

May 29, 1989

Dr. Ethel Eaton
Maryland Historical Trust
John Shaw House
21 State Circle
Annapolis, MD 21401

Dear Dr. Eaton:

This past week, Bonnie Pleasants, 14 East Park Drive, Gaithersburg, Md. 20877 wrote me concerning a cemetery named Pleasant Hills located in Darnestown, Montgomery County at the intersection of routes 28 and 118. Ms Pleasants has great grandparents buried there and she is concerned about the future protection of the cemetery.

At the present, the land is owned by W.C. and A.N. Miller, developers. The land was previously owned by the Kelley family. From the information I have it appears the cemetery was used from around 1840 to 1940. Mr. Tom Kelley told me that at one time a church stood at the intersection and later the church was abandoned and the heirs of the interred neglected to maintain the cemetery.

Mr. Tom Kelley, 14820 Kelley Farm Rd, Germantown, Md. 20874, told me that about 40 years ago, his family became owners of the land. The cemetery was over grown and no one was interested in it so the family, complying with the Law that governed at that time, cleaned up the cemetery and buried all the stones on the site without disturbing the graves. At present there is no physical evidence of the cemetery on the surface.

I'm bringing this to your attention at this time because I've received numerous calls from all over the State since the story ran in the Washington Post. After reading the story in the paper they checked on cemeteries that they were concerned about only to find the stones had disappeared.

This brings me to my subject. Last winter you requested we include material in our proposal to the legislature to protect historical, unmarked burial grounds. At this point I would suggest we have two different items to be protected and we will have to treat them in a different manner.

The cemeteries I have referred to above could be protected in the Registry with the County Health Officer as was proposed in the past session. One additional requirement should be added; If the covenant or other identification to the fact a cemetery existed has been dropped from the land records they should be restored to the current Title.

CEMETERIES
PLEASANT HILLS

For the type of burial ground that can only be identified by professional archaeologists we should propose entirely different legislation. The identification and jurisdiction should be placed with the Maryland Historical Trust. If any disinterment of unidentifiable human remains takes place the States Attorneys office would naturally have to come into play. Once this type of burial ground is identified as historical and the State desires to preserve it, it could be placed under permanent control of the Trust. Although the two proposals would be different they could be placed in the same legislation for they are on the same subject.

The small private and family cemeteries found to be Historical, by the Trust, could be brought under their control by receiving the assignment of agent by any living heirs or by signing on as an interested party.

I feel the Pleasant Hills cemetery is safe for the present for someone has instructed the developer the cost of relocating that many graves. But Montgomery County could do the same thing that Baltimore County did with the Croxall Cemetery, give the developer an easement on the cemetery lot to make up enough square footage required for a building lot. Then some home owner would end up with a cemetery for a yard. The difference being, Croxall had a good covenant so the developer has to pay for the restoration of the cemetery. He should have gone to jail.

A few weeks ago when they were having the dispute in Virginia about relocating the cemetery for the highway one of the attorneys phoned me, their problem was, the State want to pay for the dozen grave sites with markers standing and the heirs had a record of more than one hundred burials in the cemetery. I have not read if the thing has been resolved.

Please write or phone if I can be of any help in developing legislation for the coming year.

cc: Bonnie Pleasants
Mr. Tom Kelley
Jo Ellen Domalski
Ms Roberta Hahn
Mr. Mead Karras
Mr. Charles Pettit

Sincerely Yours,

Charles W. Ahalt
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