

Grave Happenings

BERKS COUNTY ASSOCIATION FOR GRAVEYARD PRESERVATION



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BCAGP
Berks County Association
for Graveyard Preservation



Don't forget to check our facebook for updates and more photos!

Check the www.bcagp.org website for internet edition newsletter archives.



Hechler Esterly

The fourth wall is in the process of its rebuild and should be finished by the end of Fall!

Neil Scheidt has been taking care of this and has not had help, so if you are interested in helping Neil maintain this burial ground contact him at :
neilain@dejazzd.com



A small crew did a clean up at the Kauffman burial ground in Maiden creek and The St Henrys/Reichert Dumm in Richmond this month. Les Rohrbach, Paul Schuman, Mark Humbert, Keith Schaffer, David Schlegel, Rob Stanish, Karla Hummel and Anne Wagner had great weather for a fall morning! We could have done much more with more help, so watch the facebook for posting of future work parties!



Keim

Work has been done on two walls, and we expect more to come. There is tombstone repair work to be done here, as well, like many of the others.



Rickenbach

The Rickenbach burial ground in Bern Township was given a facelift in 2010, when Zach Beatty chose to rebuild the fence and clean it up for his Eagle Scout Project. Years of growth have again taken over. Rob Stanish, who himself became an Eagle Scout when he was a teen, has volunteered to clean it up this month! Thank you Rob!



LETTER FROM LES

The names we use to identify graveyards may be assumed to reflect on the family that lived on the property, but which family? Was it the family who initially settled the land? The family who lived there the longest during the colonial era? The family who has the most burials in the graveyard?



BCAGP uses the names our predecessors in this organization used in the late 1990s when they compiled a book, *Epitaphs*. It identified all the graveyards for which they could find evidence; physical or written. The naming criteria they used is unknown, though they likely used others' names if some were found.

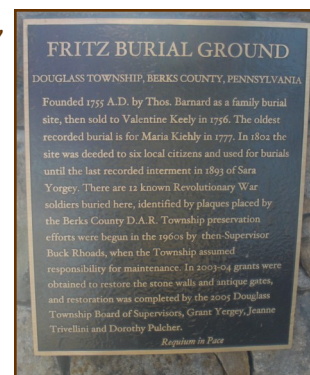


The Bertolet graveyards in Oley township follow a pattern we might expect. They are named Bertolet 1, Bertolet 2, and Bertolet 3. Of the readable tombstones, all contain a preponderance of Bertolet burials. Bertolet 1 contains the grave of Jean the immigrant. Bertolet 2 contains Jean's eldest son Abraham. Bertolet 3 contains descendants of several of Jean's other children.

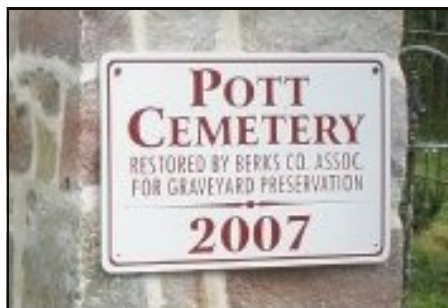
Oley's Hoch graveyards reflect more varied family connections. They are named Hoch, Hoch/Bertolet, and Hoch/DeTurk/Shenkel. Rudolph Hoch immigrated with two sons, John and Samuel, and a daughter Veronica. Rudolph is buried in the Hoch graveyard with his son John.

Son Samuel Hoch married Sarah Baumann, the only child of Mathias Baumann who was in Oley by 1714. Samuel obtained ownership of Baumann's land when his father-in-law died. Samuel and Sarah had a son, Daniel, who married Maria Bertolet, the eldest daughter of Abraham. They lie in the Hoch/Bertolet graveyard, though Maria is just one of the two known Bertolet burials the midst of many Hochs.

Martin Shenkel begins the saga of the Hoch/DeTurk/Shenkel graveyard. He was in Oley prior to 1720, and had a son also named Martin. Martin married Maria Kauffman, whose mother was Veronica Hoch. Martin had 4 daughters who married into the Bertolet, Schneider, DeTurk, and Hoch families. His will left a 311 acre plantation in Oley to his grandson Philip DeTurk and a 280 acre plantation in Oley to his grandson Samuel Hoch. Samuel was also the grandson of Daniel Hoch and Maria Bertolet. A Sheriff's partition of the property in 1864 involved only DeTurks, so the graveyard is probably on the tract Philip inherited. Both grandsons, Philip DeTurk and Samuel Hoch and their wives, are buried here. There are no marked Shenkel graves. The majority of tombstones are Hoch's but most graves are unmarked.



There is much to the history behind family graveyards. Their names give us an inkling, and research yields more information. There remains much we do not know and probably will never know.



Les Rohrbach is President of BCAGP and very active in both the organizational aspects and the hands on "down and dirty in the graveyard" activities of the group. Les travels from Pottstown to his "roots" in Berks and is an avid hiker and genealogist.

The Ulrich burial ground in Maiden creek township is an example of what is not currently allowed by Pa law. The property owner, who is now deceased, decided he did not want it in his yard. He removed the stone wall and the tombstones which were later recovered by descendants. They are being stored on their own family farm. A memorial plaque was placed.

This poses the problem of what is the proper thing to do in this situation with the stone pieces? The walls are gone and the stones are gone, but the burials are still there. The deed on the property traced back shows that the burial ground was not part of that house's deed.

after the Historic Burial Places Preservation Act was passed in 1994, a phone call to the local police should have resulted in a different outcome. The laws prior to 1994 were vague and not specific enough to stop the dismantling of the graveyard.



Had the deed been researched properly it would have been known that recorded in deed book 33 page 549 (April 16, 1829) is the separate deed for the burial ground and it was not part of the property going forward.

So there is the "spilt milk" and the question remains as to what would be the proper thing to do in this circumstance going forward? There

is no easy fix. For now, the stone pieces are safely stored on Jean Daubs' family farm.



The Ulrich burial ground prior to its destruction



The Ulrich burial ground now

The burial ground was not theirs to remove, nor was it their responsibly to maintain. The fact remained that the grounds were not being regularly maintained by family and there was no one to stop its demise. Had this happened



The late Virginia (Ulrich) Seip did what she could to preserve what was left of the burial ground, and arranged for a memorial plaque to be placed.



Anne Wagner

Barnet Peter

We thought we might be in over our heads when we decided to attempt to find the pieces and reassemble the broken Barnet - Peter Family headstones. Call us crazy but we decided to give it a try! There is something about a heavily vandalized graveyard that brings out the caretaker in all of us at BCAGP. We found out we had allies.



We had a dilemma to solve. We had many of the pieces, but it was too many to make repairs that would be strong enough to set the stones upright. We didn't want to just let them lay there either. We were also concerned about displaying them in a manner so that if more pieces turn up they can be added. We decided against a cement background for the pieces. The hope is that some time in the future a fantastic method to repair will be found. It was a tedious process to clean and assemble the stones and we were finally ready to display them! There isn't a place to go to just buy "tombstone display boxes".



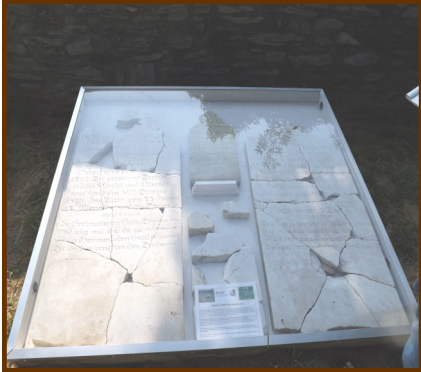
We turned to Berks Products Millwork department in Kutztown for help. We asked them for something that would last a very long time, forever if possible. We needed something strong enough to support the weight

of multiple tombstones and something that would allow the water to run off. We also wanted the option to be able to add glass when we thought we were ready to seal the project. We knew they would be heavy and had to go over top of the walls because the graveyard has stiles and no opening. Thanks to the creative team at Berks Products, we have these functional and attractive tombstone display boxes made of PVC. The boxes (or display ea-



(Continued on page 7)

sels) are supported by PVC framework with drainage holes and venting. A solid sheet of PVC and added ledges hold the stone pieces. They are assembled puzzle style. Sheets of heavy Plexiglas are the final touch to keep the stone pieces clean and safe. The guys at Berks Memorial Gardens also helped get them over the walls when Berks Products delivered the final product. We will probably never know who did this destructive act many years ago, but we have saved what we could thanks to the many people that have been involved in some way in this restoration.



Veteran Highlight By Anne Wagner

Last month Keith Schaffer and I were taken on a guided tour by David



They somehow manage to get into the worst places and honor the buried Veteran by putting a fresh new flag in the flag holder. David also has been maintaining the Williams burial ground in Maiden creek and has taken over maintaining his Schlegel family burial ground in Fleetwood. David is familiar with all the Fleetwood area burial grounds because he has done flag duty

Schlegel. David is one of the many volunteer “flag placers” throughout Berks.

in all of them. Some we had tried to find before and were not successful. The Hoch in Fleetwood is pictured here, and you see the flag peeking out of the weeds. Our records show at least two veterans are buried here. We plan to schedule a work event to get in there this fall. If you are interested in helping, watch the facebook for notification of dates.



*Benjamin Parks Dec 8 1761– Sept 6 1839
Revolution*

*Jacob Scholl April 3 1774– Dec. 30 1851
War of 1812*

Doing the Deed

When researching deeds in Berks County, you need to be aware that not all deeds are recorded in the Recorder of Deeds volumes. Deeds are also recorded in the Sheriff's Deed Dockets. These books are very much like the volumes kept in the Recorder's office, and often give much valuable detail, not only on the property, but the reason for the sale.

Properties were sold by the sheriff for various reasons, not only foreclosures on mortgages or debts owed. In these cases the mortgagee would file a petition in the court to have a property sold to satisfy the mortgage. If the court agreed, the tract was ordered sold by the sheriff. In the case of other debt, the owner of the property often signed the property over to someone to sell on their behalf to settle their debts. This was called a deed of assignment. The assignee then would obtain approval from the court to continue and a Sheriff Sale would be conducted. The person who the debt was owed to could also petition the court for the same purpose with the same result expected.

In addition, the property of a deceased, whether they died intestate or testate (without a will or with a will) might end up sold at a Sheriff Sale. Depending on the desire of the heirs and their ability to settle division of the lands in question, a petition might be filed in court asking that the property be viewed, evaluated and then sold at Sheriff Sale to settle the estate. With court approval, the sheriff would take over the task of selling the land.

Conducting a Sheriff Sale required a petition asking for the sale and approval by the court. Advertising in local newspapers and public places was always required. The court would specify the number of times, dates, and public locations for advertising and set the date of sale. Classified ads for these sales by the sheriff are a valuable resource. They describe the tract by location, size, meets and bounds, kind of improvements, exceptions and subject to clauses and who the property is being sold on behalf of. Don't overlook classified ads in the local papers for information on the sale of land for the person you are researching.

Glossary Part II

Chain of Deeds - The successive, chronological list of deeds written, may not include encumbrances, restrictions, funds owed. Differs from a Chain of Title which needs to include all pertinent information.

Chain of title - The successive conveyance of property, commencing with the patent from the government down to the present holder. Chain of title may also include encumbrances, restrictions, funds owed. Differs from a Chain of Deeds which only notes the deeds in succession.

Chattel - any tangible, movable thing; personal, as opposed to real property

Consideration - The term used in a deed, title or indenture stating the amount of money the buyer will pay the seller

Containing - A term when used in a deed, title or indenture declares the size of a tract of land by acres, portions of acres and by perches.

Conveyance - The transfer of real property from one to another. Sundry conveyances would be miscellaneous or various conveyances, not always described in detail in a deed.

Copse/Coppice - Area overgrown with brush, a thicket, grove or growth of small trees, originating mainly from shoots or root suckers

Covenant - A promise to engage in or refrain from a specified

action.

Creditor - One who gives money or credit to another. The one to whom money is owed or a obligation exists by a debtor.

D. B. N. C. T. A. - De Bonis Non Cum Testament Annexo - If a nominated executor refuse or for any reason cannot serve, the court appoints an administrator with the will annexed. This is the administrator *cum testamento annexo* often abbreviated administrator *c.t.a.* If an executor or administrator has been qualified but for any reason later ceases to act as personal representative, the court then appoints an administrator as to the goods not administered. The full Latin term for goods not administered is *de bonis non administratis* which is usually shortened to either *de bonis non* or *d.b.n.*

Debtor - One who is obligated to pay a debt to a creditor, arising from an express agreement.

Deed - An instrument in writing which conveys an interest in land from the seller to the buyer. Deeds are generally classified as bargain and sale, warranty deeds or quit claim deeds.

Deed Poll - A deed made by and obligatory to one party alone. It is, strictly speaking, not a contract because it binds only one party and expresses an intention instead of a promise

Defendant - in civil proceedings the part responding to the complaint by a plaintiff

Descent and Distribution - transmission of a real or personal property, often of someone who dies without a valid will (a. k. a. intestate), according to the laws of Descent and Distribution. It denotes a change of ownership and is synonymous with "succession" and different than the act purchasing.

Devise - A gift of real property, or real estate, regarded as a legacy. Father's often devised their land to their heirs.

Devisee - the person to whom a tract of land may descend to, in the case of a testate or intestate estate filing.

Document - Any writing, recording, computer media, blueprint, x-ray, photographs or any other physical thing on which information is written...not necessarily an agreement.

Dower - A life estate to which a wife is entitled upon the death of her husband. The widow is entitled to one-third of all property in which her husband was seized in fee during the marriage. Referred to as inchoate dower during the life of the husband, it becomes a vested right to a life estate. Dower agreements are often written in a deed as an exception. It may include holding a portion of the sale price on interest, to provide interest income annually to the widow for the natural life-time of the widow. Upon the widow's death, the principle amount is then paid to other heirs. The Dower is carried on successive deeds until legally satisfied and a release of dower is written.

[Betty Burdan](#)

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Finding Old Burial Grounds

Betty Burdan

Due to the fact that Berks County was settled before churches and churchyards came it was necessary to provide for the burial of the dead without the benefit of sanctified ground. The park like "cemetery," in use today, did not appear until we were headed for the middle of the 19th century. The earlier settlers would select a small piece of land somewhere on the homestead to return their loved ones. "Ashes to ashes, dust to dust". Remember too, that cities, boroughs, and towns in Berks were once farmland, so they are not exempt from the occasional burial ground turning up and there is no time limit.

Finding these old burial grounds in Berks County, or anywhere, is not as easy as driving around the countryside looking for a stone wall that might surround it or tombstones standing on a hillside. It could entail investigating that copse: which is in a small area overgrown with brush, thicket, grove or growth of small trees that may stick out like a sore thumb in the middle or at the edge of a beautifully plowed field. It may mean extensive research in the dusty volumes on the shelves of the deeds and wills offices looking for a mention of a reservation of a small part of a larger tract to be used as a burial place for the family. Some walls were built around out of respect and just as often to keep the cows out.

Often there is no surface evidence that a burial ground existed. Sometimes they are found quite by accident, often by excavation. Such was the case in 1870, in the borough of Boyertown, when a prominent citizen was having a tract on one of the main streets excavated to build his mansion on. Workers digging for his cellar exhumed skeletons "of full stature." We can only guess the digging stopped until the matter was fully investigated. It was assumed, this was the resting place for one of the six farm families who first populated the area, before the erection of the church and burial ground in 1812. What became of the skeletons is unknown, but they were likely moved to one of the cemeteries in town for re-burial.

Again in 1911, workmen digging a foundation on West Windsor Street in Reading, came upon a chest-like container with the bones of a male human being which appeared to have been in the ground for many years. There was no old church or churchyard site nearby in history's memory, so that was ruled out. The site was near a camp where immigrant canal workers lived. So, it might be assumed one of their own died and they buried him or others near where they fell, for lack of a better place. Again no further details on the disposition of the remains was provided.

Then in 1942, during excavation for a new driveway in Earl Township, work was abruptly halted when human skeletal remains were found. In this case an investigation turned up an old timer who remembered that the Weidner family had a burial ground in that area. A search of deeds recently revealed that the David Weidner family burial ground, which was deemed missing by being "plowed under" before 1909, was at that very location. The remains were taken to the local mortician's office for examination and that was the end of that story. We can only assume, he being an honorable man, dealt respectfully with the remains and saw that they were buried properly in a local cemetery.

These are just three examples, over the years, of accidental finds that were reported. It is unknown how many have gone unreported or how many are yet to be found. In all three cases, the proof was in the skeletal remains. Tombstones sometimes crop up at unusual places but there is no guarantee there was a burial ground there. Tombstones are sometimes replaced with newer ones and the old ones are discarded. They can be moved out of the way of the plow secreting forever the original burial place. For many decades now it has been illegal to desecrate a burial ground but there was a time in the past when farmers were free to clear their fields at will. We will probably never know just how many burial ground once existed in Berks County. The best advice is to research your deeds and dig carefully for any new construction.

We are still seeking information on who has been caretaking at the Jean Bertolet burial ground on Blacksmith road in Oley! Someone has been mowing and we don't know who! We would like to offer some assistance with the damaged cap, and thank them. If you are that person or know who that person is, please contact us!

Historic Burial Places Preservation Act (PDF) of April 29, 1994 (P.L. 141, No. 22)

This Act defines "Historic burial place" as "A tract of land that has been in existence as a burial ground for more than 100 years wherein there have been not burials for at least 50 years and wherein there will be no future burials or listed in or eligible for the National Register of Historic Places as determined by the Pennsylvania Historical and Museum Commission."

It further states that municipalities may not use eminent domain to take a historic burial ground for an alternate use. PHMC approval must be given before a burial ground is taken for "public use." If the burial ground is taken for public use, then the burial ground authority must preserve a record of what was removed. This record must be sent to the county and PHMC.

Furthermore, this Act also stipulates that the following actions are illegal: the removals of a fence, tomb, monument, gravestone, or fragment. These actions are legal only if the object(s) is being removed with consent of the owner or descendant **and** a court order for the purpose of "repair or replacement, reproduction or preservation and display in an accredited museum."



Our Mission

We strive to preserve and maintain the historic Berks County graveyards in Eastern Pennsylvania. The Commonwealth of Pennsylvania Historic Burial Places Preservation Act (1994) provides for the preservation of historic burial places, tombs, monuments and gravestones and imposes penalties for violations.

Research supports the existence of over 300 historic graveyards in Berks County of which approximately 120 remain with some sort of visible surface evidence. The BCAGP is working aggressively to preserve these historic grave sites for future generations.

JOIN OR DONATE TODAY!

If you're not a current member, please join us in preserving and maintaining our historic graveyards. If you do not wish to be a member at this time but you are interested in contributing support for a specific graveyard, please indicate that graveyard on the form below. We also appreciate contributions to the general fund.

MEMBERSHIP FORM - 2014

NAME: _____

ADDRESS: _____

EMAIL: _____ PHONE: _____

\$ _____ Annual Membership, Individual \$ 15; Family (residing in the same household) \$25

\$ _____ Annual business or municipality membership, \$35

\$ _____ Donation earmarked for the *Association General Fund*

\$ _____ Donation to be used for the _____ gravesite

\$ _____ Donation to be used in _____ municipality

Total Amount enclosed _____ Date _____

Mail Checks to: B.C.A.G.P., PO Box 3707, Reading, PA 19606

Membership runs a calendar year January to December. Membership dues paid after October will be applied to the next membership year. This form is also available on our website in the internet edition of the newsletters which can be printed.

The official registration and financial information of Berks County Association of Graveyard Preservation may be obtained from the Pennsylvania Department of State by calling toll free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.

Berks County Association for Graveyard Preservation is a registered 501 (c) (3). Please check with your tax advisor as to the deductibility of your contribution.

Please check our website www.bcagp.org

for meetings times