AN OZARKS TREASURE

Professor Steve Illum of Southwest Missouri State University called a few days ago and said he would like to include a write-up of Union Campground Cemetery in a future SMSU publication featuring historic sites in the Ozarks. Permission was promptly given. Professor Illum gave the following details:

An exciting new series of regional self-guided tour booklets is being published by the Office of Leisure Research at Southwest Missouri State University (836-4773). The first volume should be available no later than November 1, 1998. The title of the series is, "Hidden Treasures of The Ozarks." Sites covered in historical detail in the introductory volume include: Union Campground Cemetery, Springfield Underground Tunnels, Honey Branch Cave and Park, Spring Fever, Finley River Falls, the Haseltine Barns, the Young Brothers Massacre, The Gray/Campbell Farmstead, and Galloway Village.

We express appreciation to Professor Illum for including the cemetery in the first volume. He has been one of our strongest supporters as we have worked to achieve recognition for Union Campground Cemetery.
FOR YOUR INFORMATION

Earlier this summer, Bob Gaffga, a member of our Board of Directors, handed me a check for $150.00 to establish a legal defense fund. He suggested that if the land adjacent to Union Campground Cemetery would be sold, there might be immediate need to hire an attorney to discuss with the new owner our problem of ingress/egress. Mr. Gaffga's proposal was presented by letter to members of the board, and the majority of said members were in favor of pursuing a legal defense fund.

To better understand what has transpired in the past and help us better prepare for future contingencies, an appointment was made with Mr. Don Busch, real estate lawyer. Before keeping the appointment, copies of maps, documents and photographs had been made available to Mr. Busch for his evaluation. Mr. Larry Voris, a member of our cemetery association, accompanied my husband and myself for this consultation.

Mr. Busch made the following points:

Implied Reservation or Easement of Access. Suppose at one time a house with farmland existed and all the land was sold but the house and it continued to be the farmer's home. In court action, it might be decided the person living in the house should have the right to a roadway in order to get to and from his house. Because nothing was ever officially recorded, the implication is there that the person should have ingress/egress.

The possibility exists the Cumberland Presbyterian Church, in selling off all their land in 1866 with the exception of the three acre cemetery, would fall in this category. It could be argued the "implication" is there that some reasonable method would be available from a public roadway into the cemetery across the land that was sold. In other words, since it was not on a deed that an access be provided, it must have been implied.

Our cemetery association would not be required to pay for this right, if such right already exists. But, Mr. Busch warned that this theory is not too likely in our case to be a winner.

Way of Necessity. The laws of Missouri provide for a Way of Necessity. This typically occurs when properties have been sold off over a period of time and there is a piece of land remaining with no access to anything. Public roads are not in the vicinity. The law allows an individual to sue its neighbors for a Way of Necessity. The individual has to pay to get in or out of his piece of land. The neighbors cannot prevent the easement. In our case, we would have to pay the value of the easement across the property of our neighbor as well as for improvements. Mr. Busch emphasized that our association should realize this action would decrease the value of the neighbor's land.
Way of Necessity action means we would have to buy the right to go across a neighbor's property. We would secure an easement to the cemetery involved. We would be acquiring the right to cross a piece of land in order to get to our cemetery. This would be a costly procedure (perhaps $2,500 to $5,000 or more) and would be just for the court proceedings. This would not cover the cost of constructing a roadway or the cost of the easement.

Purchase easement from Sunny Oaks, Inc. If land could be purchased for an easement in common with Sunny Oaks, Inc., they could also use the roadway. For instance, if some of their land is sold to a developer and perhaps the developer would place a place of business south of Union Campground Cemetery, and an easement for a roadway exists for cemetery ingress/egress, then not only the place of business could use this roadway but Sunny Oaks could also use the road. Purchase of an easement could prove to be expensive but we would save the court cost and attorney fees involved in a "Way of Necessity."

Construction of Highway 65: An aerial map of Greene County taken c. 1980, shows a slice of Union Campground Cemetery was apparently taken for the Highway 65 right-of-way as it makes a curve north toward Fair Grove, Mo. Mr. Busch indicated he would investigate to see if the highway department paid the wrong party when the right-of-way was acquired, and also determine if, indeed, the highway department slashed into the northwest corner of the cemetery property.

NOTE: Mr. Busch did make contact with the Missouri Department of Transportation to see if there could be access across their highway right-of-way because of the possible taking of cemetery property without pay to the proper party. He also called Wilson Surveying Company and talked with Rick Wilson, owner, to find out whether their survey (when Highway 65 was constructed) revealed the east line of the highway into the cemetery. Mr. Busch also inquired of Mr. Wilson about the west line of the cemetery. Mr. Wilson said, that based on their survey at the time, the Highway Department taking was to the west line of the cemetery but not across the cemetery. He said he would see if the old Highway 65 abutted the cemetery to determine whether we had prior access rights to the Highway 65 which have not been taken. HOWEVER, (AND THESE COMMENTS ARE MY OWN), IN MY CONVERSATIONS WITH NUMEROUS DESCENDANTS AND IN POURING OVER COUNTY MAPS, NO ROAD EVER EXISTED WEST OF THE CEMETERY. THE WEST LINE OF THE CEMETERY SEEMS TO HAVE BEEN ON THE SECTION LINE BETWEEN SECTIONS 3 AND 4. IF A SEMBLANCE OF A ROAD EXISTED, IT MUST HAVE BEEN A DIRT ROAD, NARROW, AND USED BY WAGONS.

SUMMARY

I am now appealing to our membership and friends of the cemetery to consider the plight of Union Campground. For the
past several years, you have been made aware of efforts to protect, preserve and restore the cemetery. Numerous work days have been conducted, under very difficult conditions, and much has been accomplished. However, many of those who have been shouldering responsibility for the upkeep of the cemetery are finding it increasingly difficult to continue because of physical limitations. We do not ask for outside help because of the dangerous parking conditions existing along Highway 65.

Some people have asked the question, "Why bother with trying to restore an abandoned, neglected piece of property? Who is interested, anyway?" Lynette Strangstad gives some very good answers to the above question in her book entitled, A Graveyard Preservation Primer, published in 1988. (I have paraphrased because of limited space and added some thoughts of my own.)

"Graveyards reveal important genealogical information, often serving as the only remaining record of entire towns. They can be viewed as outdoor museums. Each tombstone is a page out of history, giving a glimpse of attitudes toward death and immortality. Cultural and social data can be gleaned, not only about age and sex, but statistics on diseases and epidemics. Inscriptions on stones refer to personal events in the lives of the deceased. Surprisingly, trade routes and commercial patterns can be established as they relate to the difficulty of transporting materials for tombstones from the coastal regions to the western frontier. Elaborate carvings tell us about craftsmanship.

Graveyards provide a valuable tool for teaching history to present and future generations."

I sincerely hope the information contained in this newsletter will explain why it is important to establish a Legal Defense Fund. If you now feel that the cemetery is worthy of support, please send a donation in whatever amount you can afford to our treasurer, Pansy Harvey, 3822 E. State Highway AA, Springfield, MO 65803. Thank you.

(Signed)  
President
A MOMENT IN HISTORY
The Whitlock Family

Who among us can resist the temptation to reflect on the pioneer movement? As we ponder the lives of those who braved so much to explore the unknown, we try to pull aside the curtain of time to see more clearly just what happened so many years ago. We begin to realize how determined they were as they left the relative safety and comfort of the east coast to slowly journey to a destination west of the mighty Mississippi River.

One courageous man, Thomas J. Whitlock, a native of North Carolina, came to what is now Greene County, Missouri in 1832. He first settled on the Kickapoo Prairie but soon moved to Franklin Township on the south side of the Sac River. He eventually became the owner of many fine farms and at one time owned a saw and grist mill.*

According to the Greene County Missouri 1850 Federal Census, p. 27, Thomas and his wife, Elizabeth, had the following children: Lambert L., Missouri A., Samuel T., Alabama C., William B., Susan J., and Mary H.M.

Before the Civil War it was Mr. Whitlock's custom to buy large herds of livestock and drive them South for sale at a good profit. During the California Gold Rush he successfully sent two of his sons across the plains with a drove of cattle. One of the sons was Samuel T. Whitlock.*

Very little is known about Samuel. In Greene County Missouri Cemeteries, Vol. IV, p. 64, his birthdate is listed as 17 April 1836 with a death date given of 3 August 1913. His wife's name was Margaret A. (maiden name unknown). She was born 2 April 1837 and died 6 November 1910. Both are buried in the Mt. Comfort Cemetery, Greene County, Missouri. Two of their children, however, are buried in or near the Freeman plot in Union Campground Cemetery. Their names:

Eddy F. Whitlock  
Son of S.T. & M.A. Whitlock  
B: 16 May 1867  
D: 17 Sept. 1867

Thomas J. Whitlock  
Son of S.T. & M.A. Whitlock  
B: 11 April 1863  
D: 28 May 1864

We can only speculate as to the cause of their deaths and wonder why these two small children are buried in Union Campground Cemetery when other Whitlock family members are buried in Mt. Comfort Cemetery.

Edited by: Del Bishop, former Director of the Greene Co. Archives
UNION CAMPGROUND CEMETERY ASSOCIATION
TREASURER'S REPORT
SEPTEMBER 10, 1998

Balance, May 28, 1998 $1,042.46

Receipts:
- Membership dues $450.00
- Sign Rental 150.00
- Donations 60.70
- Donations (Attorney) 355.00
- Book Sales 16.47

Total Receipts: 1,032.17

Total Balance and Receipts $2,074.63

Disbursements:
- Presidents expenses $154.80
- Rental of mower 29.70
- Sec. of State 15.00
- Attorney 212.50

Total Disbursements: 412.00

Balance, September 10, 1998 $1,662.63

Prepared by:
Pansy Harvey
Treasurer