

Grave Happenings

BERKS COUNTY ASSOCIATION FOR GRAVEYARD PRESERVATION

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Check our web site for meeting dates

PO BOX 3707
READING PA 19606

Special points of interest:

- Wartzluft
- Abraham Deturk
- Hechler Esterly
 - Keim
- Bieber Leshner
- Cleanups-Hill; Kauffman
 - Elections
 - On the list

BCAGP
Berks County Association
for Graveyard Preservation



Wartzluft (Perry)

Sometimes all you need are the pictures to tell the story!



Keim

The Keim burial ground, just a bit down the road from the Keim homestead, has been elevated toward the top of our "DO" list because of the amount of contributions from Keim family members toward the project. There are two Keim burial grounds within a short distance from each other. The one we will be working on has a collapsed wall, deteriorated stiles (unusable), stucco falling from the walls where they are being pushed in and general issues needing immediate attention. Stay tuned as little by little we get it done!

Each graveyard has specific obstacles to deal with and this is no exception.



Bieber Lesher (Oley)

Sections were repaired this summer to stabilize the walls. This is a place where all the walls really should be re pointed. Our group hadn't done work here before other than "[Day of Caring](#)" clean up once a year. This is the resting place of the Johannes Bieber family.



Johannes son Jacob

married Esther Lescher. The Nicolaus Lescher and Barbara (Kauffman) family are also there. The names Bieber and Beber are interchanged as well as there are various



spellings of Lescher. Jacob Bieber (1761-1835) was a veteran of the Revolution. The graveyard is in fair shape in a quiet serene location about 100 feet from a small stream. The property is for sale (by owner) for those who are longing for a historic graveyard in your backyard or if you are a descendant of the Biebers or Leschers buried here and want to reclaim your heritage!



Making progress at the [Barnet Peter](#) with the broken tombstones!



LETTER FROM LES

One of BCAGP's successes over the last several years has been the increase in the number of graveyards that we have cleaned up. One reason for this is new members and volunteers who have adopted sites or joined us during group cleanups.

Another important factor is that every time a cleanup is done, the next one becomes easier. It is often quite daunting to first visit a site that has been neglected for years and imagine the effort required to get it to somewhere approximating respectability. I know this first hand from a visit to the [Reichert/Dum \(St Henry's\)](#) graveyard in Richmond Township in early May of 2010. I had been told of the awful shape it was in, and that message turned out to be very true.



I began what seemed like an impossible task, but after 5 trips, working 3 to 4 hours each time, I had completed all that could be accomplished with a string trimmer, loppers, and hand saws. This left days of additional work for a member with a chain saw to deal with many scrub trees that were within and along the outer perimeter of the graveyard. With the aid of several Kutztown University student volunteers, we later burned the accumulated piles of wood, and the Reichert/Dum graveyard was looking much better than it had for years.

In 2011, we returned several times primarily just to use string trimmers to keep the growth down. This year, knowing the effort that BCAGP has expended in the past, I returned in early August with a great deal of trepidation knowing that no one had worked on the graveyard this year. I was immeasurably relieved to see mostly only moderately high (1 to 2 feet) growth. This is work that I expect we will handle sometime this fall. It shows the benefit of recurring return trips.

Another place the benefit of recurrent return trips manifested itself this year was during the Oley High School Day of Caring. This year a record 17 graveyards were worked on. This was 3 or 4 more than in other years. More graveyards were added to this year's schedule, but the students completed work so quickly that we were on the phone to property owners that day looking for additional graveyards for the students to work on. In an avocation where progress often seems fleeting, it is one means of seeing that progress is being made.



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.

"Grave Happenings" is a collection of articles provided by members of our Board about recent and on-going activities. We are always open to your suggestions for future content.

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Sometimes it isn't just about tombstones and history. Sometimes its about nature and relaxing and discovering something new!



of salamanders or tiny snake under a stone that we pick up. Sometimes it is a hug from a donkey or the treat of sloppy cow kisses along the path.

We always discover something unexpected to enjoy when we set out to work at or investigate a graveyard. It could be something as simple as a pair



Other times it's about meeting new people like the Randolph's who co-own with their niece the deed to the Kirby burial ground. They shared charming old family photos of Stanley

Kirby and his family on the doorstep of the home. Or Joseph Schlegel who tends his family plot in between feeding his beautiful swans.



There are other times we get to become explorers when we discover the remains of the family homestead on the walk to the burial ground.



On occasion, we may even encounter a ghostly spirit or two!



In spring and summer you can buy plants and fresh veggies at the greenhouse at St Henry's. In fall you can pick your own pumpkins at the Kauffman in Maiden creek. All year long you can buy eggs at the Schneider and raw milk at the Hill.



I have been trapped inside the Rothermel graveyard by curious cows and scared by bulls at the Hertzler (yeah I was born a city girl!)

Yes we do get dirty and we do a lot of work, but we also have a good deal of fun at the same time! Every burial ground has its own charm and history and no two are the same. There are more neglected burial grounds than volunteers, but we do what we can. Want to come along?



Anne Wagner is 2nd Vice President of BCAGP. (awagner615@aol.com)



Please remember that most of the funding we are given is for specific graveyards and specific uses. We still need contributions for things like insurance, office supplies, newsletters, postage, accountant fees, and miscellaneous expenses that are not directly related to graveyard maintenance. Our volunteers have been using their own gas and much of their own equipment when going to work on graveyards. If you can't physically help, can you please send a check for general fund use?

Doing the Deed

We here in Berks County are very fortunate to have a Recorder of Deeds who really believes in the Open Records law. Frederick Sheeler does his utmost to make all records in the [Recorder of Deeds](#) available online for easy access and free to view.

Each county will have their own means of presenting the information they hold. If you are attempting to research deeds in any county, it will pay to become familiar with any web pages they may have online and how to use it. If they are not on line, then a visit to the county seat and the Recorder of Deeds office is in order. I've never met a clerk in any county office who did not try hard to be helpful to the researcher.

Before you visit either the website or the county office, have your ducks in order. Know which township, borough, parish or municipality the tract your are researching is in. If you know the current location address, look to the county tax parcel map or tax assessment maps to find the current deed book and page number. This is your starting point and you work back from there. If you do not know the current owner or address, but only the name of someone who used to own it, then the deeds index is the place to start.

Hopefully each deed you encounter will have a recitation of

the previous owner, including date of last transfer, deed book and page number of that deed. This is not always the case and you may have to refer to the grantor and grantee index to find the previous sale to the person who last sold it. Then return to the actual deed books to continue. Have your notebook ready and always make written notes - do not rely on memory alone.

There are two kinds of deed searches. There is the simple deed search where you go from deed to deed, noting grantor, grantee, date of purchase and sale, recitation of previous owners, any exceptions that may appear and a description of the property in question. With this kind of search you are simply developing a time-line of ownership. With luck you may be able to go from the current owner, back to the original patent or grant from those who settled that territory.

Because the land of the early settlers was often passed from father to son or daughter, you may find an abundance of genealogical information in these deeds. There might be dowers to the widows, lists of children's names, water rights to a neighbors to take water from a spring or creek, easements or rights-of-way across the tract and for what purpose. Be prepared because the very early deeds are written to let

no stone unturned. They can be long and tedious, taking many twists and turns.

The other kind of deed search would be a complete title search. The purpose of this kind of search is to ensure that only the seller has legal right to sell the property, and that no liens, judgments, outstanding mortgages, taxes or other encumbrances exists that will prevent you from taking ownership of the land. This is the kind of search the professionals conduct for banks, when a mortgage is being considered.

Both kinds of searches may take you into the other offices at your county seat, such as the sheriff's office to view the sheriff's docket and sheriff's deeds, or to the court to view court appearances and judgments concerning the tract. You will not find all the answers in the deeds alone, but there will be clues to where else to look. Combining what you learn from the deeds with your known family history, estate files, census, birth and death records will build a wealth of knowledge on the tract or the people who owned it.

[Betty Burdan](#)

bjburdan@dejazzd.com.

Betty is an accomplished genealogist and researcher, who maintains an extensive personal library of historical documents. We are pleased to have Betty on our board.

*This edition of the newsletter will have [hyperlinks](#) so if you access the newsletter online you can go easily to the page referenced for more information! For instance if you are a property owner that a historic graveyard sits upon and have been concerned about liability you can read the section below and **CLICK** on the hyperlink and it will take you directly to the page that information came from! Watch for the Orange hyperlinks.*

Cemetery companies – Interment Rights, Restore and Maintain

Act of Nov. 24 1992, P.L. 730 No 110

Purpose. - The purpose of this act is to encourage caretaker organizations to restore and maintain historic burial places by limiting their liability toward persons entering such burial places.

General Rule. - Except as provided in subsection (d), a caretaker organization or a **landowner owes no duty of care to keep a historical burial place safe for entry or use by others or to give any warning of a dangerous condition, use, structure or activity on the premises.** (b) amended Dec 20, 1995 P.L. 64 No 73)

Limitations.- Except as provided in subsection (d), a caretaker or organization or a landowner which either directly or indirectly invites or permits any person to enter the premises of the historical burial place without charge does not thereby:

Extend any assurance that the premises are safe for any purpose.

Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.

Assume responsibility for or incur liability for any injury to persons or property by an act of omission of such persons

(C) Amended Dec. 20, 1995, P.L. 664, NO 73)

(d) Willful or malicious actions. – Nothing in this act limits in any way any liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity on the premises of a historic burial place.

(e) Construction. – Nothing in this section shall be construed to:

(1) Create a duty of care or ground of liability for injury to person or property.

(2) Relieve any person entering upon the premises of a historic burial place from any obligation which he may have in the absence of this act to exercise care in his use of the such care.

(f) Definitions.- As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Caretaker organization.” A nonprofit organization under section 501 (c) (3) of the Internal Revenue of 1954 (68A Stat. 3, 26 U.S.C 501 (c) (3) which owns or otherwise assumes responsibility for the restoration and maintenance of a historic burial place.

“Historic burial place.” A tract of land that has been in existence as a burial ground for more than 100 years wherein there have been no burials for at least 50 years and wherein there will be no future burials.

“Landowner.” A person, other than a caretaker organization, who own in fee the real property which comprises a historic burial place and who permits a caretaker organization to restore and maintain the historic burial place.

(f) Amended Dec. 20, 1995, P.L. 664, No. 73) section 3.

Source: Pennsylvania Historical & Museum Commission.

http://www.phmc.state.pa.us/Portal/Communities/Cemetery/CEMETERY_COMPANIES_INTERMENT_RIGHTS_RESTORE_MAINTAIN.pdf

ANNOUNCEMENTS

Don't forget to check our facebook for updates and more photos!
check the www.bcagp.org website for internet edition newsletter archives.



Work Party Scheduled for the Kauffman in Maiden creek Oct. 20th 9am

Annual General Membership Meeting will be November 11th
2PM Oley Legion Hall Oley PA

VETERAN HIGHLIGHT

BY KARLA HUMMEL

If you're looking for Georg Lebenguth on the bronze tablet listing the men of the 151st Pennsylvania Volunteers at Gettysburg National Military Park, he's in the wrong place. It's alphabetical, but Georg (listed as Geo. Livengood) is between Spangler and Stump. His resting place in Tulpehocken Township is equally confusing: among the 26 stones, you'll find 5 different spellings of his surname.

Of his early life, I know nothing. Of his final 5 years of life, I know of his heartache and hardship. While in his mid-30's, Georg and his wife Eliza (by then known as George & Elisa) suffered the loss of 2 toddlers in a single week (surname spelled Lebenguth), and later their 1 year old (surname spelled Levengood). Perhaps it was their deaths that sparked Georg to action 3 years later...

H Company, 151st PA Volunteers, was organized in Strausstown on Sept 13th of 1862. Three days later, at the age of 38, Georg enlisted. As a component of the Army of the Potomac, the 151st wintered in Union Mills, VA, and served as a picket line defending the Rapidan River at the Battle of Chancellorsville in April/May of 1863.

In July of 1863, the 151st plunged into decisive action at the Battle of Gettysburg. Private Levengood's unit defended McPherson's Ridge and Seminary Ridge,

and held off further Confederate attacks as they retreated through Gettysburg, regrouping on Cemetery Hill. By then, Georg was not among them. He had been wounded on July 1st, the first day of the battle.

Perhaps further research would describe his wound (s) or tell the brief story of his next 7 days of life, for Georg succumbed to his injuries on July 8th.

His brother, John, survived his own enlistment (Company F, 167th PA Regiment), and lived for another 2 decades. John is buried near George in the family graveyard.



Karla Hummel is BCAGP secretary, and former US ARMY Air Defense Artillery Officer

Hill (Earl Township)



Neil photographs and puts all the burials on [Find A Grave](#)



What would our work parties be without a dowsing lesson or two? [Mark Lopez](#) tries it out.



Some tombstone resetting and a general clean up day. This has been adopted by Bob Povish but we came out to give him a hand. When you visit this graveyard, you can buy raw milk from one of the very few [dairy farms](#) licensed to sell unpasteurized milk. Please be respectful and ask to see the graveyard and introduce yourself when visiting. Most of these graveyards are also at someone's home!

On The Mason List Walls

- ✓ The Hechler Esterly : Chipping and pointing and making necessary wall repairs on the Beecham Rd side
- ✓ The Keim: removing collapsed wall and creating new opening. Chip out and point that wall. Ongoing wall repairs as needed

Tombstone repair

- ✓ The [Soulsy](#)
- ✓ The [Knabb](#)
- ✓ The [Barnet Peter](#)
 - ✓ [Hill](#)
 - ✓ [Spohn](#)

Volunteers needed for weed whacking :

- [Hechler Esterly](#) (Exeter) THANK YOU NEIL SCHEIDT!
[Schneider](#) (Oley)
[St Henrys Reichert Dumm](#) (Richmond)
[Kauffman](#) (Oley)
[Kauffman](#) (Maidencreek) (work party Oct 20)
[Rickenbach](#) (Bern)

ELECTION OF OFFICERS 2012

In accordance with BCAGP's bylaws, we announce the upcoming election of Officers of the Board. Nominations have been asked for and at the slate is as follows :

- Les Rohrbach , President
 Paul Schuman , Vice President
 Anne Wagner, 2nd Vice President
 Karla Hummel , Secretary
 Cynthia Jimenez, Treasurer

No other persons indicated an interest or willingness to serve and no others were nominated. Additional Board positions will be appointed as needed. Voting will be November 11th 2 PM Oley Legion Hall. This is considered the annual general membership meeting. Members and visitors are always welcome at **ALL** of our board meetings as well.

Hechler Esterly (Exeter)

Many have been following our progress on the Hechler Esterly Burial ground. We probably have had more comments and letters concerning this than any other over the years. So when we finally gained access after talks with lawyers were fruitful, we moved quickly! We



removed the forest of trees, reset some stones, cleared the ground of weeds and had the front wall chipped out, repaired and re pointed. Usually we don't invest a lot of money in restoring a graveyard unless there is some promise of maintenance from someone. But this was a special case. **We approved funds to chip out and re point the second wall this fall and it has been started.** We did our best to try to find local Esterly Family members still around to take this over and take care of the maintenance. We failed, so on to plan B.

Neil Scheidt, who is a retired electrician whom many know for his tireless efforts in submitting Find A Grave memorials, volunteered to go in there this summer when the weeds were getting pretty high and everyone else was tied up. (Believe it or not, we all do have other things we do in between volunteering for BCAGP). He did a great job all by himself! It looked fantastic again! He went again in September only

Right: this is what Neil found when he came back this month after having the whole graveyard cleaned and cleared in July



to find it taken over with weeds again. The size of this burial ground really needs a group of 5-10 adults to adopt it. It could be family members taking turns (i.e.: each branch of the Esterly tree take a different season or rotate) or a service group, or a few that can just go in for an hour every now and then- this isn't a one man job. If Neil is willing to be the "team captain" then he needs a team. Who wants to help? Contact Neil at: neilain@dejazzd.com.



Left: front view after trees were removed and shredded and the front wall was repaired and re pointed.

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 descendent **and** a court order for the purpose of "repair or replacement, reproduction or preservation and display in an accredited museum."

So there is the short version. The summary if you will. But there is so much more. It also goes on to address issues of destruction. We generally think of destruction as intentional vandalism. But destruction can be much more. Keep in mind, when landscaping around a graveyard that things grow and roots do damage. Plowing too close can cause damage as the ground supporting the wall is removed and it shifts the base. Unhealthy trees with limbs hanging often break tombstones when they fall. If you allow your animals to have access to the graveyard and they do damage you are responsible for that damage! The biggest cause of stone walls falling are roots and/or trees pushing them. So many historic burial grounds were illegally destroyed over the years that it is very important to preserve the ones left. Please help us with our mission to preserve and protect the remnants of the burial grounds. This isn't easy work!



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 - 2012

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

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