge Emplacement Parcel.

PHASE II ARCHIVAL RESEARCH, THE AREA ONE HISTORIC CEMETERY

Phase I field investigations ascertained that the Area 1 historic cemetery was a potentially intact archaeological resource. Consultation between Dr. Hopkins as Principal Investigator and Dr. Shaffer of the Maryland Historic Trust determined that the potential significance of the cemetery could be established without subsurface investigation. To this end, Phase II archival research was conducted between July 27, 1996 and August 17, 1996.

Research Design

The historic cemetery in Area 1 was subject to Phase II additional documentary research to help evaluate its potential National Register of Historic Places eligibility, and to assure that all Maryland State mandated legal responsibilities would be addressed. The Phase II study was designed to address four sets of concerns: 1) to establish the demographic character of the population buried in the cemetery and hence establish its cultural context, 2) to compare this specific burial population to groups previously studied to help determine the potential of this population to yield significant new information if further study were conducted, 3) to identify possible individuals within that general demographic population and hence establish any possible contemporary local descendants and identify any significant historical figures, and 4) establish the context of other studies of historic cemeteries to determine if further work had been required in analogous cases. Additional research sought to establish legal responsibilities should relocation of any human remains prove necessary. This information is presented in a separate appendix at the end of the report (Appendix IV).

Phase II archival investigations followed several avenues of inquiry. A deed chain was constructed for the parcel containing the cemetery to determine ownership of the parcel during the period of cemetery use, as established by gravemarker dates. Washington County Wills and Marriage Indexes were consulted to map relationships between named individuals found in the cemetery and land records, and close relatives who may have also been buried in the cemetery under unmarked stones. When possible, church affiliation was determined, both to facilitate genealogical research using the appropriate church records and to establish the cultural subgroup the burial population belonged to. Court records from two Washington County Equity Court cases established the probable reason for abandonment of the cemetery in 1857, and also clarified the exact genealogical relationships between many individuals initially identified from other sources.

The collection of The Western Maryland Room of the Hagerstown Free Library (WMR HFL) was invaluable to this research, and the genealogical information housed in this repository also aided in establishing the links between the families buried in the cemetery and the community which they belonged to. Their index to early Hagerstown newspapers and the microfilmed newspaper collection allowed rapid scanning of any news items which appeared in the first half of the nineteenth century which related to these two families. And finally, their Washington County Cemetery Records collection, a 1930s survey transcribed by The National Association of Daughters of the American Revolution (NADAR), Conococheague Chapter,

helped rule out several individuals and families as members of the burial population, and supplied additional support for the inclusion of others. These records were used both in the Library's typescript form, and in the form of the volumes published by Dale Morrow (Morrow 1993). All volumes were reviewed for appearance of the Wachtel surname.

When working with marriage indexes and church records, only the male lines carrying the surname were considered after the second generation. Complete review for the wide variety of married names taken on by female descendants of the third and fourth generation would have been impossible with the time scope of this work, especially when the possibility of second and third marriages is considered. Birth records were not accessed, except as reported in church registers.

The Phase I fieldwork conducted in the Area 1 historic cemetery indicated that at least three family names were associated: Wachtel, Stine, and Troup. Of the nine grave markers with discernable information on them (counting header-footer pairs only once) six were related to the Wachtel family [burials 36, 39, 58, 61a, 64, and 65], one was related to the Stine family [burial 35], and one was related to the Troup family [burial 56]. Eighteenth century land ownership maps (Taggart 1859) indicated the cemetery was on or near the border of the parcel marked "V. Wachtel". As both numerical predominance and land ownership information indicated, the Wachtel family was the more likely burial population, Phase II research gave preference to that surname. Four completely named individuals were identified during Phase I work. Mary Wachtel, Benjamin H. Wachtel, and Jack Troup were identified from grave marker inscriptions. Valentine Wachtel was identified from his wife's inscription. Genealogical research focused on establishing relationships leading to and from these individuals.

Results of Archival Research

In the following text, specific family histories and genealogies will be presented first. To visually aid the reconstruction, genealogical charts for the Wachtel and Stine families are included as figures within the text (Figures 25 and 26, respectively). Also included is a master table of identified individuals listed alphabetically, with known date ranges, burial status, and a list of the most pertinent citations used to establish relationship and date ranges (Table 3). Following the family histories, the three families will be discussed in the context of their community, ethnic origin, and chronological period. Finally, a review of recent cemetery studies on comparable populations will be presented and the possible significance and contribution of the Area 1 cemetery will be evaluated in that context.

The Wachtel Family

Deed research (Appendix V) indicated that the parcel containing the cemetery was purchased in 1797 by John Wachtel, the first generation of the Wachtel family which is associated with the cemetery (WCLR Liber K folio 162). This parcel was probably purchased as additional family land and not the first land acquired by the family in Washington County. The presence of the family in the Conococheague/Wilson area previous to the 1797 purchase is

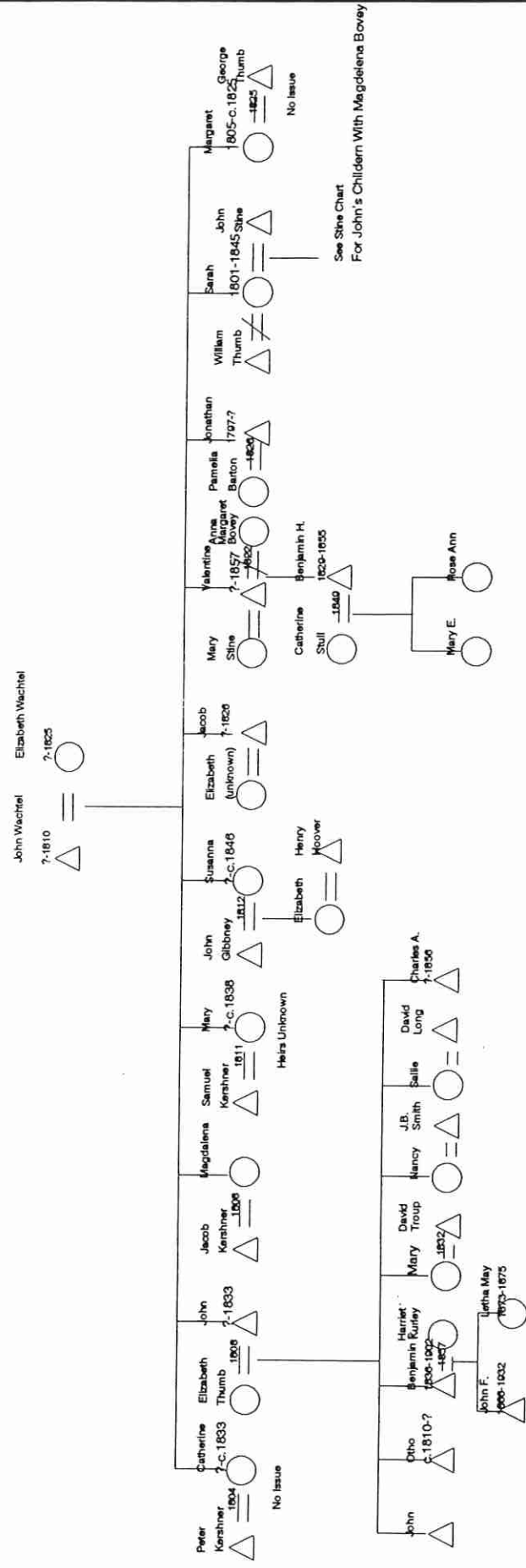


Figure 26. John and Elizabeth Wachtel Family Genealogy, Four Generations.

Dates appearing beneath names refer to documented dates of birth and death.
 Dates appearing between names refer to documented marriage dates.

documented as early as 1795, when Jacob, one of John's sons, appears in the list of letters remaining in the post office (The Washington Spy Oct. 6, 1795). It is possible that prior to the 1797 purchase of the project area parcel (the southern third of the project area), the family was residing on a parcel of land to the north adjacent to Broadfording which is also marked "Wachtel" on the 1858 Taggart map (Figure 6). It is also possible that John and Elizabeth were leasing the project parcel from the owner, John Fry or Firy.

John and his wife Elizabeth were members of the St. Paul's United Church congregation. This church served both Lutheran and German Reformed congregations until 1826, and it is not clear from the church register (Clark 1966) to which part of the combined congregation John and Elizabeth belonged. In 1797 the couple already had seven living children: Catherine, John (II), Magdalena, Mary, Susanna, Jacob and Valentine (Figure 25). These children do not appear in the church register, which begins circa 1790. No earlier church register has been located. Three additional children were born to the couple after the 1797 purchase and their baptism recorded in the church register: Jonathan in 1797, Sarah in 1801, and Margaret in 1805. Testimony from a mid-nineteenth century Equity Court case suggests that John and Elizabeth had at least one other child which did not survive infancy (Washington County Equity Case No. 1503, Testimony of Otho Wachtel).

In 1810 John (I) Wachtel died, survived by his widow and ten living children. The eldest three, Catherine, John (II), and Magdalena had already married, and the women presumably moved to their husband's home. Catherine married Peter Kershner in 1804. John (II) married Elizabeth Thumb in 1808 and three days later that year Magdalena married Jacob Kershner. John's (I) will dated September 22, 1810 (WCW Liber B folio 193-194) specified that his widow was to receive one-third of his property, and the house, as well as several individual items. To his children John (I) left equal shares of the remaining portion of his personal estate and land, which was to be sold 10 years after his widow's death. As Elizabeth his wife was certainly buried in the Area 1 cemetery, it is highly probable that John (I) was buried there as well.

The 1810 census indicated that three Wachtel households were living in the two census districts (Hundreds) which would encompass the immediate cemetery vicinity (Morrow and Morrow 1983). A Dewalt Wachtel is listed in Salisbury Hundred (east of the Creek) the household consisting of one male over 45 and one female over 45. No other archival record has duplicated this entry, and this household can not be linked to the Wachtel family of interest. Also listed in Salisbury Hundred is the household of John Wachtel, consisting of two males between 16 and 26, one female between 16 and 26, one female under 10 years of age, and two males under ten years of age. The two young boys would be John (III) and Otho, two of the adults being John (II) and Elizabeth Thumb Wachtel his wife. The young girl could any of John's (II) three daughters, as no birth order is known for them. The identity of the third adult cannot be determined. The third Wachtel listing is for Conococheague Hundred (the west side of the creek), Jacob Wachtel: two males 26-40, one male 16-26, two females 16-26, two females less than 10 years in age, and one female over 45. Judging from this census entry, Jacob became head of his mother's household when his father died. The household consisted of his

mother, Sarah (9) and Margaret (5) his sisters, Jonathan (13), and Valentine (presumable over 16). No entry under "Wachtel" appears in the 1800 census (Clark 1964).

Between 1810 and the end of 1825 five more of the Wachtel children were married: Mary to Samuel Kershner in 1811, Susanna to John Gibney (or Gibboney) in 1812, Valentine to Anna Margaret Bovey in 1822, Sarah to William Thumb before 1821, and Jacob to an Elizabeth (maiden name unknown) before 1826. There is some evidence that the male members of the family were in three different locations by 1815, as Valentine (the third eldest son) reports a horse found on his property, rather than that of John (II) or Jacob as the elder sons (The Maryland Herald April 26 1815). Certainly Valentine and Jonathan were living together on the project parcel by 1821 when they began to consolidate one holding out of the pieces held by other of John's (I) heirs (WCLR Liber FF folio 623).

In 1825, Elizabeth Wachtel died and was buried in the Area 1 cemetery under a fieldstone marked only with her initials and the date of death; Oct. 13, 1825 (Burial 36). At the time of her death, her sons were living in three distinct locations: Valentine and Jonathan were living together on the project area parcel, and Jacob and John (II) each had their own homes. She left bequests only to her youngest daughter, and her three youngest sons (WCW Liber C folio 292). While several household items and livestock are mentioned in Elizabeth's will, it contains no specific instructions concerning real estate and it is assumed that the total family holdings had already been divided and transferred to her children prior to her death. It is therefore impossible to determine where Elizabeth herself was living at the time of her death.

Jacob and Margaret died closely upon their mother's death. According to later court testimony concerning John and Elizabeth's heirs (Washington County Equity Case No. 1503) Margaret died circa 1823. As Margaret was married in 1825, it is assumed the informant meant 1825 or 1826. Jacob died the following spring in 1826 (WCW Liber C folio 310). Neither left any living children. Also in 1826, Jonathan married Pamela Barton. Jonathan was the last of the second generation children to marry. Between 1832 and 1840 three more of the second generation children died. John (II) died in 1832 (Washington County Index to Descendant's Estates, Executor's Bonds listing Liber D folio 41, physical volume apparently lost in a courthouse fire), leaving seven living children: John (III), Otho, Benjamin F., Mary, Nancy, Sallie and Charles A.. Catherine (Wachtel) Kershner also died circa 1832-33 and Mary (Wachtel) Kershner died some time in the late 1830s (Washington County Equity Case No. 1503). Neither woman had surviving children. Sometime before 1843 William Thumb, husband of Sarah, died, and between 1830 and 1844 Sarah married John Stine (Valentine's northern neighbor and brother-in-law). Also during this period, Anna Margaret Bovey, wife of Valentine, died, and Valentine married Mary [Magdalena] Stine (sister of John Stine).

Sometime between 1828 and 1836 the St. Paul's United Church Lutheran congregation dissolved its earlier partnership with the German Reformed congregation, and instead formed a partnership with the Williamsport Evangelical Lutheran Church (Greenawalt 1965). A 20 year gap in published records from St. Paul's prohibits determination of the exact date, but by 1856 (the resumption of published church records), the Wachtels left the St. Paul's congregation and

at least one branch of the family joined the Church of God, Bethel. The remaining family members may have joined the congregation of Mt. Tabor United Brethren, or an unnamed Dunker congregation listed in the Clearspring district in Scharf (Scharf 1966:1289). No church records have been located for these congregations. Consultation with John Fry, the local historian in charge of the WMR HFL, indicates that these congregations probably kept minimal records. As neither United Brethren or Church of the Brethren (Dunkers) practice infant baptism, no birth records are expected to be in the church records.

The index for the 1840 census indicates four Wachtel households in the Clearspring District at this point, John [III] and Elizabeth Wachtel in the 1st enumeration district (p:301); Benjamin [H.] Wachtel in the 2nd enumeration district (p:124); Valentine Wachtel in the 2nd enumeration district (p:125), and Otho Wachtel, 2nd enumeration district (p:125). John and Elizabeth were apparently living north, near Broadfording, while Valentine and Otho lived on or near the project area parcel. Benjamin H., Valentine's only offspring, was also living near but not with his parents.

By 1840, only four second generation Wachtels remained: Magdalena (Wachtel) Kershner, Valentine Wachtel, Sarah (Wachtel) Stine, and Jonathan Wachtel. In 1840 Jacob and his wife Magdalena sold their interest in the project parcel to Valentine (WCLR Liber WW folio 179). By 1844 Jonathan and his wife have relocated to Delaware County, Indiana and sell their interest in the project parcel to Valentine (WCLR Liber 44 folio 796). Throughout the 1840s Valentine consolidated his land holdings by purchasing the interests from his living siblings or their heirs. Only Jacob's portion, lying to the west off the project area, passed out of the family hands prior to this date. In 1845 Sarah Wachtel Stine died, apparently leaving no children of her own by either marriage, and was buried in the Area 1 cemetery under a fieldstone marked only with "S. Stine, Jan. 1845 (burial 35). Susanna Wachtel Gibney died before 1846, leaving her interest in the property to her only daughter Elizabeth Gibney Hoover. The Hoovers then sold their inherited interest back to Valentine Wachtel (WCLR Liber I.N. No.1 folio 776).

By 1849, Valentine had nearly consolidated his ownership of the project area parcel, and in that year exchanged half interest in his own parcel for two-fifths interest in the property of his neighbor and brother-in-law John Stine (WCLR Liber I.N. No. 4 folio 544). That same year, Valentine's only son (presumably with Anna Margaret Bovey) Benjamin H. Wachtel married Catherine Stull. Valentine and Mary were either living on the project parcel, or possibly neighboring it on the property of John Stine, who does not seem to have remarried again after Sarah's death.

In May of 1855 Benjamin H. Wachtel (Valentine's only son) died at the age of 26 (burial 58), leaving two infant daughters, Mary E. and Rose Ann. Mary (Stine) Wachtel died July 8, 1856 (burial 61a), and Valentine died intestate sometime between her death and Jan. 1857 (Washington County Index to Decedent's Estates, Executor's Bond listed as Liber D folio 41, physical volume apparently lost in courthouse fire). Mary and Benjamin were buried in the Area 1 cemetery under engraved headstones. No stone exist for Valentine, but it is most probable

that he was also buried there, near or next to their graves. Benjamin's wife Catherine soon remarried and her new husband took the family out of the state, to Yellow Creek, Illinois.

It is almost certain that Valentine or Mary's burial was the last use of the Area 1 cemetery. Although one of John (II) Wachtel's children also died during this period (Charles A. Wachtel, died 10/10/1856), the Washington County Cemetery Records in the WMR HFL indicate that he was buried in the churchyard at the Church of God, Bethel (see also Morrow 1993), as was his brother Benjamin F. who died in 1902. The property passed out of the immediate Wachtel family, and by 1873 was in the use of George Kretzer, husband of Matilda Stine. As reconstruction of the Stine family genealogy was not as complete, it is not clear what relation Matilda Stine had to John Stine, but it should be noted that at this time John Stine had the only clear legal interest in the property, and it is probably that some close blood relationship existed (indicated on Figure 26 as a dotted line).

In 1873, the year of John Stine's death, John (III) Wachtel (one of the few third generation Wachtels who had not explicitly transferred his interest in the project parcel to Valentine Wachtel) filed suit in the Washington County Equity Court (Washington County Equity Case No. 1503). His suit depended on the clause in John (I) Wachtel's 1810 will which specified that the real estate should be sold ten years after his widow's death, and the total resulting estate divided equally among all his heirs. Judging from the court records, this was not the first time he had requested such an action, and the low case number may have been initially assigned at an earlier date. Although the case notes and testimony were extremely important to the successful reconstruction of Wachtel family genealogy, the only pertinent result of the case was that the court effectively overturned Elizabeth's 1825 will, and forced the sale of the property in order to distribute the resulting monies to the currently living heirs of John (I) Wachtel. Those heirs who had previously transferred their interest to Valentine were exempted from receiving shares of the estate. No consideration was given to the heirs (if any) of John Stine as a legal co-holder of Valentine's parcel, although the consideration was given to the heirs of John Witmer, who had purchased Jacob's inheritance. George Kretzer (who was already farming the land) then purchased the land from the court appointed trustees in 1874 or 1875. Kretzer defaulted on his mortgage at the turn of the century, and in 1916 the parcel (and the cemetery) passed completely out of the families hands (WCLR Liber 150 folio 115).

The last identified Wachtel descendant, John F. Wachtel (son of Benjamin F. Wachtel and grandson of John (II)) died in 1932 and was buried in the Church of God, Bethel (Washington County Cemetery Records). No wife or children were recorded. Review of the Index to Washington County Marriage Licenses located eleven Wachtels of unknown relationship who married between 1855 and 1879 (Benjamin F. and the unidentified Daniel Wachtel being the only males listed during this period). These could be either great grandchildren of John (II) Wachtel through John (III), Otho, or Benjamin F., children of John F., or previously unknown descendants of Jonathan and Pamela Wachtel who returned to Maryland from Delaware County, Indiana. No marriage license is listed for either John (III) or Otho Wachtel. No Wachtels were listed between 1912 and 1949, and no burial inscriptions other than three noted as "Church of God, Bethel" in Table 3 were listed in the Washington County Cemetery Records. If Daniel,

John F., Franklin, or Harry R. Wachtel (the four post-third generation males listed in the marriage indexes) had any children, these children did not get married in Washington County.

The Stine Family

Stine family occupation of the project area vicinity predates the 1797 purchase of the southern parcel by the Wachtels. The presence of multiple unrelated Stine families in the Hagerstown and Conococheague areas made index research effectively useless for the purposes of this study. Hence, all research began with the known quantity (John) and traced both forward and backward from this point. The Stine surname was alternatively spelled "Stine", "Stein" and "Stene" depending on the family, generation, and recorder. All published references have cross references or standardized the spelling. The alternative "Stine" was chosen for use in this report as it is the spelling most frequently encountered in the land records, and also the spelling found on burial marker 35.

The first known generation of the Stine family of interest were Mathias and Freni (alternatively spelled "Frehne") Stine (Figure 32). Mathias Stine and his wife first appear in the St. Paul's United Church register, where they were members of the Lutheran congregation. The baptisms of two Stine children are listed in the register: John born 1792 (Clark 1966:7), and [Mary] Magdalena born in 1794 (Clark 1966:10). Court testimony, marriage license indexes, and land records indicate that there were three younger children in the family as well: Catherine, Jacob B., and George W. (Washington County Equity Case No. 1851). Very little is known about the family between 1794 and 1819, the date of John's marriage to [Mary] Magdalena Bovey. In the early 1820s John and Magdalena had three children in rapid succession: Samuel born 1822 (Clark 1966:45), Mathias (II) born 1824 (Clark 1966:49), and Mary born 1825 (Clark 1966:50). Thus John already had three children before his brother Jacob married Mary Haines in 1825. Catherine married Joseph or Josiah Kershner in 1829. It is not clear whether George ever married.

Freni appears to have predeceased her husband at some unknown date. Mathias (I) Stine died in 1827, leaving his estate to be equally divided among his five heirs (WCW Liber C folio 331). Shortly after Mathias' (I) death, John's wife Magdalena also died, Feb. 10, 1830. According to the Bovey family history available in the WMR HFL, Magdalena Bovey Stine was buried in a small family cemetery, the location of which was subsequently lost. It seems likely that the cemetery referred to is the Area 1 cemetery (no Bovey family cemetery appears in the Washington County Cemetery Records), and that the cemetery served both the Stine and Wachtel families.

After the death of his first wife, but before 1844, John Stine married Sarah Wachtel (the widow of William Thumb and Valentine's sister). Sarah Wachtel Stine, as noted above, died in 1845 and was buried in the Area 1 cemetery. Since no date has been established for the marriage of Sarah Wachtel to John Stine, it is possible that the Matilda Stine who marries George Kretzer was an offspring of this second marriage, as Kretzer was working Valentine Wachtel's parcel after his death.

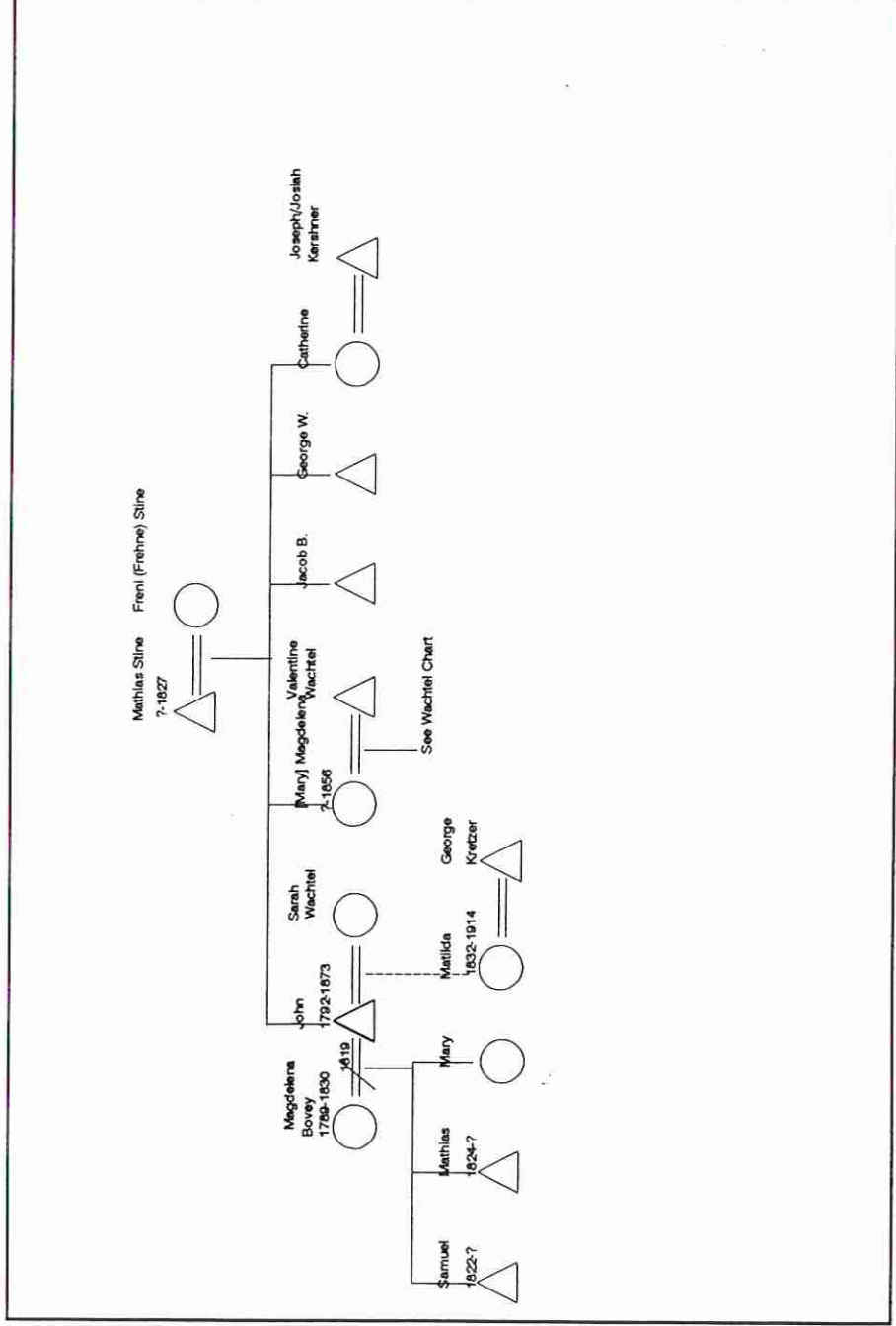


Figure 27. Mathias and Freni Stine Family Genealogy, Three Generations.

Dates appearing beneath names refer to documented dates of birth and death.
 Dates appearing between names refer to documented marriage dates.

Although Mathias (I) Stine had left his estate to be equally divided, only John appears to have had any interest in working the land, almost certainly in cooperation with Valentine Wachtel, his southern neighbor. In 1830 Jacob Stine sold his interest in the Stine parcel to John Stine and Valentine Wachtel (WCLR Liber LL folio 712). George conveyed his interest in the parcel to John and Valentine in 1837 (WCLR Liber TT folio 32), and finally Catherine and Josiah Kershner convey their remaining interest to John alone the following year (Washington County Equity Court Case No. 1851). Stine and Wachtel worked the parcel until Valentine's death in 1857.

Eventually Stine brought suit against the interest of Valentine's only living heirs in his own parcel in 1864, asking the court to order the sale of the property (Stine's parcel north of the cemetery) and division of the proceeds between himself and Valentine's two granddaughters (Washington County Equity Case No. 1851). Although John Stine had produced at least two sons, neither is mentioned in the court case. Either Samuel and Mathias had already acquired their own homesteads, or the boys may not have survived infancy. As a result of the case, in 1867 the property was sold by the court appointed trustee first to Stine himself, and then after rescinding the first sale, to Rufus Wilson (WCLR Liber L.B.N. No.1 folio 728). Between the two court cases (1503 and 1851), any survivor's interests in the project area as a whole were sold to the Wilsons (Rufus died before the second court case leaving his estate to his son John).

A note of the death of Mary Magdalena Stine in 1830 is the last appearance of the Stine families in the St. Paul's United Church records, most probably because of the gap in available records. Sometime after 1830 John Stine left the St. Paul's congregation and became a member of the Mt. Tabor United Brethren Church. Upon his death in 1873, John Stine was laid to rest in the churchyard of that congregation (Scharf 1966:1289, Morrow 1993:97)

Although all of the pertinent court case era land records were carefully reviewed, no cemetery access easements or reservations were found in any of the documents. Common courtesy and community practice may have been sufficient in 1916 to insure that any surviving relatives could visit the cemetery as they pleased, but no legal mechanism was specified for the visitation, maintenance, or preservation of the cemetery.

The Troup Family

The investigation of the Troup family centered around two names: Jack Troup which was identified from Piper's 1939 survey (The Washington County Cemetery Records) and the broken portion of the burial 56 headstone; and David Troup who married Mary Wachtel in 1832. The marriage of Mary Wachtel and David Troup is the only identifiable link between these families, and the presence of the burial 56 tombstone is the only reason to believe that any members of the Troup family are buried in the Area 1 cemetery.

No Jack Troup was ever identified in any of the archival sources used for this investigation. The given name "Jack" was rare during this period, and may actually reflect a family usage or nick-name. Therefore all genealogical relations were drawn in reference to

David Troup, husband of Mary Wachtel. As the relationships are simple, and only limited interaction between the families appears to have occurred, no genealogical chart has been provided and only those members directly involved have been listed in Table 3.

David (II) Troup, the husband of Mary Wachtel, was one of the seven children of David (I) and Anna Troup (WCW Liber C folio 29). There is no evidence that any of David's (II) siblings married into the Wachtel, Stine, or Kershner families. In 1835 David's (II) niece Anne married Michael Bovey, and a "Polly" (a probable nickname which is linked in other records to the given names Mary and Peggy) Troup married David Thumb in 1847. This Polly may refer to either David's (II) sister Peggy or his niece Mary. The low incidence of even indirect third party marriage links suggest that the Wachtels and Stines were members of the same community, but "moved in different circles" than the Troups.

Troup burials appear concurrently in both St. Paul's Churchyard, and at the Mt. Tabor United Churchyard. The only known related Troups in these listings are David (III) Troup, the nephew of David (II), and his wife Susan Neill Troup, buried in Mt. Tabor Churchyard (Morrow 1993:97). It seems most likely that the Troups were Lutheran, given their continued appearance among the later St. Paul's Lutheran congregation and a United congregation.

The Jack Troup buried in the Area 1 cemetery has been identified solely from the information in the Washington County Cemetery Records. The name portion of the burial 56 tombstone is missing, but the remaining information corresponds the Jack Troup recorded by Piper. Jack Troup died in 1845 at the age of 57. No Troup has been found in the archival sources with either the correct birth year (1787 or 1788) or date of death. He was too old to be a child of David Troup and Mary Wachtel Troup, who only married in 1832. He is not David's (II) father and is of the wrong generation to be his grandfather. The relational context of Jack Troup to the Wachtel and Stine families is still unknown.

Table 3. Alphabetical Listing of Individuals Discussed in the Family Genealogies.

Name	Dates	Burial Status	Citation Information
Anna Margaret Bovey (Wachtel)	m. 1822	Probable	Marriages of Washington County (Morrow 1979) Bovey Family History, WMR HFL
Magdalena Bovey (Stine)	1789-1830	Probable	Wash. Co. Equity Case 1851 St. Paul's Church Register (multiple listings) Bovey Family History, WMR HFL
Catherine Stine (Kershner)		Unlikely	Wash. Co. Equity Case 1851
Freni (Frehne) Stine		Possible	St. Paul's Church Register (Clark 1966: multiple listings)
George W. Stine		Possible	Wash. Co. Equity Case 1851
Jacob B. Stine		Possible	Wash. Co. Equity Case 1851
John Stine	1792-1873	Mt. Tabor United Brethren	Wash. Co. Equity Case 1851 St. Paul's Church Register (Clark 1966:7)
[Mary] Magdalena Stine (Wachtel) <i>Poly</i>	1794-1856	Definite	Wash. Co. Equity Cases 1503 and 1851 St. Paul's Church Register (Clark 1966:10) Tombstone
Mary Stine	1825-?	Possible	St. Paul's Church Register (Clark 1966:50)
Mathias (I) Stine	?-1827	Possible	Wash. Co. Equity Case 1851 Wash. Co. Wills Liber C folio 331 St. Paul's Church Register (Clark 1966:multiple listings)
Mathias (II) Stine	1824-?	Possible	St. Paul's Church Register (Clark 1966:49)
Matilda Stine (Kretzer)	1832-1914	St. Paul's	Morrow 1993
Samuel Stine	1822-?	Possible	St. Paul's Church Register (Clark 1966:45)

Name	Dates	Burial Status	Citation Information
Elizabeth Thumb (Wachtel)	m. 1808	Possible	Wash. Co. Equity Case 1503 Marriages of Washington County (Morrow 1979)
David Troup (I)	?-1817	Unlikely	Wash. Co. Wills Liber C folio 29
David Troup (II)	m. 1832	Possible	Wash. Co. Wills Liber C folio 29 <i>The Republican Banner</i> (Brown 1962:34) Wash. Co. Marriage License Index
"Jack" Troup	1788-1845	Definite	Tombstone Morrow 1993
Benjamin F. Wachtel	1836-1902	Church of God, Bethel	Wash. Co. Equity Case 1503 Marriages of Washington County (Morrow 1979) Morrow 1993
Benjamin H. Wachtel	1829-1855	Definite	Wash. Co. Equity Cases 1503 and 1851 Marriages of Washington County (Morrow 1979) Morrow 1993
Charles A. Wachtel	?-1856	Church of God, Bethel	Morrow 1993
Catherine Wachtel (Kershner)	?-circa 1833	Probable	Wash. Co. Equity Case 1503 Marriages of Washington County (Morrow 1979)
Elizabeth Wachtel	?-1825	Definite	Wash. Co. Equity Case 1503 Wash. Co. Wills Liber C folio 292 St. Paul's Church Register (Clark 1966: multiple listings)
Elizabeth Wachtel (Hoover)		Unlikely	Wash. Co. Equity Case 1503 Wash. Co. Land Records Liber I.N.1 folio 776
Jacob Wachtel	?-1826	Probable	Wash. Co. Equity Case 1503 Wash. Co. Wills Liber C folio 310 Wash. Co. Land Records Liber FF folio 785

Name	Dates	Burial Status	Citation Information
John Wachtel (I)	?-1810	Probable	Wash. Co. Equity Case 1503 Wash. Co. Land Records Liber K folio 162 Wash. Co. Wills Liber B folio 193-194 St. Paul's Church Register (Clark 1966: multiple listings)
John Wachtel (II)	?-1833	Probable	Wash. Co. Equity Case 1503 Was. Co. Land Records Liber FF folio 783 Marriages of Washington County (Morrow 1979)
John Wachtel (III)		Unlikely	Wash. Co. Equity Case 1503
John F. Wachtel	1866-1932	Church of God, Bethel	Morrow 1993
Jonathan Wachtel	1797-?	Delaware Co. Indiana	Wash. Co. Equity Case 1503 Wash Co. Land Records Liber 44 folio 796 St. Paul's Church Register (Clark 1966:14) Marriages of Washington County (Morrow 1979)
Letha May Wachtel	1873-1875	Church of God, Bethel	Morrow 1993
Magdalena Wachtel (Kershner)	m. 1808	Possible	Wash. Co. Equity Case 1503 Wash. Co. Land Records Liber WW folio 179 Marriages of Washington County (Morrow 1979)
Margaret Wachtel (Thumb)	1805-circa 182[5]	Probable	Wash. Co. Equity Case 1503 Wash. Co. Wills Liber C folio 292 St. Paul's Church Register (Clark 1966:28) Marriages of Washington County (Morrow 1979)
Mary Wachtel (Kershner)	?-circa 1838	Unlikely	Wash. Co. Equity Case 1503 Marriages of Washington County (Morrow 1979)

Name	Dates	Burial Status	Citation Information
Mary Wachtel (Troup)	m.1832	Possible	Wash. Co. Equity Case 1503 Wash. Co. Land Records Liber I.N.6 folio 125 Marriages of Washington County (Morrow 1979)
Mary E. Wachtel	circa 1853-?	Yellow Creek, Illinois	Wash. Co. Equity Cases 1503 and 1851
Nancy Wachtel (Smith)		Possible	Wash. Co. Equity Case 1503 Wash. Co. Land Records: Liber I.N.6 folio 125
Otho Wachtel	circa 1810-?	Unlikely	Wash Co. Equity Cases 1503 and 1851 Wash. Co. Land Records:multiple listings
Rose Ann Wachtel	circa 1853-?	Yellow Creek, Illinois	Wash. Co. Equity Cases 1503 and 1851
Sallie Wachtel (Long)		Unlikely	Wash. Co. Equity Case 1503
Sarah Wachtel (Thumb/Stine)	1801- 1845	Definite	Wash. Co. Equity Case 1503 Wash. Co. Land Records Liber 44 folio 794
Susanna Wachtel (Gibney)	?-circa 1846	Possible	Wash. Co. Equity Case 1503 Wash. Co. Land Records Liber I.N.1 folio 776 Marriages of Washington County (Morrow 1979)
Valentine Wachtel	?- 1857	Probable	Wash. Co. Equity Cases 1503 and 1851 Wash. Co. Land Records:multiple listings Wash. Co. Index to Decedent's Estates Marriages of Washington County (Morrow 1979)

The Probable Cemetery Population

The high proportion of unmarked gravestones makes specific identification of most of the burials impossible. However, with the application of logic, some educated predictions can be made as to who has most likely been included there. In attempting to determine the most likely individuals included in the cemetery, several assumptions about basic German-American burial practices have been used. First, it was assumed that husbands and wives were placed in the same burial ground by preference. Second, it was also assumed that the most likely exceptions to that rule are cases where the spouse dies childless, dies exceptionally young, or either spouse predeceases the other by a sizable span of time, such as several decades. Third, it was assumed that infants and children who did not survive to adulthood would be buried where their parents were expecting to be buried. Fourth, it was assumed that unmarried adult children were increasingly likely to be in the same burial ground as their parents as age at death decreased.

In the early 19th century, the common practice of hand or cart transportation to the graveyard insured that in most cases the deceased were buried close to where they died. Most people died in their own homes, or the homes of their adult children. The use of small family cemeteries on the home farm is very common in 19th century rural settings (see for instance Bachman and Catts 1990, which examined the distance to farm relationship). The Area 1 cemetery would have been close enough to both the John Stine and Valentine Wachtel homesteads to assure easy transportation.

It seems most likely that the Area 1 cemetery has burials associated with both the Stine and Wachtel families. Reconstruction of the Wachtel family structure has identified a maximum of sixteen members of the family who may be buried there. One individual outside the Wachtel family is definitely buried there, given a final total of 17 burials. This would mean an estimated 23 unidentified individuals, who could be unnamed infants or juveniles not appearing anyway in the archival record (based on an estimate of at least 40 to 50 graves). It was not uncommon however that children's graves would be marked only by their parents stone, and the infant burials were completely unmarked.

If the Stine family was also using the Area 1 cemetery, this would add up to an additional six identified adults who may be included in the cemetery. Unnamed infants or juveniles would probably be restricted to offspring of Mathias and Freni Stine, of John and Magdalena Stine, as these are the households documented as living on the adjacent parcel. By the second generation the two families were linked by the marriage of John Stine to Sarah Wachtel and Valentine Wachtel to Mary Stine, and hence even more likely to be sharing the cemetery.

The first use of the Area 1 cemetery should post-date the 1797 purchase by the Wachtels. (There is no reason to believe that the Stines, whose presence in the project area predates the Wachtels, had access to the parcel). The earliest marked individual in the cemetery is Elizabeth Wachtel, 1825. However, following the first precept above, it seems probable that John (I) was also buried in the cemetery. Had he been placed in the St. Paul's churchyard under an

unmarked stone, Elizabeth should have also been interred there. This line of reasoning would move the date of the first burial back to 1810. As both Mathias and Freni Stine and John (I) and Elizabeth Wachtel were still producing children in 1797, there could also be infant or juvenile burials dating to the end of the 18th century and the first decade of the 19th.

The peak period of cemetery use should be the mid-1820s to mid-1840s decades, when a majority of both first and second generation Wachtels and Stines died. Although most of the first generation died in relative old age, much of the second generation died earlier in life. Second generation women especially seem to have died younger, most in the late thirties or early forties, several in their mid-to-late twenties. This is also the active child bearing period for most of the second generation in a time when infant mortality rates were very high (Beynon 1989:98).

By the early 1850s, branches of both families had joined the Mt. Tabor United Brethren, or Church of God, Bethel congregations. Both churches are closer to the homesteads than St. Paul's, and the decreased distance to the churchyard may have influenced the shift in John (II)'s branch of the Wachtel family from use of the family cemetery to use of the churchyard. Both John Stine and Valentine Wachtel had small documented families, although this may suggest a higher incident of infant mortality. Fewer burials are expected from this period.

Finally, in 1856-1857 the Wachtel family living on the parcel died out, and the last burials in the cemetery seem to be the burials of Mary, Benjamin H., and (almost certainly) Valentine Wachtel. The cemetery was probably out of use by the 1860s and 1870s, while ownership of the parcel was being contested in court. The fact that John Stine was not buried in the cemetery when he died in 1873 (despite the definite presence of one wife and the possible presence of another) supports the conclusion that use of the cemetery ceased prior to this time.

The Community Context

Although no first person accounts or detailed church records were located to give direct access to the local community to which these families belonged, some general inferences can be drawn from information found in the archival records. Primarily, it seems evident that the Wachtels and Stines were part of a closely interrelated and possibly exclusionary subset of the Conococheague rural community. This subset was largely determined by religious affiliation and ethnic heritage (German Protestant or specifically German Reformed or Lutheran and United Brethren).

All three families began as members of the same German Protestant congregation, as were their immediate neighbors. German Reformed denominations and Lutheran denominations frequently cooperated to form "United" congregations in early Western Maryland (Scharf 1966, Clark 1966). Scharf states that the Stines were among the prominent Lutheran families of St. Paul's Church (Scharf 1966:1246). Based on church records and burial locations, the Wachtels and Troups appear most likely to have been first German Reformed and then United Brethren, but may have been Lutheran for part of the period of interest. German was probably the

principal language, and church services were probably held exclusively in that language until the mid-nineteenth century. Notations on official county records indicate that some members of the community read only German, and at least one (Jacob Wachtel) was illiterate.

As part of her investigation of the Voegtley Cemetery in Pittsburgh, Diane Beynon examined the interrelationship between Germanic Protestant denominations (Beynon 1989). The German Reformed faith founded in the early 16th century developed two splinter groups over time: the Church of the Brethren (commonly referred to as Dunkers) in the early 18th century, and the United Brethren in the early 19th century (Beynon 1989:75). (It is possible that both of these denominations were referred to as "Dunkers" by observers outside their own faith.) Although Beynon was working with a Swiss-German Evangelical congregation, some of the social patterns she found may be tentatively transferred to the community under study here. The Voegtly study found that many of the members of the congregation had once belonged to either the Lutheran or German Reformed faith, and that their creation of the new congregation was a conscious and determined effort to remain insulated and culturally conservative in the face of increasing acculturation (Beynon 1989:77-80). A similar social mechanism may have been at work in the Conococheague German-American community. Mt. Tabor Church of the United Brethren may be a congregation established by the more conservative members of the local German-American community. Without access to Mt. Tabor church records, this suggestion must remain an untested hypothesis. It is always possible (although less interesting) that the decision to join the Mt. Tabor congregation was motivated by simple, practical concern about the distance to the Williamsport combined congregation.

An examination of the reconstructed marriage patterns demonstrates close interrelations within the German-American community. The same surnames appear consistently in both the second and third generations of the Stine and Wachtel genealogies: in many cases siblings from one family married siblings or cousin from another family. The common reoccurrence of the surname Kershner in both the Wachtel and Stine genealogy is an example of this pattern, as is the less common reoccurrence of the surnames Bovey, Hoover, and Thumb. This type of marriage pattern could be the result of two mechanisms, acting independently or in tandem. The first mechanism is a small or restricted pool of culturally defined "appropriate" marriage partners, in this case speculated to be defined as the religious congregation. This mechanism alone would not explain the strong preference for a single family among all those in the congregation. The second mechanism is the formation of stronger interfamily alliances by repeated intermarriage.

The preference for repeated intermarriages is strongest in the second generation of all three families (first generation information is inadequate to establish marriage patterns). In the third generation, reoccurrence of surnames appear only between family listings, not within them. This suggests that although the preference for marriage partners from within this subset of the greater community continued, the strengthening of family alliances by repeated intermarriages within a single generation was no longer seen as functional or desirable. The degree to which increasing acculturation of the German-American community influenced this pattern shift is unclear.

A qualitative examination of administrative records further supports the pattern of a insulated and strongly interrelated community. Land changed hands repeatedly between the same family groups within the area, suggesting both geographical segregation and intergroup commerce. The same individuals appear as witnesses on Deeds and Wills, and as Executors or Co-executors of estates. Simple geographic proximity does not explain preferences: J.W. Stouffer, John Stine's neighbor to the north, never appears as a witness or executor on referenced official documents relating to the Wachtels or Stines.

If the Wachtel and Stine farms were representative of norms, most of the community was involved in small scale, diversified farming. Newspaper notices of the sales of the Stine and Wachtel farms indicate timber, pasturage, limited field crops, orchards, animal husbandry of cattle, chickens, hogs and sheep, and even grape horticulture in one case (Washington County Equity Cases No. 1503 and 1851, newspaper clipping attached). Personal communication with the Pennsylvania German Historical Society confirmed that this is a common farming pattern for the so-called Pennsylvania Dutch communities.

In summary, the Wachtels and Stines were members of an apparently cultural conservative German-American community related to the German Reformed and Lutheran congregations of the St. Paul's United congregation, and the Mt. Tabor United Brethren congregation. They initially demonstrated distinct intracommunity preferences for marriage partners and commercial exchanges. They probably spoke primarily German, and participated in a recognizable German-American pattern of small scale diversified farming. As time progressed, the families split into a German Reformed (or Lutheran) branch, and a United Brethren branch which may have been the more conservative branch. In both cases, the branch directly related to the cemetery population appear to have been members of the United Brethren congregation. The Troup family seems to have undergone a similar process, and it was after the pertinent branch joined the Mt. Tabor congregation that this family comes into the cemetery history. Over time both population out-migration and low fertility rates lead to the final disappearance of the directly related branches of the Wachtel and Stine families by the last quarter of the nineteenth century.

The Cemetery and National Register Eligibility Criteria

Properties nominated for the National Register of Historic Places are considered under one of four criteria: Criteria A) association with important historical events, Criteria B) association with an important individual or group, Criteria C) embodiment of distinctive architectural or landscape features, and Criteria D) ability to yield significant information about prehistory or history (U.S. Department of the Interior 1991). A 1992 publication of cemetery specific evaluation consideration marks a reorientation of previous practices which generally considered cemeteries ineligible in most cases. Most cemeteries, when nominated, are nominated under Criteria D although another Criteria may be cited in specific cases. In the text which follows, the Area 1 cemetery will be explicitly considered against each criteria of evaluation for possible eligibility.

Criteria A: Association with Important Historical Events

The Area 1 cemetery is not associated with an singular important event in the history of the Hagerstown Valley, or general Maryland history. Criteria A further states that a property may be associated with "...a pattern of events or a historic trend that made a significant contribution to the development of a community, State, or the nation." (U.S. Department of the Interior 1991:12). The Area 1 cemetery is associated with the German-American settlement of the Hagerstown Valley and western Maryland. This second wave of settlement, associated with a shift to wheat and diversified crops from tobacco, and with the concomitant eclipsing of Annapolis by Baltimore, was an important phase in Maryland History. Because of this, the information from the cemetery about German American families taking part in this process is important to early history of the state. For this reason, the Area 1 cemetery should be considered weakly eligible under Criteria A.

Criteria B: Association with a Historically Significant Individual or Group

Archival research on the Wachtel, Stine and Troup families suggests that none of these individuals were themselves historically significant, and suggests that they may have been deliberately non-participatory. These families did not produce politicians or recognizable community leaders. As discussed above, the German-American settlers of Western Maryland were important in the development of the character of the region, and of an important process in early Maryland history. However, this cemetery population lacks any specific significant contribution to the development of either the Conococheague area or Western Maryland as a region. The Area 1 cemetery is weakly eligible under Criteria B.

Criteria C: Embodiment of Distinctive Architecture, Landscaping, Engineering, or Artwork

Some cemeteries are nominated under Criteria C as possessing one of two characteristic features: distinctive gravemarkers or monuments (grave architecture), or characteristic landscaping and spatial design elements. In the case of the Area 1 cemetery, the majority of the Area 1 cemetery markers are unmodified fieldstone. While certainly characteristic of several Protestant faiths (such as Puritans and Quakers), they can hardly be considered distinctive. There is no apparent landscaping or distinctive spatial ordering in the Area 1 cemetery. A number of small country cemeteries have been recorded (Morrow 1993) in Washington County, and throughout the state, although very few have been studied. The Area 1 cemetery is not considered potentially eligible under Criteria C.

Criteria D: Having Contributed or Possessing the Potential to Contribute Significant Information About Prehistory or History

Criteria D is the eligibility criterion under which most archaeological sites are nominated as Register eligible. In the evaluation of burial resources, the applicability of Criteria D depends on several considerations: the integrity or preservation of both the cemetery as a whole

and the individual remains contained within, and the research interest in the population of the cemetery.

The stratigraphic integrity of the cemetery appears high. The Phase I surface survey indicates that the cemetery area has not been substantially disturbed below the surface. (The northeastern corner of the cemetery has at least one large rodent burrow evident at the surface). Above the surface, it is likely that a number of the marker stones have been substantially dislocated, and that an undetermined number of intrusive stones have been added randomly over the years. However, the general layout of the cemetery and probably of most individual graves is still fairly intact.

No evaluation of the preservation of the organic burial resources (bone, fabric, and wood) can be presented without physically testing, which was not within the scope of this work. However, some estimates can be made by characterizing the nature of the native soils, and reviewing preservation conditions at other sites with similar conditions. The native soils of the Area 1 cemetery are shale based soil developments which are known to vary between weakly to strongly acid conditions (Matthews 1962). Based on soil character alone, very poor preservation of organic materials would be expected. However, water retention and drainage can have important effects on organic preservation.

A review of available cemetery excavation reports found one geologically similar excavation. Goodwin Inc. conducted mitigation excavations of early 19th century burials found in Ice House Square, Gettysburg, Pennsylvania (Sanders et al 1993). Soil conditions reported were similar to the conditions expected in the Area 1 cemetery, including shafts dug into decaying shale bedrock. Preservation encountered across the twenty-six burial features identified there ranged from poor (dentition only) to excellent. Even in the case where partial exhumation of the burial had taken place in 1865 (the bulk of the burial features fell into this category), preservation of the bone remaining could be fair to good. Burial remains from this site were considered well preserved enough to warrant osteological analysis to be conducted by the staff of the Smithsonian Institute.

Excavation of temporally analogous cemeteries have also been conducted in Baltimore at the Hampstead Hill site (18BC111) (Harris 1995, Read 1996, Read et al in preparation), and in Charles Town, West Virginia at the Charles Town Cemetery site (Hulse 1990). In both cases there was disturbance of the site prior to excavation, although at vastly different time periods. Both cemeteries exhibited unpredictable preservation conditions across the site.

Preservation in all of these cases reflected a complex interaction between a variety of geological factors. They also serve as a caution; preservation within the Wachtel-Stine cemetery may reasonably be expected to be poor, but unanticipated factors may result in superior preservation.

The final consideration in Criteria D evaluation is the potential research value of the resources. The greatest potential for research of burial resources lies in osteological analysis

of human remains aimed at recovering dietary and demographic information unrecoverable from the documentary records, and artifactual analysis of grave furniture. The relative reliability and contributions of such osteological analysis have quite recently been reviewed by Donna Boyd (Boyd 1996), who concludes that such studies have great potential for "...[interpretation] of some basic components of human behavior, such as subsistence, violence and warfare, migration and cultural interaction, and general activities..." (Boyd 1996:236). (Boyd's review largely focuses on prehistoric applications, but such studies are pertinent in historical cases as well). Bell has also reviewed cemetery studies in general, and osteological and artifactual studies in particular, in the specific context of historical cemeteries (Bell 1994). The research potential of osteological studies thus addressed, the subsequent step in evaluation is to establish the potential significance of research on the specific Area 1 cemetery population.

Burial practices are not particularly well known of the Pennsylvania German population in the late 18th and early 19th century. For example, our archival research has suggested possible issues of cultural expression of conservative religious groups among the families using the cemeteries. These can reasonably be expected to be expressed in the grave furniture, and can be compared and contrasted with contemporaneous studies of poor and rich burials in an urban context in Baltimore (Read 1996, Read et al in preparation) and Pittsburgh (Beynon 1989).

In part the potential for significant contribution of knowledge depends upon the volume and character of what is already known. To facilitate the evaluation of the research potential of the Area 1 cemetery, part of the Phase II research strategy was to review what similar studies may already exist. This goal was addressed by survey of site files compiled by the Maryland Historical Trust and the Pennsylvania Historical and Museum Commission, personal communication with Professor Charles Hulse, a researcher conversant with work in the eastern portions of West Virginia, and consultation of Edward Bell's annotated bibliography of historic cemetery work (Bell 1994). The most pertinent studies identified are listed below in Table 4. Studies of ethnically or religiously comparable populations have been listed regardless of geographical region. An effort has been made to include all cemetery studies in the state of Maryland.

Four archaeological projects were located whose study populations were similar to the Area 1 cemetery: the 1987 York, Ontario project dealing with 19th century German Tunkers (ASI 1987), the 1975 Morgon County, Tennessee project concerning 19th century German-American Lutherans (Bass and Bass 1975), the 1989 Voegtly Church project on a Swiss-German Evangelical congregation previously mentioned (Beynon 1989), and the Altenburg Cemetery project looking at 19th century German-American Lutherans in Wisconsin (Rusch 1989, Wade 1990). None of these projects are directly comparable. Two are distinctly urban populations (the York and the Voegtly projects), and one cemetery is a church yard of undetermined setting (Morgon County, Tennessee). The Altenburg Cemetery project may be the most comparable study, but even this is a Lutheran Congregation in Wisconsin and assumed to date from the mid-to-late nineteenth century. It was anticipated that research at the Pennsylvania Historical and Museum Commission site files (a state with a high German-American population) would uncover several similar cemetery sites. This was not the case. The

Commission staff indicated that Pennsylvania encourages avoidance of cemetery resources (Kurt Carr, personal communication).

Seven cemetery studies were identified within Maryland. The resources at Hampstead Hill include both a late 18th century to mid- 19th century Episcopalian cemetery, and the City's potters field from the same period (Read 1996, Read et al in preparation). The First Presbyterian Site (18 HO 87) in Howard County concerned 18th and 19th century African-American remains (Akerson et al 1981). The Catoctin Furnace Cemetery studied 18th and 19th century African-American ironworkers (Burnston and Thomas 1981). The Carroll Tomb study was a small scale opportunistic study which allowed short term skeletal analysis of the remains of one vault tomb while it was being repaired (Dent et al 1984). The Darnestown Cemetery Survey and the Poolesville Town Hall Survey (Otter 1994, Otter 1996) were both focused survey intended to map the cemeteries and insure complete avoidance of impact. No excavation of remains were conducted in either case. Finally, work at the Staplefort Graveyard, Cambridge Maryland, consisted only of survey and repair analysis for a 19th century cemetery (Wilson and Kanaski 1990).

The principal research potential of the Area 1 cemetery lies in the opportunity to study the diet, pathology, and population demographics, and the acculturation process of an apparently insular group of German-American settlers of Western Maryland. This potential must be evaluated against the strength and character of existing knowledge in order to evaluate Criteria D eligibility issues. Research has been conducted on one roughly comparable rural population in Wisconsin (Rusch 1989 and Wade 1990) and one urban congregation in Pittsburgh Pennsylvania (Beynon 1989). However, Beynon's research of Swiss-German Evangelical Voegtly congregation suggests that United Brethren congregations may have been more conservative individuals than their Lutheran counterparts. Historical research has been conducted on an equally conservative Mennonite community in the Shenandoah Valley of Virginia (Patteson 1984), and archaeological research has studied a similar conservative group (Tunkers or Church of the Brethren members) in York, Ontario, Canada. The Area 1 cemetery is equal in date to neighboring studies in Gettysburg (Sanders et al 1993) Baltimore (Harris 1995, Read 1996, Read et al in preparation) and West Virginia (Hulse 1990). It is in much better condition than each of these cemeteries, which suffered considerable disturbance after their establishment. It provides a sharp contrast with the Non German American populations in the West Virginia and Gettysburg and with the urban populations of the Baltimore and Pittsburgh studies. If the cemetery must be relocated, it's study would be an invaluable contribution to our knowledge of an important part of Maryland History.

Table 4. Table Summary of Pertinent Studies Identified During Research

Citation	Period	Region	Ethnic Group	Other Affiliations	Level of Investigation
1981 Akerson et al	18th-19th	Maryland	African-American	Presbyterians	Mitigation and analysis
1987 ASI	19th	York, Ontario	Germanic	Tunkers	Resource Assessment
1975 Bass and Bass	19th	Tennessee	German-Americans	Lutherans	Full removal
1989 Beynon	19th	W. Pennsylvania	Swiss-Germans	Evangelical	Full removal and analysis
1981 Burnston and Thomas	18th-19th	W. Maryland	African-American		Removal and analysis
1984 Dent et al	18th-19th	E. Maryland	Anglo-American	Anglican	Analysis
1990 Hulse	18th-19th	West Virginia	Anglo-American		
1980 Jordan and Luebke	19th-20th	Texas	German-American		Historical Geography
1992 Little et al	19th-20th	E. Virginia	Anglo-American		Removal and artifact analysis
1994 Otter	18th-19th	Maryland	Anglo-American		Survey
1996 Otter	19th	Maryland			Survey
1989 Parrington et al	19th	Pennsylvania	African American	Baptist	Full removal and analysis
1984 Patteson	19th	Virginia	German-American	Mennonites	Historical Study
In Prep. Read et al	18th-19th	Maryland	Varied	Varied	Removal and analysis
1989 Rusch	19th	Wisconsin	German-American	Lutherans	Removal and analysis
1993 Sanders et al	19th	Pennsylvania	Scott-Irish	Presbyterian	Removal and Study
1990 Wilson and Kanaski	19th	E. Maryland			Survey
1990 Wade	19th	Wisconsin	German-American	Lutheran	Analysis

SUMMARY

The Phase I Archeological Investigation identified only one potentially significant archeological resource that may be adversely affected by the proposed project, the historic cemetery located in Area 1. Phase II investigation confirmed the eligibility of the cemetery for the National Register. For most of the project area, a very thin scatter of artifacts represent use from prehistoric to historic times.

Although historic period deposits were identified near the Area 5a farm complex and the Area 1 cellar hole, subsurface testing in these areas indicate that the stratigraphic profile of these areas consist of a mixed plowzone over a clay subsoil. The artifact assemblage recovered from Area 5a demonstrates an admixture of nineteenth and twentieth century materials. The vertical integrity of both deposits has been largely or completely destroyed by subsequent cultivation, and there is little potential to gain any significant knowledge from these areas. No further archaeological testing of the Area 1 cellar hole terrace or the Area 5a building complex deposits seems warranted. Evaluation of the Area 5a building complex as standing structures has not been addressed in this study.

The Area 1 cemetery, the Wachtel-Stine family cemetery, represents an intact resource believed to be weakly eligible under National Register Criteria A and B, and strongly eligible under Criteria D: Potential to yield significant information about ... history. In the case of the Wachtel-Stine cemetery, archaeological and osteological analysis of the burial population has the potential to provide significant information concerning the demography and culture of early 19th century German-American settlers in the Hagerstown Valley and Maryland.

RECOMMENDATIONS

A Phase I investigation of the archaeological areas of high potential within the area of planned development was conducted. These investigations recovered no evidence of archeological resources that might contribute to increasing our knowledge of Maryland prehistory or history except for one historic cemetery. This cemetery was evaluated and is recommended as a significant (eligible to the National Register) archaeological resource.

Two concentrations of artifacts associated with structural remains suggested the presence of historical archeological resources, but subsurface testing demonstrated that the artifacts present came from compromised deposits that had been thoroughly disturbed by a century of agricultural activities. No significant prehistoric resources were identified. No further archeological work is warranted for the bulk of the project area.

The early to mid-nineteenth century cemetery located in Area 1 was identified as a potentially eligible archaeological resource. Subsequent archival research confirmed that this cemetery is a significant (eligible for the National Register of Historic Places) resource under National Register Criteria A, B, and D: associated with an historic process, an historic group, and the potential to yield significant further information. The Phase II archival research

conducted as part of this study has located much of the information available concerning this family, and cultural group. However, subsurface cemetery resources have considerable potential to contribute important information not available through the documentary record, or other non-burial archaeological avenues of inquiry.

Maryland preservation policy had demonstrated a past preference for complete avoidance or protection of cemetery resources. As cemetery excavation can be a politically charged issue, and financially draining, avoidance is in most cases the expedient option. Avoidance or protection of the cemetery would also serve to protect a class of archaeological resource which is frequently adversely impacted by continued development and expansion of urban and suburban areas into historically rural areas. The first option must be to consider avoiding adverse impact to the Area I cemetery.

The Area 1 Wachtel-Stine cemetery has been abandoned since the second half of the 19th century. If design of the proposed landfill precludes complete avoidance of impact to the Wachtel-Stine cemetery, the second option would be to minimize impact to the resource. If the resource is to be impacted at all, Washington County will have to work in consultation with the Maryland Historical Trust to develop a management policy, and sign a Memorandum of Agreement with that agency. Options to lessen impact to the cemetery might include exclusion from grading activities and possible buffering of the resource with a thick layer of clean protective fill over the cemetery. Exploration of this option will also have to take into consideration state and county engineering requirements.

The final option for treatment of the resources would be mitigation of unavoidable adverse impact, through Phase III data recovery. The option would require development of an archeological research design and removal protocol in consultation with the Maryland Historical Trust, and careful observance of Maryland State Codes and the proper permitting process. On negotiation with the Maryland Historical Trust, options can be explored ranging from avoidance, protection of the cemetery, or Data Recovery. An agreement should be reached with the Maryland Historical Trust so that planning can begin for protection or mitigation of this resource with minimum financial and temporal impacts to the Washington County Land Fill project.

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Md State Dept. of Geology, Mines and Water Resources

1944 *Map of Washington County, showing topography and election districts.* In the collection of the Library of Congress Geography and Map Reading Room.

Taggart, Thomas and S.S. Downin, surveyors

1859 *Washington County, MD.* Philadelphia: L. McKee and C.G. Robertson, Publishers.

Tracey, Arthur

n.d. *Early Washington County Land Patents.* Hand drawn and typescript collection. In the vertical files of the Washington County Historical Society Library.

USGS

1968 *Topographic Map of Washington County.* Maryland Geological Survey. In the collection of the Library of Congress Geography and Map Reading Room.

1971 *Mason Dixon MD-PA 7 1/2 minute Quadrangle.*

Varle

1808 *Map of Frederick and Washington Counties, Maryland.* In the collection of the Frederick County Historical Society Library.

APPENDIX I
QUALIFICATIONS OF INVESTIGATORS

Joseph W. Hopkins, III, has a B.A. in Anthropology from the University of Pennsylvania, and an M.A. and Ph.D. in Anthropology (Archeology) from the University of Chicago. He is SOPA certified in Field, Archival Research, and Teaching. He has over 20 years of experience in prehistoric and historic archeology, including work in Mexico, England, and the Southeastern, the Northwestern, and the Mid-Atlantic regions of the United States. Dr. Hopkins served as Principal Investigator for this project.

Tery Harris has a B.A. in Anthropology from the University of Maryland, College Park Campus, and an M.A. in Anthropology from Brandeis University. She has over seven years of experience, working on prehistoric and historic archeological projects throughout the states of Maryland, Pennsylvania, Virginia and West Virginia. Ms. Harris served as field director and researcher for this project, and supervised the processing and analysis of the recovered artifact assemblage. She also was principal author of the report.

Christopher Bowen has a B.S. in interdisciplinary Studies from Radford University, including an archeological field school. Mr. Bowen has over four years of experience at the technician and crew chief levels on prehistoric and historic archeological investigation. Mr. Bowen served as a field technician for this study.

Mr. T. Damian Gessner has a BS degree from Juniata College in Biology and Anthropology, and is currently a graduate student in the Master's Program at the Catholic University of America. Mr. Gessner has over nine years of field experience in archeological investigations. Mr. Gessner served as a field technician.

Ms. Susan G. Hathaway has a B.A. degree from Ohio Wesleyan University, and has attended an Archeology Field School run by Southern Methodist University. She has two years of experience as a field technician, the position she performed for this project.

Ms. Taylora LeNelle Imes has a BS from Florida A&M University and a BA in Art History/Archeology from the University of Maryland, College Park. She has one year of archeological field experience, and served as a field technician for this project.

Mr. David A. Moran has a BA from the University of Washington in Anthropology and a Certificate in Applied Archeology from George Mason University. Mr. Moran has over eight years of field and laboratory experience in archeology. Mr. Moran served as a field technician and prepared CAD maps of the studies for this report.

Ms. Deanna Shapiro has a BA from Colorado College, and attended an archeological field school in Koobi Fora, Kenya. She has one year of experience in archeological field work. Ms. Shapiro served as a field technician

CURRICULUM VITAE

February 15, 1995

JOSEPH W. HOPKINS, III

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Baltimore, Maryland 21214

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Fax: (410) 319-9247

SPECIALIZATION

Archeology, Prehistoric and Historic, Cultural Resources. Mid-Atlantic, Southeastern U.S., Far Western U.S., Mesoamerica.

EDUCATION

University of Pennsylvania, B.A. cum laude , anthropology, 1965

University of Chicago, M.A., anthropology, 1968

University of Chicago, Ph.D., Anthropology, 1974

B.A. Honors Thesis - "The Braden Branch Site"

M.A. Paper - "Prehispanic Agricultural Terraces in Mexico"

Ph.D. thesis - "Irrigation and the Cuicatec Ecosystem: A Study of Agriculture and Civilization in North Central Oaxaca"

PROFESSIONAL BACKGROUND

1993 to present: President, Joseph Hopkins Associates, Inc, offering the full range of archeological, architectural historical, and cultural studies.

1988 to 1993: Greenhorne & O'Mara, Inc., Senior Archeologist, Environmental Sciences/Cultural Department.

1987 to 1988: Environmental Specialist (Archeology) Maryland State Highway Administration, Environmental Management Section. managing all archeological contracts for the Maryland State Highways.

1986: Archeologist, for Norma Wagner, Consulting Archeologist for Phase I and Phase II investigations

1984 to 1986: Archeologist, Historic Annapolis, Inc. Supervising the Public Archeology programs, preparing research designs, aiding in developing public presentations, supervising excavations, and writing reports.

1984: Field Assistant, Maryland Geological Survey, Excavations on a 19th century farmhouse in southern Calvert County, Maryland

1976 to 1984: Cultural Resources surveys for various government agencies and private engineering firms in Southwestern Oregon and Northern California.

1968 to 1970: Ph.D. Research, Cuicatlan, Oaxaca, Mexico

1966: M.A. Research under Pedro Armillas in the Valley of Mexico

1965 to 1966: Lab Assistant, Walker Museum, University of Chicago, Analysis of Mousterian Material, under the supervision of Leslie G. Freeman

1965: Expedition Photographer, Winchester Excavations Committee, Winchester Hants, England, for a large expedition examining four sites ranging from Iron Age through Roman to the Saxon and Norman Periods

1965: Lab Research for the B.A. Honors Thesis, "The Braden Branch Site, Tennessee"

1963, 1964: Field Assistant, TVA Salvage Excavations, Supervised by the University of Tennessee.

1961, 1962, 1965: Laboratory Assistant, Anthropology Department, Frank H. McClung Museum, University of Tennessee.

PUBLICATIONS

1990 (With Katherine J. Dinnel and Gary X. Guan) Phase II Archaeological Investigations of Site 36AL134 at the Mayview Wetlands Replacement Sites, Upper St. Clair Township, Allegheny County, PA. Greenhorne & O'Mara, Inc. prepared for the Pennsylvania Department of Transportation and the Federal Highway Administration. Vol. 13, I-279/I579 Expressway Project, Allegheny County, Pennsylvania, Series on Historical and Archaeological Investigations

1984 Irrigation and the Cuicatec Ecosystem: A Study of Agriculture and Civilization in Central Oaxaca, *Memoirs of the Museum of Anthropology, University of Michigan*, No. 17, Vol. 11, in the series, *Studies in Latin American Ethnohistory and Archaeology*, Joyce Marcus, General Editor, Ann Arbor.

1983 (with C. Earle Smith) *Environmental Contrasts in the Otomanguan Region, Topic 3, in the Cloud People: Evolution of the Zapotec and Mixtec Civilizations of Oaxaca, Mexico*, edited by K. Flannery and J. Marcus. Academic Press, New York.

- 1983 The Tomellin Canada and the Postclassic Cuicatec, Topic 77 in The Cloud People: Evolution of the Zapotec and Mixtec Civilizations of Oaxaca, Mexico, edited by K. Flannery and J. Marcus. Santa Fe: School of American Research Advanced Seminars.
- 1980 Surveying the Unsurveyable: The Siskiyou Crest. Proceedings of the First Annual Symposium of Association of Oregon Archaeologists. Association of Oregon Archaeologists, Occasional Papers, No. 1. Martin Rosenson, ed., Linn-Benton Community College, Albany.
- 1977 Irrigation in the Cuicatec Canada: Environmental Manipulation and Ecosystems," in the Western Canadian Journal of Anthropology, Vol. VII, No. 1, 1977.
- 1976 The Otomies of the Mexquital," in Mexico, study guide for an Interdisciplinary Multimedia Research Project. Betty LaDuke, ed. and coordinator, Southern Oregon State College.
- 1973 Ceramics of La Canada, Oaxaca, Mexico, Vanderbilt University Series in Anthropology, No. 6, Nashville.

In addition I have conducted excavations and written reports on more than two hundred cultural resources investigations, ranging in size from five pages to several hundred pages, and in scope from assessments of potential for cultural resources to cultural resources management plans for entire Naval installations. A complete list is available on request.

HONORS AND AWARDS

Phi Beta Kappa
Woodrow Wilson Fellow, 1965-66

Tery Harris

Field Director/Site Supervisor

Education

M.A., Brandeis University, 1992, Anthropology

B.A., University of Maryland College Park Campus, 1988, Anthropology

Experience

Ms. Harris has over six years experience working in all phases of archaeological investigations in the Mid-Atlantic region. Her work experience includes all levels of expertise from field crew to Field Director. Her responsibilities have included field and laboratory work and supervision, artifact analysis, archival research, report writing, and public education and interpretation.

Ms. Harris is a specialist in Historical Archaeology, with experience in both historic and prehistoric field investigations. She also has related experience in historical documentation and archival research in the Mid-Atlantic and New England regions.

Memberships

Society for Historical Archaeology

Council for Northeast Historical Archaeology

Selected Project Experience

- ▶ Research Director and Project Archaeologist: 18 BC 111 Hampstead Hill Site, Baltimore, MD. Phase I archival survey and Phase II field investigations of a property containing 18th and 19th Century historic resources. Work included management of archival research, co-development of field testing strategy, compliance with applicable Maryland State and Baltimore City burial law, and investigation and evaluation of National Register eligibility. (Baltimore Center for Urban Archaeology, Baltimore City Life Museums, for the Johns Hopkins Hospital Facilities Department.)
- ▶ Field Director: NETC, Emmitsburg, MD. Phase I and II study of a National Register property containing Late Archaic prehistoric and 18th and 19th Century historic sites. Work included survey for site location, and investigation and evaluation for Register eligibility. (Kemron Environmental Services, for the National Emergency Training Center and the Army Corps of Engineers, Baltimore Division.)
- ▶ Field Director: Belmont Center, Woodbridge, VA. Phase I and II study of a proposed development site containing Woodland period prehistoric, and 19th Century historic sites. Work included survey for site location, and investigation and evaluation for Register eligibility. (Kemron Environmental Services, for Belmont Development Associates, Inc.)

- ▶ Field Director: Ben Lomond House, Manassas, VA. Phase II study for proposed improvements on a National Register eligible property containing a mid-19th Century house and outbuildings. Work concentrated on the location and evaluation of a mid-19th Century foundation identified beneath the current driveway. (Kemron Environmental Services, for the Prince William County Park Authority.)
- ▶ Site Supervisor and Researcher: Port of Richmond Deepwater Terminal Project. Phase Ia and Ib study of property archivally determined to be the likely location of the 18th Century port and settlement of Warwick VA. Work included historical research, evaluation of historical maps, and mechanical field testing for site evaluation. (Greenhorne and O'Mara, Inc. , for Frederic R. Harris Inc. and the Army Corps of Engineers, Richmond District.)
- ▶ Site Supervisor and Researcher: Cider Mill Rd Bridge Project, Ephrata PA. Phase I study of the impact area surrounding a National Register listed mid-19th Century covered bridge in Lancaster County, Pennsylvania. Work included archival research of the bridge and a possibly related stone mill complex adjacent to the bridge location, and limited test excavations. (Greenhorne and O'Mara, Inc., for Pennsylvania Department of Transportation)
- ▶ Researcher: Annapolis Historic Source Survey, Annapolis, MD. Work included location and evaluation of historic documentation pertinent to the construction of a city specific predictive model for Annapolis, MD. (Edward Otter, for the Annapolis City Planning Commission.)
- ▶ Field Crew: Queen Street Library Quaker Burying Grounds Project. Phase III mitigation project of an 18th and 19th Century cemetery in Old Town Alexandria. Work included location and excavation of burials, instruction and supervision of volunteer workers, and limited public education and interpretation. (Alexandria Archaeology, for the City of Alexandria.)
- ▶ Field Crew and Laboratory Technician: Terrapin Neck Project, Shepherdstown, WV. Phase II and Phase III study of the proposed Fish and Wildlife Service Training Center property, containing Archaic and Woodland Period prehistoric sites and 19th Century sites historic sites. Work included Phase II evaluation and partial Phase III excavation of impacted prehistoric and historic sites. (Greenhorne and O'Mara, Inc., for the U.S. Fish and Wildlife Service.)
- ▶ Field Crew and Laboratory Technician: Pennsylvania State Route 219 Survey Project. Phase I study of the impact corridor of proposed improvements of PA Route 219. Work included survey excavation of historic and prehistoric sites. (Greenhorne and O'Mara, Inc., for the Pennsylvania Department of Transportation.)

- ▶ Field Crew and Laboratory Technician: Nanjemoy Survey Project, Charles County MD. Phase I survey of property intended for future development, containing Archaic and Woodland Period prehistoric sites and 18th and 19th Century historic sites. (Edward Otter.)
- ▶ Field Crew: 20-24 West Street Site, Annapolis, MD. Phase III mitigation project of property slated for development containing a 19th Century house site. (Archaeology in Annapolis.)
- ▶ Field Crew: Main Street Site, Annapolis, MD. Phase III mitigation project of property slated for development containing an early 18th Century mixed use site, and 19th Century remains. Work included daily public education and interpretive tours. (Archaeology in Annapolis.)

Publications

- 1996 Phase I and II Investigations of the Archaeological Resources Associated with the Johns Hopkins Hospital Comprehensive Cancer Center 18BC111, Hampstead Hill Site Baltimore, Maryland Archival and Archaeological Investigations of the Archaeological Resources of 18 BC 111, Hampstead Hill Site, Baltimore, Maryland. Co-authored with Esther Doyle-Read. In preparation.
- 1995 Phase I and II Archaeological Investigations at the National Emergency Training Center Campus, Emmitsburg MD. Co-authored with Cynthia Pfanstiehl and Edward Otter.
- 1994 Phase I Archaeological Investigations at Belmont Center, Woodbridge, Prince William County, Virginia. Co-authored with Cynthia Pfanstiehl and Edward Otter.
- 1994 Archaeological Investigations of the Ben Lomond House (44PW612) Kitchen Yard Area, Manassas, Prince William County, Virginia. Co-authored with Cynthia Pfanstiehl and Edward Otter.
- 1993 Port of Richmond Deepwater Terminal Phase I Archaeological Investigations, Chesterfield County, Virginia. Co-authored with Joseph W. Hopkins III.

APPENDIX II
ARTIFACT CATALOG

Lund Landfill Prehistoric Artifact Catalog

Area 1

S195E240 CSC 1 unknown lithic material primary flake

N1300W1580 CSC 1 slate primary flake

Area 2

S585W420 CSC 1 Rhyolite primary flake

Lund Landfill Historic Artifact Catalog

Area	N prov.	E prov.	Level	Count	Class	Material	Type	Subtype	Color	Function	Portion	Decoration	Comments
1	N065	E420	0	1	U	Coal	coal						
1	N130	E080	0	1	D	Ceramic	whiteware			hollow ware		molded	
1	N130	E080	0	1	F	Bone	turtle						
1	N130	E220	0	1	F	Bone	flat						saw cut fragment
1	N1430	W2010	0	1	D	Glass	vessel		aqua	jar	mouth		threaded
1	N1430	W2180	0	1	D	Ceramic	redware					dark brown int. glaze	
1	N260	E200	0	1	A	Glass	flat		clear				
1	N325	E070	0	1	A	Glass	flat		clear				
1	N325	E230	0	1	D	Ceramic	stoneware	grey bodied				clear salt glaze ext.	
1	N390	E030	0	1	D	Ceramic	redware					dark brown alkaline int./ext.	
1	N390	E520	1	1	A	Glass	flat		clear				
1	N390	E520	1	1	A	Slate				roofing tile			
1	N390	E520	1	1	D	Ceramic	whiteware						
1	N390	E520	1	1	D	Glass	domestic		lt green				embossed lettering
1	N455	E455	1	1	A	Brick							
1	N455	E455	1	3	A	Glass	flat		clear				
1	N455	E455	1	1	D	Ceramic	redware						trace of dark brown glaze

Lund Landfill Historic Artifact Catalog

Area	N prov.	E prov.	Level	Count	Class	Material	Type	Subtype	Color	Function	Portion	Decoration	Comments
1	N455	E455	1	1	D	Ceramic	whiteware			hollow ware	foot ring		thick vessel
1	N455	E455	1	1	D	Glass	domestic		clear				
1	N455	E520	1	1	A	Glass	flat		clear				
1	N455	E520	1	1	D	Ceramic	redware					clear ld glaze	
1	N455	E520	1	1	D	Ceramic	stoneware	grey bodied				ext. brown slat glz.	
1	N455	E520	1	2	D	Glass	unknown		milk				
1	N780	E020	0	1	A	Slate				roofing tile			
1	N780	W020	0	1	A	Slate				roofing tile			
1	N845	W030	0	1	A	Ceramic	coarse earthenware	red and black bodied		drainpipe			
1	N845	W030	0	1	A	Slate				roofing tile			
1	N845	W180	0	1	D	Ceramic	whiteware			flatware			
1	N910	W110	0	1	D	Ceramic	redware					dark brown or lustre	
1	S065	E050	0	1	D	Ceramic	redware					dark brown glaze int.	
1	S118	E692	0	1	A	Brick							half brick
1	S118	E704	0	1	F	Bone							probably butcher cut
1	S130	E050	0	1	A	Slate				roofing tile			
1	S130	E120	0	1	D	Ceramic	redware			hollow ware	base	brown ld glaze int.	

Lund Landfill Historic Artifact Catalog

Area	N prov.	E prov.	Level	Count	Class	Material	Type	Subtype	Color	Function	Portion	Decoration	Comments
1	S130	E540	0	1	D	Ceramic	redware					dark brown glaze int.	
1	S130	E680	0	1	D	Ceramic	whiteware						
2	S190	E000	0	1	F	Bone	turtle						
2	S290	E065	0	?	F	Bone	rodent						most of complete skeleton
2	S310	W065	0	1	D	Ceramic	stoneware	buff bodied		crook	rim	dark brown alkaline int./ext.	
2a	S195	E085	0	1	D	Ceramic	whiteware			flatware	rim	molded	
5a	N065	W230	1	1	D	Glass	domestic		clear				
5a	N065	W260	1	9	A	Glass	flat		clear				
5a	N065	W260	1	7	A	Iron	hardware	wire		nail			
5a	N065	W260	1	1	D	Ceramic	stoneware	buff bodied				white ext/dark brown int.	
5a	N065	W260	1	6	D	Glass	domestic		clear				
5a	N065	W260	1	1	E	Iron	hardware			wire			
5a	N065	W260	1	2	X	Iron							
5a	N065	W290	1	2	D	Glass	domestic		clear				
5a	N095	W260	1	1	D	Ceramic	whiteware						
5a	N095	W260	1	3	D	Glass	domestic		clear				
5a	N095	W260	1	1	D	Glass	vessel		clear	lamp chimney			
5a	N095	W260	1	1	D	plastic	hard			peg			

Lund Landfill Historic Artifact Catalog

Area	N prov.	E prov.	Level	Count	Class	Material	Type	Subtype	Color	Function	Portion	Decoration	Comments
5a	N115	W325	1	6	A	Glass	flat		clear				
5a	N115	W325	1	1	A	Iron	hardware			screw			
5a	N115	W325	1	1	A	Iron	hardware			staple			
5a	N115	W325	1	1	A	Iron	hardware	cut		nail			
5a	N115	W325	1	4	A	Iron	hardware	wire		nail			
5a	N115	W325	1	1	A	Slate				roofing tile			
5a	N115	W325	1	1	C	Cotton/poly.	unknown						
5a	N115	W325	1	1	D	Ceramic	whiteware						
5a	N115	W325	1	1	D	Glass	bottle		clear	bot	finish		molded
5a	N115	W325	1	1	D	Glass	bottle		lt green	bot	finish		molded
5a	N115	W325	1	1	D	Glass	domestic		brown				
5a	N115	W325	1	1	D	Glass	domestic		clear	ves	rim	molded	
5a	N115	W325	1	1	D	Glass	domestic		lt amethyst				
5a	N115	W325	1	2	D	Glass	domestic		clear	jar	mouth		threaded
5a	N115	W325	1	2	D	Glass	domestic		milk	jar liner			
5a	N115	W325	1	24	D	Glass	domestic		clear				
5a	N115	W325	1	5	D	Glass	domestic		lt aqua				1 sherd heat damaged
5a	N115	W325	1	1	D	Plastic	hard		brown	x			
5a	N115	W325	1	1	D	Plastic	hard		green	x			

Lund Landfill Historic Artifact Catalog

Area	N prov.	E prov.	Level	Count	Class	Material	Type	Subtype	Color	Function	Portion	Decoration	Comments
5a	N115	W325	1	1	D	Plastic	hard		pink	ring			
5a	N115	W325	1	1	E	Iron	hardware			wire			
5a	N115	W325	1	3	M	Brass	shell casing	.22					
5a	N115	W325	1	8	U	Coal	coal						
5a	N115	W325	1	1	X	Lithic				x			1 side possibly faced
5a	N130	W195	1	1	D	Glass	domestic		milk	jar liner			
5a	N130	W390	1	1	A	Brick							
5a	N130	W390	1	1	D	Ceramic	coarse stoneware	grey bodied				clear ext., dark brown int. glaze	
5a	N130	W390	1	1	D	Ceramic	semiporcelain					silver lustre	
5a	N130	W390	1	1	D	Ceramic	stoneware	buff bodied		hollow ware	base	white ext. salt glaze, dark brown int.	
5a	N130	W390	1	2	D	Glass	domestic		dk aqua				
5a	N130	W390	1	4	D	Glass	domestic		clear				
5a	N130	W390	1	1	D	Glass	vessel		clear	jar	mouth		threaded
5a	N130	W390	1	1	D	Glass	vessel		clouded	lamp chimney			
5a	N130	W455	1	1	D	Ceramic	refined earthenware					dusty rose glaze	
5a	N130	W455	1	1	D	Ceramic	whiteware						
5a	N130	W455	1	1	D	Glass	domestic		clear				

Lund Landfill Historic Artifact Catalog

Area	N prov.	E prov.	Level	Count	Class	Material	Type	Subtype	Color	Function	Portion	Decoration	Comments
5a	N130	W455	1	1	D	Glass	domestic		milk	jar liner			
5a	N130	W455	1	1	E	Iron	hardware			wire			
5a	N130	W455	1	1	X	Iron							
5a	N195	W260	1	1	A	Iron	hardware			staple			
5a	N195	W260	1	1	A	Iron	hardware	cut		nail			
5a	N195	W260	1	3	A	Iron	hardware	wire		nail			
5a	N195	W260	1	1	D	Glass	domestic		brown				
5a	N195	W260	1	1	D	Glass	domestic		clear	jar	mouth		threaded
5a	N195	W260	1	5	D	Glass	domestic		clear				
5a	N195	W260	1	1	D	Plastic	hard			cap			
5a	N195	W325	1	1	A	Glass	flat		clear				
5a	N195	W325	1	1	A	mortar							1 smoothed face
5a	N195	W325	1	1	D	Glass	domestic		green tint				
5a	N195	W390	1	1	D	Glass	domestic		milk				embossed lettering
5a	N195	W455	1	1	E	Iron	hardware			strap			
5a	N260	W325	1	3	A	Glass	flat		clear				
5a	N260	W325	1	1	D	Glass	domestic		clear				
5a	N260	W325	1	1	D	Glass	vessel		clear			molded	
5a	N260	W390	1	1	D	Ceramic	whiteware					hand painted mustard	

Lund Landfill Historic Artifact Catalog

Area	N prov.	E prov.	Level	Count	Class	Material	Type	Subtype	Color	Function	Portion	Decoration	Comments
5a	N260	W390	1	7	D	Glass	domestic		clear				
5a	N260	W390	1	1	U	Coal	clinker						
5a	N260	W390	1	1	X	Iron				handle or lever			
5a	N260	W455	1	2	D	Glass			clear				
5a	N295	W585	?	1	D	Glass	domestic		aqua				
5a	N295	W585	?	1	D	Glass	domestic		clear			painted	red painted line
5a	N325	W390	?	1	A	Glass	flat		clear				
5a	N325	W390	?	1	D	Glass	domestic		clear				
5a	N325	W390	?	1	M	Brass	shell casing	shotgun			base		
5a	N325	W455	1	1	D	Glass	domestic		clear				
5a	N325	W455	1	1	D	Glass	vessel		clear	lamp chimney			
5a	N325	W585	1	1	E	Iron	hardware			hook loop/chain link 1/2			
5a	N325	W585	1	8	U	Charcoal							
5a	N325	W585	2	3	D	Ceramic	whiteware						
5a	N325	W615	?	1	D	Glass	domestic		clear			molded	
5a	N325	W615	?	2	D	Metal	unknown						scallop pattern decorative attachment
5a	N325	W615	?	2	E	Iron	hardware			barbed wire			
5a	N390	W425	1	2	A	Glass	flat		clear				

Lund Landfill Historic Artifact Catalog

Area	N prov.	E prov.	Level	Count	Class	Material	Type	Subtype	Color	Function	Portion	Decoration	Comments
5a	N390	W425	1	1	D	Ceramic	ironstone			hollow ware			
5a	N390	W425	1	1	D	Ceramic	redware					dark brown int. glaze	
5a	N390	W425	1	6	D	Glass	bottle		clear	bottle		embossed	
5a	N390	W425	1	4	D	Glass	domestic		lt. aqua				patinated
5a	N390	W455	1	1	A	Glass	flat		clear				
5a	N80	W325	1	1	A	Brick							
5a	N80	W325	1	2	A	Glass	flat		clear				
5a	N80	W325	1	1	A	Iron	hardware			nail			
5a	N80	W325	1	1	D	Ceramic	semiporcelain						
5a	N80	W325	1	1	D	Ceramic	stoneware	buff bodied				dark brown int./clear salt glaze ext.	
5a	N80	W325	1	1	D	Ceramic	white ware					blue handpainted	
5a	N80	W325	1	1	D	Glass	bottle		clear	bottle			
5a	N80	W325	1	1	D	Glass	bottle		clear	bottle		painting	red and tan Pepsi logo
5a	N80	W325	1	3	D	Glass	bottle		clear	bottle	base		
5a	N80	W325	1	1	E	Iron	hardware			wire			
5a	N80	W325	1	1	G	Plastic	hard		white				

APPENDIX III

NATIONAL ARCHEOLOGICAL DATA BASE-REPORTS RECORDING FORM

APPENDIX IV

BURIAL LEGISLATION AND PERMITTING PROCEDURES

Maryland State Legislation which affects the disturbance and/or removal and relocation of human remains is listed in Article 27, sections 265 and 267 of the Annotated Code of Maryland (copies included in rear of appendix). Although several recent changes to these laws have come before the legislature, the current (prior to Oct.1, 1996) legislation specifies two procedures governing the removal of human remains.

In the first case, where the cemetery is considered an abandoned cemetery (as indicated by lack of visitation or maintenance of same), permission from the State's Attorney of the county is required prior to the removal of human remains (Senate Bill 459, provision c). Consultation with the State's Attorney for Washington County, Mr. Kenneth Long, determined that a letter from the County requesting permission to exhume and relocate the remains should be forwarded to that office, and should include a brief description of the circumstances necessitating relocation, the location of the original burial site, and an official request for permission from that office to relocate the burials. An estimation of the number of the individuals, the location of the proposed reinterment site, and a description of any efforts undertaken to locate other "interested parties" or solicit community input may also be wise inclusions. This procedure has an expected 24-48 hour turn around from receipt of letter.

Senate Bill 777 of the 1995 legislative session specifies that a permit for disinterment and reinterment must be obtained from the Maryland Department of Health and Mental Hygiene (Senate Bill 777, Health, General Article 4 section 215). Application for this permit to be made "on the form that the Secretary requires." No copy of the form is currently available for inclusion in this report, and no estimate of the processing delay was given. Removed remains must be reinterred in a permanent cemetery.

In the case that remains are judged to be archaeological resources, consultation with the Maryland Historical Trust is also required. The Trust's policy on cemetery resources and human burials is presented in Section VIII, subsection C, of the **Standards and Guidelines for Archaeological Investigations in Maryland** (Shaffer and Cole 1994:63-65). Exact treatment policy is decided on a case-by-case basis after review of preceding investigations.

FAX TRANSMITTAL

Office of Archaeology

Maryland Historical Trust
100 Community Place
Crownsville, Maryland
21032-2023

Tel. (410) 514-7661
FAX (410) 987-4071

Date: August 5, 1996

Please Deliver To: **Jody Hopkins**

Telephone No.: (410) 319-9190

Total No. of Pages: 15

FAX No.: (410) 319-9247

From: Richard B. Hughes
Chief, Office of Archaeology

Subject: Cemetery laws

This is everything I am aware of, including multiple revisions to the original statutes. The State's Attorney in Washington County is:

M. Kenneth Long, Jr.
33 West Washington Street
Hagerstown MD 21740

Tel (301) 791-3120

Art. 27, § ~~264~~ ANNOTATED CODE OF MARYLAND

§ 264C. Transfer from one location to another.

On any premises for which slot machines as defined in § 264B of this article are permitted to operate in accordance with any existing public general or public local law, such machines may be removed from said premises due to act of God, condemnation or abandonment of the primary business by the owner of said business, it shall be lawful to transfer the said machines previously operated to another premise within the same county as long as the total number of machines permitted by law are not increased. (1965, ch. 842, § 1.)

Editor's note. — Section 2 of ch. 842, Acts 1965, provides that "nothing herein shall be interpreted as obviating, abrogating or in anywise circumventing § 264B of article 27 of the Annotated Code of Maryland (1964 Supplement), 'Crimes and Punishments,' subtitle 'Crimes and Punishments,' subheading 'Slot Machines.'"

GRAVEYARD DESECRATION

→ § 265. Removing dead bodies without authority.

*See Revisions

Every person, his aiders, abettors and counsellors, who shall be convicted of removing or attempting to remove from any graveyard, burial ground or vault in the State of Maryland any dead body which shall have been buried in such graveyard, burial ground or vault, shall be deemed guilty of a misdemeanor, and shall be sentenced to the penitentiary for not less than five nor more than fifteen years, unless such person or persons shall have been authorized by the State's Attorney for Baltimore City or for the county in which such graveyard, burial ground or vault may be situated to remove such dead body for the purpose of ascertaining the cause of the death of the person whose body is so removed, or for the purpose of reburial. (An. Code, 1951, § 333; 1939, § 310; 1924, § 262; 1912, § 230; 1904, § 216; 1888, § 133; 1882, ch. 422, § 1.)

Cross references. — As to cemetery companies, see article 23, § 162. As to opening roads through cemeteries, see article 25, § 144.

§ 266. Same — Bodies in potter's field excepted.

Repealed by Acts 1975, ch. 107.

→ § 267. Destroying, etc., tombs, trees, etc., in cemeteries.

*See Revisions

Any person or persons, or his, her or their aiders or abettors, who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed in any cemetery, or any building, wall, fence, railing or other work, for the use, protection or ornamentation of any public or private cemetery in this State or shall wilfully destroy, cut, break, or remove any tree, plant or shrub within its limits, or who shall be guilty of indecent or disorderly conduct within said limits, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction of this State, shall be punished by a fine of not less than five dollars nor more than

2

SENATE BILL 777

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3

Article - Health - General

4 4-215.

5 (e) (1) A permit for disinterment and reinterment is required before the
6 disinterment of [a body or fetus] HUMAN REMAINS if reinterment is not to be made in
7 the same cemetery. The Secretary or a health officer shall issue the permit after receipt of
8 an application on the form that the Secretary requires.

9 (2) If all [the bodies] HUMAN REMAINS in a cemetery are to be disinterred
10 for purposes of relocation or abandonment of the cemetery, one application is sufficient
11 for that purpose.

12 (3) THE DEPARTMENT SHALL KEEP A RECORD OF EACH PERMIT ISSUED
13 FOR THE DISINTERMENT AND REINTERMENT OF HUMAN REMAINS

14 (4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THE
15 DEPARTMENT MAY NOT DISCLOSE OR ALLOW PUBLIC INSPECTION OF
16 INFORMATION IN A PERMIT RECORD ABOUT THE LOCATION OF THE SITE OF A
17 DISINTERMENT OR REINTERMENT IF A LOCAL BURIAL SITES ADVISORY BOARD OR
18 THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST DETERMINES THAT:

19 (I) THE SITE IS HISTORIC PROPERTY, AS DEFINED IN ARTICLE 83B,
20 § 5-601 OF THE CODE; AND

21 (II) DISCLOSURE WOULD CREATE A SUBSTANTIAL RISK OF HARM
22 THEFT, OR DESTRUCTION TO THE SITE.

23 (5) THE DEPARTMENT MAY NOT DENY INSPECTION OF A PERMIT
24 RECORD TO:

25 (I) THE OWNER OF THE SITE OF THE DISINTERMENT OR
26 REINTERMENT;

27 (II) A GOVERNMENTAL ENTITY THAT HAS THE POWER OF
28 EMINENT DOMAIN; OR

29 (III) THE SPOUSE, NEXT OF KIN, OR APPOINTED PERSONAL
30 REPRESENTATIVE OF THE DECEASED WHOSE HUMAN REMAINS HAVE BEEN
31 DISINTERRED OR REINTERRED.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 1995.

AS PASSED
1995
SESSION

Article 27 - Crimes and Punishments

TRADING IN HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS

Revised
existing Law →

267A.

(A) (1) IN THIS SUBHEADING, "ASSOCIATED FUNERARY OBJECT" MEANS AN ITEM OF HUMAN MANUFACTURE OR USE THAT IS INTENTIONALLY PLACED WITH HUMAN REMAINS AT THE TIME OF INTERMENT IN A BURIAL SITE OR LATER AS A PART OF A DEATH RITE OR CEREMONY OF A CULTURE, RELIGION, OR GROUP.

(2) "ASSOCIATED FUNERARY OBJECT" INCLUDES ANY GRAVESTONE, MONUMENT, TOMB, OR OTHER STRUCTURE IN OR DIRECTLY ASSOCIATED WITH A BURIAL SITE.

(B) (1) UNLESS AUTHORIZED UNDER § 265 OF THIS ARTICLE OR § 4-215 OR § 5-408 OF THE HEALTH - GENERAL ARTICLE, ANY PERSON WHO KNOWINGLY SELLS, BUYS, OR TRANSPORTS FOR SALE OR PROFIT, OR OFFERS TO BUY, SELL, OR TRANSPORT FOR SALE OR PROFIT, WITHIN THIS STATE, ANY UNLAWFULLY REMOVED HUMAN REMAINS OR ANY ASSOCIATED FUNERARY OBJECT OBTAINED IN VIOLATION OF ARTICLE 27, § 267 OF THE CODE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO:

(I) ANY PERSON ACTING IN THE COURSE OF MEDICAL, ARCHAEOLOGICAL, EDUCATIONAL, OR SCIENTIFIC STUDY; OR

(II) A LICENSED MORTICIAN OR OTHER PROFESSIONAL WHO TRANSPORTS HUMAN REMAINS IN THE COURSE OF CARRYING OUT THE INDIVIDUAL'S PROFESSIONAL DUTIES AND RESPONSIBILITIES.

(C) ALL HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS OBTAINED IN VIOLATION OF THIS SUBHEADING OR OF ARTICLE 27, §§ 265 THROUGH 267 OF THE CODE ARE SUBJECT TO APPROPRIATION BY THE STATE FOR MANAGEMENT, CARE, AND ADMINISTRATION BY THE MARYLAND HISTORICAL TRUST UNTIL A DETERMINATION OF FINAL DISPOSITION AS PROVIDED BY LAW.

(D) NOTHING IN THIS SECTION MAY BE CONSTRUED TO INTERFERE WITH THE NORMAL OPERATION AND MAINTENANCE OF A PUBLIC OR PRIVATE CEMETERY INCLUDING CORRECTION OF IMPROPER BURIAL SITING, AND, WITH THE CONSENT OF ANY PERSON WHO WOULD QUALIFY AS AN HEIR AS DEFINED IN THE ESTATES AND TRUSTS ARTICLE, MOVING THE REMAINS WITHIN A PUBLIC OR PRIVATE CEMETERY.

Article 66B - Zoning and Planning

Revised →

5.03.

(E) REGULATIONS GOVERNING THE SUBDIVISION OF LAND SHALL REQUIRE THAT AN APPROPRIATE EASEMENT BE PROVIDED FOR ANY BURIAL SITE LOCATED ON THE LAND SUBJECT TO THE SUBDIVISION PLAT FOR INGRESS AND EGRESS TO THE BURIAL SITE BY PERSONS RELATED BY BLOOD OR MARRIAGE, OR PERSONS IN INTEREST, AS DEFINED IN § 14-121 OF THE REAL PROPERTY ARTICLE. IMPROVEMENTS ARE NOT REQUIRED TO EXCEED ANY EXISTING RIGHT-OF-WAY.

7.03.

Except as provided in §§ 3.05(a)(1)(v), (vi), and (viii), (4), and (b), 3.06(b) and (c), 4.09, 5.03(E), 7.01(c), 10.01, 11.01, and 12.01 of this article, this article does not apply to the chartered counties of Maryland. This section supersedes § 7.02 of this article and any inconsistent provision of Article 28 of the Code.

As passed
1995 Session
Revised Health Article

SENATE BILL 777

J1

(51r2558)

ENROLLED BILL

— Finance/Environmental Matters —

Introduced by **Senator Hafer**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Scaled with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock _____ M.

President

CHAPTER 401

- 1 AN ACT concerning
- 2 **Disinterment and Reinterment of Human Remains - Records**
- 3 FOR the purpose of requiring the Department of Health and Mental Hygiene to keep
- 4 certain records of permits issued for the disinterment and reinterment of human
- 5 remains; prohibiting the Department from disclosing to the public certain
- 6 information regarding sites of disinterments and reinterments under certain
- 7 conditions; requiring the Department to allow certain persons to inspect certain
- 8 public records regarding disinterments and reinterments; making certain stylistic
- 9 changes; and generally relating to disinterments and reinterments of human
- 10 remains.
- 11 BY repealing and reenacting, with amendments,
- 12 Article - Health - General
- 13 Section 4-215(e)
- 14 Annotated Code of Maryland
- 15 (1994 Replacement Volume and 1994 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Italics indicate opposite chamber/conference committee amendments.



SIGNED

(2) THE OWNER OF THE BURIAL SITE OR OF THE LAND ENCOMPASSING THE BURIAL SITE MAY GRANT ACCESS TO THE BURIAL SITE IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT SIGNED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) IN ADDITION TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, IF BURIALS ARE STILL TAKING PLACE AT A BURIAL SITE, ANY PERSON WHO IS RELATED BY BLOOD OR MARRIAGE, HEIR, APPOINTED REPRESENTATIVE, OR ANY OTHER PERSON IN INTEREST MAY REQUEST THE OWNER OF THE LAND ENCOMPASSING THE BURIAL SITE TO GRANT REASONABLE ACCESS TO THE BURIAL SITE FOR THE PURPOSE OF TRANSPORTING HUMAN REMAINS TO THE BURIAL SITE TO INTER THE REMAINS OF A PERSON FOR WHOSE BURIAL THE SITE IS DEDICATED, IF ACCESS HAS NOT BEEN PROVIDED IN A COVENANT OR DEED OF RECORD DESCRIBING THE METES AND BOUNDS OF THE BURIAL SITE.

(E) EXCEPT FOR WILLFUL OR MALICIOUS ACTS OR OMISSIONS, THE OWNER OF A BURIAL SITE OR OF THE LAND ENCOMPASSING A BURIAL SITE WHO ALLOWS PERSONS TO ENTER OR GO ON THE LAND FOR THE PURPOSES PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION TO A PERSON WHO ENTERS ON THE LAND FOR INJURY TO PERSON OR PROPERTY.

(F) (1) AN OWNER OF A BURIAL SITE, A PERSON WHO IS RELATED BY BLOOD OR MARRIAGE TO THE PERSON INTERRED IN A BURIAL SITE, HEIR, APPOINTED REPRESENTATIVE, OR ANY OTHER PERSON IN INTEREST, OR ANY OTHER PERSON MAY REPORT THE LOCATION OF A BURIAL SITE TO THE SUPERVISOR OF ASSESSMENTS FOR A COUNTY, TOGETHER WITH SUPPORTING DOCUMENTATION CONCERNING THE LOCATION AND NATURE OF THE BURIAL SITE.

(2) THE SUPERVISOR OF ASSESSMENTS FOR A COUNTY MAY NOTE THE PRESENCE OF A BURIAL SITE ON A PARCEL ON THE COUNTY TAX MAPS MAINTAINED UNDER § 2-213 OF THE TAX - PROPERTY ARTICLE.

(G) NOTHING IN THIS SECTION MAY BE CONSTRUED TO INTERFERE WITH THE NORMAL OPERATION AND MAINTENANCE OF A PUBLIC OR PRIVATE CEMETERY BEING OPERATED IN ACCORDANCE WITH STATE LAW.

New Provision →

14-122

(A) IN THIS SECTION, "BURIAL SITE" MEANS ANY NATURAL OR PREPARED PHYSICAL LOCATION, WHETHER ORIGINALLY BELOW, ON, OR ABOVE THE SURFACE OF THE EARTH INTO WHICH HUMAN REMAINS ARE DEPOSITED AS A PART OF A DEATH RITE OR CEREMONY OF ANY CULTURE, RELIGION, OR GROUP.

(B) ANY COUNTY OR MUNICIPAL CORPORATION THAT HAS WITHIN ITS JURISDICTION A BURIAL SITE IN NEED OF REPAIR OR MAINTENANCE MAY, UPON THE REQUEST OF THE OWNER OR WITH PERMISSION OF THE OWNER OF THE BURIAL SITE IN NEED OF REPAIR OR MAINTENANCE, MAINTAIN AND PRESERVE THE BURIAL SITE FOR THE OWNER.

(C) IN ORDER TO MAINTAIN AND PRESERVE A BURIAL SITE OR TO REPAIR OR RESTORE FENCES, TOMBS, MONUMENTS, OR OTHER STRUCTURES LOCATED IN A BURIAL SITE, A COUNTY OR MUNICIPAL CORPORATION MAY:

(1) APPROPRIATE MONEY AND SOLICIT DONATIONS FROM INDIVIDUALS OR PUBLIC OR PRIVATE CORPORATIONS;



(2) PROVIDE INCENTIVES FOR CHARITABLE ORGANIZATIONS OR COMMUNITY GROUPS TO DONATE THEIR SERVICES; AND

(3) DEVELOP A COMMUNITY SERVICE PROGRAM THROUGH WHICH INDIVIDUALS REQUIRED TO PERFORM COMMUNITY SERVICE HOURS UNDER A SENTENCE OF A COURT OR STUDENTS MAY SATISFY COMMUNITY SERVICE REQUIREMENTS OR VOLUNTEER THEIR SERVICES.

Article - Tax - Property

2-213.

- (a) Each supervisor shall maintain for public inspection, without charge:
 - (1) a complete set of tax maps for the county together with parcel reference lists; and
 - (2) on request of an interested party, sales records or transfer voucher forms that relate to sales of real property.
- (b) The Department shall provide copies of the information set forth in subsection (a) of this section to the public for a reasonable fee that reflects the cost of reproduction.

SECTION 2 AND BE IT FURTHER ENACTED, That this Act is not intended to limit the authority of a legislative body of a county or municipal corporation, including Baltimore City, to provide for or encourage the protection of cemeteries or burial sites in accordance with State law. Such incentives to encourage the protection of cemeteries or burial sites may include increased development density on the portion of a development outside the cemetery or burial site boundaries and reduction in the amount of land required to be protected as open space or to be set aside for other purposes under local law as a condition of development.

9-204.1.

(A) IN THIS SECTION "ELIGIBLE IMPROVEMENTS" MEANS SIGNIFICANT IMPROVEMENTS TO, OR RESTORATION OR REHABILITATION OF, HISTORIC PROPERTIES.

(B) THE GENERAL ASSEMBLY DECLARES THAT IT IS IN THE GENERAL PUBLIC INTEREST TO FOSTER AND ENCOURAGE HISTORIC PRESERVATION ACTIVITIES THROUGH IMPROVEMENT, RESTORATION, AND REHABILITATION OF HISTORIC PROPERTY SO AS TO:

(1) PRESERVE AND PROTECT THE ARCHITECTURAL HERITAGE OF THE STATE AS REPRESENTED BY ITS REMAINING HISTORIC BUILDINGS AND STRUCTURES;

(2) STIMULATE THE POSITIVE ASPECTS OF HISTORIC PRESERVATION, SUCH AS ECONOMIC DEVELOPMENT AND EMPLOYMENT OPPORTUNITIES; AND

(3) IMPLEMENT AND EFFECT LOCAL GOVERNMENT PLANNING ACTIVITIES AIMED AT PRESERVING HISTORIC STRUCTURES, SITES, AND DISTRICTS.

(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

AS PASSED
1996

SENATE BILL 459

E1

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by ~~Senators Hafer and Boover~~, Boover, and Bromwell

(6lr2179)

**Revised existing
LAW*

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 Desecration of ~~Funerary Objects and Burial Sites~~ Cemeteries

3 FOR the purpose of ~~prohibiting the destruction, mutilation, defacing, injuring, or removal~~
4 ~~of making it a felony to willfully destroy, mutilate, deface, injure, or remove~~
5 ~~associated funerary objects that are located in burial sites, prohibiting a person from~~
6 ~~willfully removing or entering certain burial sites with the intention of removing an~~
7 ~~associated funerary object for sale or trade, prohibiting a person from willfully~~
8 ~~removing, destroying, or destructively altering certain plants from burial sites;~~
9 ~~specifying that this Act does not prevent prohibit the maintenance or repair of~~
10 ~~funerary objects and plants in a burial site under certain conditions; allowing the~~
11 ~~removal of associated funerary objects and plants to another location be moved~~
12 ~~under certain conditions; establishing certain criminal and civil penalties for~~
13 ~~violations of this Act; altering certain criminal penalties; exempting certain~~
14 ~~cemeteries from certain provisions of this Act; authorizing a court to issue an order~~
15 ~~of restitution if property of the victim was damaged or destroyed; providing that the~~
16 ~~District Court has concurrent jurisdiction with the circuit court in a criminal case~~
17 ~~which is a certain felony; defining certain terms; altering a certain definition; and~~
18 ~~generally relating to the desecration of funerary objects and burial sites~~ *increasing a*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



SENATE BILL 459

2

1 certain penalty for the desecration of certain objects or structures related to cemeteries;
2 and authorizing a court to issue an order of restitution if property of the victim was
3 damaged or destroyed

4 BY repealing and reenacting, without amendments,

5 Article 27 - Crimes and Punishments

6 Section 640(a)(1)

7 Annotated Code of Maryland

8 (1992 Replacement Volume and 1995 Supplement)

9 BY repealing and reenacting, with amendments,

10 Article 27 - Crimes and Punishments

11 Section 267 and 640(a)(11) and (b)(1)(i)

12 Annotated Code of Maryland

13 (1992 Replacement Volume and 1995 Supplement)

14 ~~BY repealing and reenacting, with amendments,~~

15 ~~Article - Courts and Judicial Proceedings~~

16 ~~Section 4-301(b) and 4-302(a) and (d)~~

17 ~~Annotated Code of Maryland~~

18 ~~(1995 Replacement Volume and 1995 Supplement)~~

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 Article 27 - Crimes and Punishments

22 267.

23 (A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
24 ~~INDICATED:~~

25 ~~(2) (H) "ASSOCIATED FUNERARY OBJECT" MEANS AN ITEM OF HUMAN~~
26 ~~MANUFACTURE OR USE THAT IS INTENTIONALLY PLACED WITH HUMAN REMAINS~~
27 ~~IN A BURIAL SITE AT THE TIME OF INTERMENT OR LATER AS PART OF A DEATH RITE~~
28 ~~OR CEREMONY OF A CULTURE, RELIGION, OR GROUP.~~

29 ~~(H) "ASSOCIATED FUNERARY OBJECT" INCLUDES A GRAVESTONE,~~
30 ~~MONUMENT, TOMB, OR OTHER STRUCTURE IN OR DIRECTLY ASSOCIATED WITH A~~
31 ~~BURIAL SITE.~~

32 ~~(3) (H) "BURIAL SITE" MEANS ANY NATURAL OR PREPARED PHYSICAL~~
33 ~~LOCATION, WHETHER ORIGINALLY LOCATED BELOW, ON, OR ABOVE THE SURFACE~~
34 ~~OF THE EARTH INTO WHICH HUMAN REMAINS OR ASSOCIATED FUNERARY OBJECTS~~
35 ~~ARE DEPOSITED AS A PART OF A DEATH RITE OR CEREMONY OF ANY CULTURE,~~
36 ~~RELIGION, OR GROUP.~~

1 ~~(H) "BURIAL SITE" INCLUDES THE HUMAN REMAINS AND~~
2 ~~ASSOCIATED FUNERARY OBJECTS THAT RESULT FROM A SHIPWRECK OR ACCIDENT~~
3 ~~AND ARE INTENTIONALLY LEFT TO REMAIN AT THE SITE.~~

4 ~~[(a)](B) (H) Any person who willfully destroys, mutilates, defaces, injures, or~~
5 ~~removes any ASSOCIATED FUNERARY OBJECT [tomb, monument, gravestone, or other~~
6 ~~structure placed in any cemetery, or any building, wall, fence, railing, or other work, for~~
7 ~~the use, protection, or ornamentation of any cemetery] in [this] THE State is guilty of a~~
8 ~~[misdemeanor] FELONY and shall be fined not [more] LESS than [\$2,000,] \$5,000 or~~
9 ~~imprisoned for not more than [3] 2 years, or both, IN ADDITION TO PAYING THE COST~~
10 ~~OF RESTORATION, REPLACEMENT, OR RESTITUTION.~~

11 ~~(2) IN ADDITION TO BEING SUBJECT TO THE CRIMINAL PENALTIES~~
12 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PERSON WHO VIOLATES A~~
13 ~~PROHIBITION AGAINST WILLFULLY DESTROYING, MUTILATING, DEFACING,~~
14 ~~INJURING, OR REMOVING ANY ASSOCIATED FUNERARY OBJECT IN THE STATE MAY~~
15 ~~BE ASSESSED A CIVIL PENALTY.~~

16 ~~[(b)](C) (H) Any person [who willfully destroys, cuts, breaks, or removes any~~
17 ~~tree, plant, or shrub in any cemetery in this State, or] who is found guilty of indecent or~~
18 ~~disorderly conduct within [said limits,] A BURIAL SITE IN THE STATE [shall be] IS~~
19 ~~guilty of a misdemeanor, and shall be fined not more than \$500 [or imprisoned for not~~
20 ~~more than 2 years, or both].~~

21 ~~(2) IN ADDITION TO BEING SUBJECT TO THE CRIMINAL PENALTIES~~
22 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PERSON WHO VIOLATES A~~
23 ~~PROHIBITION AGAINST INDECENT OR DISORDERLY CONDUCT WITHIN A BURIAL~~
24 ~~SITE IN THE STATE MAY BE ASSESSED A CIVIL PENALTY.~~

25 ~~(D) A PERSON WHO WILLFULLY REMOVES AN ASSOCIATED FUNERARY~~
26 ~~OBJECT FROM A BURIAL SITE FOR SALE OR TRADE OR WHO ENTERS A BURIAL SITE~~
27 ~~IN THE STATE THAT WAS KNOWN OR WAS MADE KNOWN TO THE PERSON, BASED ON~~
28 ~~PHYSICAL EVIDENCE, DOCUMENTATION, OR RELIABLE PERSONAL RECOLLECTION,~~
29 ~~TO REMOVE AN ASSOCIATED FUNERARY OBJECT FOR SALE OR TRADE MAY BE~~
30 ~~ASSESSED A CIVIL PENALTY, INCLUDING FORFEITURE OF EQUIPMENT USED OR~~
31 ~~INTENDED TO BE USED FOR THE REMOVAL IS GUILTY OF A MISDEMEANOR AND ON~~
32 ~~CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT~~
33 ~~FOR NOT MORE THAN 1 YEAR OR BOTH.~~

34 ~~(E) (H) A PERSON WHO WILLFULLY REMOVES, DESTROYS, CUTS, BREAKS,~~
35 ~~DEFACES, CHEMICALLY CONTAMINATES, OR OTHERWISE DESTRUCTIVELY ALTERS~~
36 ~~A TREE, SHRUB, OR OTHER PLANT THAT IS PLANTED FOR THE PROTECTION OR~~
37 ~~ORNAMENTATION OF A BURIAL SITE IN THE STATE IS GUILTY OF A MISDEMEANOR~~
38 ~~AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING THE COST TO~~
39 ~~REPLACE OR RESTORE THE PLANT.~~

40 ~~(2) IN ADDITION TO BEING SUBJECT TO THE CRIMINAL PENALTIES~~
41 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION, A PERSON WHO VIOLATES A~~
42 ~~PROHIBITION AGAINST WILLFULLY REMOVING, DESTROYING, CUTTING, BREAKING,~~
43 ~~DEFACING, CHEMICALLY CONTAMINATING, OR OTHERWISE DESTRUCTIVELY~~
44 ~~ALTERING A TREE, SHRUB, OR OTHER PLANT THAT IS PLANTED FOR THE~~

SENATE BILL 459

4

1 ~~PROTECTION OR ORNAMENTATION OF A BURIAL SITE IN THE STATE MAY BE~~
2 ~~ASSESSED A CIVIL PENALTY.~~

3 ~~(F) AN ASSOCIATED FUNERARY OBJECT OR PLANT PLACED AS A MEMORIAL~~
4 ~~TO AN INDIVIDUAL BURIED IN A BURIAL SITE MAY BE MOVED IF THE PERSON WHO~~
5 ~~REQUESTS THE MOVE OBTAINS APPROVAL FROM THE OFFICE OF THE STATE'S~~
6 ~~ATTORNEY OF THE COUNTY IN WHICH THE BURIAL SITE IS LOCATED BY PROVIDING~~
7 ~~PROOF THAT THE PERSON:~~

8 ~~(1) IS RELATED BY BLOOD OR MARRIAGE TO THE DECEASED~~
9 ~~INDIVIDUAL;~~

10 ~~(2) IS THE APPOINTED PERSONAL REPRESENTATIVE OF THE DECEASED~~
11 ~~INDIVIDUAL; OR~~

12 ~~(3) IN ANY OTHER WAY, POSSESSES A LEGAL RIGHT TO OR INTEREST IN~~
13 ~~THE MEMORIAL.~~

14 ~~(G) THIS SECTION DOES NOT PROHIBIT THE MAINTENANCE, REPAIR, OR~~
15 ~~REMOVAL OF AN ASSOCIATED FUNERARY OBJECT OR TREE, SHRUB, OR OTHER~~
16 ~~PLANT IN A BURIAL SITE IF THE MAINTENANCE, REPAIR, OR REMOVAL HAS BEEN~~
17 ~~AUTHORIZED BY THE OWNER OF THE BURIAL SITE.~~

18 ~~(H) SUBSECTIONS (D), (E), AND (F) OF THIS SECTION DO NOT APPLY TO:~~

19 ~~(1) A CEMETERY CORPORATION FORMED UNDER THE LAWS OF THIS~~
20 ~~STATE; OR~~

21 ~~(2) AN ESTABLISHED CEMETERY, WHETHER INCORPORATED OR~~
22 ~~UNINCORPORATED, THAT IS OWNED AND OPERATED BY A COUNTY, MUNICIPAL~~
23 ~~CORPORATION, CHURCH, SYNAGOGUE, OR RELIGIOUS ORGANIZATION.~~

24 ~~{(e)}(H) (i) Nothing in this section shall be construed to prohibit the removal~~
25 ~~of the remains of any human body, or of any monument, gravestone, or other marker from~~
26 ~~an abandoned cemetery, provided that the prior consent in writing of the State's Attorney~~
27 ~~of the county or of Baltimore City shall have been secured and provided further that such~~
28 ~~remains, monuments, gravestone, or other marker is placed in an accessible place in a~~
29 ~~permanent cemetery.~~

30 ~~(a) Any person who wilfully destroys, mutilates, defaces, injures, or removes any tomb,~~
31 ~~monument, gravestone, or other structure placed in any cemetery; or any building, wall, fence,~~
32 ~~railing, or other work, for the use, protection, or ornamentation of any cemetery in this State is~~
33 ~~guilty of a misdemeanor and shall be fined not more than ~~[\$2,000] \$5,000, or imprisoned for~~~~
34 ~~not more than 3 years, or both.~~

35 ~~(b) Any person who wilfully destroys, cuts, breaks or removes any tree, plant, or shrub~~
36 ~~in any cemetery in this State, or who is found guilty of indecent or disorderly conduct within~~
37 ~~said limits, shall be guilty of a misdemeanor, and shall be fined not more than \$500, or~~
38 ~~imprisoned for not more than 2 years, or both.~~

39 ~~(c) Nothing in this section shall be construed to prohibit the removal of the remains of~~
40 ~~any human body, or of any monument, gravestone, or other marker from an abandoned~~
41 ~~cemetery, provided that the prior consent in writing of the State's Attorney of the county or of~~

1 Baltimore City shall have been secured and provided further that such remains, monuments,
 2 gravestones, or other marker is placed in an accessible place in a permanent cemetery.

3 640.

4 (a) (1) In this subtitle, the following words have the meanings indicated, unless
 5 the context of their use indicates otherwise.

6 (1) (i) "Victim":

7 (i) Means] MEANS a person who suffers personal injury, death, or
 8 property DAMAGE OR loss as a direct result of crime [; and].

9 (ii) [Includes.] "VICTIM" INCLUDES:

10 1. [in] IN the event of the death of a victim, the victim's estate;

11 OR

12 2. ~~IF THE DEFENDANT IS CONVICTED UPON CONVICTION,~~
 13 ~~ACCEPTANCE OF A PLEA OF NOLO CONTENDERE, OR IMPOSITION OF PROBATION~~
 14 ~~BEFORE JUDGMENT FOR AN OFFENSE UNDER § 267 OF THIS ARTICLE:~~

15 A. THE OWNER OF THE BURIAL SITE; AND

16 B. AN INDIVIDUAL RELATED BY BLOOD OR MARRIAGE TO
 17 THE INDIVIDUAL BURIED IN THE BURIAL SITE.

18 (b) (1) On conviction of a crime, acceptance of a plea of nolo contendere, or
 19 imposition of probation before judgment under § 641 of this article, the court may issue
 20 an order of restitution directing the defendant to make restitution in addition to any
 21 other penalty for the commission of the crime, if:

22 (i) Property of the victim was stolen, DAMAGED, DESTROYED,
 23 converted, unlawfully obtained, or its value substantially decreased as a direct result of
 24 the crime;

25 Article ~~Courts and Judicial Proceedings~~

26 ~~4-301.~~

27 (b) ~~Except as provided in § 4-302, the District Court also has exclusive original~~
 28 ~~jurisdiction in a criminal case in which a person at least 18 years old or a corporation is~~
 29 ~~charged with:~~

30 (1) ~~Commission of a common law or statutory misdemeanor regardless of~~
 31 ~~the amount of money or value of the property involved;~~

32 (2) ~~Violation of §§ 342 through 344 of Article 27 of the Code, whether a~~
 33 ~~felony or a misdemeanor;~~

34 (3) ~~Violation of a county, municipal, or other ordinance, if the violation is~~
 35 ~~not a felony;~~

36 (4) ~~Criminal violation of a State, county, or municipal rule or regulation, if~~
 37 ~~the violation is not a felony;~~

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1 ~~(5) Doing or omitting to do any act made punishable by a fine,~~
2 ~~imprisonment, or other penalty as provided by the particular law, ordinance, rule, or~~
3 ~~regulation defining the violation if the violation is not a felony;~~

4 ~~(6) Violation of Article 27, § 141 of this Code, whether a felony or a~~
5 ~~misdemeanor;~~

6 ~~(7) Violation of Article 27, § 145 of this Code, whether a felony or~~
7 ~~misdemeanor; [or]~~

8 ~~(8) Violation of Article 27, § 44 of the Code;]~~

9 ~~(9) Violation of Article 48A, § 233 of the Code, whether a felony or a~~
10 ~~misdemeanor; [or]~~

11 ~~(10) Violation of § 9 1106 of the Labor and Employment Article;~~

12 ~~(11) VIOLATION OF ARTICLE 27, § 261 OF THE CODE, WHETHER A FELONY~~
13 ~~OR A MISDEMEANOR.~~

14 ~~4-302.~~

15 ~~(a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), [and] (10), AND (11) of~~
16 ~~this subtitle, the District Court does not have jurisdiction to try a criminal case charging~~
17 ~~the commission of a felony;~~

18 ~~(d) The jurisdiction of the District Court is concurrent with that of the circuit~~
19 ~~court in a criminal case:~~

20 ~~(1) In which the penalty may be confinement for three years or more or a~~
21 ~~fine of \$2,500 or more; or~~

22 ~~(2) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), [and]~~
23 ~~(10), AND (11) of this subtitle;~~

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1996.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.

APPENDIX V
CEMETERY PARCEL DEED CHAIN

Liber 955 folio 227-229

dated 5/23/90

From: Wendell L. Lund

To: The Board of Commissioners of Washington County

Liber 710 folio 396

dated 11/24/80

From: Wendell L. Lund (as executor)

To: Wendell L. Lund

Containing 453.95 acres.

Liber 678 folio 443-449

From: Michael G. Day (assignee of First Bank)

To: Wendell L. Lund (75% interest) and Anne C. Lund (25% interest)

result of forfeiture of mortgage by David H. and Barbara R. Woodbury, Equity case No. 32,582)

Liber 549 folio 449-454

From: David K. Poole Jr. and Daniel W. Moylan (Trustees in Equity case No. 27,824,
June 30, 1970)

To: David H. and Barbara R. Woodbury

Liber 460 folio 582-585

dated 9/14/67

From: Margaretta H. Hayman (widow of Edgar T. Hayman)

To: Ruby L. Rhoton (50% interest) and Boyd B. and Betty Marcum (50%)

consolidated from five previous land transactions, hereafter referenced by deed assigned number.

460/585-585 continued

ref no. 1: parcel acquired in *166/639*

ref no. 2: parcel acquired in *171/310*

ref no. 3: parcel acquired in *178/634*

ref no. 4: parcel acquired in *199/289*

ref no. 5: parcel acquired in *158/364*

Ref No. 1

Liber 166 folio 639

dated 3/31/23

From: Guy N and L. May Gordan

To: Edgar T and Margaretta H. Hayman

Liber 158 folio 317

dated 7/27/20

From: George M. Gordon

To: Guy N. and L. May Gordon

Liber 137 folio 49

dated 6/8/11

From: Abram M. and Jennie S. Evers

To: George M. Gordon

parcel one (also reference 5 parcel 3)

Liber 97 folio 278

dated 6/11/1891

From: George and Anna Wassen

To: Abram M. Evers

Liber 78 folio 261-262

dated 8/1/1879

From: Norman B. and Catherine M. Scott

To: George Wassen

Liber LBN 2 (66) folio 163

dated 5/28/1867

From: Norman B. and Catherine M. Scott

To: Rufus H. Wilson

parcel two

Liber 128 folio 240

dated 4/48/1908

From: Walter S. and Lizzie Beckley

To: Abram Evers

Liber 125 folio 229

dated 1/11/1907

From: Clyde B. Stouver and James M.(?) Grove (executors of the will of Daniel Stouver
Will book 11, or 2, or II, or K folio 12).

To: Walter Beckley

Liber 199 folio 279

dated 2/9/1904

From: Katherine Ankeney (executrix of H. Clay Ankeney *Will Book G folio 258*)

To: David Stouver

Ref No. 2

Liber 171 folio 310

dated 4/22/25

From Lewis L. Bowers

To: Edgar T. and Margaretta H. Hayman

Liber 171 folio 308-310

dated 4/?/25

From: Margaretta O. Wilson (widow), Margaretta H. and Edgar T. Hayman, Clyde H.
and Mary A. Wilson

To: Lewis L. Bowers

three parcel acquired by Rufus H. Wilson, father-in-law of Margaretta O. Wilson above.

Parcel one: *L.B.N. No.1/728*

Parcel two: *L.B.N NO. 2/163*

Rufus dies Intestate, leaving lands to John H Wilson his son and only heir

Parcel three: *150/115*

John dies intestate in 1924 leaving lands to Margaretta his widow, Margaretta Hayman his daughter, and Clyde Wilson his son.

parcel one

Liber L.B.N. NO. 1 folio 728

dated 11/15/1867

From William T. R***** Trustee in Equity case No. 1851, John Stine vs. Mary E.
Wachtel.

To: Rufus Wilson

parcel two

Liber L.B.N. NO.2 folio 163

see same citation Ref.1, parcel 1

parcel three

Liber 150 folio 115

dated 11/6/1916

From: James E.S. Pryor (assignee of mortgage via Equity case No. 7819 from George H. and Matilda Kretzer.

To: John H. Wilson

Liber 77 folio 149-150

dated 8/15/1878

From: Edward Stake and Lewis C. Smith, Trustees

To: George Kretzer

Liber 76 folio 355-356

dated 2/15/1878

From: Edward Stake and Lewis C. Smith Trustees of Equity case No.1503, the petition of John Wachtel ...

To: Geroge Kretzer et aux

Ref N0. 3

Liber 178 folio634

dated 11/4/27

From: Stella Shank widow of Mervin D. Shank

To: Edgar T. and Margaretta H. Hayman

Liber 154 folio 274

dated 1/16/19

From: William L. and Mary Meyers

To: Mervin D. Shank

Liber 111 folio 491

dated not recorded

From: George N. Bowers et aux

To: Minnie L. M. Lane (relationship to Meyers not known)

Ref No. 4

Liber 199 folio 289-290

dated 4/23/35

From George W. Row et aux

To: Edgar T. and Margaretta H. Hayman

Liber 167 folio 301

dated 1/15/24

From: John B. and Mary E. Huyett

To: George W. and Lillie M. Row

Liber 79 folio 395

dated 4/16/1880

From: Daniel Huyett and William Strack(?) Trustees in Equity case 2930

To: John B. Huyett

Ref. No. 5

Liber 158 folio 364

dated 4/17/20

From: George M. Gordan

To: Edgar T. Hayman

Liber 155 folio 683

dated 9/1/19

From: Jennie S. Evers, Alice N. Burtner and David E. Burtner, Samuel J and Katherine N. Evers (heirs of Abram Evers)

To: George M. and Catherine A. Gordan

three parcels

parcel one

Liber McK K No.2 (68) folio 355-356

dated 9/28/1869

From: Andrew K. Stake and Adeleine S. Stake

To: Michael Conderman

back refernece conveyed to Andrew Stake by Wiliiam R *****. no date, no citation. presumably Trustee appointed in Equity case No. 1851 John Stine vs Mary E. Wachtel, previously cited.

parcel two

Liber 114 folio 337

dated 4/30/01

From: Charles Cunningham

To: Abram Evers

Liber 107 folio 402

dated 11/30/1897

From: George M. Grove, executor of David Pessinger (*Will book 2 folio 189*)

To: Charles E. Cunningham

Parcel three

Liber 97 folio 278

dated 6/11/1891

From: George and Anna Wassen

To: Abram Evers

128 acres. see chain for Ref No. 1, parcel one from this point.

Liber I.N. No.6 folio 125

dated 1851

From: J.R. Smith et al

To: Valentine Wachtel

Liber I.N. No.4 folio 544

dated 10/13/1849

From: Valentine Wachtel

To: John Stine

sells 1/2 of tract inherited from John Wachtel (114 acres), and 2/5 of a part of a tract inherited from Mathias Stine (174 acres), to be held for the use of Mary Wachtel, wife of Valentine, for her lifetime, to be sold or rented at her discretion.

Liber I.N. No. 1 folio 776

dated 1846

From: Henry Hoover et aux

To: Valentine Wachtel

Liber O.H.W. No. 1 (44) folio 796

dated 11/27/1844

From: Jonathan Wachtel and Permilia (Delaware County Indiana)

To: Valentine Wachtel

Liber WW folio 179

dated 1840

From: Jacob Kershner et aux

To: Valentine Wachtel

Liber FF folio 785

dated 4/1/1822

From: Jacob Wachtel, one of the heirs of the late John Wachtel

To: John Witmer

Liber FF folio 623

dated 3/18/1821

From: Williima Thumb and Sarah (maiden name Wachtel), one of the heirs of the late
John Wachtel

To: Valentine and Jonathan Wachtel

Liber K folio 162

dated 1797

From: Casper Snyder (executor of John Fry estate)

To: John Wachtel

