

BILL BURGER, M.A., R.P.A.  
Independent Scholar in  
Archaeology, Anthropology, and  
Cultural Resource Management



P.O. Box 201  
Terra Cela Island, FL 34250  
PHONE (941)722-3403  
FAX (941) 721-7225

Consultant to Individuals, Corporations,  
and Governments

Date: 10/6/03

To: -Jonathan Bruce, chair, Manatee County BOCC  
-Manatee County Planning Commission  
-Ted Williams, Manatee County Attorney's Office  
-Dr. Janet Synder-Matthews, Florida Division of Historical Resources  
-Cathy Slusser, supervisor, Manatee County Historical Resources Dept.  
-Alan Garner, chair, Manatee County Historic Preservation Board  
-Dorothy Rainey, planner, Manatee County Planning Department

Re: Rezone petition PDR-03-11 (Z) (P) - a parcel located within the SE ¼ of  
Section 16, T 33S, Rg 18E

I am faxing this to all of you in an attempt to ensure that the following matter is not  
ignored.

It is very likely that the subject parcel contains the remains of a white, Baptist cemetery,  
reflecting the original location of the Benevolence (now Gillette First Baptist) Church,  
perhaps dating to as early as the mid-1840s. **Disturbance of human remains is a felony  
under Ch. 872, F.S.**

I am attaching information from Marvis Snell's book Testimony to Pioneer Baptists: The  
History and Development of the Gillette First Baptist Church (1974:13, 21, 22).  
From personal experience, I will state that in the early 1960s, a classmate, Sylvia Guest,  
who lived with her mother as renters of a house on the parcel immediately adjacent/west  
of the subject parcel, showed me a portion of a marble gravestone she had found "in the  
woods to the north" of their house. This physical evidence argues for the presence of  
graves that were not relocated to other cemeteries. It should be noted that Snell's  
statement that the cemetery was "destroyed by bulldozer" is opinion, not fact. Further,  
Ch.872 addresses human remains whether or not they are undisturbed.

I would appreciate hearing from those of you who are in public positions of responsible  
authority as to how you intend to address this legal issue. Thank you.

*Bill Burger*

attachment

## Benevolence Church

**T**HE EXACT ORGANIZATIONAL DATE of Benevolence Church is not known. We do not know the first pastor nor is there a list of charter members. We do know that Reverend Jeremiah Hayman began preaching in this area in 1851 and 1852. This was a forerunner of the work that was to come when a small band of Christians organized Benevolence. Perhaps it was under his leadership, and he was the first pastor. Or perhaps it was another who picked up the work and led in the organization. John W. Hendry may have been the one to do this.

Benevolence was the first Baptist church to be organized in what we now know as Manatee County, and was the first church of any denomination to be organized north of the Manatee River. The church served as a meeting place for Christians of all faiths in the vast and sparsely settled territory that was bordered on the south and north by the Manatee and Little Manatee Rivers and Tampa Bay on the west. On occasion, folks would come from as far away as Duette and New Zion on the east, and Braidentown and below on the south.

The church, a one pen log cabin about 20 feet by 25 feet, was made from the pines on and near the location by the little cemetery that was already there. The spot was high and dry. Burying had been going on there for many years, probably going back to the 1840s, or earlier. A stark reality of pioneer life was death. The church and cemetery were located north of the Frog Creek ford and north and west of the present Gillette Baptist Church on SR 685. The land was owned by the Armstrongs in later years.

The little cemetery remained in use as late as 1885, and there were about 30-35 graves in the cemetery when it ceased to be used. Many of the graves were small, indicating that the pioneers had lost beloved children. The Yellow Fever epidemic that hit Tampa in 1858 probably moved on down to the Frog Creek settlement and took its toll. One grave, supposedly that of a Mrs. Henson, was covered by a roof set on posts. There were a few tombstones, but most of the graves were marked by only a mound of dirt and possibly a stob or a covering of clam shells. The two little Robinson boys were buried in this cemetery, but their graves were transplanted to the cemetery on Fifth Street in Palmetto sometime after the family moved to Atwater Point.

The log church and adjoining cemetery property were never deeded to the church. Years later, when the property changed ownership, the overgrown cemetery was destroyed by bulldozer and set in citrus trees. A complete record of the people buried there, kept only in the minds and hearts of their survivors, is now lost.



BILL BURGER, M.A., R.P.A.  
Independent Scholar in  
Archaeology, Anthropology, and  
Cultural Resource Management

P.O. Box 201  
Terra Ceia Island, FL 34250  
PHONE (941)722-3403  
FAX (941) 721-7225

Consultant to Individuals, Corporations,  
and Governments

Date: 10/7/03

1 of 2

To: -Jonathan Bruce, chair, Manatee County BOCC  
-Manatee County Planning Commission  
-Ted Williams, Manatee County Attorney's Office  
-Dr. Janet Synder-Matthews, Florida Division of Historical Resources  
-Cathy Slusser, supervisor, Manatee County Historical Resources Dept.  
-Alan Garner, chair, Manatee County Historic Preservation Board  
-Dorothy Rainey, planner, Manatee County Planning Department  
-Ernie Padgett, Manatee County Administrator

Re: Rezone petition PDR-03-11 (Z) (P) - a parcel located within the SE ¼ of  
Section 17, T 33S, Rg 18E

(Given the following additional information, I am copying this and yesterday's memo to Mr. Padgett.)

Soon after faxing you yesterday, I received a phone call from Dorothy Rainey, Manatee County planner assigned to this project. She told me a cultural resources assessment had been made of the subject parcel in April, 2003, by Archaeological Consultants, Inc. (ACI). I have just returned from the Planning Department, where I reviewed this report. Please consider the following points:

-I found no mention of the first Gillette cemetery in the ACI report. Further, the report states that the results of their historic research resulted in no expectations, viz. potential for significant historical features (5.1.2 on pg. 5-3)

-One of ACI's cited references is Snell & Snell (2002): The Gillette Cemetery: A Pioneer Cemetery in the Gillette Community, Manatee County, Florida. On pages 7 & 8 of that book is a description of the first cemetery, describing its location as "approximately one-quarter mile west and north of the intersection of State Road 683 (Ellenton-Gillette Road) and Mocassin Wallow Road (97<sup>th</sup> St. East)," i.e. the area of the subject parcel.

-Informant interviews are a usual part of cultural resource surveys. The owners of the present parcel are and have been aware of the cemetery. I found no mention of interviews in the report.

10/7/03

2 of 2

-There is no person in the Planning Department qualified to make professional reviews or determinations on cultural resource matters. Yesterday, Ms Rainey stated there was someone in the department who had a "friend" who is an archaeologist, and so reviews these issues. I would politely point out that the referenced "association" with an archaeologist does not an archaeologist make.

-Ms Rainey stated that in any case, staff had included a standard, fortuitous finds stipulation to their report (and recommended approval).

**To summarize:** There is clearly a potential for the remains of an unmarked cemetery on the subject parcel. This potential was **not** addressed in the ACI report. ACI's field testing at 50 meter intervals (shovel tests dug every 164+ feet) did not recover any evidence of a cemetery of whose potential presence ACI was, from their report, not even aware. And ACI was not looking for a cemetery on this parcel. I am quite sure, however, that had ACI been aware of this potential, they would have conducted much shorter interval testing. They are, after all, a recognized, professional firm, and previously found and excavated an historic cemetery in Ft. Myers. When there is a documented probability for a particular cultural resource on a parcel, we archaeologists modify our field methods accordingly in actively trying to find that particular resource.

Given that no stated, directed effort has been made to locate the first Gillette cemetery, I ask: Would it be legitimate and/or legal for Manatee County to accept the conclusions of the ACI report and to approve a rezoning that will result in ground disturbing activities, gambling that no evidence of the cemetery exists on the subject parcel? Given the information I have shared with you, could Manatee County be liable under Ch.872? If remains are present and are discovered (during future construction activities by heavy equipment), is it likely that an untrained person will recognize such remains, stop the work, and call the sheriff, per Ch. 872? Is accidental discovery the best way to relocate a known, though "misplaced" Christian cemetery?

Given the information I have supplied to you, what would the public perception be of this matter, if no real effort is made to actually locate the first cemetery of the Benevolence Baptist Church?

Finally, for the record, let me state to you with full assurance and sincerity that I am not pursuing this matter in order to secure a contract or any financial reward. I hereby remove myself from any possible consideration should, as I professionally feel, the referenced parcel be required to have a new, properly researched and designed cultural resource assessment survey made in the future. I feel that an oversight has been made, and this oversight should be rectified. If remains of the first cemetery of the Benevolence Baptist Church are found to be on the subject parcel, they should be dealt with properly, respectfully, and according to the laws of the State of Florida.

