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# Overgrown graveyards caught in legal jungle

by Dan Ward

Wedged in a corner behind the Black Mountain east cemetery and next to the Tabernacle Methodist Church cemetery is a weedy patch of homemade headstones as a visual reminder of a few who are in fact forgotten.

More than a week of research by the News shows that the headstones announce the only claim heard for the overgrown graveyard.

The plot, approximately 30 feet by 15 feet, is shown by county records to be owned by Jackie Wheeler. According to Black Mountain town records, it belongs to Lee Hutchins, who owns adjoining fields. According to a survey map in town records, the land belongs to Tabernacle Church. According to at least one former town official, the area is simply a no-man's land used by the poor soon after the turn of the century to bury their kin.

Ownership of the cemetery

came into question when an irate town citizen complained of the condition of the cemetery, which, if not for a knee-high fence, would appear to be a continuation of the town-owned plot adjoining the Padgett family cemetery. Tax records show, however, that although there is question as to who owns the land, the town does not. Town Manager Mack Kirkpatrick said that he has assumed that the land belonged to Tabernacle Church, whose cemetery adjoins the "potter's field" on the south side. A survey done by George M. Gudger for the town when it accepted the cemetery from T. Pell Padgett in exchange for perpetual care for the family cemetery in 1969 also shows the land as belonging to the church.

Robert Goodson, chairman of the church's directors, said that the land does not belong to the church and never has. Land records back up Goodson's statement.

Goodson noted that the town at one time cared for the now overgrown and vandalized cemetery.

Lee Hutchins said that a survey done of his land earlier showed that part of the pauper cemetery was on his land. He added that he would agree to let anyone maintain the graves, now covered with limbs, brush and displaced headstones.

Former Town Manager Charles Lindsay confirmed that the town had cared for the cemetery under his administration as a courtesy, because relatives of those buried there either did not exist or were unwilling to provide care. He said that he was told, upon beginning duties as town manager, that the area had been used as a pauper's cemetery by the town, but that Tabernacle Church owned the land.

"As far as I know, nobody's responsible except the relatives of the people buried there—just like the old

mountain graveyards, Lindsay said.

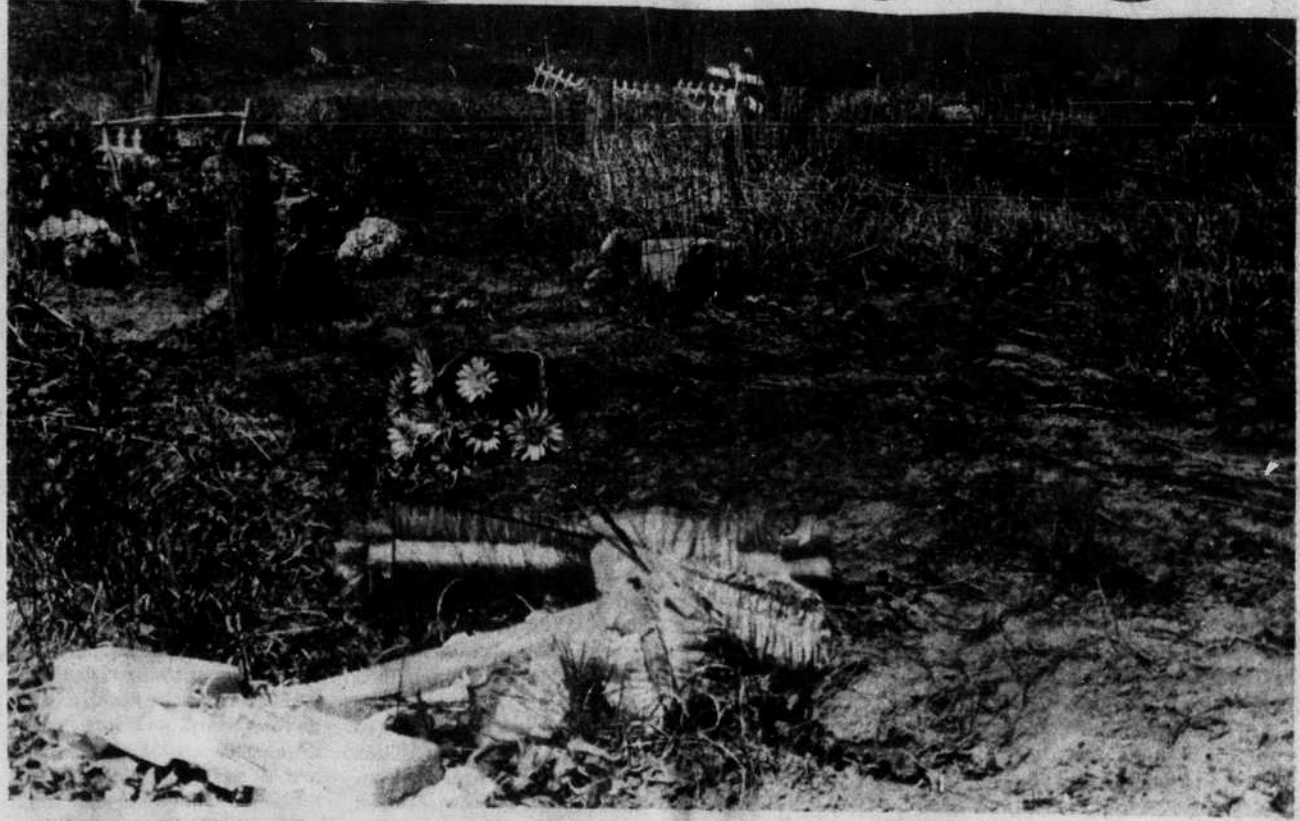
Ross Taylor, Golf Course supervisor for the town, said that he cut brush and grass in the tiny cemetery "twice a year" until golf course duties made it hard for him to spend a day at the cemetery. He said the graveyard poses a special problem in that the ground is too rough for a riding mower. Hand sickles are about the only tools that can be used to keep the growth down, he said. Taylor said he last cleaned up the cemetery two years ago.

Harold Dotson of the town streets department said that town crews have cleaned up the cemetery two or three times a year. He said that the crew was planning to make its first cleanup visit to the cemetery soon for this year. Maintenance, he said, includes mowing and spraying weed killer.

Kirkpatrick said that he will have the cemetery cleaned up at town expense if he receives

town authorization.

Kirkpatrick said that in another case, that of the west town cemetery, located next to Mountain View cemetery, the town has initiated action to care for that cemetery, although the town sold plots at the turn of the century without provision for perpetual care. Kirkpatrick said the town has run into legal problems because the plots are now privately owned by relatives, making it legally risky to remove overgrown bushes and trees to make mowing easier. Lindsay, who was named along with Bob Miller and Bertha Jones as a member of a committee working to obtain permission for the town to remove unwanted trees and bushes, said he has done some research to locate living relatives of those buried in the now-filled west cemetery, but cannot contact deed holders without formal approval from the town board.



"Potters Field"—overgrown and overlooked. (Dan Ward) (More Photos on page 3)

(continued on page 3)



In spite of spring weather in the Valley, a late snow on the mountains stayed for two days last week. (Dan Ward)

## Black Mountain College—a history

Ed. Note—The following condensed history of Black Mountain College, currently the topic of a series of workshops at Warren Wilson College, was written by Mary Emma Harris, who devoted years to studying the college for her master's degree thesis. The series was originally published as a single article in the April edition of the Arts Journal.

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College was a crisis in the spring of 1933 at Rollins College in Florida. This crisis, ignited by the firing of John Andrew Rice, Professor of Classics, resulted in the dismissal and resignation of more than a quarter of the Rollins faculty and student body. Four of these faculty—John Andrew Rice, Theodore Dreier, Ralph Lounsbury, and Frederick Georgia—together with students who left Rollins—decided to found a new college which would put into practice alternative ideas about education and the arts.

Black Mountain College was owned and administered by the faculty who formed a non-stock corporation. The faculty elected a Rector who chaired the faculty and Board of Fellows meetings but who had no special administrative authority. The faculty had complete control over educational policy. The Board of Fellows, elected by the faculty from its membership and including one student elected by the students, was

responsible for hiring faculty and for the financial administration of the college. There was no endowment and no Board of Trustees. The college was financed on an annual basis by tuition in addition to gifts and a few small grants. An Advisory Council of prominent individuals in the arts and in education was selected by the faculty. They had no authority but supported the college by their endorsement

of its program, and they offered advice when it was sought. Members of the Advisory Council included Walter Gropius, a founder of the Bauhaus and Chairman of the School of Architecture at Harvard University; John Dewey, the founder of the Progressive Education Movement; Franz Kline, the Abstract Expressionist painter; and Albert Einstein, the eminent nuclear physicist.

(To be continued...)

## Chamber fest planned

A Swannanoa Valley Chamber of Commerce committee tentatively set August 9-12 as the dates the chamber's annual celebration on April 28.

Replacing the Founder's Day celebration will be the theme "Swannanoa Valley Sourwood Festival Days," the committee recommended.

Anticipated as events in the festival-type celebration, the committee agreed, would be a parade, horse shoe competition, street dance, entertainment, golf tournament, street displays and craft sale booths, a sourwood sale and possibly a bar-b-que.

Mountain Mayor Tom Sobol issue a proclamation in support of the Swannanoa Valley Sourwood Festival Days.

The festival recommendations will come before the Chamber of Commerce at

its regular meeting 8:30 p.m. on May 4 at the Black Mountain Savings and Loan.

Members of the festival committee are Carl Bartlett, chairman; Bob Miller; Dr. Bob Dickey; Ed Weber and Bill Ricketts.

## Revenue sharing hearing set

The Town of Black Mountain will hold a public hearing Thursday, May 4 at 6 p.m. at Town Hall to get citizen input into how the town should spend approximately \$50,000 in new revenue sharing funds and \$18,900 in unspent revenue sharing money from last year.

Town Manager Mack Kirkpatrick said that the hearing is

required by law as a means of finding out what projects the citizens would most like to see the money spent on. He said use of the money is limited basically to capital improvements—that is buildings and equipment.

Citizens may either speak or submit written statements at the hearing.

## Fire bounds hearing set

by Dan Ward

The Buncombe County Board of Commissioners have agreed to set a hearing for Wednesday, May 17 at 7:30 p.m. at Owen High School to settle once and for all the boundary between the Black Mountain and Swannanoa

Fire Districts.

The commissioners last year set the boundary at the Old Black Mountain Township limits, but have scheduled another and final hearing at the request of Fire Chiefs Stealing Poe of Black Mountain and Tom Hixon of Swannanoa.

All persons living between the Black Mountain western town limits and the west end of Tanglewood Mobile Home Park and Scenic Drive are asked to attend.

Poe said that those most concerned are persons and businesses located on Lake Eden Road and near the

Juvenile Evaluation Center, Camp Rockmont, and the Kearfott plant.

Poe added that all commissioners are expected to attend, and that they will make a final decision on the fire boundaries at the meeting based on testimony of those who attend.

## Armed holdup, breakins here

The Black Mountain Police, partially because of the seasonal increase in interstate traffic, had a busy week, including the investigation of six thefts.

A black man is sought in connection with the armed robbery of the Pizza Hut on US 70 west on April 28. According to Det. Don Ramsey, the man pulled a gun on the cashier and took \$491 from the cash register and fled in a car driven by another person. Although police have a description of the man, he has

not yet been arrested, Ramsey said.

Three juveniles from Ohio have been arrested in Statesville in connection with the breaking and entering and theft of tape recorders and other items from Black Mountain Grammar School over the weekend. The youths are runaways, police reported.

Two men from New Jersey were charged with the larceny of \$14 worth of gas from Shook's Exxon when they were apprehended by Sheriff's

police in Broad River on April 27.

Two tires valued at \$110 were stolen from Blankenship Gulf last weekend. The theft is under investigation.

One suspect remains to be questioned in connection with the theft of an unknown number of items from a house belonging to Rudolf Ricketts on Seventh Street April 28. The breakin was discovered by a neighbor, Ricketts, who lives in Florida, was unavailable to list missing items.

In another burglary, \$30 was

taken from Graphics Associates on US 70 west April 25. The theft is still under investigation.

On April 29, Black Mountain Drug Store reported that a newspaper rack had been vandalized. No one is yet charged in the incident.

Police responded to 196 calls for public drunk, issued six traffic tickets, investigated three accidents, assisted the Black Mountain Fire Department and transported one county prisoner.

## Hook shot hooks free tuition

by Dan Ward

One athlete who doesn't have wide shoulders and

eight-inch biceps has recently been signed to an athletic grant-in-aid worth \$4100 for the first year of college alone.

And she's an honor student to boot.

Mary Ann Myers, who thrilled basketball crowds the last few seasons with her spectacular, but unselfish, play on Owen's court, has accepted an offer to play basketball for the University of Miami of Ohio.

that her notoriety was not all her own doing.

"I had pretty good teammates. Something else I think isn't talked about enough is the coaching.



"You can be the best athlete in the whole wide world, but if you don't have good coaching, it won't amount to anything," she said.

"Fortunately, I had the coach that said, 'You can bring the ball out.' He gave me the confidence. I didn't feel like I had to beat everybody," she said, referring to Coach Chris Lee.

"He's kind of a unique coach," she said. "He knows so much about basketball. He's a great girls' coach."

"I come from a large family—three sisters and two brothers, I guess they were the ones who really got me started off in basketball," she added.

She is optimistic about her new team.

"I think that in two or three years it will be a nationally ranked team," she said.

The cager said she plans to major in physical education and minor in recreation. Academics shouldn't be rough—she's an honor student and Beta Club member at Owen.

Does she hope to make her mark in Miami in a sport other than basketball?

"I'm going to try out for spring tennis, but I'm not sure I'm going to make the team," she said with a smile.

Mary Ann was quick to say

**Brides, brides**

Again this year, the Black Mountain News will present a June Bride Supplement, including tips for new homemakers and bridal fashion.

Watch for it