

PRELIMINARY REPORT
Historical and Cemetery Assessment for Parcel 175
of the
Westbard Sector Plan Project
Bethesda, Montgomery County, Maryland

July 21, 2017

Introduction

The Ottery Group has prepared this preliminary report on historical investigations into the associations between parcel 175, adjacent to the Westwood Tower Apartments in the Westbard area of Bethesda, Maryland, and the historical African American burying ground known as Moses Cemetery that was established in this immediate area in the early 1900s. The assessment consisted of compiling available research on the history of the area encompassing parcel 175, reviewing historical source materials, and an analysis of this research in order to evaluate and assess the likelihood for the Moses Cemetery to exist on parcel 175 and the degree to which modern land modifications have affected the cemetery. Extensive research on this parcel has already been carried out by the Montgomery County Planning Department between 2014 and 2017 in support of development of the county's current Westbard Sector Plan (Montgomery County Department of Planning 2016a) and proposed development of the current property. Examination of this research by The Ottery Group was followed by consultation and additional primary documentary research.

This preliminary report describes the initial effort responding to three questions:

1. What is known about the use of the parcel(s) as a cemetery, including its location, duration of operation, circumstances of closure, the number of persons interred there, and other pertinent details? Is there evidence for an earlier (i.e. pre-1911) cemetery associated with the property?
2. What actions or impacts occurred to the cemetery in association with construction activities prior to and after the 1958 sale of the land; and
3. What is the likely current condition of the cemetery given these modifications to the landscape?

This effort did not include a field investigation of the property other than a visual walkover, and utilizes only publicly available documents from various repositories located in Washington D.C. and Maryland. This assessment deals specifically with the issues associated with the presence of human remains on the parcel, and although the historical and social circumstances of the African American community associated with the cemetery are essential components of the planning and outreach for the Westbard Sector Plan, these were not part of this initial effort to compile and analyze existing historical records.

Lastly, the assessment provides a series of recommended next steps to determine the best and most appropriate treatment of any human remains that may exist on the property.



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Progress with Primary Documentary Research

This assessment builds upon research with primary historical documents – defined as documents with known provenience, authored in past contexts, and associated with events pertaining to the property under investigation, such as newspaper reports, legal records such as deeds and plats, administrative records, and other available documents – carried out by the Montgomery County Department of Planning, principally Senior Historian Jamie Kuhns and Senior Planner for Historic Preservation Sandra Youla. This previous research included input from the historical committee of the Little Falls Watershed Alliance, and benefited from a series of community meetings that included former River Road residents and other stakeholders. Following receipt of research gathered by Kuhns and Youla between 2014 and 2017, a briefing was held with Montgomery County Planning staff, on April 19, 2017, in order to familiarize The Ottery Group with the contents of the research and suggest other avenues that county research did not explore. Materials gathered by Montgomery County also include excerpts from published research with supporting research notes, and testimony resulting from in-person interviews, oral history, and other public statements pertaining to the property.

The Ottery Group carried out additional research into the following records and topics:

- **Historic newspapers.** Newspapers from the period of Westbard’s development and the operation of Moses Cemetery are used to develop a basic chronology (Attachment 1) and land use history, alongside deed research, tax assessments, and other documentary sources. They can potentially qualify what knowledge of Moses Cemetery existed and was made public during the development boom in Westbard at mid-century, and can define the period of operation for the cemetery. Published death notices can be linked with other archival records, namely death certificates on file at the Maryland State Archives in Annapolis.
 - *District of Columbia Public Libraries.* The Washington Evening Star, the newspaper of record for the District of Columbia and adjacent areas in Maryland is available digitally through the District of Columbia Public Libraries as keyword searchable, full-text original print images from 1852-1981, as is the Washington Post starting in 1877. These newspapers were searched for relevant material using keywords such as “Westwood Shopping Center”, “Westwood House” (an earlier name for Westwood Tower Apartments), “Westwood Tower”, “Westbard”, “Moses Cemetery”, “White’s Tabernacle”, “Willett Branch”, “Washington Suburban Sanitary Commission” and “WSSC”, and so forth. This yielded a number of pertinent stories under most topics, which helped to refine the timeline of construction and development surrounding the project area. A number of published death notices mentioning Moses Cemetery exist, though some refer to cemeteries in Cabin John or Anne Arundel County that were also named Moses. The search term “disinterment” yielded a series of stories from the first half of the twentieth century regarding African American cemeteries that were relocated in the face of development, with formal notices published in the Evening Star over a series of weeks, and other press coverage of such cemetery relocations (see examples in Attachments 2-3, unrelated to Moses Cemetery or White’s Tabernacle Number 39).
 - *Other libraries.* Other historic newspapers are available covering events in Montgomery County, which are not accessible digitally or online, and were not examined under the present scope of work. These are worth examining for information pertinent to the disposition of Moses Cemetery and development of the Westbard area at mid-century, especially since reporting of relevant information is so scant in the Evening Star and the Washington Post. The Montgomery Sentinel is

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available on microfilm at the University of Maryland Libraries in College Park from 1855-1974, and the Montgomery Tribune and the Montgomery Press, also on microfilm, are held at the Enoch Pratt Free Library in Baltimore for the period between 1965 and 1977 and 1889-1938, respectively. These outlets with smaller circulation may have reported on local events more closely, such as discovery and potentially relocation of burials from Moses Cemetery.

- **Genealogical records.** Death records are an important component of genealogical research, and archived death records in Maryland are organized for the convenience of amateur and professional genealogists who are searching these records for named individuals.
 - *Maryland State Archives.* Genealogical material contained in the Maryland State Archive (MSA) was accessed, including Donna Cuttler's (2000) *The Genealogical Companion to Rural Montgomery County Cemeteries*, which contains no references to White's Tabernacle Number 39 nor Moses Cemetery. The MSA also holds Maryland census records, tax assessments, wills and probates, records of the Orphan's Court and other court records. These wider genealogical records have not been examined, but hold potential to characterize the historical African American community of River Road that was associated with Moses Cemetery, and the social networks linking them with region more broadly. Characterizing this community is also a means towards projecting the number and identities of individuals potentially remaining interred within parcels 175, 177, and adjoining parcels to the south. Many of these records are also available from other sources, for instance the Maryland Room of the University of Maryland Libraries in College Park, the Enoch Pratt Free Library in Baltimore, and www.ancestry.com.
- **Death records.** Pertinent death records consist of State of Maryland death certificates, and disinterment/reinterment permits, which authorize relocation of graves individually or in groups under Maryland state law.
 - *Maryland State Archives.* Death records held at the MSA were assessed. Death records consisting of Maryland state death certificates for the period from 1897-1972 are available, often in digital format, organized by county, year of death, and name of the decedent. They are not searchable apart from this organization of the records, but records associated with names indicated on published death announcements can be located if the decedent was a Maryland resident. Several death certificates corroborating burial at the White's Tabernacle Number 39 property in Bethesda were located in this fashion (Attachments 4-5). The MSA holds disinterment/reinterment permits, required for relocation of individual graves or systematic relocation of whole cemeteries, only for the period from 1990-1997.
 - *Maryland Department of Health, Division of Vital Records.* The Ottery Group was referred by archivists at the MSA specializing in Maryland government records to the Death Unit, Division of Vital Records of the Maryland Department of Health in Baltimore. The Division of Vital Records has disinterment/reinterment permits starting in 1969, but no records for the period of construction for the Willett Branch Storm Drain or Westwood Tower Apartments. Such permits are issued through the State's Attorney's office, by county.
 - *Montgomery County Archives.* The Montgomery County Archives contain no death records for the county. The staff archivist has never encountered any death records, including death certificates or disinterment/reinterment permits among the county's

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records, suggesting that if these records exist apart from the holdings of the MSA and Division of Vital Records, they are retained by county government offices.

- *State's Attorney, Montgomery County.* The Montgomery County Attorney General's office was contacted for assistance, but messages have not been returned to date. As disinterment/reinterment records for the period prior to 1969 are unavailable from the State of Maryland, consultation with the State's Attorney for Montgomery County is a priority.
- **Historic land records.** Digital imagery of Montgomery County land records is accessible online via the retrieval system hosted at www.mdlandrec.net, and <http://plats.net>, the latter being hosted by the Maryland State Archives. Title history research was carried out for parcels 175 and 177 (Attachment 6 contains the title histories for parcels 175 and 177) and all surrounding parcels, and metes and bounds describing the shape, orientation and area of parcels were plotted utilizing a free application called Metes and Bounds, published by Sandy Knoll Software, Inc. (<http://tabberer.com/sandyknoll/>). The full text of all deeds was reviewed for information about Moses Cemetery, and the relationship between the cemetery property under ownership of White's Tabernacle Number 39 and parcels 175 and 177 was confirmed.
- **Historic maps and aerial photography.** Relevant maps including U.S. Geological Survey topographic maps, real estate atlases, and aerial photographs were accessed and provide chronological markers for development in the vicinity of parcel 175. The Ottery Group also carried out cut-and-fill analysis, using a Geographic Information System (GIS) to compare present-day ground surface elevations to elevations presented in historical topographic maps. This method is discussed in greater detail below. A GIS database layering together historical map data with information contained in deed and plat records has not been created under the present scope of work.
- **Oral History.** The Montgomery County Planning Department transmitted a number of pieces of oral testimony to The Ottery Group that are relevant to the history of Moses Cemetery and the development of Westbard during the 1950s and 1960s. These typically consist of notes on public or private statements as opposed to recorded, transcribed interviews released for publication by participants. They do, however, clearly show the value of oral knowledge in reconstructing events surrounding the development of parcel 175 and adjacent lands. Some pieces of testimony provide leads for additional oral history research; relevant oral histories may be available from the following sources as well:
 - *Montgomery County Archive, Montgomery County Historical Society.* The Montgomery County Archive in Gaithersburg holds a number of transcribed oral history interviews with prominent and long-time county residents, and these are listed with abstracts in a finding aid. This was reviewed and no pertinent oral histories could be identified. However, transcribed oral histories collected by Alexandra Jones in the African American community in Cabin John, Maryland are on file in the library of the Montgomery County Historical Society in Rockville, and Jones informs us that the oral histories contain references to the River Road African American community in Bethesda and broader social networks in Montgomery County and the District of Columbia.
 - *Maryland State Archives, Special Collections.* Extensive oral history research including transcripts, recordings, and other notes is held in Special Collections at the MSA,




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including the career work of Maryland oral historian Mame Warren. These records have not been consulted or evaluated for pertinent information.

- **Washington Suburban Sanitary Commission construction and administrative records.** WSSC carried out two infrastructure projects that crossed the 1.04 ac property of White's Tabernacle in Bethesda, and may have impacted Moses Cemetery: the Willett Branch Trunk Sewer in 1930, and the Willett Branch Storm Drain completed in 1963. WSSC records were examined in hopes of determining whether contractors on these projects noted the existence and/or condition of Moses Cemetery, encountered human remains, or formally relocated a portion of the cemetery. The Ottery Group consulted the engineering records specialist at WSSC and reviewed the material that WSSC had transmitted to Montgomery County Planning for completeness; the WSSC records specialist confirmed that all records held by WSSC pertaining to the Willett Branch Storm Drain project had been transmitted. WSSC holds no further documentation from the project. Other archival sources were consulted:
 - *Maryland State Archives.* The Ottery Group examined records of the WSSC held at MSA for the period of construction of the Willett Branch Trunk Line sewer in 1930, and the Willett Branch Storm Drain in 1962-1963. These included a series of annual reports published by WSSC, which included a photograph showing construction of the Willett Branch Storm Drain (Attachment 2), but not detailed records from this project.
 - *Montgomery County Archives, Montgomery County Historical Society.* The Montgomery County Archive in Gaithersburg holds records of the Montgomery County government, with excellent item-level finding aids available online. Holdings include five linear feet of papers archived from WSSC from 1918 through ca. 1994, but the bulk of this material post-dates the period of construction of the Willett Branch Storm Drain, or is irrelevant. Records are organized into the water program and sewerage program, but there is no storm drain program per se, and mid-twentieth century reports include less detail on storm drain construction. A report on stream enclosure published in 1964 helped refine the timeline for construction of the Willett Branch Storm Drain (WSSC 1964). Also examined were records of the Montgomery County Office of Management and Budget, with administrative records for WSSC from 1957-1982, and the Montgomery County Department of Environmental Protection under the Division of Resource Protection from 1961-1983, but these contained no references to Willett Branch. No other WSSC records or reports in the archive include relevant information.
 - *Other papers.* Included among the personal papers of Arnold D'Epagnier, son of the architect who designed the Westwood Tower Apartments and other buildings in Bethesda, are design and location plans for the WSSC Trunk Sewer built to relieve Willett Branch of Bethesda's sewerage in 1930. This is the only known source for such detailed records of the 1930 sewer, which would have impacted land within parcel 177 but not 175. These were partly reproduced by the Montgomery County Planning Department.
- **Montgomery County public works department records.** The Ottery Group examined records available at the Montgomery County Archive on public works projects in Bethesda, particularly road building adjacent to parcel 175 that may have noted or impacted the cemetery. These record groups extend from 1932-2000; item-level inventories organized by location and project included no mention of the Westbard area of Bethesda.



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- **Other Montgomery County records.** The Montgomery County Archive holds extensive records of the Montgomery County Council, and the Maryland-National Capital Park and Planning Commission, with accompanying item-level finding aids. Finding aids for these materials were skimmed and some potentially important record groups were identified, but these records were not consulted for pertinent information, such as discussion of planning and zoning in the Westbard area, or specific records pertaining to the Westwood Shopping Center, Westwood Apartments, or Westwood Tower Apartments projects.

Preliminary Results

1. Historical Definition of Moses Cemetery

There are elements in the definition of Moses Cemetery, historically occurring in part within parcel 175, corresponding with three potential avenues for human remains to be interred there. First, is there evidence that burials occurred within parcel 175 or an adjoining parcel prior to the purchase of this land by White's Tabernacle Number 39 in 1911? Second, if we accept the premise that White's Tabernacle Number 39 purchased the 1.04 ac parcel in Bethesda in order to relocate the cemetery that they operated in Tenleytown, which was closed in 1910 and ordered moved by the U.S. Congress in 1921 after lengthy deliberation, what evidence exists that relocation of burials from Tenleytown to Moses Cemetery took place? How many burials, and when and under what circumstances were they moved? And third, what can we know about the operation of Moses Cemetery? When did it operate, at what point was it closed to new burials, and how many burials did it receive?

Moses Cemetery is associated with the African American fraternal society known as White's Tabernacle Number 39 Lodge of the Ancient Order of Sons and Daughters, Brothers and Sisters of Moses. This lodge was active in the Friendship/Fort Reno area and operated a cemetery in the District of Columbia since the 1880s, establishing a cemetery on their Bethesda property corresponding with parcels 175 and 177 in 1911. Death notices published in the Evening Star (Evening Star 1912a, 1912b; 1935) connect the lodge and the cemetery near River Road with Rock Creek Baptist Church in Washington, DC. White's Tabernacle Number 39 was incorporated in Washington, DC in 1910 (Kathan, et al. 2017:1), because of the planned extension of Reno Road and condemnation and closure of cemetery land that they operated in Tenleytown, known as "Christian Cemetery," "Christian of Tennallytown," and other designations. Historian Paul Sluby indicates that Christian Cemetery in Tenleytown contained at least 147 burials interred between 1883 and 1910, but also notes that the land containing Christian Cemetery served as a private family burying ground earlier in the nineteenth century (Sluby 2009a). Research notes for Sluby's 2009 book *Bury Me Deep: Burial Places Past and Present In and Nearby Washington, DC*, held in the Washingtoniana Collection of the DC Public Libraries, list eleven more burials between 1875 and 1879, most of them African American infants or children who died during the worldwide epidemic of Influenza in 1876 (Sluby 2009b). A report to the U.S. Senate entered into *The Congressional Record* in 1917 indicated that the cemetery in Tenleytown contained 192 interments buried between April 21, 1881 and July 25, 1910 (U.S. Senate 1917), and there is no accounting for this discrepancy with Sluby's research regarding the number of interments at Christian Cemetery.

In 1911, White's Tabernacle Number 39 purchased a little more than one acre of land south of Willett Branch near River Road in Montgomery County (Montgomery County Land Records 1911); that 1.04 ac parcel appears to be entirely contained by present-day parcels 175 and 177 (Montgomery County Land Records 1967b), and came to be known as Moses Cemetery. Records of the Montgomery County Department of Assessments and Taxation corresponding with Leo Furr's



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purchase of the cemetery parcel in 1958, on file at the Maryland State Archive, note that the land was “used as a graveyard” (Montgomery County Department of Assessments and Taxation 1958); also, in 1911 a group of adjacent landowners including James H. Loughborough petitioned Montgomery County commissioners to prevent the establishment of an African American cemetery on the land purchased in that year by White’s Tabernacle Number 39, demonstrating that the planned usage of the 1.04 ac parcel as a cemetery was public knowledge (Montgomery Press 1911), just as the association of the land with the cemetery was also known at the time the parcel was sold to Furr in 1958. The land corresponding with today’s parcels 175 and 177 are depicted on historic plats and real estate atlases, which identify White’s Tabernacle Number 39 as the property owner, including the 1917 *Real Estate Atlas of Montgomery County* by Deets and Maddox (Deets 1917) (Attachment 8), and also WSSC plans for the Willett Branch Trunk Sewer constructed in 1930 (WSSC 1930) (Attachment 9).

Following the purchase by White’s Tabernacle Number 39 in 1911, Parcels 175 and 177 would have received remains disinterred from Christian Cemetery in Tenleytown for reinterment in Montgomery County, and an unknown number of additional burials from operation of the Bethesda cemetery between at least 1912 and 1944. Researched carried out by the Montgomery County Planning Department focused on Christian Cemetery in Tenleytown because White’s Tabernacle Number 39 was authorized by the U.S. Congress to move that cemetery in advance of construction for Reno Road, after lengthy deliberation leading to the conclusion that only Congress could authorize disinterment (Congressional Committee of the District of Columbia 1921; U.S. House of Representatives 1916; U.S. Senate 1917). A 1921 report from the U.S. Senate’s Committee on the District of Columbia included this statement on the disposition of White’s Tabernacle Number 39 and the Tenleytown cemetery:

It is understood that those owning the cemetery which it is desired to abandon have already purchased ground for a new cemetery for their present purposes and that said ground is not located in the District of Columbia. Since this cemetery is a cemetery of an established fraternal order, there would seem to be no objection to allowing the removal of the remains of those members who have been buried in the District to such other cemetery as may be established by the order... (Congressional Committee on the District of Columbia 1921).

The property of White’s Tabernacle Number 39 near River Road is the most probable recipient for reinterments, so that the number of burials contained by Christian Cemetery provided partial basis for estimating the number of burials contained by parcels 175 and 177 today.

It is not known whether all or a portion of the land containing parcels 175 and 177 was utilized for Moses Cemetery; for instance, White’s Tabernacle Number 39 granted an easement to the Washington Suburban Sanitary Commission (WSSC) in 1930 for construction of a trunk sewer along Willett Branch at the northern, downhill portion of their 1.04 ac property in 1930 (Montgomery County Land Records 1930), and another easement in 1957 for construction of the Willett Branch storm drain, somewhat south of the trunk sewer line (Montgomery County Land Records 1957), designed to relieve Willett Branch and its environs from receiving municipal sewerage and storm water, and it is possible that this easement was granted in the knowledge that no burials had taken place in that area. Neither the 1930 nor the 1957 deed mentions the cemetery or burials. Conversely it is possible that Moses Cemetery overflowed its legal boundaries such that adjacent lands also contain burials interred under the auspices of White’s Tabernacle Number 39. The recommendation of Montgomery County Planning staff, included in the appendices to the current sector plan, is that adjacent parcels 238 and 240 to the south also have moderate potential to contain unmarked burials (Montgomery County Planning Department 2016b:103-105). Lands historically associated with the Rivers family are likely to contain a family burial plot associated with that family.



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Land records for parcels 175 and 177, and surrounding parcels were examined extending the chain of title to the mid-nineteenth century, when these lands were part of a single multi-acre tract south of River Road (Montgomery County Land Records 1854, 1855). The text of pertinent land records for the period between 1854 and the present was reviewed, but no mention of the cemetery appears in any land records for parcels 175 and 177, or any of the immediate adjacent parcels. Historic deeds typically contain standardized language, however, and do not represent property inventories, nor even accurate and reliable descriptions of improvements to a property. Even so, wider land and title research describing the overall pattern of African American landownership in the River Road community would provide one basis for understanding the community that was served by Moses Cemetery.

Nineteenth-century land records introduce the possibility that lands contained by parcels 175 and 177 were part of a larger tract that was utilized by an African American man, possibly a tenant, as described in an agreement between the brothers Benjamin Ray and James Ray dated July 19, 1854. The agreement states that the brothers will each deed to the other a parcel of land, swapping parcels that both fall within the larger Friendship tract. One of these parcels, belonging to James Ray at the time of the agreement, is described as “that part of a tract of land called Friendship lying and being in Montgomery County, containing about eighteen acres more or less, now in the possession of a colored man named Louis Magruder, and lying on the South side of the River Road and adjoining the lands of Peter D. Posey” (Montgomery County Land Records 1854 JGH 3:322). The 18 ac parcel is sold to Benjamin Ray the following year, in 1855, with unknown consequences for Magruder’s tenancy. This agreement is referenced in subsequent deeds, without naming Magruder again, and it established the tenancy of a free African American person and in the River Road area prior to the Civil War. Nothing further is known about Louis Magruder or the duration of his tenancy, and his name does not appear in the title history for parcels 175 and 177 moving forward. It is likely that he had family, and that only a portion of his immediate or extended family was free, perhaps through his devising to purchase their freedom. It is not known whether there was a pattern of African American tenancy or land ownership in the River Road area prior to the Civil War, but the River Road community was established by the end of the 1860s. The presence of plantations with slaveholdings in the vicinity of the project area, and uses of the land by African Americans for dwelling and farming by the mid-nineteenth century and continuing into the twentieth century raises the possibility that the 1.04 ac parcel purchased by White’s Tabernacle Number 39 in 1911 already contained African American grave sites, as in a family cemetery for the burial of enslaved or free persons. This would have informed the selection of this site by White’s Tabernacle Number 39 for the establishment of Moses Cemetery. The possibility of pre-1911 burials at parcel 175 and surrounding parcels needs further evaluation.

A lengthy survey of genealogical records would be required to determine the likely number of burials contained by Moses Cemetery. There is no body of research in Montgomery County that is comparable to Paul Sluby’s work in Washington, DC, but a number of death notices published in the Evening Star and Washington Post newspapers describe funeral services at Rock Creek Baptist Church, and burial at Moses Cemetery, indicating a continuation of the relationship between Rock Creek Baptist Church and White’s Tabernacle Number 39 after the closure of Christian Cemetery in Tenleytown and establishment of Moses Cemetery in Bethesda. Sluby’s *Bury Me Deep* records between 1 and 15 interments in Christian Cemetery each year from 1883-1910, with an average of 6.12 burials annually (Sluby 2009a, 2009b). According to published death notices and funeral announcements, Moses Cemetery nearby River Road received new interments through at least 1944 (Evening Star 1944), and it is not clear when use of the cemetery was discontinued before White’s Tabernacle sold the land in 1958. Historical death certificates indicating the place of burial and other data are retained in digital format at the Maryland State Archives, however these are organized and searchable only by county, by year, and by the name of the deceased. Determining the number of



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interments at Moses Cemetery by this method would require survey of all death certificates for Montgomery County from year to year starting in 1911.

2. Mid-twentieth Century Impacts to Moses Cemetery

This assessment has sought documentation of the discovery and permitted removal of African American graves from Moses Cemetery, particularly during the major construction projects of the 1960s, however during this period Maryland witnessed a continuation of racial relations and attitudes from the pre-Civil Rights era. African Americans were systematically treated as second-class citizens, without access to due process, subjected to race-hatred and terror, deprived of equal civil and human rights, including the right to a lasting burial. This cultural setting raises the possibility of unrecorded, illicit tampering with Moses Cemetery during mid-century construction and development, a possibility that elevates the importance of oral history and local knowledge of these events.

Moses Cemetery was closed to further burials sometime prior to 1958. Four major construction events affected the 1.04 ac parcel containing the cemetery during the middle decades of the twentieth century. The first construction event crossing the White's Tabernacle Number 39 property occurred in 1930 when WSSC constructed a trunk sewer line the crossed the very northern portion of the White's Tabernacle Number 39 property, parcel 177 today; the deed of easement, and construction plans showing the alignment of the trunk sewer are available (WSSC 1930; Montgomery County Land Records 1930). The trunk sewer falls on the east side of the Willett Branch Storm Drain today, on parcel 177, but in 1930 it followed the west bank of Willett Branch closely where it crossed the White's Tabernacle Number 39 property.

The next episode was between 1930 and 1965, when Moses Cemetery was buried under fill; there are historical accounts that this took place during adjacent construction, from the account of former River Road resident Cleveland Clipper, published in William Offutt's (1995) *Bethesda, A Social History*, and also comparison of available aerial photographs depicting the project area. During the 1930s, Clipper worked alongside his father who owned a team of horses, and used them to excavate house cellars, scooping out plowed earth using a pan dragging behind the horse team. Clipper commented, "When they dug out them hills to make Westover [Westwood?], they dumped all that dirt in there, they were paid for that. Kenwood [residential subdivision north of River Road] got some of that dirt, too. I worked for them people, cleaning out along Brookside Drive. The cemetery belonged to the Moses Lodge; they was in charge of that" (Offutt 1995:245). There is no place name of Westover in the project vicinity, and it is believed that Clipper referenced development for the Westwood Shopping Center and later Westwood Apartments, and associated parking areas, which entailed extensive grading directly across Westbard Road from Moses Cemetery. Westwood Shopping Center was completed in 1959, with a Bank of Bethesda branch opening in 1960, strongly suggesting burial of the cemetery during site preparation for the Westwood Shopping Center in 1958 or 1959 (Evening Star 1959, 1962b).

In 1962-1963, WSSC completed a concrete-lined storm drain that channelized Willett Branch, and realigned this waterway so that it crossed the former property of White's Tabernacle Number 39, forming the boundary between parcels 175 and 177. Finally, between ca. 1966 and 1968 Westwood Tower Apartments was erected on land neighboring the former cemetery (Evening Star 1968a, 1968b; Washington Post 1968), and the former location of the cemetery was graded and paved creating parking and accessory driveways for the tenants (Montgomery County Land Records 1967a). The consequences of these activities concerning the former cemetery is uncertain, except that oral testimony exists describing discovery of human remains during grading for the parking lot, or construction of the Westwood Tower Apartments themselves (Kathan, et al. 2017; Lampl and Kuhns 2015), suggesting that an unknown portion of the cemetery has been disturbed. There is no evidence of systematic removal of the all burials contained by the cemetery, while known cemetery



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clearance projects that took place in Washington DC during the first half of the twentieth century – most often effecting historically African American cemeteries – entailed public notice and coverage in area newspapers (e.g. Attachments 2-3).

3. Assessment of Potential Integrity of Moses Cemetery

Cut-and-fill analysis, an analytical method comparing historical ground surface elevation data represented as topographic lines on US Geological Survey (USGS) quadrangle maps, US coastal and geodetic surveys, and the like, was carried out to quantify the landscape changes described above. This analysis uses GIS to interpolate ground surface elevations between the lines of elevation on a topographic map, and then applies a color gradient to indicate areas where soil has been removed, as by grading, and where soils have been deposited as fill burying earlier soils and ground surfaces.

Cut-and-fill analysis for parcel 175 utilized three sets of elevation data: USGS quadrangles published in 1951 and 1965 (U.S. Geological Survey 1951, 1971), with 10 ft contour intervals, and map data available from Montgomery County published in 2014 with a 2 ft contour interval. Elevation data was adjusted to reflect adjustments in the USGS datum points to which each survey was fixed, so that elevation data from 1951, 1965, and 2014 is comparable and any variation in elevation across the three different maps indicate human activity, cutting into the soil or depositing fill. The uncertainty or inaccuracy of this analysis is not clearly stated, but given a contour interval of ten feet, results showing an increase or decrease in elevation of less than five feet might be discounted.

The result of the cut-and-fill analysis is that substantial filling of the lot containing Moses Cemetery took place between 1951 and 1965 (Attachments 10-13), amounting to a twelve-foot gain in elevation in the lowermost, eastern half of parcel 175, and less significant filling in the western half, or perhaps none at all. Between 1965 and 2014 (Attachments 14-15), significant removal of soil from parcel 175 took place, with the greatest loss in elevation occurring in the central and eastern portions of the parcel. Elevation was reduced by up to 16.5 ft slightly east of the center of the parcel, and by nearly 13 ft in the southeast corner of the property, while the loss in elevation in the southwest, northwest and northeast corners of the parcel ranges from approximately two to six feet.

When these two episodes are combined – filling after 1951 and cutting or grading after 1965 – the result is somewhat ambiguous, with the effects of grading during construction of Westwood Tower Apartments and associated parking being tempered or buffered by earlier filling of the property (Attachments 16-17). The northeast corner of parcel 175 is raised by 7.28 ft since 1951, but there has been cumulative loss in elevation over the rest of the parcel, with the greatest losses of approximately 5 to 8 ft near the center and southwestern portions of the parcel.

It should be considered that the results of cut-and-fill analysis describes surface elevations, while interments would occur several feet beneath the ground surface as it appeared in ca. 1951. A significant portion of an individual grave might survive removal of four or five feet of overlying soil. Oral testimony that graves were uncovered during construction of Westwood Tower Apartments and associated parking seems certain to indicate grading and displacement of soil, but grading is not tantamount to removal of burials associated with Moses Cemetery, but rather could result in comingling of human remains from a number of burials within a deposit of displaced fill from the cemetery.

Filling of the Moses Cemetery prior to 1965 may have taken place during construction of the Westwood Shopping Center and the large associated parking lot, directly across Westbard Road from the land containing parcel 175, during construction of Westbard Road itself, or during development of another parcel bordering the former cemetery. The burial of Moses Cemetery is corroborated by oral history transmitted by former River Road resident Cleveland Clipper (Offutt 1995:245). Clipper's



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brother, uncle, and grandmother were buried in Moses Cemetery. He said, “When they dug them hills out to make Westover, they dumped all that dirt in there, they were paid for that. Kenwood got some of that dirt, too.” Clipper also states that “They moved them bones to Lincoln Park” a cemetery in Rockville northeast of Rockville Town Center today. The Montgomery County Planning Department was unable to corroborate this account. Though it is unlikely that Clipper, having close family interred in Moses Cemetery, would be mistaken about the disposition of those remains, there is no evidence to document that any remains from the Moses Cemetery were formally disinterred and reinterred elsewhere.

White’s Tabernacle Number 39 sold a strip of land along with construction easements to WSSC for construction of the Willett Branch storm drain in 1956. The purpose of the easement was described clearly in the 1956 deed and easement document. The storm drain itself was not completed until 1962 or 1963. Construction plans for the Willett Branch storm drain, on file with WSSC, were drafted in 1956 and last updated in December 1962 (WSSC 1962; Evening Star 1962a, 1962c). Annual reports of WSSC, on file at the Maryland State Archives and other repositories, discuss the Willett Branch as a “million dollar” storm drain project (WSSC 1963), and the 1963 report includes a photograph of a portion of the Willett Branch storm drain under construction (see Attachment 7). Construction of the storm drain therefore came after extensive modification of the landscape during nearby construction, probably of the Westwood Shopping Center and Westbard Road.

The existence of the cemetery was known and clearly identified in the tax assessment for the combined area of parcels 175 and 177 when the land was sold to Leo Furr in 1958 (Montgomery County Department of Assessments and Taxation 1958), and the existence of the cemetery was known among the River Road community, as evidenced by oral testimony from Cleveland Clipper published by Offutt (1995:245), and other accounts from former River Road residents, which have surfaced as the Westbard Sector Plan was being developed (Kathan, et al. 2017). Mr. Harvey Matthews, whose family was part of the River Road community during his childhood, has testified about his childhood recollections of the cemetery and walked demonstrators to the location of the cemetery in February 2017. Mr. Tim Bonds, whose father owned a filling station (now a CITGO station) on River Road adjacent to parcels 175 and 177, recalled that work stopped several times during construction of Westwood Tower Apartments, and workmen lunching at the filling station told him they had encountered and were disinterring human remains. These were also Mr. Bonds’s childhood recollections (Turque 2017). Subsequent impacts to the cemetery from filling, WSSC construction, and development of the land for Westwood Tower Apartments took place within ten years of the sale of the land by White’s Tabernacle Number 39.

Summary and Recommendations

There is ample evidence that the land containing parcel 175 (and the adjacent parcel 177) were utilized by White’s Tabernacle Number 39 for a cemetery starting in 1911. The fraternal society’s ownership of the property between 1911 and 1958 is unambiguous in the land records of Montgomery County, the purpose of White’s Tabernacle Number 39 was to provide for burial of the dead, and tax records accompanying the 1958 sale of the land to Leo Furr indicate usage for a burial ground. Neighboring White landowners responded to White’s Tabernacle Number 39 purchasing the land by protesting the establishment of an African American cemetery. Published death notices and corresponding death certificates for individuals residing in the River Road or in Washington DC associate White’s Tabernacle Number 39, Rock Creek Baptist Church in Tenleytown, and Moses Cemetery in Friendship Heights, as opposed to the Moses Cemetery associated with Gibson Grove A.M.E. Zion Church located in Cabin John. These records establish that the cemetery existed and was used for burials through at least the mid-1940s, but do not provide evidence of precisely how many persons were interred within parcels 175 and 177, or at what locales within those parcels burials were located.



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Considerable earthmoving during the period of Bethesda's development at mid-century, including a boom in storm drain construction in the county that saw Willett Branch channelized and realigned in the early 1960s, create uncertainty about the present condition of the cemetery. Historical records seem to establish that a portion of the cemetery has been disturbed, but it is improbable that the cemetery was completely effaced; nor is there evidence that the cemetery was formally moved, as no published record or notice, nor any official permit for disinterment/reinterment of the cemetery has been located.

Cut-and-fill analysis suggests that burials, if present, may be shallowly buried, while a greater portion in the central and eastern areas of the parcel has been disturbed to a greater or lesser degree, perhaps removing some burials entirely.

We offer the following recommendations, described more fully below:

- 1) Non-invasive survey using Ground Penetrating Radar (GPR) to assess the presence or absence of grave signatures

Ground penetrating radar (GPR) is a suitable geophysical prospection technique for understanding the cemetery deposits and relation to later cutting and filling episodes in greater detail and specificity; however, it is noted that GPR merely confirms the presence of geologic anomalies, including burial shafts, but not physical human remains. Fill soils may impede GPR result, however no portion of the property appears to have been buried so deeply that GPR should be unworkable, while much of the property has been graded so that possible surviving burials may lie closer to the surface, and would be more clearly detectable using GPR.

GPR is recommended as an initial step because, in itself, it is non-invasive, and may provide useful information to aid in decision-making regarding the best approach to conducting archeological testing on the parcel. It might also shed additional light on the nature of subsurface conditions associated with the land modifications identified by the cut and fill analysis.

- 2) Minimally-invasive Geoprobe to assess and confirm current soil conditions.

A Geoprobe provides a 4-inch-diameter core sample in 4-foot long sections to depths exceeding 25 feet below surface. Geoprobes have been successfully used on other similar investigations to assess the soil stratigraphy and nature and depth of any fill soils that exist on the property. This information will be useful in further assessing the degree of previous disturbance on the property and to substantiate the results of the cut and fill analysis using minimally intrusive methods. The sampling should be done in a systematic manner so that underlying soil layers can be extrapolated across the property. This will enable a reconstruction of the current soil conditions and depth.

- 3) Limited archeological investigation to confirm GPR anomalies.

GPR results require validation, or "ground-truthing", through archeological testing to positively identify anomalies detected during GPR survey. Archeological testing should be accomplished using a backhoe to excavate a series of test trenches in specific areas of the parcel as guided by historical research and aforementioned GPR or Geoprobe results. This testing would be conducted in a manner to identify only the tops of the grave shafts and every effort should be made at this stage to avoid disturbing any human remains that may still exist in the grave shafts.



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- 4) Continuation of historical research to expand upon existing sources and fill data gaps.

We further recommend that current research be expanded in several directions, in order to further clarify events surrounding the operation, abandonment, and disturbance of Moses Cemetery in Bethesda.

- *Broader genealogical research.* It is possible to compile data recorded in state-issued death certificates, available as digitized images through the MSA in order to identify more individuals who were interred at Moses Cemetery in Bethesda, and potentially derive an authoritative list of burials contained by that cemetery. This would mean reviewing all death certificates issued in Montgomery County and comparable repositories in the District of Columbia beginning in 1911. This effort would be complemented by compilation of census and other genealogical data, in order to understand family networks that gave shape to the African American community of River Road, and more widely, Fort Reno and Tenleytown. In addition, burial records at the cemetery in Rockville where at least some remains are known to have been re-located need to be reviewed, as do available records from funeral homes/undertakers that provided embalming and other burial services for the African American communities in the area during the 1900s. Death certificates noted herein list a P.A. Lomax Jr., an undertaker based on 14th and S Streets in DC during the 1920s and 1930s. These records may exist at the D.A.R. research library in Washington; however, it is currently unknown to what extent such records exist and/or may be useful in identifying specific individuals who were buried at Moses Cemetery.
- *Oral history.* It is possible to exhaust relevant primary documentary sources, as some documentation may not have been retained by government offices, or transmitted to archival facilities. Historical evidence regarding the disposition of Moses Cemetery has included oral testimony and interviews, but little oral history research with focused, recorded interviews has been carried out. Some oral history is available from Offutt's 1995 book. Also, transcripts of oral history interviews from research with members of Cabin John's African American community, associated with Alexandra Jones doctoral thesis, have been deposited to the Montgomery County Historical Society, and these mention the River Road community. But considerable oral knowledge relevant to Moses Cemetery exists among past River Road residents. This knowledge is comparable in value to primary historical documents and brings considerable value to the existing body of research.
- *Government papers in state and county archives.* Some papers held in area archives that have not been consulted thoroughly may contain information that would assist this investigation. Regarding death records and disinterment/reinterment permits, while the MSA and Division of Vital Records of the state health department have been exhausted, the Montgomery County State's Attorney may yet have relevant documentation. Further consultation and possibly formal information requests should be carried out. Extensive holdings of Montgomery County Council records at the Montgomery County Archive should be examined for discussion of and reports pertaining to the Westbard development, as should records of the Maryland-National Capital Park and Planning Commission (M-NCPPC) held in the same archive.

- 5) Development of Mitigation Work Plan.

Following the next steps to identify graves, a mitigation plan should be developed in consultation with stakeholders that would ultimately resolve, or mitigate, any impacts to the cemetery from the proposed redevelopment. Mitigation may include, but is not limited to, removal and reburial of



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human remains and funerary objects, avoidance, commemoration, or other strategies as developed through the consultation process.

The likelihood that intact burials remain from Moses Cemetery, and the overall complexity, of the project is such that no further ground disturbances should take place within parcels 175 or 177 without a thorough program for consultation, input, and collaboration with descendants and other stakeholder communities. All stakeholders should have input during development of a research design from the beginning stages. Stakeholders must inform about the appropriateness of the research questions, the scale and scope of historic context for interpreting the results of archeological investigation, and the disposition of any human remains that are encountered. Only this systematic, consultative, collaborative basis for the investigation will satisfy the professional ethical standards of the discipline; it will yield the greatest potential benefits to the community of stakeholders as well.

Mitigation may also need to consider a broader approach to the cemetery investigation that could involve investigations on adjacent or neighboring parcels where research indicates the possibility for additional burials or human remains that may have been disturbed during past construction activities. We recommend that the mitigation plan be as comprehensive as possible to address cemetery and/or other archeological concerns related to the redevelopment of parcel 175, but also considering the larger Westbard Sector Plan and projects such as the proposed restoration of the adjacent Willet's Branch.

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ATTACHMENTS

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List of Attachments

1. Chronological overview for Moses Cemetery in Bethesda.
2. Legal notice of relocation of Payne's Cemetery in the District of Columbia, The Evening Star, 1967
3. "Court Approves Disinterment in Rezoned Area", pertaining to relocation of Payne's Cemetery, The Evening Star 1967.
4. Death certificate of Cora Botts, 1935
5. Death certificate of Charles Henry Brown, 1912
6. Chain of title for parcels 175 and 177
7. Photograph of Willett Branch Storm Drain construction from 1963 report
3. Detail of Deets and Maddox 1917 Real Estate Atlas showing ownership of 1.04 ac parcel by White's Tabernacle Number 39
4. Detail of WSSC plans for 1930 trunk sewer showing ownership of 1.04 ac parcel by White's Tabernacle Number 39
- 5-6. USGS topographic maps showing surface elevations in 1951, 1965
- 7-8. Cut and fill analysis 1951-1965, wide and detail views
- 9-10. Cut and fill analysis 1965-2014, wide and detail views
- 11-12. Cut and fill analysis 1951-2014, wide and detail views

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Attachment 1. General Chronology

Year/date	Event
1854	Brothers Benjamin Ray and James Ray agree to swap parcels of land from the Friendship tract, one parcel being 30 or 40 ac in area, the other being 18 ac and having an African American tenant named Louis Magruder. One of these tracts contains parcel 175, but it is not certain which one.
1860s	River Road African American community established with African American land ownership along River Road west of Fort Reno
1870s	A number of African American and white individuals are buried in the Chappell family cemetery in Tenleytown
1880s	Beginning of operation of Christian Cemetery by on the Chappell farm in Tenleytown
1910	Announcement of proposed Reno Road, which will require relocation of the burials in Christian Cemetery in Tenleytown leads White's Tabernacle Number 39 to discontinue interments there.
1910	White's Tabernacle Number 39 is incorporated in the District of Columbia
July 10, 1910	Date of the last interment at Christian Cemetery in Tenleytown. Estimates of the number of persons interred
January 23, 1911	Purchase of 1.04 acre lot comprised by parcels 175 and 177, by White's Tabernacle Number 39
September 12, 1912	First possible burial at Moses Cemetery in River Road, of Charles H. Brown of Glen Echo, Maryland
1930	WSSC obtains a right of way from White's Tabernacle Number 39 and constructs a trunk sewer line paralleling Willett Branch, which crosses the eastern end of the 1.04 ac parcel, potentially disturbing burials if that portion of the property was part of Moses Cemetery.
May 29, 1944	Death notice for Charles Griffin published in <i>The Evening Star</i> , last known burial in Moses Cemetery under ownership of White's Tabernacle Number 39
1950	WSSC obtains a right of way from White's Tabernacle Number 39 to build the Willett Branch Storm Drain
1957	WSSC obtains a larger right of way from White's Tabernacle Number 39 to build the Willett Branch Storm Drain
August 19, 1958	White's Tabernacle Number 39 sells the land containing Moses Cemetery to Leo Furr
1959-1959	Westwood Shopping Center constructed, and fill removed during preparation of the site for construction of shopping center buildings and parking areas is deposited on the former White's Tabernacle Number 39 property, burying Moses Cemetery

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1962-1963	Willett Branch Storm Drain is constructed, channelizing and realigning Willett Branch so that it crosses the 1.04 acre parcel containing Moses Cemetery; impact to the cemetery is unknown
1966	Construction of Westwood Tower Apartments begins; the 1.04 ac parcel is subsequently transformed during grading and construction of parking and accessory roads for the apartment building
April 15, 1967	Leo Furr grants a 6-year lease to Lazlo Tauber, to use the 1.04 ac parcel during construction of the Westwood Tower Apartments
March 21, 1968	Leo Furr sells the 1.04 ac parcel to his attorney, William Carrigan
May 1968	Westwood Tower Apartments is completed, advertises in The Evening Star newspaper for painters to finish units, and begins showing office and residential units
December 23, 1969	William Carrigan subdivides the 1.04 ac parcel into two parcels, corresponding with today's tax parcels 175 and 177
1988-present	Several deed transactions involving parcel 175 are recorded, but conditions on the property are essentially static throughout this period

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5—LEGAL NOTICES

THOMAS PENFIELD JACKSON,
1701 K St. N.W., Washington, D. C.
(Filed April 24, 1967.)

ROBERT M. STEARNS, Clerk.)
IN THE UNITED STATES DISTRICT
Court for the District of Columbia.
—PAYNE'S CEMETERY ASSOCI-
ATION, Plaintiff, vs. JAMES Mc-
MAHON, et al., Defendants.—Civil
Action No. 1777-66.—Order of Pub-
lication in the Matter of the Pro-
posed Removal of Payne's Ceme-
tery.—Upon consideration of the
Motion of PAYNE'S CEMETERY
ASSOCIATION for summary judg-
ment herein, the Court being of the
opinion that further notice should
be given the members of the
classes represented by the present
defendants and intervenor of the
pendency of this action, and fur-
ther opportunity afforded to them
to appear and make known to the
Court whether they believe their
interests to be fairly and ade-
quately protected by the present
parties hereto, and, if not, to ask
leave to intervene herein, it is,
this 24th day of April, 1967, OR-
DERED, that the hearing on said
Motion be and it is hereby con-
tinued to June 14, 1967, at or before
which time all persons who claim
consanguinity with decedents pre-
sently buried in "Paynes Cemetery,"
and all persons who claim the right
to be buried (or to cause others
to be buried) therein in the future,
and any other parties who may
claim to be affected hereby or are
legitimately interested in the subject
matter of this proceeding, and
who wish to be heard in the matter,
shall seek leave to intervene herein
to show cause why the relief
prayed, insofar as it conforms to
the terms set forth in the "Notice"
below, should not be granted; PRO-
VIDED, HOWEVER, that this Order
and the following "Notice" be pub-
lished once each week for three
(3) successive weeks in the Wash-
ington Afro-American Newspaper,
The Washington Star Newspaper,
and the Washington Law Reporter,
prior to June 14, 1967.—NOTICE:
The object of this action is to
declare that real property known
as "Paynes Cemetery," situated in
the District of Columbia and known
for assessment and taxation pur-
poses as Parcels 194-60, 194-29,
194-36, 194-37, and part of Parcel
195-32 (being that property located
within the block bounded by Ben-
ning Road, and C. F. and St.
Louis Streets S.E.), to have been
abandoned for purposes of human
burial; to authorize and direct the
managing directors of the plaintiff
corporation, at plaintiff's expense,
to disinter the bodies presently
there buried and to reinter them
in another cemetery within the
Washington metropolitan area, and
to exchange for future burial rights
therein equivalent burial rights in
the cemetery in which the bodies
presently there buried are to be
reinterred; and to declare the fee
simple title to such real property

reinterred; and to declare the fee
simple title to such real property
to be in the plaintiff corporation
free of all conditions and encum-
brances restricting the use thereof
to purposes of human burial, sub-
ject to the following conditions:
1. The plaintiff corporation shall
cause this Notice to be published
once each week for three (3) suc-
cessive weeks in the Washington
Afro-American Newspaper, The
Washington Star Newspaper, and
the Washington Law Reporter, be-
fore the 14th day of June, 1967.
2. The plaintiff corporation shall,
not later than July 1, 1967, make
a contract with the owner or owners
of another cemetery not greater
than fifty (50) miles distant from
the District of Columbia to pur-
chase, at its own expense, suffi-
cient future burial rights therein
for the purposes of reintering those
bodies disinterred from "Paynes
Cemetery" and of exchanging the
same for future burial rights in
"Paynes Cemetery." 3. The plain-
tiff corporation shall permit the
nearest living adult kinsman of
each decedent presently buried in
"Paynes Cemetery," who shall
make request therefor in writing
on or before July 31, 1967, to
select a reasonably equivalent
grave-site for his decedent's re-
interment from among those not
previously selected in which burial
rights have been purchased in ac-
cordance with Paragraph 2 above;
and the plaintiff corporation shall
further, upon request, permit such
nearest living adult kinsman to
make any reasonable arrange-
ments, at his own expense, for the
disinterment and reinterment of his
decedent, in the same cemetery or
elsewhere, as he may wish; and,
otherwise, shall, at its own expense,
disinter and reinter at a time and
place of its choosing, including
reinterment in a common grave-
site, providing, however, that it
shall do so in a respectful and
reverent manner, and with due
regard for the health and safety
of the community. 4. The plaintiff
corporation shall permit any person
who claims future burial rights in
"Paynes Cemetery" for himself or
others, and who shall present a
certificate issued by the plaintiff
corporation in support of such
claim, on or before July 31, 1967,
to select an equal number of
reasonably equivalent gravesites
from among those not previously
selected in which burial rights have
been purchased in accordance with
Paragraph 2 above. All persons
who claim consanguinity with de-
cedents presently buried in "Paynes
Cemetery," and all persons who
claim the right to be buried (or
to cause others to be buried)
therein in the future, and any
other parties who may claim to be
affected thereby or are interested
in the subject matter of this pro-
ceeding, and who wish to be heard
in the matter, shall seek leave to
intervene herein, on or before June
14, 1967, to show cause on that date
why the relief prayed, subject to
the above conditions, should not be
granted. JOSEPH C. MCGANAGHY,
Judge.—CERTIFICATE OF SERV-
ICE.—I hereby certify that a copy
of the foregoing proposed Order
was mailed, postage prepaid, this
19th day of April, 1967, to defendant
JAMES McMAHON, 936 Quincey
Street N.W., Washington, D. C.;
defendant LOTTIE H. CHASE, 419
23rd Pl. N.E., Washington, D. C.
and to DOVEY J. ROUNDTREE,
1822 11th St. N.W., Washington,
D. C., attorney for intervenor
LEROY LEGGETT. THOMAS PEN-
FIELD JACKSON, (Seal.) A True
Copy. ROBERT M. STEARNS,
Clerk. By AMELIA G. SHANNON,
Deputy Clerk. ap26-my3,10

Attachment 2. Legal notice accompanying relocation of Payne's Cemetery in Washington DC, 1967, exemplifying the type of publications occurring in conjunction with a major cemetery relocation project.

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Court Approves Disinterment in Rezoned Area

A federal judge yesterday approved the disinterment of 2,000 bodies from a Southeast Washington cemetery on land marked for either housing or commercial development.

Payne's Cemetery, located at 4640 Benning Rd. SE, asked U.S. District Court Judge Joseph C. McGarraghy to grant the order, claiming that the site had become uneconomic and inconsistent with the changed character of the adjacent community—now zoned for apartments.

The cemetery will have to locate claimants for the bodies, some of which have been interred since 1900. The judge's order bars any further burials in the 15-acre cemetery, but no bodies may be removed until the individual claimants designate new burial sites.

McGarraghy's order also provides that the cemetery will pay for both disinterments and reburials. The District Health Dept. will supervise removal of the buried.

Attachment 3. Example of Press Coverage Accompanying a Major Cemetery Relocation Project (Payne's Cemetery in the District of Columbia) "Court Approves Disinterment in Rezoned Area", The Evening Star, June 5, 1967.

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Historical and Cemetery Assessment- Westbard Development Project

MARGIN RESERVED FOR BINDING

V. S. No. 1

N. B.—WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD. Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms, so that it may be properly classified. Exact statement of OCCUPATION is very important. See instructions on back of certificate.

STATE OF MARYLAND—CERTIFICATE OF DEATH 01921

1. PLACE OF DEATH
County Montgomery Registration Dist. No. 216
Village or City Bethesda No. River Road St. _____ Ward _____
(If death occurred in a hospital or institution, give its NAME instead of street and number)
Length of residence in city or town where death occurred 3 yrs. _____ mos. _____ ds. How long in U.S. if of foreign birth? _____ yrs. _____ mos. _____ ds.

2. FULL NAME Cora Botts
(a) Residence: No. River Road, Bethesda St. _____ Ward _____
(Usual place of abode) (If nonresident give city or town and State)

PERSONAL AND STATISTICAL PARTICULARS			MEDICAL CERTIFICATE OF DEATH	
3. SEX <u>Female</u>	4. COLOR OR RACE <u>Bl</u>	5. SINGLE, MARRIED, WIDOWED OR DIVORCED (write the word) <u>widowed</u>	21. DATE OF DEATH <u>Feb.</u> <u>4th</u> 19 <u>35</u> (Month) (Day) (Year)	
5a. If married, widowed, or divorced HUSBAND of (or) WIFE of <u>widowed—Jury Botts</u>			22. I HEREBY CERTIFY, That I attended deceased from <u>Jan. 19</u> 19 <u>35</u> to <u>Feb. 4</u> 19 <u>35</u> I last saw her alive on <u>Feb. 2</u> 19 <u>35</u> ; death is said to have occurred on the date stated above, at <u>10:30am</u> .	
6. DATE OF BIRTH (month, day, and year) <u>unknown</u>			The PRINCIPAL CAUSE OF DEATH and related causes of importance were as follows: <u>Lobar Pneumonia</u> Date of onset <u>Jan. 19</u>	
7. AGE Years Months Days If LESS than 1 day _____ hrs. or _____ min. <u>68 yrs</u>			Other Contributory Causes of Importance: <u>mitral disease—Heart 4 yrs. + old age</u>	
8. Trade, profession, or particular kind of work done, as SPINNER, SAWYER, BOOKKEEPER, etc. <u>none</u>			Name of operation _____ Date of _____	
9. Industry or business in which work was done, as SILK MILL, SAW MILL, BANK, etc. <u>servant</u>			What test confirmed diagnosis? <u>Lung exam.</u> Was there an autopsy? <u>no</u>	
10. Date deceased last worked at this occupation (month and year) <u>1932</u>			23. If death was due to external causes (VIOLENCE) fill in also the following: Accident, suicide, or homicide? _____ Date of injury _____ 19____ Where did injury occur? _____ (Specify city or town, county and State) Specify whether injury occurred in INDUSTRY, in HOME, or in PUBLIC PLACE.	
11. Total time (years) spent in this occupation <u>25</u>			Manner of injury _____ Nature of injury _____	
12. BIRTHPLACE (city or town) (State or country) <u>va Loudounco</u>			24. Was disease or injury in any way related to occupation of deceased? If so, specify _____	
13. NAME <u>Daniel Parker</u>			(Signed) <u>Thomas K. Conrad</u> M. D. (Address) <u>5904 Conover Ave. Chevy Chase</u>	
14. BIRTHPLACE (city or town) (State or country) <u>va</u>				
15. MAIDEN NAME <u>Filia Charles</u>				
16. BIRTHPLACE (city or town) (State or country) <u>va</u>				
17. INFORMANT <u>Cash Parker</u> (Address) <u>River Road, Bethesda Md</u>				
18. BURIAL, CREMATION, OR REMOVAL Place <u>Mosses Cemetery</u> Date <u>2-18</u> 19 <u>35</u>				
19. UNDERTAKER <u>P. A. Lomas</u> (Address) <u>1400 E St. N.W.</u>				
20. FILED <u>2-7</u> 19 <u>35</u> <u>Thomas K. Conrad</u> Registrar				

If more blanks are needed, address State Registrar, 2412 N. Charles Street, Baltimore, Requesting U. S. No. 1.

Attachment 4. Death Certificate of Cora Botts, 1935. MSA Series SE43-5162, Department of Health, Bureau of Vital Statistics (Death Records, Counties) 1910-1951.

MARGIN RESERVED FOR BINDING

WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD

N. B.—Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms, so that it may be properly classified. Exact statement of OCCUPATION is very important. See instructions on back of certificate.

V. S. No. 1

**STATE OF MARYLAND
 CERTIFICATE OF DEATH**

1 PLACE OF DEATH
 County Montgomery (19)
 Village or City Cabin John (No. 19) St. _____ Ward _____

2 FULL NAME Charles Henry Brown

Registration Dist. No. 2/16

[If death occurred in a hospital or institution, give its NAME instead of street and number.]

PERSONAL AND STATISTICAL PARTICULARS			MEDICAL CERTIFICATE OF DEATH	
3 SEX <u>male</u>	4 COLOR OR RACE <u>colored</u>	5 SINGLE, MARRIED, WIDOWED, OR DIVORCED (Write the word) <u>Married</u>	16 DATE OF DEATH <u>Sept. 9</u> , 191 <u>2</u> (Month) (Day) (Year)	
6 DATE OF BIRTH (Month) (Day) (Year)			17 I HEREBY CERTIFY, That I attended deceased from <u>Sept. 9</u> , 191 <u>2</u> , to <u>was coroner</u> , 191 <u>2</u> .	
7 AGE <u>72</u> yrs. <u>1</u> mos. <u>1</u> ds. OR <u>1</u> day, <u>1</u> hrs. OR <u>1</u> mo.?			that I last saw him alive on _____, 191 <u>2</u> .	
8 OCCUPATION (a) Trade, profession, or particular kind of work <u>Farmer</u> (b) General nature of industry, business, or establishment in which employed (or employer)			and that death occurred on the date stated above, at <u>5 P.</u> m.	
9 BIRTHPLACE (State or country) <u>Hampton Virginia</u>			The CAUSE OF DEATH* was as follows: <u>Heart trouble and natural causes.</u>	
10 NAME OF FATHER <u>Richard Brown</u>			Contributory (Secondary) _____	
11 BIRTHPLACE OF FATHER (State or country) <u>Hampton Virginia</u>			(Duration) _____ yrs. _____ mos. _____ ds.	
12 MAIDEN NAME OF MOTHER <u>Henriot Brown</u>			(Signed) <u>Rose M. Roach J. P. M. D.</u>	
13 BIRTHPLACE OF MOTHER (State or country) <u>Hampton Virginia</u>			<u>Sept 9, 1912.</u> (Address) <u>Blair Ct. Md.</u>	
14 THE ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			*State the DISEASE CAUSING DEATH, or, in deaths from VIOLENT CAUSES, state (1) MEANS OF INJURY; and (2) whether ACCIDENTAL, SUICIDAL, or HOMICIDAL.	
Informant: <u>Chas. R. Brown</u>			18 LENGTH OF RESIDENCE (FOR HOSPITALS, INSTITUTIONS, TRANSIENTS, OR RECENT RESIDENTS)	
(Address) <u>Wash. D. C.</u>			At place of death _____ yrs. _____ mos. _____ ds. In the State _____ yrs. _____ mos. _____ ds.	
19 Filed <u>7/20</u> , 191 <u>2</u> <u>John L. Lewis M.D.</u> REGISTRAR			Where was disease contracted, if not at place of death? Former or usual residence.	
			19 PLACE OF BURIAL OR REMOVAL <u>Mass. Cemetery Md</u>	
			DATE OF BURIAL <u>Sept. 12, 1912</u>	
			20 UNDERTAKER <u>W. R. Pamphrey & Son</u>	
			ADDRESS <u>Rockville</u>	

If more blanks are needed, address State Registrar, 5 E. Franklin St., Balto., Requesting V. S. No. 1.

Attachment 5. Death Certificate of Charles Henry Brown, 1912. MSA Series SE43-5162, Department of Health, Bureau of Vital Statistics (Death Records, Counties) 1910-1951

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Attachment 6. Chain of title for parcels 175 and 177

Date	Book	Page	Grantor	Grantee	Comments
Parcel 175					
6/5/2013	47005	218	Cap-Westwood Towers	EquityOne	23,920 ft ² parcel
3/5/2005	29463	73	Westwood Joint Venture and Lazlo Tauber	Cap-Westwood Towers	
12/8/1999	17757	431	Lazlo N. Tauber, M.D. and Associates	Lazlo N. Tauber, M.D. and Associates	Confirmatory Deed
4/12/1988	8223	821	International Eye Foundation	Lazlo N. Tauber, M.D. and Associates	
12/23/1969	3928	592	William M. Carrigan	International Eye Foundation	Original 1.04 ac parcel split into two parcels, tax parcels 175 (24,004 ft ²), carried forward in this title history, and tax parcel 177 (4,894 ft ²) was sold to the Society of Catholic Missionaries; Parcel 177 title chain starting with this subdivision follows title history for parcel 175.
3/21/1968	3722	25	Dr. Leo Furr	William M. Carrigan (Furr's Attorney)	No improvement noted in tax assessment records

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4/15/1967	3707	508	Dr. Leo Furr	Dr. Lazlo Tauber	6-year lease agreement allowing use of land during construction of Westwood House (Original name for Westwood Towers Apartments), after which "the property [shall be] restored to the satisfaction of the lessor".
8/19/1958	2493	15	White's Tabernacle Number 39	Dr. Leo Furr	No improvements noted on tax assessment records for 1958. See plat, 3831/747, for survey of Dr. Leo Furr property
6/14/1957	2350	453	White's Tabernacle Number 39	WSSC	Willet Branch Storm Drain
8/28/1950	1422	261	White's Tabernacle Number 39	WSSC	Right of Way for Willet Branch Storm Drain
12/10/1930	514	45	White's Tabernacle Number 39	WSSC	Right of Way for Willet Branch Storm Drain
1/23/1911	218	26	Frank Dotson (Dobson)	White's Tabernacle Number 39	
12/20/1887	RCW 15	138	Charlotte Grey	Frank Dotson	Will granting land from grandmother to grandson, states there is a

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					house on the 1.04 ac property
8/5/1870	EBP 7	442	James Ray	Charlotte Grey (and Francis, her husband)	
Parcel 177					
2/8/1996	13952	646	William M. Carrigan	Galway Group	Special Warranty Deed
6/22/1982	5893	446	William M. Carrigan	Kevin D. Higgins and Kim D. Yardley	Deed of Trust
5/11/1982	5893	444	Society of Catholic Medical Missionaries	William M. Carrigan	
12/30/1968	3820	724	William M. Carrigan	Society of Catholic Medical Missionaries	

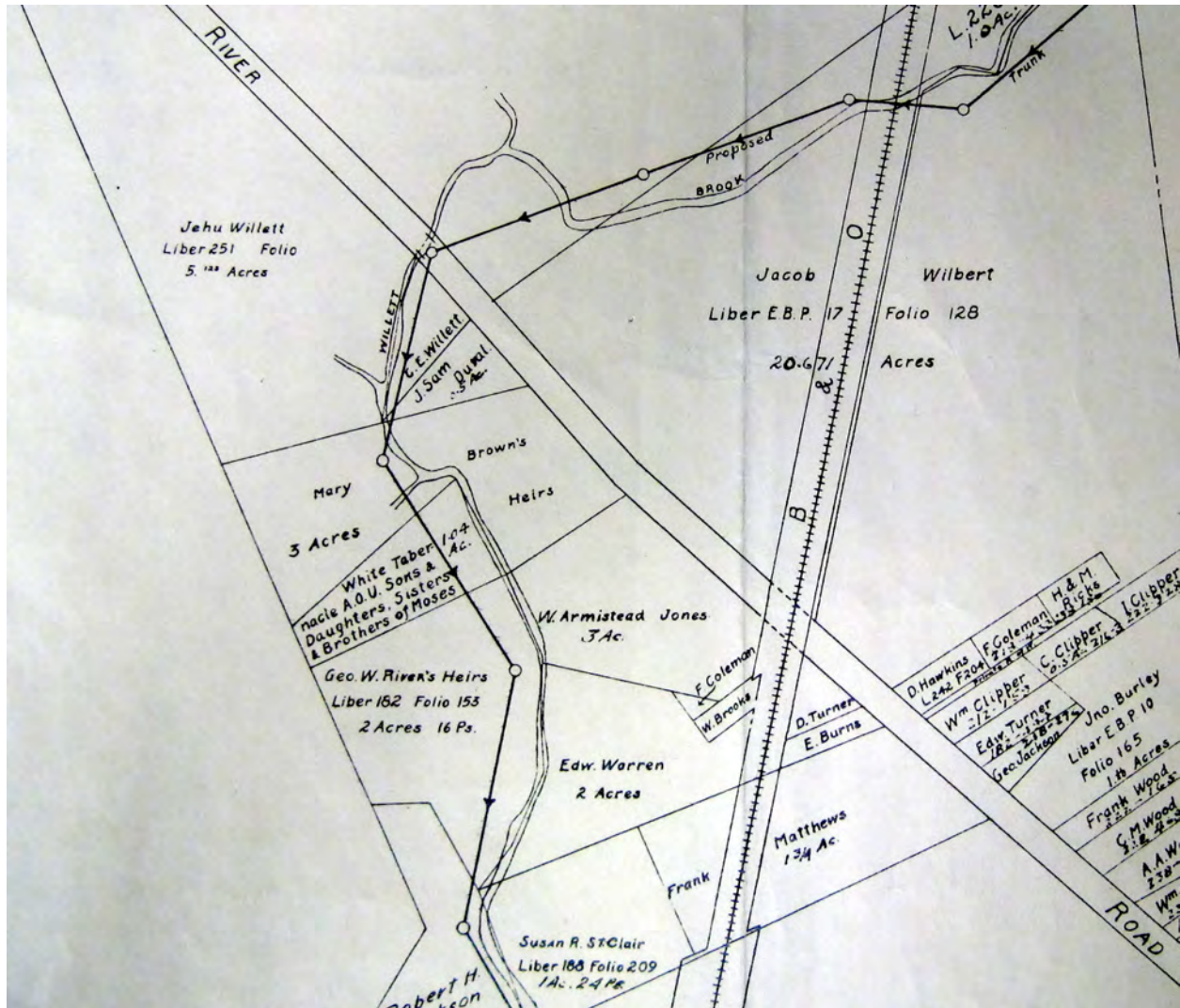


Huge channels and pipelines are designed and constructed by the WSSC to solve storm drainage problems. Workmen are shown channelizing a section of the million-dollar Willett Branch Drain in Montgomery County.

Attachment 7. View of Construction on Willett Branch Storm Drain in Bethesda (precise location unknown), 1962. Published in WSSC Annual Report in 1963 (pp. 9).

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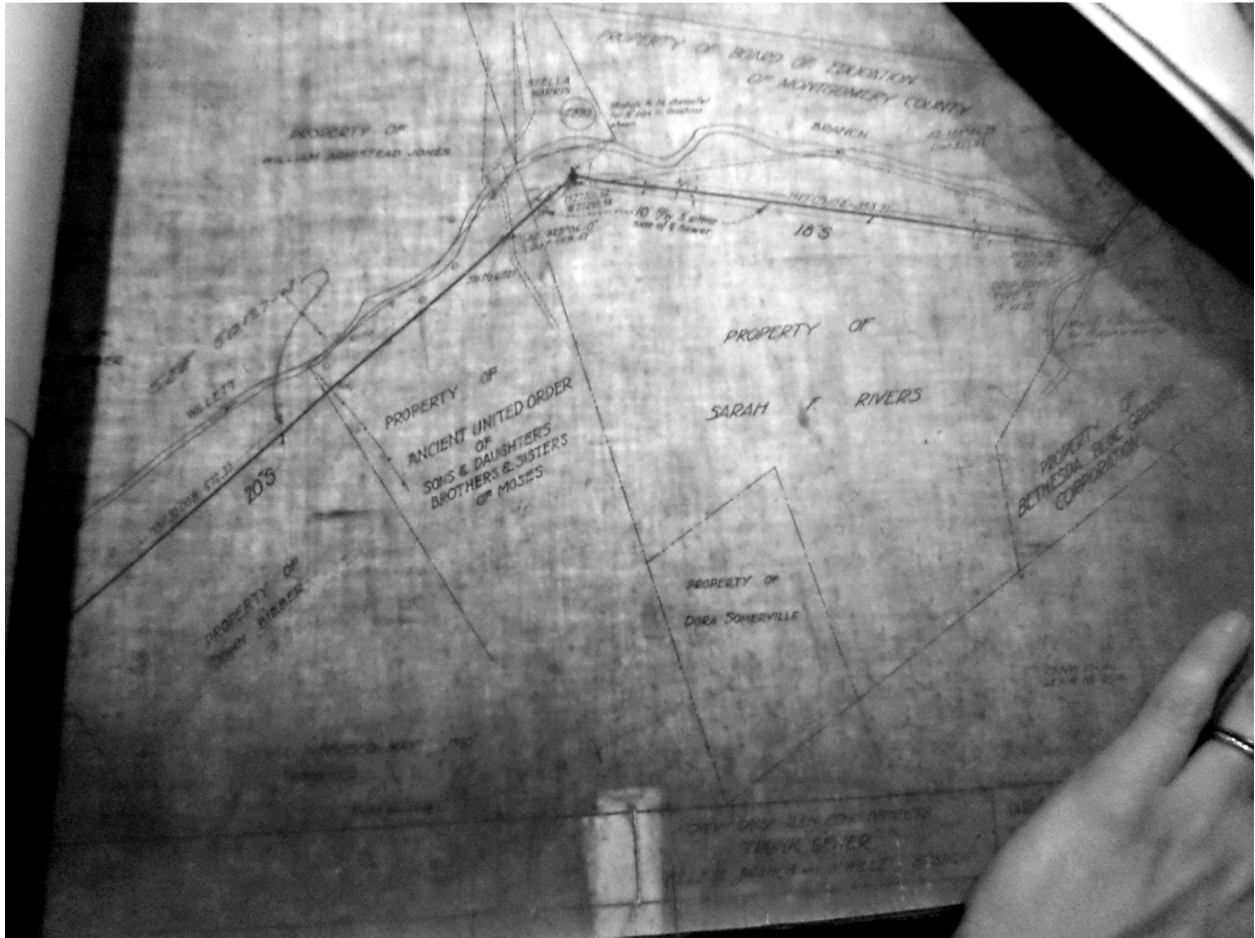
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Attachment 8. Detail of Deets and Maddox 1917 Real Estate Atlas of Montgomery County Showing Property of White's Tabernacle Number 39. Note proposed trunk sewer line following Willett Branch and crossing White's Tabernacle property.

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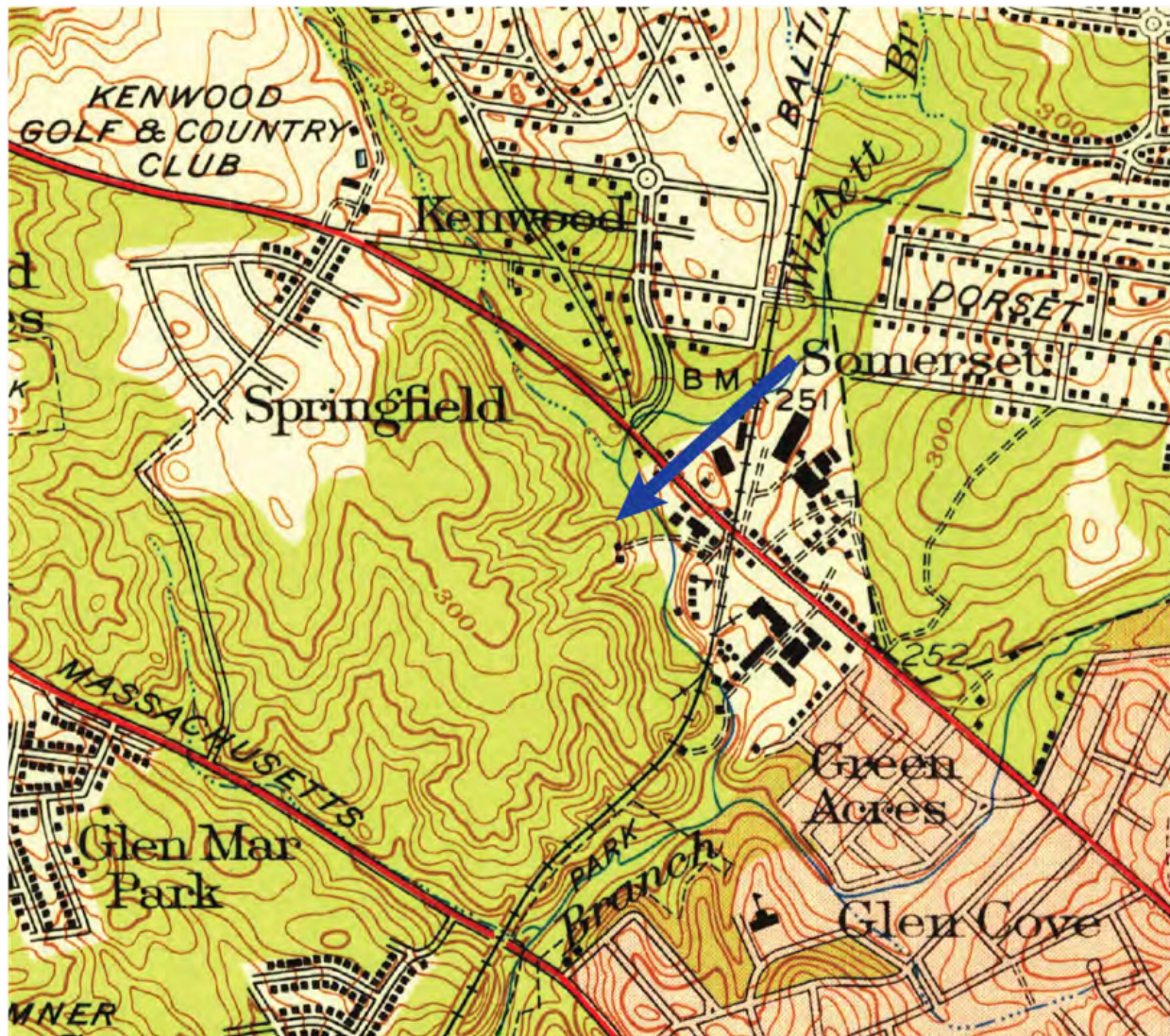
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Attachment 9. Detail of WSSC plans for 1930 trunk sewer showing ownership of 1.04 ac parcel by White's Tabernacle Number 39. Personal papers of Arnold D'Epagnier, on file, Montgomery County Planning Department.

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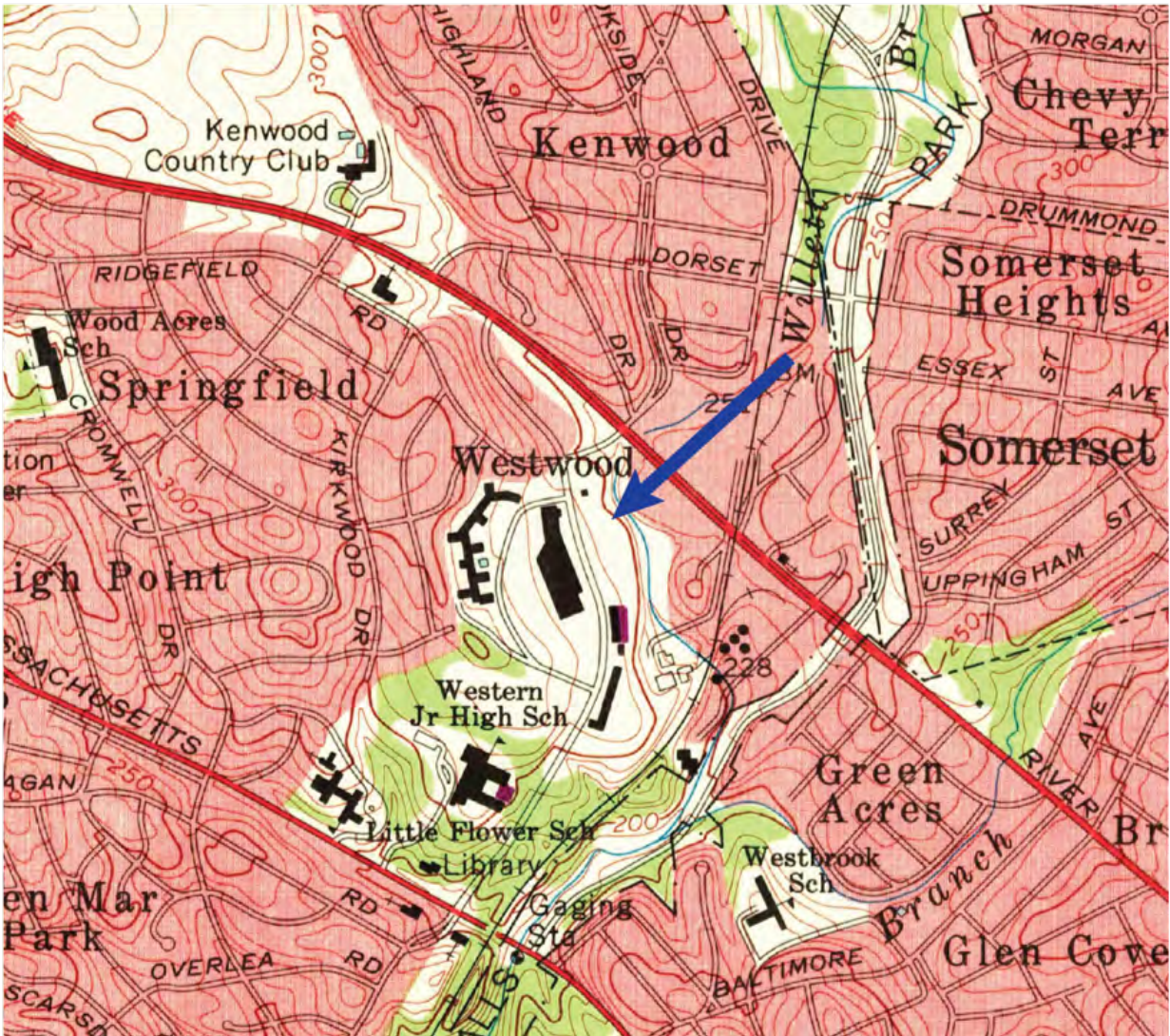
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Attachment 10. Detail of 1951 U.S. Geological Survey Topographic Map Showing Vicinity of Parcel 175, Indicated by Blue Arrow (Washington West Quadrangle, District of Columbia-Maryland-Virginia, 7.5 Minute Series, U.S. Geological Survey, Washington, DC).

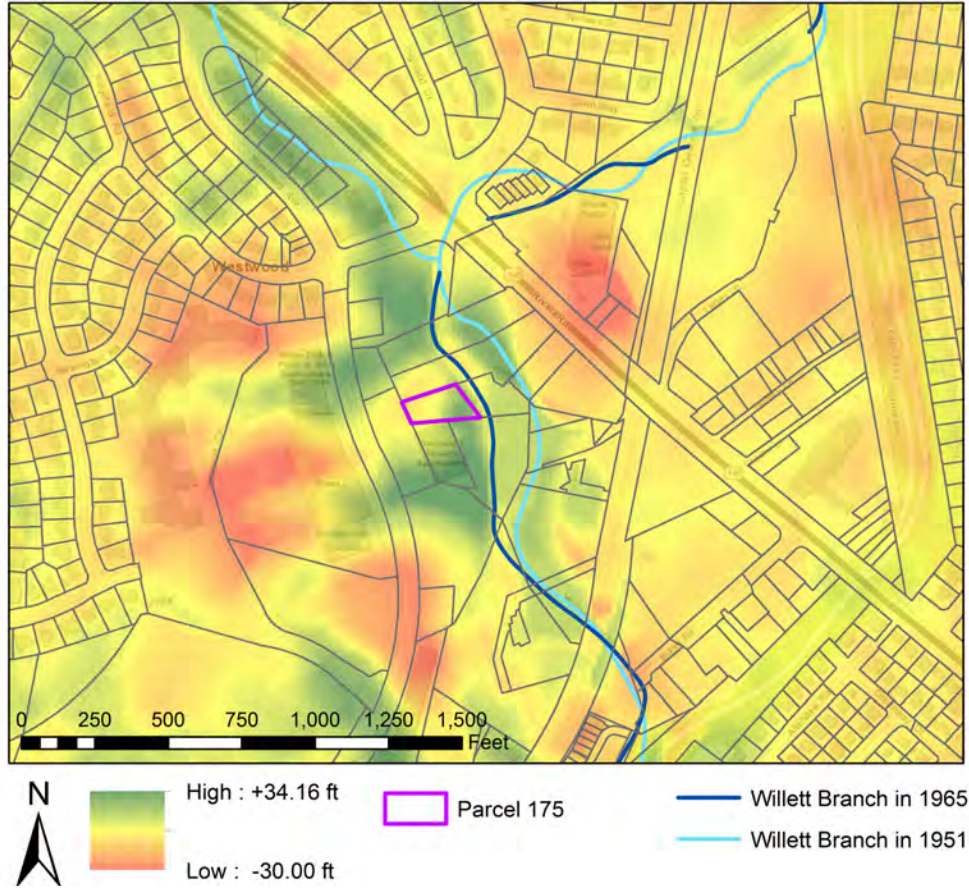
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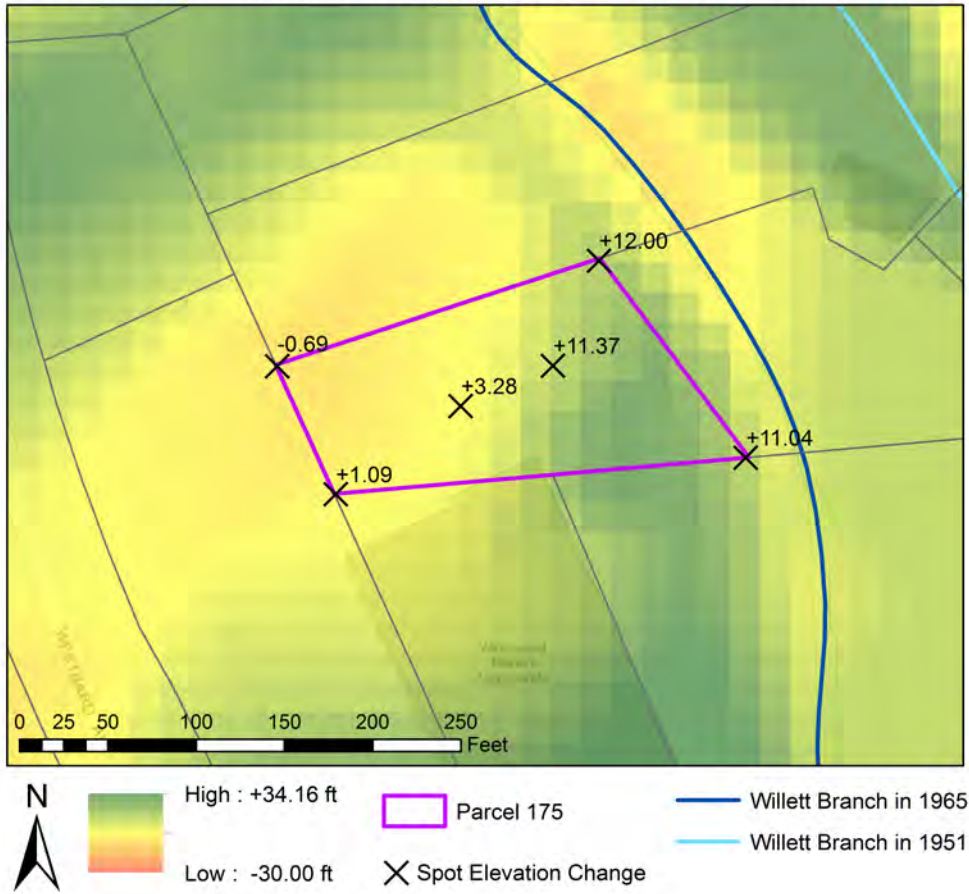
Attachment 11. Detail of 1965 U.S. Geological Survey Topographic Map Showing Vicinity of Parcel 175, Indicated by Blue Arrow (Washington West Quadrangle, District of Columbia-Maryland-Virginia, 7.5 Minute Series, U.S. Geological Survey, Washington, DC).

Westbard Parcel 175, Elevation Change 1951-1965



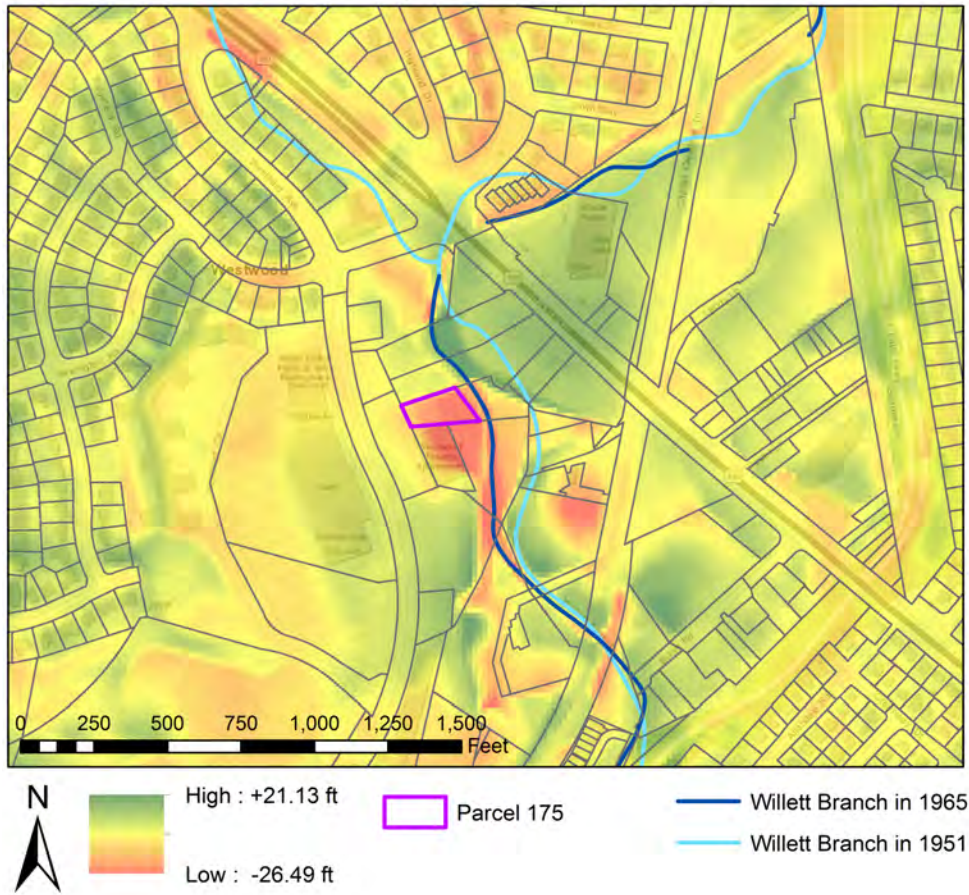
Attachment 12. Results from Cut-and-Fill Analysis for the Wider Westbard Vicinity Indicating Elevation Changes and Realignment of Willett Branch Between 1951 and 1965.

Westbard Parcel 175, Elevation Change 1951-1965



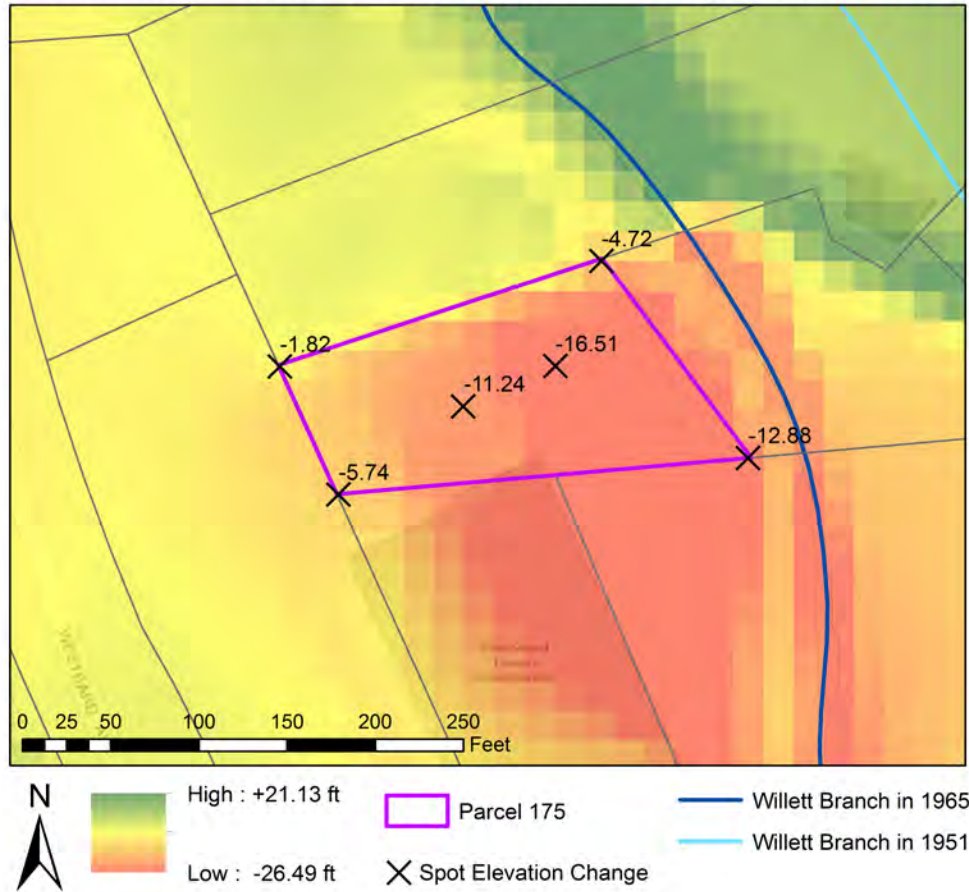
Attachment 13. Detail of Results from Cut-and-Fill Analysis Indicating Elevation Changes in Parcel 175 and Realignment of Willett Branch Between 1951 and 1965.

Westbard Parcel 175, Elevation Change 1965-2014



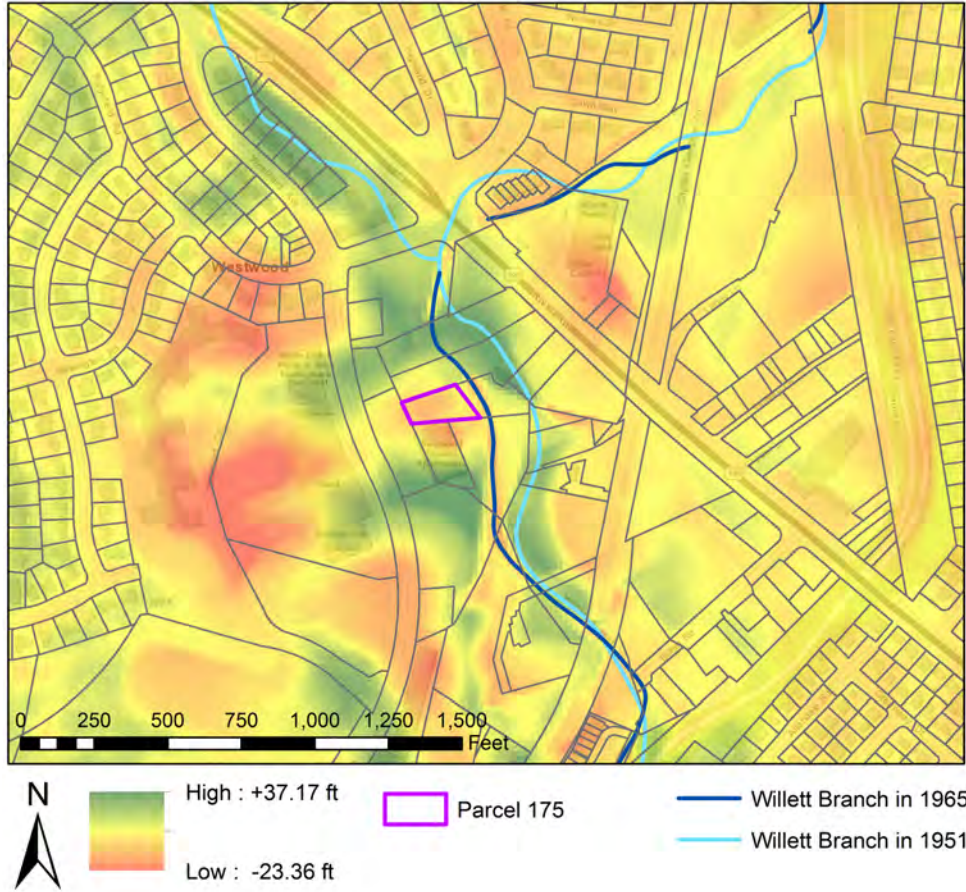
Attachment 14. Results from Cut-and-Fill Analysis for the Wider Westbard Vicinity Indicating Elevation Changes Between 1965 and 2014, and Realignment of Willett Branch Between 1951 and 1965.

Westbard Parcel 175, Elevation Change 1965-2014



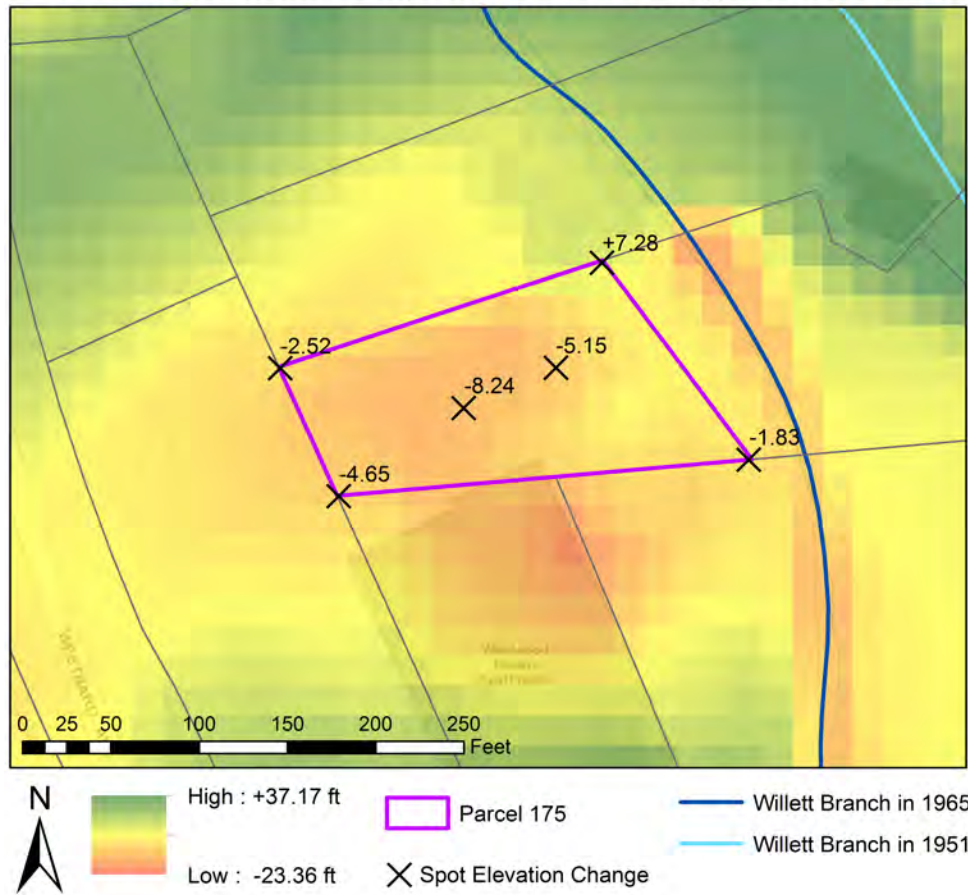
Attachment 15. Detail of Results from Cut-and-Fill Analysis Indicating Elevation Changes in Parcel 175 Between 1965 and 2014, and Realignment of Willett Branch Between 1951 and 1965.

Westbard Parcel 175, Elevation Change 1951-2014



Attachment 16. Results from Cut-and-Fill Analysis for the Wider Westbard Vicinity Indicating Cumulative Elevation Changes Between 1951 and 2014, and Realignment of Willett Branch Between 1951 and 1965. Note intensive grading and soil removal for construction of Westwood Shopping Center and Apartments.

Westbard Parcel 175, Elevation Change 1951-2014



Attachment 17. Detail of Results from Cut-and-Fill Analysis Indicating Cumulative Elevation Changes in Parcel 175 Between 1951 and 2014, and Realignment of Willett Branch Between 1951 and 1965.