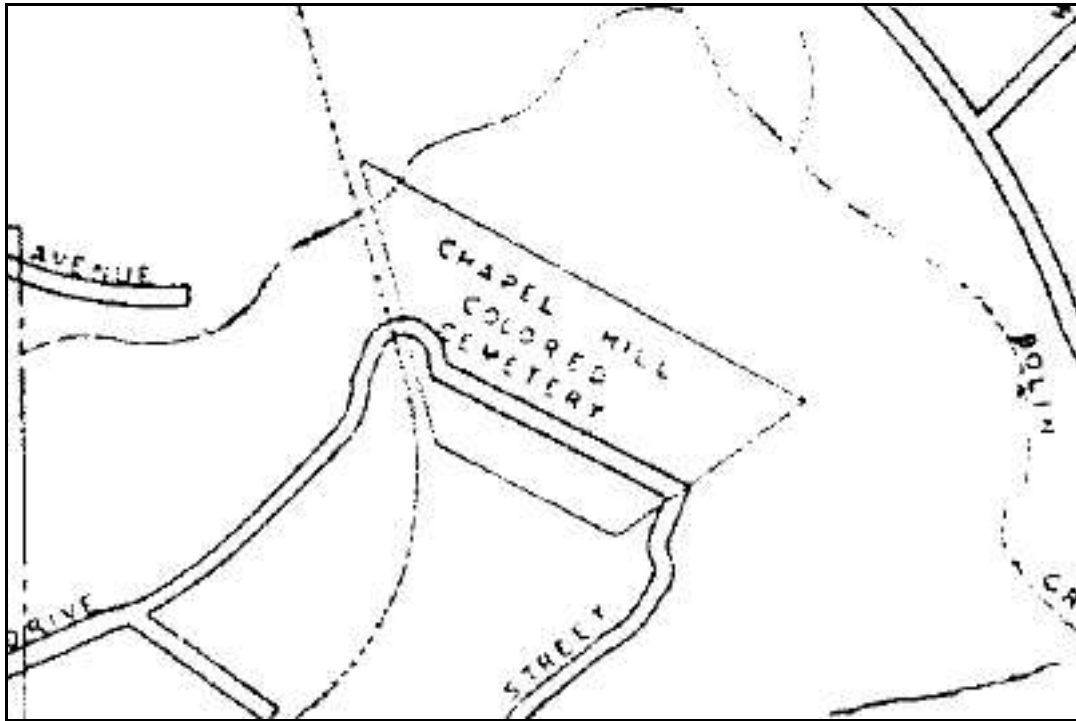


A Segregated Part of Heaven: The History of the West Chapel Hill Cemetery



**Prepared for:
The Preservation Society of Chapel Hill
Chapel Hill, North Carolina**

**By:
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Introduction

What is currently known as the *West Chapel Hill Cemetery* was established in 1949 as the public municipal cemetery predominantly for use by the African American residents of Chapel Hill, Carrboro, and the immediate surrounding area. The cemetery is located on Village Drive and is (and always has been) owned by the City of Chapel Hill.

Although the cemetery is relatively modern, it has been somewhat neglected over time. The first known survey of the cemetery was conducted in 1973; 44 marked graves, 6 unmarked graves, and one unassociated footstone were recorded. In 1975 the cemetery was resurveyed; 46 marked graves and 58 unmarked graves were recorded. There are currently 37 fully marked graves, and numerous noticeable unmarked graves, within the cemetery's limits.¹

The Preservation Society of Chapel Hill, North Carolina, funded this study so as to have information regarding the West Chapel Hill Cemetery made available for the residents of Chapel Hill, as many consider this to be "Chapel Hill's forgotten (and neglected) cemetery."

Recommendations as to the further study, documentation, stewardship, and protection of this cemetery are on page 22 of this report.

Appendix E, the *2009 North Carolina Cemetery Code*, is to be used for reference and guidance if needed.

¹ My survey of the cemetery was conducted February 23, 2011. To clarify, "survey" as defined in this case (and in the 1973 and 1975 surveys' cases) means merely a non-intrusive, pedestrian viewing of the cemetery for the purpose of taking notes and/or photographs; no archaeological/CRM surveying, testing, or excavating was conducted.

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General West Chapel Hill Cemetery timeline

1947:

- The State of North Carolina's legislature enacts "Use of cemeteries for burial of dead, according to race," which ensured cemeteries were segregated according to race

1949:

- Concerns regarding the condition, maintenance, and capacity of the Old Chapel Hill Cemetery prompts the Town of Chapel Hill to consider opening a new cemetery or cemeteries
- The Town of Chapel Hill purchases land northeast of town for their new cemetery for whites (now known as Chapel Hill Memorial Cemetery)
- The Town also purchases land northwest of town for their new cemetery for African Americans (now known as West Chapel Hill Cemetery)
- The first interment takes place in the West Chapel Hill Cemetery

1955:

- A segregated section is created in the Chapel Hill Memorial Cemetery; the first interment of an African American takes place in that cemetery
- The town limits the sale of plots within the West Chapel Hill Cemetery

1969:

- The town sells about 10 acres of the West Chapel Hill Cemetery property
- The last contemporary interment takes place within the West Chapel Hill Cemetery

1998:

- The last interment takes place within the West Chapel Hill Cemetery

General background and local African American burial and cemetery history

General and local African American burial history

By the late 1700s, African influences in burial practices are considered to have "faded out" or at least have been fading; since the nineteenth century, the majority of African American burials tended to be in line with European-American and Christian practice (and both were based on traditional European burial practices, such as head to the west, feet to the east²). African Americans most often had little control over their own burials during slavery times, and in Chapel Hill burials were likely to have been "controlled" in one way or another by the University and/or Chapel Hill VIP's or society, especially when buried in one of the local public cemeteries such as what is now known as the Old Chapel Hill Cemetery.

Certain African American burial practices (with regards to material culture) used in other Southern cemeteries, both urban and rural, do not seem to have been utilized in Chapel Hill or Carrboro, or at least weren't allowed by the municipal authorities to remain and were removed. At best they were extremely limited, as no instances besides "homemade" headstones have been documented in, for instance, the Old Chapel Hill Cemetery. Instances have been documented, however, in rural Orange County cemeteries utilized by people of color, particularly African Americans.³

General and local cemetery history

In the South, until the Civil Rights Act of 1964 took effect, African Americans (and other people of color) were typically buried in segregated cemeteries or in separate cemeteries than whites were.⁴

Prior to emancipation (i.e. pre-1865), enslaved blacks were typically buried in private cemeteries on the property of the slave owner (but separate from the property owner's family cemetery).⁵ Free blacks tended to be buried on their own property or in a community or church cemetery in a rural setting; in an urban setting, burial usually took place in a separate cemetery reserved for African Americans and/or people of color, which was oftentimes located outside of a town or city limits. Whether due to racism or

² This comes from the Christian Bible, Matthew 24:27: "For as the lightning cometh out of the east, and shineth even unto the west; so shall also the coming of the Son of man be." This refers to the Christian belief in the return of Jesus to the world.

³ For an excellent reference on Southern African American cemetery material culture practices, see Michael Vlach's 1978 article *The Afro-American Tradition in Decorative Arts*.

⁴ A "segregated cemetery" generally means that the cemetery was delineated by a wall or a road or some other separating feature, segregating black and white burials. In this report, the term "segregated cemetery" refers to that type of cemetery.

⁵ For more detailed background information on enslaved African American burial practices in the South, see, for instance, Ross Jamieson's 1995 article *Material Culture and Social Death: African-American Burial Practices*.

tradition (or a combination of both), these practices continued through Reconstruction (circa 1865-1877), post-Reconstruction (circa 1877-1890s), and Jim Crow (circa 1890-1965). In some communities across the United States, this tradition may have been unofficial policy even into the 1970s or later, as desegregation didn't instantaneously take place in every location across the nation once the Civil Rights Act was federally mandated.

Mainly owing to sanitation concerns, municipally-operated cemeteries generally replaced church-operated cemeteries by the 1850s in many urban areas across the United States. However, there were never any church cemeteries, private or public, located in the town or city limits of Chapel Hill or Carrboro prior to the late 1900s.⁶

The first "official" burial ground for the town of Chapel Hill is what is now known as the Old Chapel Hill Cemetery. The cemetery was established on part of the land grant given by the State of North Carolina to the trustees of the University of North Carolina (UNC) in the mid-1790s. The earliest known burial in the cemetery is from 1798, of UNC student George Clarke, and the placement of the cemetery may have been chosen with his burial in mind. Originally, the cemetery was to be used specifically for the interment of UNC faculty, alumni, and students who wished to be buried there. After awhile, "important" Chapel Hill residents were also allowed to be buried there; by the mid-1800s, the cemetery was officially known as the "College Graveyard," but was apparently called the "Village Cemetery" by the residents of Chapel Hill (CHPS/TCHBC 1993; Town of Chapel Hill 2005).⁷ Local church records list the cemetery as "the public cemetery" or "the public cemetery at Chapel Hill" by the late 1870s (Chapel of the Cross n.d.).

Sections A and B are the African-American sections of the Old Chapel Hill Cemetery. Prior to emancipation, slaves (mainly of the University or of its professors, but also some slaves of town residents), former slaves, and free blacks were buried in Section B of the cemetery; post-emancipation, local black residents (many who were former slaves) continued to be buried in this section. Section A was first used circa 1880 (Baden and Little 1994), and includes the graves of many prominent African-American residents of Chapel Hill. Some of the oldest graves that are still marked are marked by "field stones," but many later ones are marked by marble, granite, or concrete markers. There are also several unmarked graves; these graves were likely marked at one time, but the grave markers were made of wood or some other non-durable material or the marker was moved or removed. The oldest known African American grave in the cemetery is of Ellington Burnett, who died in 1853 (Baden and Little 1994; Cemetery Census n.d.).⁸

⁶ That this occurred at all in the late 1900s was due to the Town of Chapel Hill incorporating areas that contained churches and their cemeteries that were once outside the city limits.

⁷ Even by the mid-1800s, the conflict between the Town and the University over ownership of the cemetery seems apparent.

⁸ Burnett's family is listed as free "mulattos" residing in the First District of Orange County in the 1850 U.S. Federal Census, and as living in Chapel Hill in the 1860 U.S. Federal Census; however, the family moved to Oberlin, Ohio, in 1865. Ellington's father, Cornelius, was a barber, and would have been considered "middle class" or even "upper middle class" according to the time period.

The primary cemetery that Carrboro's black residents were buried in was the segregated "Old Carrboro Cemetery," established circa 1860 (Cemetery Census n.d.).⁹ The "new" Carrboro cemetery (known as "Westwood"), was established circa 1933 and may have been a whites-only or segregated cemetery, at least until desegregation occurred in the 1960s.

Of course, there were other local, private cemeteries that black residents of Chapel Hill and Carrboro were interred in that were once outside the town/city limits but now are not; what is now known as the "Barbee-Hargraves Cemetery" is an example of this.¹⁰

General Background of Segregation, Public Accommodation Law, and the North Carolina General Assembly's 1947 Session

In the 1880s, the United States Supreme Court ruled that the 14th Amendment to the Constitution¹¹ applied only to governmental actions, not to private individuals' actions. However, many states – especially Southern states – enacted various laws in order to undermine the equal treatment of their African American citizens. And, the federal government adopted the unofficial policy of leaving segregation policy up to the individual states. There were earlier and later laws and acts¹² (federal, state, and local) that addressed segregation, and research into the history of how, why, and where segregation took effect would give much insight into the legal and social aspects of the segregation of cemeteries.

In his book *The Strange Career of Jim Crow*, C. Vann Woodward stated that:

The public symbols and constant reminders of his inferior position were the segregation statutes, or "Jim Crow" laws. ...the segregation codes were comparable with the black codes of the old regime, though the laxity that mitigated the harshness of the black codes was replaced by a rigidity that was more typical of the segregation code. That code lent the sanction of law to a racial ostracism that extended to churches and schools, to housing and jobs, to eating and drinking, Whether by law or by custom, that ostracism eventually extended to virtually all forms

⁹ Until 1913, Carrboro was named Venable; until 1911, it was simply called West End (as in the west end of Chapel Hill). It was "officially" settled circa 1882, when the railroad stop was established. Although a person may have lived in West End/Venable/Carrboro, they very likely could have been buried in Chapel Hill.

¹⁰ What is now known as the Barbee-Hargraves Cemetery was in use from circa 1790 until at least the 1920s. The cemetery is located on Greenwood Road near U.S. Highway 15-501 in Chapel Hill, and is owned and maintained by the Town of Chapel Hill.

¹¹ The 14th Amendment was ratified in 1868, and basically states that anyone born in the U.S. is a citizen of the U.S. and the state within they reside, and that "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens..."

¹² For instance, the Civil Rights Act of 1875 dealt with not only public accommodations law, but also would have prohibited race-based discrimination in a wide variety of civic institutions. However, the act was deemed unconstitutional (Sandoval-Strausz 2005).

of public transportation, to sports and recreations, to hospitals, orphanages, prisons, and asylums, and ultimately to funeral homes, morgues, and cemeteries.¹³

In 1947, the State of North Carolina bolstered its public accommodation laws with the enactment of “Use of cemeteries for burial of dead, according to race,” which is Section 2 of *An Act Authorizing Municipal Corporations to Acquire, Manage, and Control Certain Lands for Cemetery Purposes, and Authorizing Appropriations for Such Purposes* by the North Carolina General Assembly during its regular biennial session (see Appendix D of this report for the entire act). The act stated that:

In the event said property has been heretofore used exclusively for the burial of members of the negro race, then said cemetery or burial ground so established shall remain and be established as a burial ground for the negro race. In the event said property has been heretofore used exclusively for the burial of members of the white race, then said cemetery or burial ground so established shall remain and be established as a burial ground for the white race (State of North Carolina, 1947).

It is of note that the act referred to cemeteries only within (or perhaps loosely interpreted as within the jurisdiction of) a town or municipality. Although while it appears to have been worded to apply to cemeteries already in use, it was also applied to newly-created cemeteries, and Chapel Hill (and perhaps most if not all North Carolina municipalities) likely interpreted it as meaning that blacks and whites could no longer be buried within the same cemetery, as had been, for instance, taking place within the Old Chapel Hill Cemetery.¹⁴

Chapel Hill needed a new cemetery, as the old cemetery was reaching capacity and was unable to expand at the time. Also, in 1949, UNC attorney J. A. Williams voiced his concern about the condition and maintenance of the cemetery (he was apparently “especially concerned” about the condition of sections A and B) to the Chapel Hill aldermen and reminded them “of their commitment to maintain the cemetery.”¹⁵ Even though since at least the 1920s, there had been serious official debate about who owned and was responsible for the maintenance of the cemetery (i.e. the University or the Town

¹³ Additionally, and not surprisingly, opinions about what occurred concerning any potential racial segregation in the afterlife could vary according to race. African Americans living in the Jim Crow-era apparently oftentimes believed that there was no segregation in Heaven, and that those that had oppressed them might even go to Hell. Segregationist whites often believed that blacks would be servants for whites in Heaven (Litwack 1998).

¹⁴ It is rather ironic that public accommodation laws such as this were enacted to reinforce segregation in 1947, as what many would consider major civil rights breakthroughs – such as the United States armed forces and major league baseball being desegregated – took effect at the same time. Many historians attribute such state legislative endeavors as this to post-World War Two insecurities and reactions to newly-granted federal “rights” given (or in most instances, reinstated) to African American citizens of the United States, particularly in the South.

¹⁵ A letter to the editor in the April 30, 1925 edition of the *Chapel Hill Weekly* also lamented the condition of the black section of the cemetery.

of Chapel Hill), it seems as if the Town was being held responsible for the cemetery at this point in time (Town of Chapel Hill 2005).

Those reasons, plus the 1947 act prompted the creation of two new cemeteries that the town could call its own: one for whites located on U.S. Highway 15-501 (also known as the Road to Durham or the Durham Road) northeast of town, and one for blacks located just northwest of town near Bolin Creek and the railroad tracks. Both were located outside of the town limits at the time.

Land Use History

In the northwest corner within the city limit of Chapel Hill (and overlapping Carrboro), was an area of town known partially as "Potters Field" (a.k.a. "New Town") and partially as "Sunset" (formerly known as the "Craig Development"), and now generally known as Northside (Freeman 1944). Particularly since the early twentieth century, this area of town has historically been an African American neighborhood.

In 1944, part of the area just to the north of Potters Field-Sunset was to be used as a public park, particularly for the use of local African Americans (Freeman 1944). This park in its original configuration never came into being, but seems to have on a more limited scale in the late 1940s or early 1950s (although the land wasn't officially purchased by the Town of Chapel Hill until 1969) and is now known as Umstead Park (CH-CMA 1954; OCRDO 1969a).

In February 1949, the Town of Chapel Hill purchased a 10.6 acre piece of property (Figure 1) from John W. Umstead, Jr., and Sallie R. Umstead¹⁶ for use as the cemetery by the non-white residents of Chapel Hill (OCRDO 1949, 1952).¹⁷ A brief mention in the March 11, 1949 edition of the *Chapel Hill Weekly* about the town purchasing the property noted it had previously been the "Roberson property" and was described as "on the outskirts of Carrboro and near Chapel Hill, just beyond the railroad from here."

¹⁶ The Umsteads were a Caucasian family who lived on East Franklin Street in Chapel Hill. John died in 1968, and Sallie died in 1970. Both are buried in the Old Chapel Hill Cemetery.

¹⁷ This cemetery was designated for use as the public cemetery for (mainly) local non-white residents at the same time that the 21.3-acre "New Chapel Hill Cemetery" (now known as Chapel Hill Memorial Cemetery), located on U.S. Highway 15-501, was opened in 1949 for use by local white residents. There is a very slight possibility that pre-1949 graves exist in the West Chapel Hill Cemetery, as Mary Engstrom thought the cemetery may have dated from the 1920s when she surveyed the cemetery in the 1970s. However, her reason for that opinion might be attributed to the cemetery apparently already being in a neglected state by the 1970s. Although the reason the cemetery was placed here in 1949 may have been due to its use already as a black cemetery, there is absolutely no mention in any known document that indicates an earlier cemetery at this location.

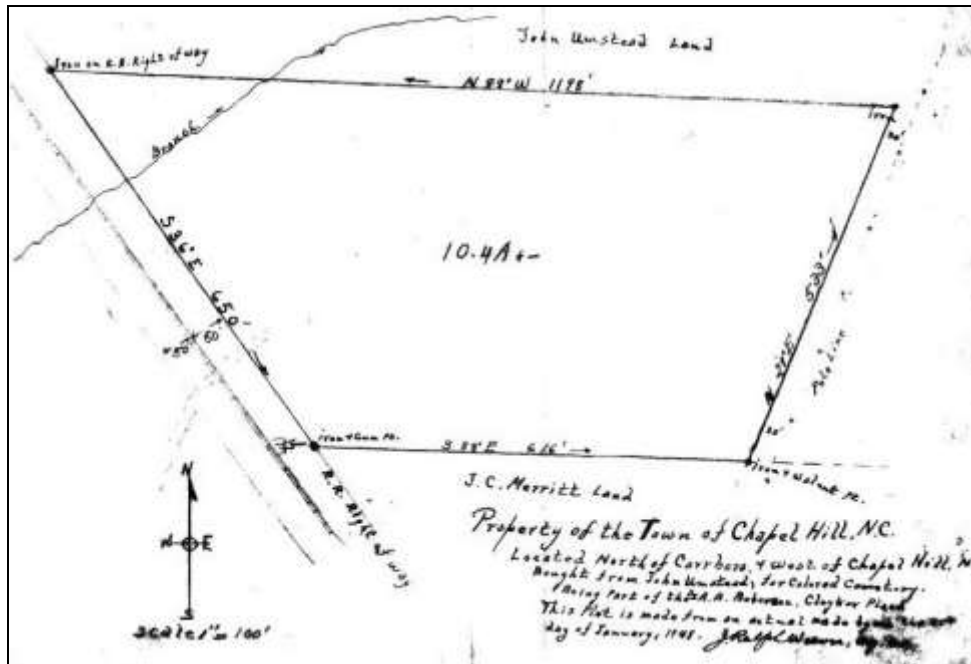


Figure 1. Property of the Town of Chapel Hill, N.C. ... for Colored Cemetery

The cemetery property was part of the property earlier known as “The Old Claytor Place,” until the property was purchased by A. B. Roberson; the Umsteads purchased the property from Roberson’s heirs in 1947, and it became known as Elkin Hill (OCRDO 1947, 1949b). Although the cemetery property was purchased (for \$10.00 “and other good and valuable considerations”) from the Umsteads, it seems to actually have been “traded” with the town of Chapel Hill by the Umsteads as an enticement or part of a deal so to be able to develop the surrounding property into the subdivision named Elkin Hill (later known as Colonial Heights) (OCRD 1949, 1952).

The 1949 plan for the cemetery (redrawn in 1960¹⁸) shows roads, open areas, and a branch of Bolin Creek. It also shows 173 numbered plots (69 in Section A and 104 in Section B) and 423 unnumbered plots within the cemetery (Figure 2). Most plots measure 12 by 20 feet, with some measuring 16 by 20 feet or slightly larger, and each plot was divided into six sub-plots (Town of Chapel Hill 1960). The eastern section of the cemetery was possibly a “potter’s field,” as described by the engineer for the Town of Chapel Hill in the 1970s, Mr. Rose.¹⁹

¹⁸ This map was traced from an earlier map of the cemetery by Francis J. LeClair, drawn June 20, 1949. This map unfortunately cannot be located.

¹⁹ “Potter’s field” is a term for a place of burial for unknown or indigent people. The modern use of the term comes from the Christian Bible, Matthew 27:3-8. Mr. Rose was interviewed by Mary Claire Engstrom circa 1975.

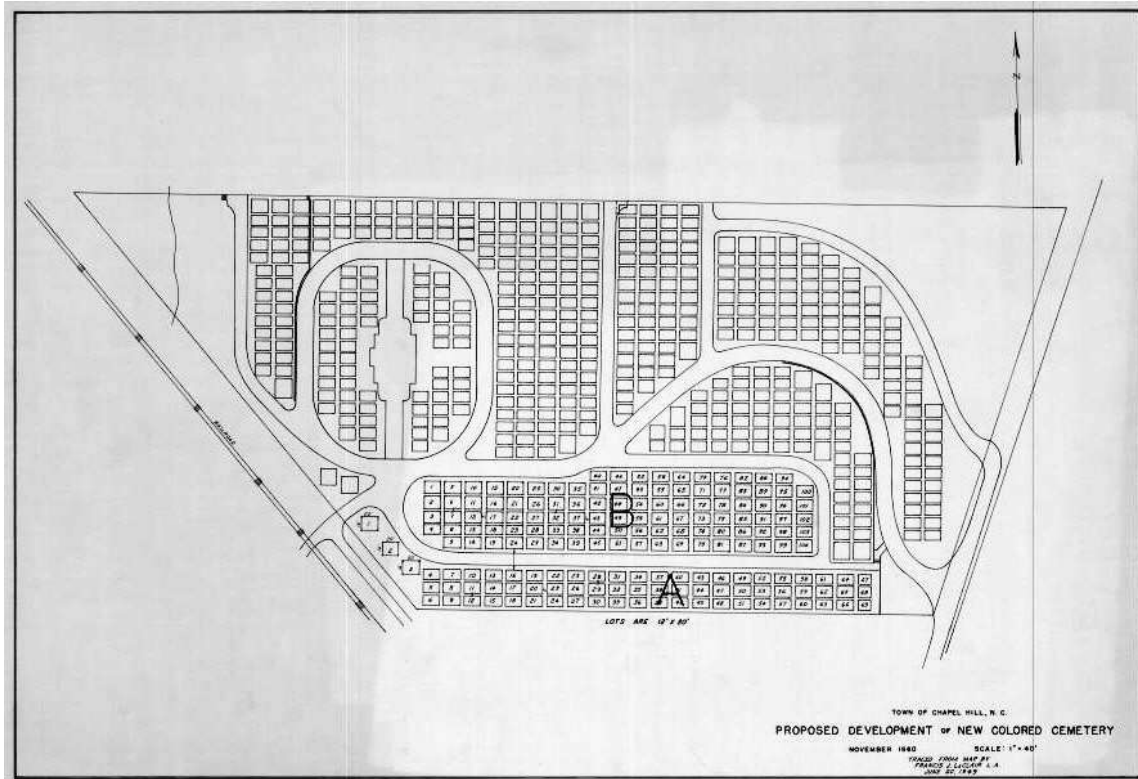


Figure 2. Proposed Development of New Colored Cemetery

The Town of Chapel Hill’s records for the West Chapel Hill Cemetery indicate that the earliest lots were purchased in November 1949 (Town of Chapel Hill n.d.). The first known interment in the West Chapel Hill Cemetery is James Cobb, who died in rural Orange County October 29, 1949. Cobb was a World War One veteran, and worked as a cook and janitor at UNC. He died from a cerebral hemorrhage, and was buried in the cemetery November 1, 1949.²⁰

Once integration took effect locally, the former exclusively white New Chapel Hill Cemetery (now known as Chapel Hill Memorial) was utilized for the interment of the deceased of all races, and the use of the West Chapel Hill Cemetery tapered off. The earliest African American burial in the Chapel Hill Memorial Cemetery I was able to ascertain through municipal cemetery records and death certificate research was Hubert Atwater, Sr., who died March 31, 1955 (Town of Chapel Hill n.d.).²¹ Post-1955, the West Chapel Hill Cemetery seems to have been used exclusively by those families that already had purchased plots²² and for burials of indigent African Americans (again, similar to a potter’s field).

²⁰ His plot was apparently not paid for until February 1950, however.

²¹ At this time, Chapel Hill allowed African Americans to be buried in its main municipal cemetery, but in a segregated section. It may have been in anticipation of closing the West Chapel Hill Cemetery to new interments.

²² According to Town records, there was only two plots purchased post-1955: one by Louise Jenkins in 1962, and one by the Chapel Hill Funeral Home (for the “Baldwin children”) in 1964.

Within 15 years of Chapel Hill Memorial Cemetery being opened to the interment of African Americans, the West Chapel Hill Cemetery was no longer used for burials and most of the property (about 10 acres of it) was resold (again, for \$10.00) to Rock Springs Farm (which was owned and operated by the Umstead family); however, this was again essentially in exchange for another property. The property Chapel Hill received later became Umstead Park (OCRDO 1969a, 1969b). According to deed records, this area appears to have been incorporated into the city limits in 1960 (ORCDO 1960a-c).

Post-1969, the West Chapel Hill Cemetery was limited to 63 of its original plots (plots 4 through 27 of Section A, and plots 1 through 39 of Section B). Several plots in the northeast section, however, have been planted in trees and are currently unusable for burials.

In the 1970s, the Chapel Hill Cemetery Committee, chaired by Chapel Hill Alderman Shirley Marshall, worked with Reverend J. R. Manly and a group of local citizens and created a list of recommendations as to potential and desired improvements and upkeep of the cemetery (Scarritt 1979). It seems as if some of their recommendations were carried out, but the renaming of the cemetery as the “Lewis Hackney Memorial Cemetery” never occurred.

The last known contemporary burial in this cemetery was Gladys Barbee, who died June 23, 1969. The last known burial in this cemetery was Willis Barbee, Sr., who died March 4, 1998. He was buried next to his wife and son.

Plots in the West Chapel Hill Cemetery are no longer available for sale through the Town, but can be purchased from private owners (i.e. those who already own plots or subplots) when available. Since 2008, only one inquiry as to a potential new burial (of cremated remains) has been asked about from the cemetery coordinator for Chapel Hill (Debra Lane, personal communication).

With regards to the segregation of North Carolina cemeteries, Article 9 of the North Carolina Cemetery Act, *Burial without regard to race or color* (§ 65-72), was enacted in 1975 (and is still on the books and regularly renewed); it essentially prohibited public or private cemeteries within North Carolina from being able to discriminate with regard to the burial of a person based on the race or skin color of that person.

Evaluating the death certificates

The State of North Carolina required counties (via coroners, doctors, funeral homes, et al.) to record death certificates after 1913, but some counties recorded them earlier; the earliest death certificates recorded in Orange County are from late 1909. Although it was (and is) required that death certificates be recorded, death certificates were sometimes not recorded with the county (and/or state) or were lost (copies of each certificate of death were required to be registered with both the county and state). Versions of “Form 8” and/or “Form 11” (i.e. the standard North Carolina State Board of Health’s certificate of

death form; it seems as if the State utilized Form 8, and the County utilized Form 11) changed over time, eliminating or adding categories that documented various information regarding the deceased, the events surrounding his or her death, where the deceased was buried, etc. For the general duration of this cemetery, the form used was the 1948, 1956, 1962, and 1968 revisions. Stillbirths were recorded with “B.V.S. form 11” a.k.a. “Certificate of Stillbirth” Form No. 14 or 14B.

The death certificates of this cemetery’s internees seem to indicate a lack of a commonly-used name for the cemetery (or unfamiliarity of its exact location). That area of Chapel Hill was somewhat of a “no-man’s land” during the early and mid 1900s, and perhaps the exact boundary of each town (Chapel Hill or Carrboro) wasn’t exactly known to many local individuals, especially to those who didn’t live near the boundary or lived in another town, city, or county. This cemetery was outside of the Chapel Hill town/city limits until 1960 (ORCDO 1960a-c).

Several cemetery names and/or locations were listed on the death certificates. The names for the cemetery used²³ were: Carrboro (n=1), Carrboro Cemetery/Cem. (n=2), Chapel Hill (n=4), Chapel Hill Cemetery/Cem. (n=12), Chapel Hill Cemetery 2 (n=1), Chapel Hill #2 (n=7), Chapel Hill Cemetery/Cem. No. 2 (n=5), Chapel Hill (New) (n=1), Chapel Hill Colored Cemetery/Cem. (n=1), City (n=1), City #2 (n=1), Unknown (n=1), and space left blank (n=2).²⁴

With its location listed as either Chapel Hill or Carrboro, and even with one case of “Chapel Hill” crossed out and replaced with “Carrboro” (some even would list the cemetery as being the Chapel Hill Cemetery, but located in Carrboro), it appears that even local funeral homes and coroners didn’t know its official name at the time. Its official name, according to the Town of Chapel Hill, seems to have been the “Chapel Hill Colored Cemetery,” “New Colored Cemetery,” or merely, the “New Cemetery” or “Colored Cemetery.” It has also been referred to as the “Carrboro Negro Cemetery,” and may have at one time been considered (or assumed) to be in Carrboro’s jurisdiction. Since sometime post-1970s it has been officially called the West Chapel Hill Cemetery, and is currently sometimes referred to as the “Jay Street Cemetery,” after the adjacent public street on its eastern boundary.²⁵ In the late 1970s, it was intended to be renamed the Lewis Hackney²⁶ Memorial Cemetery by a group of Chapel Hill citizens, but this never transpired (Scarritt 1979).

²³ Amongst 39 (positively matched) death certificates viewed.

²⁴ It seems as if the reason was left blank was that the deceased died another city, county, or state, and the funeral home or person filling out the form was also located in another city, county, or state and may not have known at the time where the deceased was to be buried.

²⁵ The name “Jay Street Cemetery” is a very recent term for the cemetery, perhaps coined by the Chapel Hill Cemetery Committee. I cannot find anything in any records other than the committee’s that calls it that.

²⁶ Lewis H. Hackney (1854-1937) was the pastor of Chapel Hill’s Rock Hill Baptist Church from 1877 to 1936, the principal of the black public graded school (serving Chapel Hill and Carrboro) from 1898 to 1912, and the principal of the original Orange County Training School from 1913 to 1917. He is buried in the Old Chapel Hill Cemetery.

The majority of the North Carolina death certificates have the Chapel Hill Funeral Home (previously known as Chapel Hill Funeral Directors), of Chapel Hill,²⁷ listed as the local funeral home that prepared the deceased's body for burial. A few death certificates are from other North Carolina counties, and a few are from other states.

Many of the internees who died in Orange County died at North Carolina Memorial Hospital (Figure 3), now known as UNC Hospitals. Apparently, North Carolina Memorial Hospital did provide health care to African Americans since its opening in 1952, but was segregated.



Figure 3. North Carolina Memorial Hospital, circa 1957

Methodology

In attempting to determine who was interred in the cemetery, I began with the interment list from the *North Carolina Cemetery Census* website²⁸, confirmed (or attempted to confirm) the names from that list to the names on the grave markers (via a site visit), then double-checked the names with original, paper death certificates filed at the Orange County Register of Deeds Office in Hillsborough (where I also attempted to look-up the

²⁷ Chapel Hill Funeral Home/Chapel Hill Funeral Directors was located on West Franklin Street but later moved to North Graham Street. It was the main funeral home that served the black community of Chapel Hill and Carrboro at the time. It was also the sponsor of the Chapel Hill Mutual Burial Association (see Appendix F).

²⁸ The list transcribed on the *North Carolina Cemetery Census* website was compiled by Mrs. B. B. Doak and Mary C. Engstrom; they conducted the cemetery survey February 7, 1973 and revisited the cemetery March 7, 1975. The Orange County section of the cemetery website is researched and updated by Milton Forsyth, and maintained by Allen Dew.

death certificates for any unknown and/or unmarked graves). In all, I was able to positively identify only 52 burials in the cemetery, 39 of them utilizing death certificates (see Figures 4 and 5, below, for a breakdown of known internments by year from 1949 to 1969, based on death certificate information).

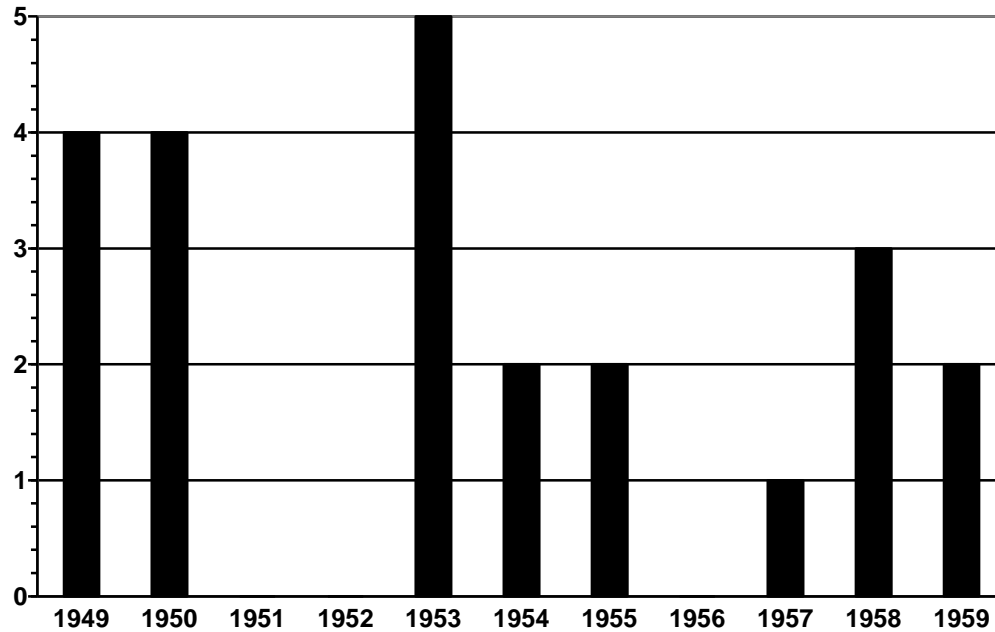


Figure 4. Known internments according to year, 1949-1959

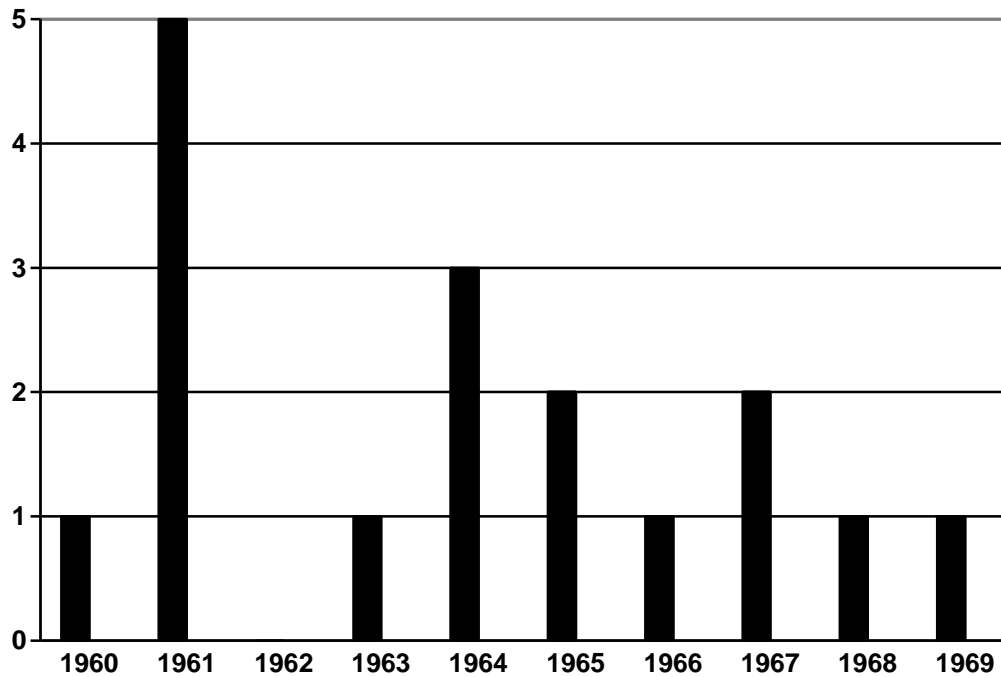


Figure 5. Known internments according to year, 1960-1969

Several of the death certificates have different names listed than are marked on the tombstones; birth and/or death dates also often differ. This can be attributed to the person filling out the death certificate making a guess as to the information, their informant not being well-informed, a family member either not knowing or forgetting details such as a birth date, someone misspelling the deceased's name, or by the use of a nickname for the internee. An incorrect tombstone name or date can be attributed to the coroner making a mistake, the funeral home making a mistake, or a family member not correctly knowing the information or using a nickname instead of an internee's birth name on either the death certificate and/or the tombstone. One would have to make an educated guess as to whether the tombstone or the death certificate is correct, based on who provided the information for one or both. One could perhaps safely say that the *death* date listed on a death certificate is more correct, but that the *birth* date on a tombstone is more correct.

I attempted to research names utilizing the *Chapel Hill Weekly* and the *News of Orange* obituaries sections, but not many death notices were printed in the paper for the 1949-1969 time period, particularly for African Americans (unless the person was murdered, then it was usually front page news).

Infants and stillbirth death certificates

Perusing death certificates registered with the State and with Orange County for individuals likely interred in the cemetery, I came across certificates of death or certificates of stillbirth for several infants, stillborns/stillbirths, and premature births (where the child died at birth).

Prior to the late 1940s, when a still birth occurred, the fetus seems to usually have been listed as being buried in a cemetery; by the late 1940s, however, when a stillbirth occurred at the North Carolina Memorial Hospital, the fetus was oftentimes "destroyed" (likely incinerated) at the hospital. Others, however, do list a cemetery as the place of burial.

It is unclear exactly how and where infants and stillbirths would be interred; however, they were likely interred in a family's plot within the cemetery (although there also may have been a special section for infants).

Researching the death certificates further

Since the name of the cemetery was oftentimes misidentified or mis-listed on the death certificates, figuring out the "unknowns" who are interred in the cemetery using only death certificates is problematic. And, just because a death certificate states that someone was to be interred in a specific cemetery, doesn't mean that person actually was interred in that cemetery.

Perhaps a good research strategy would be to take the Orange County, North Carolina death certificates of all African Americans from at least the period 1949-1969 that list Chapel Hill, Carrboro, or any combination of names (see page 13 of this report for the commonly-used cemetery names) as the cemetery of burial, and double-check the names with the list of plots within the cemetery (maintained by the Town of Chapel Hill), and then double-check that list via family members of the deceased; those strategies would likely figure out many if not most (but likely not all) of the unmarked burials.

Other strategies would perhaps be to look up known internees' direct relatives who died post-1949 and see where their death certificates state they were buried, as family members tend to be buried together if and when possible; another might be to contact the various funeral homes in the area to see if they have any records or might know who was definitely buried in the cemetery. Also, fraternal lodges or funeral homes would oftentimes help pay for burial services if the deceased was a member; contacting local lodges or funeral homes (or perusing former lodges' records) might be useful.

At any rate, most African Americans that have "Chapel Hill" listed as the cemetery on a death certificate from 1949 until at least 1955 would likely be buried in this cemetery, particularly if listed as being interred in "Chapel Hill #2," "Chapel Hill Cem. No. 2," "Chapel Hill Colored Cemetery," "New Cemetery," or "City #2."

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Deed Book/Page:

131/326 (1949a)

221/791 (1969a)

221/793 (1969b)

Plat Book/Page:

4/213 (1953)

6/58 (1952)

7/39 (1954)

64/219 (1947)

65/120 (1949b)

Ordinance:

178/59 (1960a)

178/61 (1960b)

178/63 (1960c)

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Acknowledgements

Thanks to:

Ernie Dollar for making this report happen, and for allowing me the opportunity to research this topic and write this report. And, of course, for his continued dedication to Chapel Hill's and North Carolina's history.

Milton Forsyth for his supplying me with the 1970s cemetery survey notes, and for his dedication to documenting the area's cemeteries (and making the information available for others to use). I couldn't do much of the research I do without his help.

The University of North Carolina's libraries (particularly the Davis Library and the North Carolina Collection in the Wilson Library) and the assistance of its staff.

Debra Lane, administrative technician (and cemetery coordinator) for the Parks and Recreation Department of the Town of Chapel Hill, for providing me with numerous cemetery documents and for her insight into the cemetery. She has been instrumental in making sure the West Chapel Hill Cemetery is neither forgotten nor neglected.

The relatively unknown residents of Chapel Hill and Orange County of long ago for their contributions to the history and success our community.

Recommendations

1. A cultural resource management (CRM) survey of the cemetery should be conducted by a qualified entity* utilizing non-intrusive (i.e. ground penetrating radar, electrical resistivity, soil density testing/probing, etc.) methods. **
2. An accurate interment map should be created, showing the cemetery's boundaries and graves, based on the CRM survey's findings.
3. Protection of the cemetery from intentional and/or unintentional public misuse or vandalism. **
4. Protection of the cemetery from any private or governmental organization (i.e. group, association, committee, city, county, state, etc.) damage or unnecessary and/or destructive modifications or intrusions. **
5. Collect information (verbal, printed, etc.) from the area's residents who remember the cemetery's background and history and/or have family members interred within.
6. A more thorough search of death records to determine possible occupants of the unmarked graves within the cemetery. This should be correlated with the cemetery plot records held by the Town of Chapel Hill.
7. Durable markers could or should be placed at each unmarked grave by a qualified entity. Initially the markers could be systematically lettered and/or numbered; in the future, family members of the deceased could install markers, or have the federal government install markers on any veterans' graves. Perhaps a fund could be set up or a grant be obtained for such a purpose. **
8. Interpretive signage at entrance. (Note: Any modifications to the entrance should be extremely cautious of disturbing any potential unknown or unmarked graves.)
9. Inform Veteran of Foreign Wars, Cub Scouts, or similar military/patriotic organization of the cemetery's history and location so as to place American flags on veterans' gravestones during national holidays.
10. A public rededication ceremony, to attract positive attention to the cemetery.
11. Copies of this report and CRM survey or surveys of this cemetery be distributed to the Town of Chapel Hill (Department of Parks and Recreation) UNC's Research Laboratories of Archaeology, and the Office of State Archaeology.

* A qualified CRM individual or company can only be determined and/or recommended by the Office of State Archaeology in Raleigh.

** North Carolina Cemetery Law is applicable. (See Appendix E of this report.)

APPENDIX A

List of Known Internees

1. Alston, Gus
2. Alston, James T.
3. Atwater, Carrie Bell
4. Atwater, Charlie
5. Atwater, Nello Sidney, Jr.
6. Atwater, Roy
7. Baldwin, Lillian Joyce
8. Baldwin, Terry Sue
9. Barbee, Gladys Augusta
10. Barbee, Willis Edward, Sr.
11. Barbee, Willis Edward, Jr.
12. Brewer, Luther W.
13. Brown, J. C.
14. Campbell, Lillie Rosebud
15. Clark, Etta Stroud
16. Cobb, James
17. Cox, Roberta Byrd
18. Craig, Denna Cotton
19. Edwards, Walter C.
20. Fearington, Fannie

21. Hargraves, Darnell
22. Hargraves, Dorsey
23. Mayes, Annie C.
24. McArthur, John
25. McClelland, Stephen Gordon
26. McCullough, Mary
27. Merritt, Etta Stroud
28. Miller, Carrie S.
29. Milligan, Patricia Ann
30. Neville, John James
31. Neville, Nellie
32. Peace, Bessie Thompson
33. Peace, Ernest Leander
34. Peace, John Benton
35. Perry, Fannie Rogers
36. Perry, Raymond Alphonza
37. Roberson, Jacqueline Carol
38. Smith, Brantley Henry
39. Snipes, Robert Lee
40. Thompson, Willie
41. Trice, Lillie Jones (Jones, Lillie Mary?)
42. Webster, Lillian H.
43. Webster, Willie W.

44. Williams, Lucille
45. William(s), Mae F.
46. Williams, Rosevelt (Roosevelt)
47. Winston, Ernest
48. Young, Gladys

NOTE: The above list is based on the 1973 and 1975 cemetery surveys, corrected with death certificate information and a 2011 site visit to the cemetery.

List of Likely Internees

1. Colson, Annie Mae
2. Hargraves, Henry
3. Jones, Gustard Leo
4. Williams, Christine Foushee

NOTE: The above list is based on located death certificates that list the cemetery of interment as "Chapel Hill #2" or "City #2."

List of Possible Internees

1. Milligan, Paul
2. Milligan, Radford Howard
3. Riggsbee, Easter (Esther)

NOTE: The above list is based on the *Find A Grave* website (<http://www.findagrave.com/cgi-bin/fg.cgi?page=gsr&GScid=2342137>); the death certificates of these individuals do not corroborate their place of burial as the West Chapel Hill Cemetery, however.

APPENDIX B

Property plats and deed records

Item 1:

Plat 64/219
“The Old Claytor Place”
Surveyed by J. Ralph Weaver, December 15, 1947

Item 2:

Plat 65/120
“Property of the Town of Chapel Hill, N.C.”
Surveyed by J. Ralph Weaver, January 25, 1949

Item 3:

“Proposed Development of New Colored Cemetery”
November 1960 (traced from map by Francis J. LeClair, June 20, 1949)

Item 4:

Plat 6/58
“Elkin Hill, property of John W. Umstead and wife”
Surveyed and plotted by F.M. Carlisle and F.G. Umstead, January 1952

Item 5:

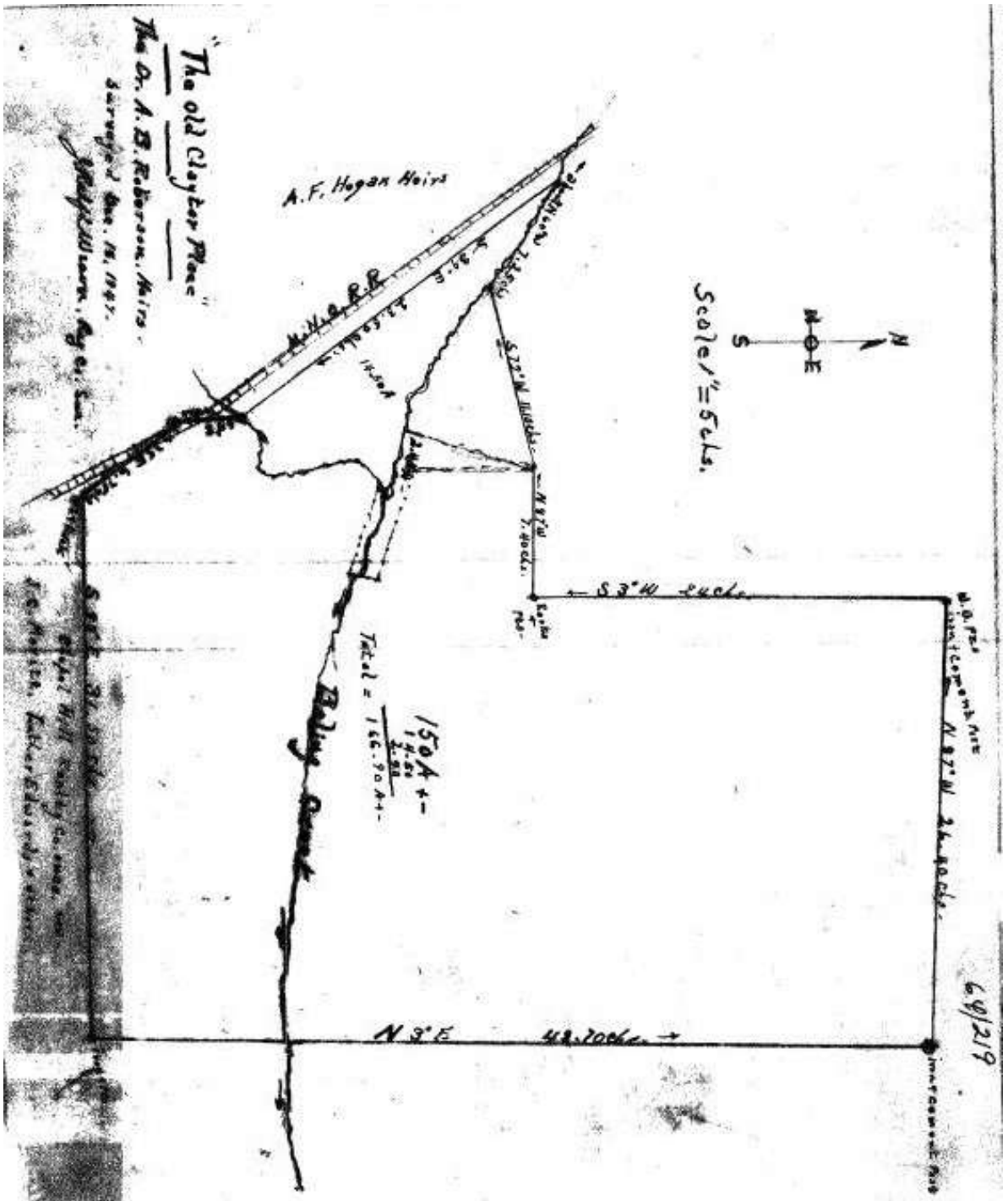
Deed 131/326
26 February 1949; John W. Umstead, Jr. and wife, Sallie R. Umstead, to The Town of Chapel Hill

Item 6:

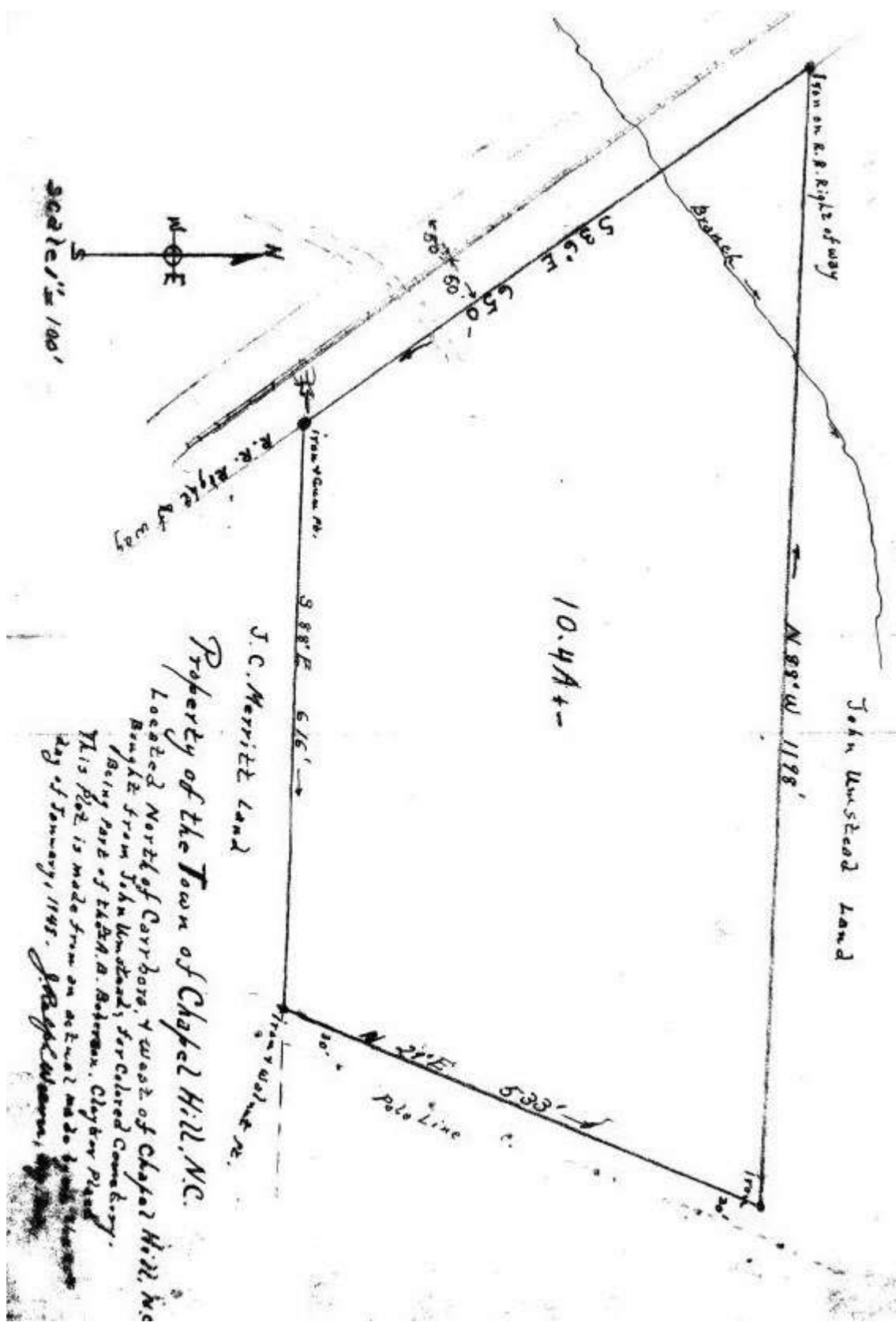
Deed 221/791
30 July 1969; Town of Chapel Hill to Rock Springs Farm, Inc.

Item 7:

Deed 221/793
20 August 1969; Rock Springs Farm, Inc., to the Town of Chapel Hill

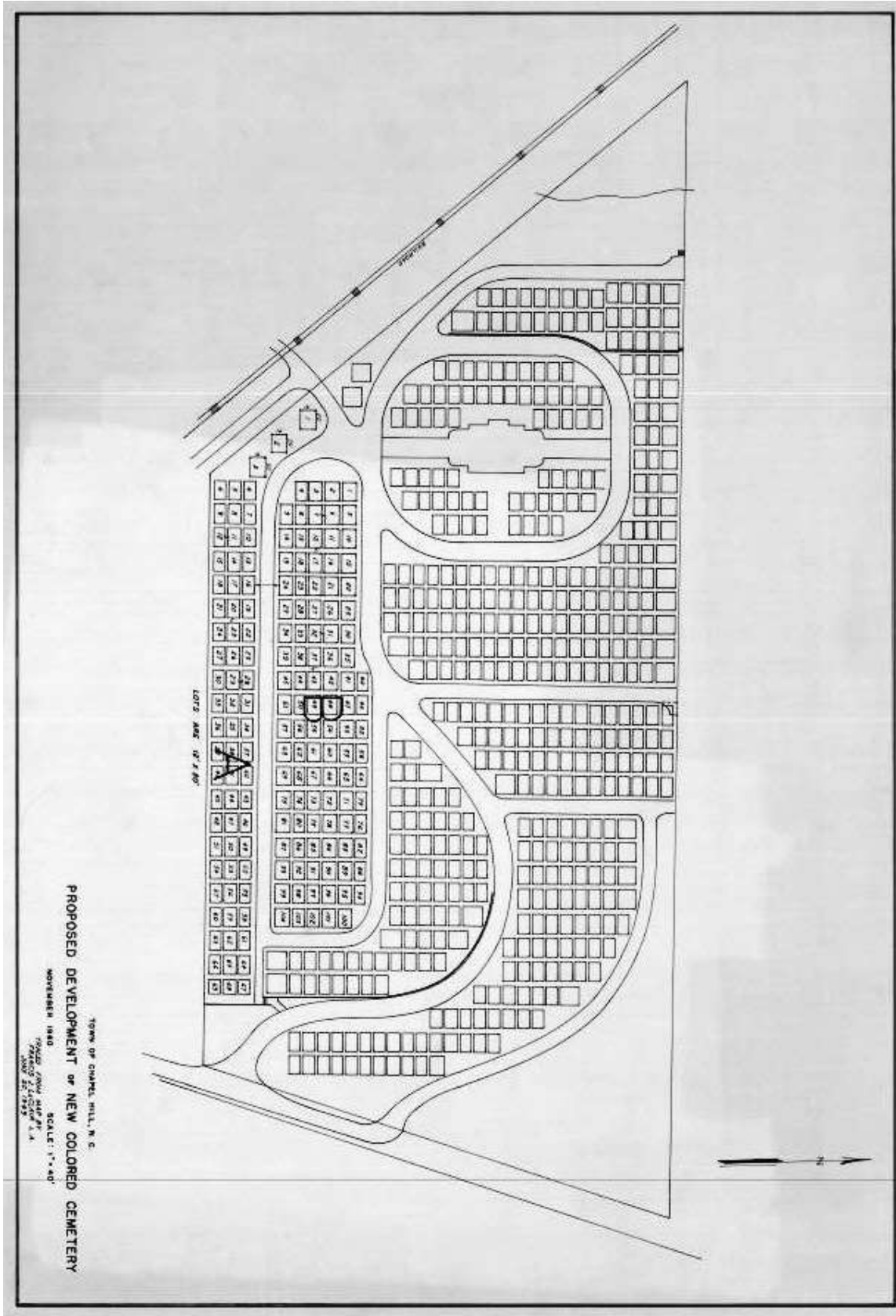


Item 1

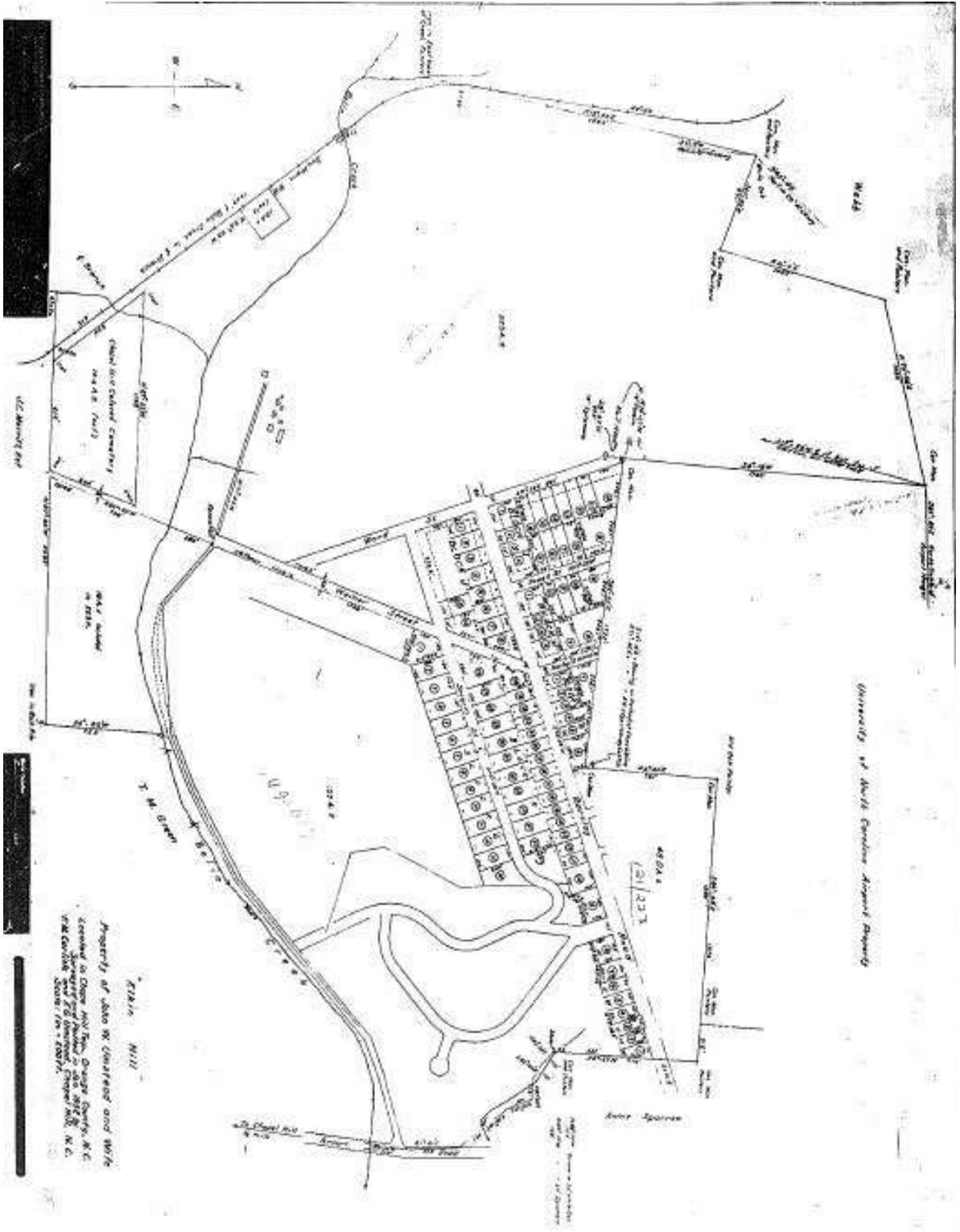


Property of the Town of Chapel Hill, N.C.
 Located North of Carrboro, 4 west. of Chapel Hill, N.C.
 Being from John Winstead's former colored Cemetery.
 Being part of the A.A. Robinson, Clayton Place.
 This Plot is made from an actual made by the Town
 Day of January, 1945. J. R. [Signature]

Item 2



Item 3



Item 4

STATE OF NORTH CAROLINA—Orange County.

THIS DEED Made and entered into this, the 26th day of February 1949, by and between John W. Umstead, Jr. and wife, Sallie R. Umstead

parties of the first part, and THE TOWN OF CHAPEL HILL, a municipal corporation

WITNESSETH that for and in consideration of the sum of TEN AND NO/100 DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS... to them in hand paid, the receipt of which is hereby fully acknowledged, said parties of the first part have given, granted, conveyed and sold, and do by these presents give, grant, bargain, sell and convey unto it said part y of the second part and its successors assigns, the following TRACT or parcel of land, lying and being in Chapel Hill Township in said County and State, bounded and described as follows, to wit:

All that certain tract or parcel of land situate, lying and being in Chapel Hill Township, Orange County, N. C., a short distance North of the Town of Chapel Hill, N. C., and BEGINNING at an iron stake and Gum pointers in the Eastern line of the right-of-way of the State University Railroad Company and in J. C. Merritt heirs line; running thence with the said Merritt heirs line South 88° East 616 feet to an iron stake and Walnut pointers and which point is 30 feet from the center of the power line right-of-way; running thence North 21° East and parallel with the center line of the power line right-of-way 533 feet to an iron stake; running thence North 88° West 1198 feet to an iron stake in the said Railroad Company's right-of-way; running thence along the Eastern line of the said Railroad Company's right-of-way South 38° East 650 feet to the beginning, and being a part of the same land conveyed to John W. Umstead Jr. and wife by deed of the A. B. Roberson heirs, dated December 31, 1947 and recorded in the Office of the Register of Deeds of Orange County in Book 128 at Page 509.

TO HAVE AND TO HOLD said TRACT or parcel of land, together with all privileges and appurtenances thereto, and thereto belonging, unto it said part y of the second part and its SUCCESSORS and assigns forever, in fee simple. And said parties of the first part for themselves and their heirs, covenant to and with said part y of the second part and its SUCCESSORS and assigns that they are seized of said premises in fee and to have good right to convey the same in fee simple; that the same are free and clear of all encumbrances, and that they will forever warrant and defend the same to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said parties of the first part have set their hands and seals the day and year first above written.

John W. Umstead, Jr. (Seal)
Sallie R. Umstead (Seal)

NORTH CAROLINA, Orange County.
I, Elisabeth B. Shaft, a Notary Public of Orange County, N. C., do hereby certify that John W. Umstead, Jr. and wife, Sallie R. Umstead personally appeared before me this day and acknowledged the due execution of the foregoing deed.

Witness my hand and Notarial seal, this the 4 day of March 1949.
My commission expires: 7-15-49. Elisabeth B. Shaft (N. P. Seal) Notary Public

NORTH CAROLINA, Orange County.
The execution of the foregoing deed was this day proven before me by the oath and examination of the grantor, for the purpose therein expressed. Let the same, with this certificate, be registered.
Witness my hand and seal, this day of 19.

NORTH CAROLINA, Orange County.
The execution of the foregoing deed was this day proven before me by the oath and examination of the subscribing witness thereto. Let the same, with this certificate, be registered.
Witness my hand and seal, this day of 19.

NORTH CAROLINA—Orange County.
The foregoing certificate of Elisabeth B. Shaft, a Notary Public of Orange County, N. C., is adjudged to be correct. Let said deed, with all certification, be registered.
Witness my hand, this 14 day of March 1949. E. M. Lynch, Clerk Superior Court.

Filed for registration at 10:30 o'clock A. M. March 14 1949 and registered at March 14 1949, in Book 131 on Page 328. J. E. Laws, Register of Deeds.
R/s \$3.30 fee \$1.00

Prepared By: Haywood, Denny & Miller, Attorneys at Law

NORTH CAROLINA

ORANGE COUNTY

THIS DEED, Made and entered into this the 30 day of July

1969, by and between

The Town of Chapel Hill, The Municipal Corporation
party of the first part (whether one or more) and

Rock Springs Farm, Inc.

party of the second part (whether one or more) WITNESSETH:

That the said party of the first part, in consideration of the sum of TEN DOLLARS and other good, valuable and sufficient considerations, paid by the said party of the second part, the receipt of which is hereby acknowledged, has bargained and sold and by these presents does bargain, sell and convey unto the said party of the second part and his heirs and assigns all that certain tract or parcel of land in Chapel Hill Township, Orange County, North Carolina, and more particularly described as follows:

The Town of Chapel Hill is hereby authorized and empowered to convey the land owned by it and described as follows:

All that certain tract or parcel of land situate, lying and being in Chapel Hill Township, Orange County, North Carolina, a short distance north of the Town of Chapel Hill, North Carolina and BEGINNING at an iron stake and gum pointers in the eastern line of the right-of-way of the State University Railroad Company and in J. C. Merritt Heirs line; running thence with the said Merritt Heirs line South 88° East 616 feet to an iron stake and walnut pointers, and which point is 30 feet from the center of the power line right-of-way; running thence North 21° East and parallel with the centerline of the power line right-of-way 533 feet to an iron stake; running thence North 88° West 1.198 feet to an iron stake in the said Railroad Company's right-of-way; running thence along the Eastern line of said Railroad Company's right-of-way; running thence along the eastern line of said Railroad Company's right-of-way South 36° East 650 feet to the BEGINNING; except that portion of said land described as follows: BEGINNING at an iron stake and gum pointers in the eastern line of the right-of-way of the State University Railroad Company and in J. C. Merritt Heirs line; running thence with said Merritt Heirs line South 88° East 250 feet; running thence North 2° East 200 feet; running thence North 88° West 400 feet to the eastern right-of-way of University Railroad; running thence along the eastern line of said Railroad Company's right-of-way South 36° East 250 feet to the BEGINNING.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging to the said party of the second part and his heirs and assigns in fee simple forever. And the said party of the first part does covenant that he is seized of said premises in fee simple and has the right to convey the same in fee simple; that the same are free from encumbrances; and that he will warrant and defend the said title to the same against the claims of all persons whomsoever. Wherever used herein, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders, as the context may indicate.

IN TESTIMONY WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above written.

TOWN OF CHAPEL HILL
Mayor _____ (SEAL) X _____ (SEAL)
Town Clerk: *David B. Roberts* _____ (SEAL) _____ (SEAL)
_____ (SEAL) _____ (SEAL)

BOOK 221 PAGE 791

Item 6

Prepared By: Haywood, Denny & Miller, Attorneys at Law

NORTH CAROLINA

ORANGE COUNTY

THIS DEED, Made and entered into this the 20 day of August

1969, by and between

Rock Springs Farm, Inc.

party of the first part (whether one or more) and

The Town of Chapel Hill, a Municipal Corporation

party of the second part (whether one or more) WITNESSETH:

That the said party of the first part, in consideration of the sum of TEN DOLLARS and other good, valuable and sufficient considerations, paid by the said party of the second part, the receipt of which is hereby acknowledged, has bargained and sold and by these presents does bargain, sell and convey unto the said party of the second part and his heirs and assigns all that certain tract or parcel of land in Chapel Hill Township, Orange County, North Carolina, and more particularly described as follows:

BEGINNING at the confluence of Bolin Creek and Tanyard Branch lying in Lot 8A Orange County Tax Map #30 (1967 revision); then upstream along Tanyard Branch in a southwestwardly direction about 500 feet to the southern property line of the Umstead property; then with said line S 89° 30' East about 1,140 feet to a property corner; then along a property line between Lot 8 and Lot 8A N 4° West about 780 feet to the center of Bolin Creek; then downstream with the center of Bolin Creek in a northeastwardly direction about 2,050 feet to a property corner, then N 13° E along a property line about 100 feet to the southern right of way line of Umstead Drive, then along the southern right of way line of Umstead Drive in a southwestwardly direction about 2,000 feet to a point on the extension of the line between Lot 8 and Lot 8A; then N 4° W about 60 feet to the northern right of way line of Umstead Drive; then approximately S 45° W thru a point of 100 feet from the bottom step of the foot bridge across Bolin Creek 1,000 feet to the center of Bolin Creek; then downstream along Bolin Creek in a southeastwardly direction about 100 feet to the point of BEGINNING.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging to the said party of the second part and his heirs and assigns in fee simple forever. And the said party of the first part does covenant that he is seized of said premises in fee simple and has the right to convey the same in fee simple; that the same are free from encumbrances; and that he will warrant and defend the said title to the same against the claims of all persons whomsoever. Wherever used herein, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders, as the context may indicate.

IN TESTIMONY WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above



Corporate Seal

WITNESSETH:

John H. Maulsby
Secretary

(SEAL)

Rock Springs Farm, Inc. (SEAL)

(SEAL)

BY *Frank B. Umstead* (SEAL)

(SEAL)

President (SEAL)

BOOK 221 PAGE 793

APPENDIX C

**1973 cemetery survey and 1975 cemetery revisit lists
conducted by Mrs. B. B. Doak and/or Mary C. Engstrom**

1973:

February 7, 1973
S. E. Dook
W. C. Engstrom

CARRBORO (?)
CHAPEL HILL (*) BLACK CEMETERY

Location: From the intersection of N. Greensboro St. and Hillcrest Ave. in Carrboro proceed northeast on Hillcrest to Continue on to the first road to the right before the railroad tracks. Take this road (leading to Estes Park Apts.) for 0.2 mile; turn left to cross railroad tracks. Cemetery lies about fifty yards beyond tracks on both sides of the dirt road.

General Information: Except for a small area containing 5 graves at the extreme farther end of the cemetery (right side of the road), the area is well kept with some planted shrubs. There are 44 marked graves and 6 unmarked graves plus an unidentified FATHER footstone. Approximately 1/2 acre in size.

ALPHABETICAL LIST OF INSCRIPTIONS

Note: An asterisk following initials (or a word) in capitals indicates that such initials or word is the footstone inscription.

<u>Name</u>	<u>Date of Birth</u>	<u>Date of Death and Other Data</u>
Alston, Gus	May 7, 1908	Feb. 8, 1968; Georgia, Tec 5 Co. F, 1323 Engr. Regt., World War II
Alston, James T.	May 15, 1919	Apr. 24, 1958; Pfc. US Army, World War II
Atwater, Carrie	Mar. 14, 1889	Mar. 28, 1959
Atwater, Charlie	1893	1966
Atwater, Nello	Oct. 7, 1914	Oct. 3, 1957
Atwater, Roy	Dec. 17, 1892	Jan. 31, 1955; N.C., Pvt. Co. B 423 888 Labor BN OMC, World War I
Baldwin Girls	1960 1962	1964
Barbee, Willis Edward, Jr.	Feb. 18, 1932	Oct. 29, 1950; [Football and clarinet engraved on stone]
Brewer, Luther	1913	1968
Brown, J. C.	1923	1967
Campbel, Lillie	1931	1966
Clark, Etta S.	May 16, 1888	Dec. 27, 1958; S.S.C.*

(?)
Carrboro (?) Chapel Hill Black Cem. 2

<u>Name</u>	<u>Date of Birth</u>	<u>Date of Death and Other Data</u>
Cobb, James	Sept. 22, 1891	Oct. 29, 1949; N.C., CPL 411 Service BN QMC, World War I
Cox, Roberta Byrd	1899	1954; Beloved Mother
Craig, Denna Cotton	Dec. 26, 1880	Dec. 4, 1949; MOTHER*
Edwards, Walter C.	Nov. 13, 1889	Feb. 6, 1954; W.C.E.*
Farrington, Fannie	1899	1952; [Funeral marker given Sept. 20, 1952]; Mother
Hargraves, Darnell	Oct. 22, 1896	Aug. 19, 1953; N.C., COOK SUP CO 365 Infantry, World War I; [par- tial, cement block coping]
Mayes, Annie C.	Apr. 22, 1906	Aug. 13, 1956; wife of J.H. Mayes; A.C.M.*
McCellan, Stephen	1910	1967
McCullough, Mary	1866	1951
Merritt, Etta S.	Feb. 27, 1916	Aug. 13, 1950; E.S.M.*
Miller, Carrie S.	Feb. 2, 1879	May 31, 1951; MOTHER*
Milliken, Patricia	1947	1964
Neville, James	Oct. 27, 1890	Feb. 6, 1955
Neville, Nellie	1892	1959; N.N.*
Peace, Bessie T.	Feb. 15, 1884	Dec. 26, 1961; Mother; B.T.P.*; [on stone with John Benton Peace and Ernest Leander Peace (son)]
Peace, Ernest Leander	July 2, 1926	June 20, 1959; N.C., Sgt. 91 Air RFLG SQ AF, World War II; [follow- ing on Peace family tombstone] A/2C; U.S. Air Force; Bombard- ment Wing; Son; E.L.P.*; [on stone with John Benton & Bessie T. Peace]
Peace, John Benton	Apr. 22, 1871	Nov. 6, 1953; Father; J.B.P.*; [on stone with Bessie T. Peace and Ernest Leander Peace (son)]
Perry, Fannie Rogers	June 18, 1870	Aug. 4, 1953; wife of Alfred H. Perry; MOTHER*
Perry, Raymond A.	May 24, 1939	Oct. 17, 1963; son of Raymond L. & Mary B. Perry; R.A.P.*

Carrboro (?) Chapel Hill (?) Black Cem. 3

<u>Name</u>	<u>Date of Birth</u>	<u>Date of Death and Other Data</u>
Roberson, Jacqueline Carol	Dec. 6, 1960	Apr. 20, 1961; dau. of Marie Roberson
Smith, Brantley H.	Mar. 14, 1905	Oct. 5, 1955; B.H.S.*
Snipes, Robert L.	1916	1965
Thompson, Willie	1891	1964; [cement stone with name and dates scratched in]
Trice, Lillie Jones	Aug. 1882	Sept. 9, 1961; Mother
Webster, Lillian H.	1881	Nov. 13, 1960; Aged 90 yrs [death date and age from funeral marker]; MOTHER; [on stone with Willie W. Webster]
Webster, Willie W.	1882	1958; FATHER; [on stone with Lillian H. Webster]
William(s?), Mae F.	Dec. 31, 1938	Dec. 12, 1950; [funeral marker has Williams; letters scratched in concrete]
Williams, Lucille	Jan. 24, 1919	Apr. 15, 1953; [letters scratched in concrete]
Williams, Roosevelt	Feb. 15, 1924	Apr. 4, 1965; SON*
Winston, Ernest	Oct. 10, 1914	Oct. 16, 1961; S.C., TEC 5 US Army, World War II
Young, Gladys	1917	1964

1975:

73
List of (1975)

NAME	BORN	DIED	OTHER DATA
Alston, Bill	May 7, 1908	Feb. 8, 1968	Company - Troop Co F 1025 Engr. Regt - World War II
Alston, James T.	May 15, 1919	Apr. 24, 1958	PFC US Army World War II
Atwater, Carrie	Mar. 14, 1889	Mar. 28, 1959	
Atwater, Charles	_____ 1898	_____ 1966	
Atwater, Nellie	Oct. 9, 1919	Oct. 3, 1969	
Atwater, Roy	Dec. 19, 1892	Jan. 31, 1965	Pvt. Co B 423 RES Infan BN SMC - World War I
Baldwin, Celia	_____ 1960	_____ 1969	
Barber, Gladys Augusta	Jan. 1, 1914	June 23, 1969	
Barber, Willie Edward, Jr.	Feb. 18, 1902	Oct. 29, 1950	[Football, basketball engaged on show]
Brewer, Suther	_____ 1913	_____ 1968	
Brown, J. C.	_____ 1923	_____ 1967	
Campbell, Lillie	_____ 1931	_____ 1966	
Clark, Etha S.	May 16, 1888	Dec. 27, 1958	Footstone: E.S.C.
Cobb, James	Sept. 22, 1891	Oct. 29, 1949	CPL 411 Service BN OMC World War I
Col. Robert Byrd	_____ 1899	_____ 1969	Mother -
Craig, Danna Cotton	Dec. 26, 1890	Dec. 4, 1949	Footstone: Mother
Edwards, Walter C.	Nov. 13, 1889	Feb. 6, 1959	Footstone: W.C.E.
Fearington, Fannie	_____ 1899	[Sept 20] 1962	Mother Footstone: F.F.
Hargreaves, Darnell	Oct. 22, 1896	Aug. 19, 1963	COOK 311P Co 315 Infantry World War I
Hargreaves, Dorsey	_____	May 22, 1961	April 6, 1961 Footstone: Father

26 Black 20			
o Mayes, Anne G.	Apr. 22, 1906	Aug. 13, 1956	Wife of J. C. Mayes Footstone: A. C. M.
o McClean, Stephen	_____ 1910	_____ 1967	_____
o McCallough, Mary	_____ 1866	_____ 1951	_____
o Merritt, Etha S.	Feb. 29, 1916	Aug. 13, 1950	Footstone: E. S. M.
o Miller, Cora S.	Feb. 2, 1879	May 31, 1951	Footstone: Mother
o Milliken, Patricia	_____ 1947	_____ 1969	_____
o Neville, James	Oct. 29, 1890	Feb. 6, 1955	_____
o Neville, Nellie	_____ 1892	_____ 1959	Footstone: N. N.
o Peace, Bessie T.	Feb. 15, 1884	Dec. 26, 1961	[Wife of John Boston Peace] Footstone: B. T. P.
o Peace, Ernest Alexander	July 2, 1926	June 20, 1954	Son [of John Boston & Bessie T. Peace] Sgt. 91 Air SFLG 29 AF 4th Air Force - Bombardment Group World War II Footstone: E. L. P. Father Footstone: J. B. P.
o Peace, John Boston	Apr. 22, 1871	Nov. 6, 1953	Footstone: E. L. P. Father Footstone: J. B. P.
o Perry, Fannie Rogers	June 18, 1870	Aug. 4, 1953	Wife of Alfred N. Perry Footstone: Mother
o Perry, Raymond A.	May 24, 1939	Oct. 17, 1963	Son of Raymond L. & Mary B. Perry Footstone: R. A. P.
o Robinson, Jacqueline Carol	Dec. 6, 1960	Apr. 20, 1961	Daughter of Marie Robinson
o Smith, Brentley H.	Mar. 14, 1905	Oct. 6, 1955	Footstone: B. H. S.
o Sipes, Robert L.	_____ 1916	_____ 1965	_____
o Thompson, Nellie	_____ 1891	_____ 1964	[Name and dates scolded in error]
o Trice, Belle Jones	Aug. 1883	Sept. 9, 1961	Mother

08 Blue Lin.

o Nelson, Lillian H.	_____ 1931	(Nov. 13) 1960	[Wife of Willie W. Nelson] aged 70 yrs. (?)
o Nelson, Willie W.	_____ 1932	_____ 1958	Footstone: Mother Footstone: Father
o Williams (S?), Mae F.	Dec. 31, 1936	Dec. 12, 1950	[Letters scratched in ^{concrete} concrete]
o Williams, Lucille	Jan. 24, 1919	Apr. 15, 1953	[Letters scratched in concrete]
o Williams, Roscoe	Feb. 15, 1924	Apr. 4, 1965	Footstone: Son
o Winston, Ernest	Oct. 10, 1914	Oct. 16, 1961	Tac 5 US Army - World War II
Young, Gladys	_____ 1917	_____ 1964	_____

Unmarked graves: ~~6 plus an unidentified~~
"Father" footstone

APPENDIX D

S.B. 331, Chapter 821

Ratified April 4, 1947

An Act Authorizing Municipal Corporations to Acquire, Manage, and Control Certain Lands for Cemetery Purposes, and Authorizing Appropriations for Such Purposes.

Section 1. In any case where property not under the control or in possession of any church or religious organization in any town or municipality has been heretofore set aside or used for cemetery purposes, and the trustees or owners named in the deed or deeds for said property have died, or are unknown, or the deeds of conveyance have been lost or misplaced and no record of title thereto has been found, and said property has been occupied and used for burial purposes for a time sufficient to identify its use as cemetery property, the municipality in which any such cemetery property is located is hereby authorized and empowered in its discretion to appropriate and take possession of all such land within its corporate limits which has heretofore been used for cemetery purposes and such adjoining land not held or owned by known claimants of title, and to cause the same to be surveyed and lines established and to designate and appropriate the said property as a cemetery, or burial ground.

Section 2. In the event said property has been heretofore used exclusively for the burial of members of the negro race, then said cemetery or burial ground so established shall remain and be established as a burial ground for the negro race. In the event said property has been heretofore used exclusively for the burial of members of the white race, then said cemetery or burial ground so established shall remain and be established as a burial ground for the white race.

Section 3. Said town or municipality shall have power and authority in such cases to cause the same to be subdivided and to lay off and allot for family burial plots any property heretofore appropriated or used for burial purposes for or by different families without any charge therefore, and to cause the remainder of said property to be subdivided and laid off into lots; and shall have the power and authority to sell to any person or persons for burial purposes, any of said lots so subdivided and surveyed, except those heretofore appropriated as referred to in this Section of this Act, and use the proceeds of such sale for the improvement and upkeep of said cemetery property.

Section 4. In the event any town or municipality appropriates or takes possession of land used for cemetery purposes as set forth and described herein, it is furthered authorized

and empowered to appropriate and use such funds as may be necessary and proper for the improvement and maintenance of said cemetery; and all statutes and ordinances heretofore enacted and passed relative to cemeteries in said town or municipality, are hereby made applicable to said cemetery property.

Section 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Section 6. This Act shall be in full force and effect from and after its ratification.

In the General assembly read three times and ratified, this the 4th day of April, 1947.

APPENDIX E

2009 North Carolina Code (article references)

Chapter 65: Cemeteries.

Article 1 - Care of Rural Cemeteries.

§ 65-1: Repealed by Session Laws 2007-118, s. 2, effective July 1, 2007.

§ 65-2: Repealed by Session Laws 2007-118, s. 2, effective July 1, 2007.

§ 65-3: Repealed by Session Laws 2007-118, s. 2, effective July 1, 2007.

Article 2 - Care of Confederate Cemetery.

§ 65-4. State Department of Correction to furnish labor.

Article 3 - Cemeteries for Inmates of County Homes.

§ 65-5. County commissioners may establish new cemeteries.

§ 65-6. Removal and reinterment of bodies.

Article 4 - Trust Funds for the Care of Cemeteries.

§ 65-7: Repealed by Session Laws 2007-118, s. 3, effective July 1, 2007.

§ 65-8: Repealed by Session Laws 2007-118, s. 3, effective July 1, 2007.

§ 65-9: Repealed by Session Laws 2007-118, s. 3, effective July 1, 2007.

§ 65-10: Repealed by Session Laws 2007-118, s. 3, effective July 1, 2007.

§ 65-11: Repealed by Session Laws 2007-118, s. 3, effective July 1, 2007.

§ 65-12: Repealed by Session Laws 2007-118, s. 3, effective July 1, 2007.

Article 5 - Removal of Graves.

§ 65-13: Repealed by Session Laws 2007-118, s. 4, effective July 1, 2007, and applicable to all trusts created on or after that date.

§§ 65-14 through 65-15. Repealed by Session Laws 1971, c. 797, s. 2.

Article 6 - Cemetery Associations.

§ 65-16. Land holdings.

§ 65-17. Change of name of association or corporation.

§ 65-17.1. Quorum at stockholders' meeting of certain nonprofit cemetery corporations; calling meeting; amendment of charter.

Article 7 - Cemeteries Operated for Private Gain.

§§ 65-18 through 65-36: Recodified as §§ 65-46 through 65-72.

Article 7A - Funeral and Burial Trust Funds.

§§ 65-36.1 through 65-36.8: Recodified as §§ 90-210.30 through 90-210.37, by Session Laws 1985, c. 12, s. 1.

Article 8 - Municipal Cemeteries.

§ 65-37: Repealed by Session Laws 2007-118, s. 5, effective July 1, 2007, and applicable to all trusts created on or after that date.

§ 65-38. Repealed by Session Laws 1969, c. 1279.

§ 65-39: Repealed by Session Laws 2007-118, s. 5, effective July 1, 2007, and applicable to all trusts created on or after that date.

§ 65-40: Repealed by Session Laws 2007-118, s. 5, effective July 1, 2007, and applicable to all trusts created on or after that date.

Article 8A - Veterans Cemeteries.

§ 65-41. Land acquisition.

§ 65-42. Location of cemeteries.

§ 65-43. Definitions.

§ 65-43.1. Eligibility for interment in a State veterans cemetery.

§ 65-43.2. Proof of eligibility.

§ 65-43.3. Bars to eligibility.

§ 65-43.4. Disinterment.

§ 65-43.5. Reinterment.

§ 65-43.6. State veterans cemeteries cost.

§ 65-44. Days for burial.

§ 65-45. Reserved for future codification purposes.

Article 9 - North Carolina Cemetery Act.

§ 65-46. Short title.

§ 65-47. Scope.

§ 65-48. Definitions.

§ 65-49. The North Carolina Cemetery Commission.

§ 65-50. Cemetery Commission; members, selection, quorum.

§ 65-51. Principal office.

§ 65-52. Regular and special meetings.

§ 65-53. Powers.

§ 65-54. Annual budget of Commission; collection of funds.

§ 65-55. License; cemetery company.

§ 65-56. Existing companies; effect of Article.

§ 65-57. Licenses for sales organizations, management organizations and brokers.

§ 65-58. Licenses for persons selling preneed grave space.

§ 65-59. Application for a change of control; filing fee.

§ 65-60. Records.

§ 65-60.1. Trustees; qualifications; examination of records; enforcement.

§ 65-61. Required trust fund for care and maintenance; remedy of Commission for noncompliance.

§ 65-62. Individual contracts for care and maintenance.

§ 65-63. Requirements for perpetual care fund.

§ 65-64. Deposits to perpetual care fund.

§ 65-65. Trust fund; financial reports.

§ 65-66. Receipts from sale of personal property or services; trust account; penalties.

- § 65-67. Applications for license.
- § 65-68. License not assignable or transferable.
- § 65-69. Minimum acreage; sale or disposition of cemetery lands.
- § 65-70. Construction of mausoleums and belowground crypts; trust fund for receipts from sale of preconstruction crypts; compliance requirements.
- § 65-71. Penalties.
- § 65-72. Burial without regard to race or color. **[See end of this appendix for full sub-article.]**
- § 65-73. Validation of certain deeds for cemetery lots executed by suspended corporations.

Article 10 - Access to and Maintenance of Private Graves and Abandoned Public Cemeteries.

- § 65-74: Repealed by Session Laws 2007-118, s. 6, effective July 1, 2007, and applicable to all trusts created on or after that date.
- § 65-75: Repealed by Session Laws 2007-118, s. 6, effective July 1, 2007, and applicable to all trusts created on or after that date.
- § 65-76: Reserved for future codification purposes.

Article 11 - Minimum Burial Depth.

- § 65-77. Minimum burial depth.
- § 65-78: Reserved for future codification purposes.
- § 65-79: Reserved for future codification purposes.
- § 65-80: Reserved for future codification purposes.
- § 65-81: Reserved for future codification purposes.
- § 65-82: Reserved for future codification purposes.
- § 65-83: Reserved for future codification purposes.
- § 65-84: Reserved for future codification purposes.

Article 12 - Abandoned and Neglected Cemeteries.

- § 65-85. Definitions.
- § 65-86: Reserved for future codification purposes.
- § 65-87: Reserved for future codification purposes.
- § 65-88: Reserved for future codification purposes.
- § 65-89: Reserved for future codification purposes.
- § 65-90: Reserved for future codification purposes.
- § 65-91. Money deposited with the clerk of superior court.
- § 65-92. Separate record of accounts to be kept.
- § 65-93. Funds to be kept perpetually.
- § 65-94. Investment of funds.
- § 65-95. Clerk's bond; substitution of bank or trust company as trustee.
- § 65-96. Funds exempt from taxation.
- § 65-97: Reserved for future codification purposes.
- § 65-98: Reserved for future codification purposes.
- § 65-99: Reserved for future codification purposes.
- § 65-100: Reserved for future codification purposes.

- § 65-101. Entering public or private property to maintain or visit with consent.
- § 65-102. Entering public or private property to maintain or visit without consent.
- § 65-103: Reserved for future codification purposes.
- § 65-104: Reserved for future codification purposes.
- § 65-105: Reserved for future codification purposes.
- § 65-106. Removal of graves; who may disinter, move, and reinter; notice; certificate filed; reinterment expenses; due care required.
- § 65-107: Reserved for future codification purposes.
- § 65-108: Reserved for future codification purposes.
- § 65-109: Reserved for future codification purposes.
- § 65-110: Reserved for future codification purposes.
- § 65-111. County commissioners to provide list of public and abandoned cemeteries.
- § 65-112. Appropriations by county commissioners.
- § 65-113. County commissioners to have control of abandoned public cemeteries; trustees.
- § 65-114: Reserved for future codification purposes.
- § 65-115: Reserved for future codification purposes.
- § 65-116: Reserved for future codification purposes.
- § 65-117: Reserved for future codification purposes.
- § 65-118: Reserved for future codification purposes.
- § 65-119: Reserved for future codification purposes.
- § 65-120: Reserved for future codification purposes.
- § 65-121: Reserved for future codification purposes.
- § 65-122: Reserved for future codification purposes.
- § 65-123: Reserved for future codification purposes.
- § 65-124: Reserved for future codification purposes.
- § 65-125: Reserved for future codification purposes.

§ 65-72. Burial without regard to race or color.

- (a) It shall be the public policy of the State that all cemetery companies or other legal entities conducting or maintaining public or private cemeteries shall sell to all applicants and bury all deceased human beings on equal terms without regard to race or color. Anything contrary hereto is void and of no legal effect. Bylaws, rules and regulations, contracts, deeds, etc., may permit designation of parts of cemeteries or burial grounds for the specific use of persons whose religious code required isolation. Any program offering free burial rights to veterans or any other person or group of persons shall not be conditioned by any requirement to purchase additional burial rights or merchandise.
- (b) Any cemetery company or other legal entity violating the provisions of this section shall be guilty of a Class 1 misdemeanor, and each violation of this section shall constitute a separate offense. (1975, c. 768, s. 1; 1993, c. 539, s. 502; 1994, Ex. Sess., c. 24, s. 14(c).)

APPENDIX F

C-H
Funeral Directors

SPONSORS OF THE
Chapel Hill Mutual Burial Association

ED. SWAIN, Manager
BYNUM WEAVER
Licensed Funeral Director
RICHARD D. CALDWELL, Apprentice

N. GRAHAM

TELS. 4381, 4386, 8-5576

CHAPEL HILL CITY DIRECTORY

1957 city directory advertisement for *Chapel Hill Funeral Directors*