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Gravestones and their markings offer valuable clues for the genealogist and are usually one of the early stops on a researcher's agenda. Gordon Stuart found this seemingly obvious first step considerably more difficult than he expected. Photo courtesy of the author.

RESEARCH NOTE: THE HAZARDOUS SEARCH FOR ANCESTORS

BY GORDON W. STUART

The following is an account of the search for an old family cemetery and the events that impacted the farm on which it was located over a 250 year period. Gordon Stuart, who recorded these events as a way of illustrating the perils and triumphs of genealogical research, is a retired hydrologist with national experience in water quality issues on forest and agriculture land. He volunteers with a lake association, a river watch group, and participates in woodlot education programs in Southern Maine.

GENEALOGISTS OFTEN begin their search by visiting the cemetery where their ancestors were buried. Gravestones provide a direct connection to the family history, and they confirm names, dates, and relations that might be obscured in the written record. Although locating the family plot is usually an uncomplicated affair, in my case it took twenty years. The story of this search offers a sampling of the detective work that underlies most genealogical research, and a cautionary tale of the unanticipated barriers that can frustrate this effort.

The first barrier to locating the cemetery was a change in the family name, as the early generations of American Stuarts spelled their name as Stewart. The second difficulty was locating the family records, which were scattered in different towns, counties, and even states as jurisdictional boundaries changed over time. The family farm had been established in Scarborough when the town was part of Massachusetts; it is now in Saco, Maine. Most of the early deeds are in York County, but most of the church records are in Cumberland County. Changing the county line in 1841 did more than confuse the search for old records; it had a direct bearing on the fate of the cemetery.

The nation's bicentennial motivated me to find out more about my

father's family. My father told me they had lived in Scarborough. During my first visit to the old town hall, I was able to trace the family back to Timothy Stuart, who was born in 1746. There was no indication of where he was born or where he was buried, but I had found enough to give me a sense of place. Perhaps that was what the bicentennial was all about.

I was still curious about Timothy's origins and continued the search on an occasional basis. Unfortunately, there was little information on the earlier Stuarts: no church records of Timothy's parents; no Stuarts in the cemetery inventories; and no Stuart cemetery on any map. One tantalizing clue was a Stuart Brook located on the Saco-Scarborough line on a U.S. Geological Survey topographic map. In the book *Grandfather Tales of Scarborough*, Augustus Moulton noted that the source of the brook was on land owned by the Stuarts. I visited every marked cemetery in the drainage but did not find any Stuarts.¹

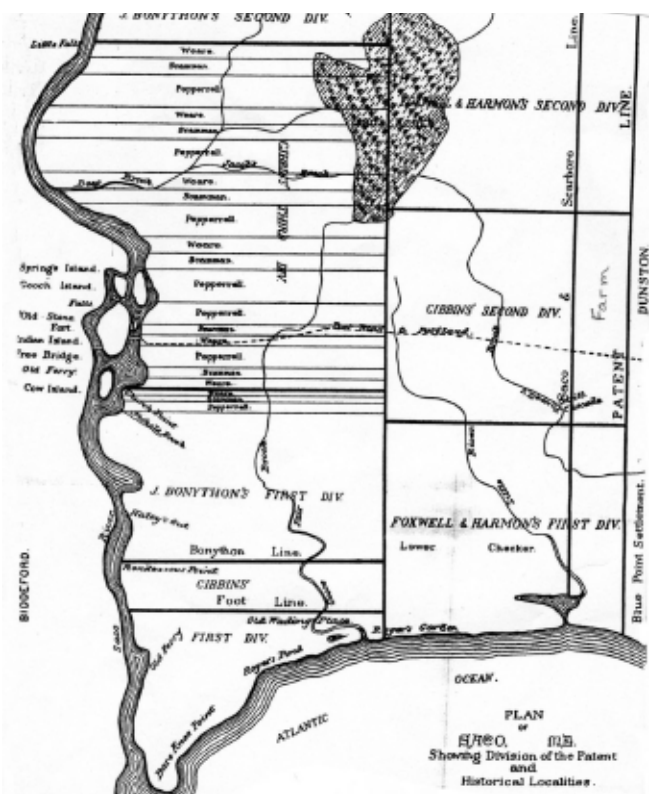
The family records of George Carlton Stuart at the Maine Historical Society indicated that the old Stuart farm was located on the Flag Pond Road. The records also indicated an old Boothby burying ground in the center of a pasture near a cellar hole. Neither of these appeared on U.S. Geological Survey topographic maps, so after I retired in 1995, I began looking for the old place.

My first break was finding the old cartographic maps that identified where families lived in the late 1800s. These town-based maps indicated the location of family residences or farms. One listed "Geo Stewart" on a farm northeast of Flag Pond Road near Stuart Brook.² Seeing my name spelled Stewart was not unusual. I considered it just another example of a common mistake. On a visit to the Dyer Library in Saco, I happened to notice that the lady who had signed in before me was doing research on the Stuarts. Using *A Genealogical History of the Ancestors and Descendants of Deacon Thomas Stewart*, by Arthur Wyman Stewart, Caroline Chamberlain had traced the Stuarts back to when they were all Stewarts. Duncan Stewart or Steward had arrived in Massachusetts about 1653.³

The second problem in locating family records and the farm was caused by changes in jurisdiction. Ambiguities in the earliest English land grants created problems that impacted the farm 200 years later. In 1630 Thomas Lewis and Captain Richard Bonython were granted four miles of ocean frontage east of the Saco River. Lewis and Bonython used the mouth of the Little River as the eastern boundary of their patent. The Little River entered the Atlantic Ocean through what is now Old

Orchard Beach near the present County line. Over time, wave action moved sand along the shoreline and shifted the mouth of the Little River to the west. By 1681 it had traveled 220 rods, adding about 3,000 acres to the Town of Scarborough.⁴ The town line became the line between York and Cumberland Counties when Cumberland County was established on November 1, 1760 (fig. 1). The Stuart farm was established in the area between the town line and the Patent Line. The Little River no longer enters the ocean through the beach; it was diverted to the Scarborough River.

Apparently there were efforts to restore the original Patent Line. Scarborough town records indicate that on October 12, 1812, Daniel



The Patent Line is the original location of the Lewis/Boynthon grant, while the Saco and Scarboro town line is based on the Little River. The Stuart farm was established between the town line (right) and the patent line (left). Unfortunately, the Little River no longer enters the ocean as it did in the days of the Stuart farm. Roy P. Fairfield, *Sands, Spindles, and Steeples* (1956).

Stowell chaired a committee that established the “dividing line between the Towns of Saco & Scarborough.” The line went by an “Elm tree standing on Timothy Stuart’s land about ten feet south of said Stuart’s well.” The line was finally changed in 1841, when “An Act to set off a part of the town of Scarborough, in the County of Cumberland, and annex the same to Saco, in the County of York” was passed on March 27. The act provided for the adjustment of property tax payments between the two towns, and disagreements were to be settled by “three disinterested men.”⁵

Once I knew that the family name had changed, I consulted an 1871 map of Saco and thought I knew where the farm was. But when I located the likely access road, I found it blocked with a serious looking fence. I went to the Saco City Hall to find out who owned the property, and there learned that the farm was a recently restored hazardous waste site. The Financial Authority of Maine (FAME) owned it, and the Department of Environmental Protection (DEP) was still monitoring the site. Saco City Clerk Lucette Pellerin wrote to FAME about my interest in the cemetery. Within a month, Lynn Cayting of the DEP invited me to join her team on their fall sampling visit. On September 19, 1996, I found the cemetery.

My first trip to the cemetery was discouraging. It had been bulldozed into a three-foot-high berm. Broken pieces of headstones had been collected by the people working on the site and put in one place, but the pieces were from more than one headstone, and the names were missing. The whole area was so overgrown with lilacs and other brush that it was hard to see anything. Based on its location, I assumed this was the Stuart cemetery.

I brushed out the area and poked around in the berm, uncovering two headstones. One was a field stone, and it lined up with one of the footstones. Another was completely buried. It was light colored, and the name was still apparent: Phebe wife of Solomon. The rest of the stone was missing, but at that point I knew it was the Stuart cemetery. Phebe Foss was the wife of Solomon Stuart. I thought there may be other pieces of headstones in the berm, but the roots were too thick for hand work. FAME and the DEP gave me permission to level the berm, which I hoped would unearth pieces of headstone. I hired an excavator to do the work, but found only one piece of Phebe’s head stone that added the name Stuart.

Finding the cemetery raised more questions than it answered. I set



Excavated headstones with waste pit 14 in the background. Photo by the author.

about the task of determining who might be buried in the cemetery, and what caused the cemetery to be destroyed. The Stewarts were probably typical of Maine's early European settlers. Duncan and Anne Stewart purchased land in Scarborough in 1680 and sold it in 1708. Duncan may have been attracted to Scarborough because it was thought to have been a Royalist colony at the time. It is likely that he was one of the Scottish prisoners that Cromwell shipped out of England after his victories over the Royalists in 1650 and 1651. Duncan and Anne never moved to Scarborough because of the ongoing wars with the French and their Indian allies between 1675 and 1750. It was the 1688-1698 War between William and Mary and Louis the XIV that had the greatest impact on Maine. French-led Indian war parties caused the abandonment of all English towns east of Wells in 1690.⁶

John Stewart may have moved to Scarborough because of his grandparents' early interest in the area. He started buying land for the farm in 1750. The deeds were finally recorded in 1760, which is the year Cumberland County was established.

Grantee	Grantor	Size	Origin	Book & Page
John Steward	Sam Willson	14 acres	1721 Proprietors grant	34 135
John Steward	Gersham Baston	7 acres	1721 Proprietors grant	34 134
John Steward	Joseph Seavey	47 acres	Occupied in 1720	34 134

The origin of the first two deeds is interesting. They do not go back to the original English grant in 1606, which had been canceled. It was replaced by the 1620 New England charter to the Council of Plymouth. In 1622 the Council made overlapping land grants east of the Saco River, and the next year the Council renounced all previous grants.⁷

The early grants and patents did not convey ownership in fee, but rather authorized allotments of land to tenants, who were generally called planters. Furthermore, some of the settlers claimed their property based on possession rather than on legal deed or boundary description. When Scarborough was being resettled, a land title system was created. In 1720 the proprietors met to allocate landownership that included land titles for ownership in fee the next year. Occupied land went to the resident; unoccupied or unclaimed land was parceled out to townsmen.⁸

The authority to grant ownership in fee was probably based on interpretations of two older charters. When Massachusetts purchased Maine in 1684, Thomas Danforth was appointed president of Maine. Danforth prepared deeds for the various towns, and thus on July 26, 1684, he conveyed the territory in Scarborough to trustees for the benefit of the residents. The Danforth deed required rent payments to Massachusetts. However, the English court revoked the Massachusetts purchase of Maine, removing the legal basis for the Danforth deeds. Much of this became mute, however, when towns east of Wells were abandoned in the 1690 King William's War. When William and Mary gained power, their 1691 charter authorized the disposal of land. It must have seemed logical to the proprietors that people who lived on the land, built the farms, and defended them with their lives should assume ownership in fee. Land titles were established for the common, undivided land in 1721, and this was the origin for two of the Stuart farm deeds. The farm was later expanded to include 200 acres and was sold out of family ownership in 1935.⁹

The Tannery

The Saco Tanning Corporation started dumping waste on the farm in 1959. The tannery was a welcome replacement for the Bates textile mill, which had been experiencing drastic cutbacks since the early 1950s. On April 2, 1957, the Bates officers announced that the mill would cease

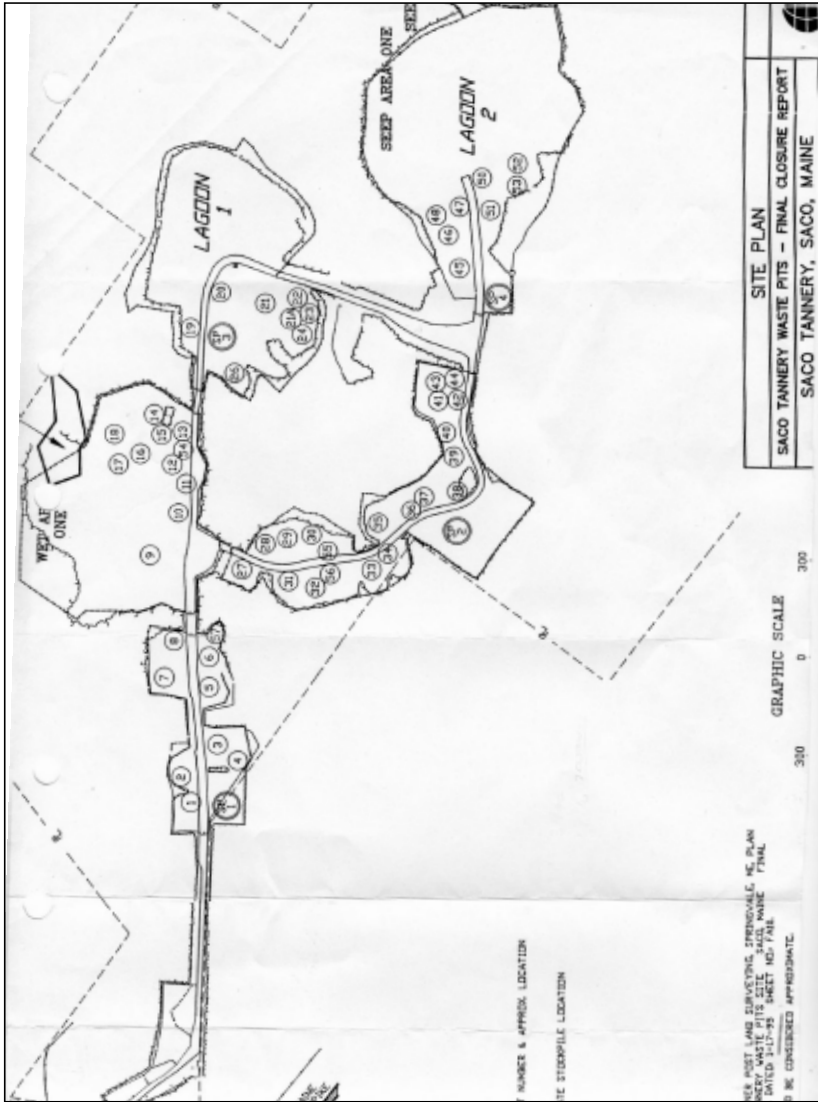
operations on June 1. Saco formed a Development Commission to find companies to replace it. On October 26 the State Water Improvement Commission (WIC) held a hearing on a permit to allow the discharge of tannery processing liquors into the Saco River, and on March 20, 1958, a Massachusetts firm was granted conditional approval for a discharge. There were nine provisions on the approval, the most significant being that the tannery was required to remove 90 percent of the solids. They had to find a place to dump the solids, and the Flag Pond Road site was chosen probably because of the construction of the Maine Turnpike, which crossed the southeastern portion of the farm. Highway contractors excavated a large gravel pit in the field near the new highway, and this was deemed a good location to dispose of wastes during that era.

The Maine Guarantee Authority (MGA), the predecessor of FAME, guaranteed a loan to the Saco Tanning Corporation in 1975, and in 1980 the tannery defaulted on its loan obligations. National Kirstein Leather (NKL) considered purchasing the assets of Saco Tanning, so MGA satisfied the loan, got title to the property, and leased the property to NKL on May 1, 1981. NKL decided not to use the Flag Pond Road site for dumping.

Superfund Site

Once NKL abandoned the Flag Pond Road site, the effort to clean up the site began. The Ecology and Environment consultants (E&E), the DEP, and officers of NKL conducted a site visit in 1982, and in 1983 three caustic pits (19, 23, and 28 in fig. 3) were de-watered, solidified with quick lime, and clay-capped at a cost of about \$200,000. E.C. Jordan Company made a more complete investigation in 1986 and found three primary hazards – chromium, lead, and dichlorobenzene – in the top four feet of many lagoons and pits. These concentrations dropped rapidly in the soil below. The hazardous materials were primarily confined to thirty-five pits and lagoons. After considering several methods, state officials decided to cap the sites. The contract was awarded in February 1993, and the work completed between March and September 1993. Wet pits were pumped out, and dry pits were cleared of vegetation, filled with rock and till, and covered with top soil. All the pits and lagoons were capped, including the twenty-one pits with no hazardous material. The operation cost an estimated \$6,661,000. These costs and the remaining hazards must have raised questions about future use of the site, as the state legislature incorporated land-use restrictions into the FAME deed.¹⁰

Workers finally found the cemetery in November 1992. The initial



Final site map from USEPA Depletion docket.

clean-up plan called for moving the graves, but the tannery's earth-moving activities had shifted the headstones, and the location of the burials was not apparent. No burials were moved, and the full extent of the cemetery was never determined. After decades of turmoil, the farm has all but disappeared. The well and foundations were covered during the hazardous waste containment, and all that remains of the original cemetery are the three field stones shown in Figure 2 and Phebe's broken headstone. The MacBeths were the last to live on the farm. Edith Waterhouse, their daughter, remembers the cemetery as being on a knoll with 12-15 headstones around a large boulder that had the name Stuart carved on it. When the tannery expanded operations in the 1970s, it appears the cemetery was destroyed to excavate pit 14.

My search revealed where Timothy Stuart and my other ancestors had settled in Scarborough, and the locations of the family cemetery. It would be nice to know whose graves remain in place, but the unmarked headstones provide little information. The inscription on the broken headstone is a fitting memorial:

Mother thou hast left us.
A loss we deeply feel.
God that hath bereft us.
All our sorrows heal.

NOTES

1. Augustus F Moulton, *Grandfather Tales of Scarborough* (Augusta, Maine: Katahdin Publishers, 1925), p. 15.
2. *The Old Maps of York County, Maine, in 1872* (Fryeburg, Maine: Saco Valley Printing, 1980), p. 7.
3. Arthur Wyman Stewart, *A Genealogical History of the Ancestors and Descendants of Deacon Thomas Stewart* (n.p., n.d., ca. 1928).
4. George Folsom, *History of Saco and Biddeford* (Portland: Maine Historical Society, 1975 [c. 1830]), p. 171.
5. *Acts and Resolves, Twenty-First Legislature, January Session, 1841* (Augusta: State Printers, 1841), p. 380.
6. H.W. Richardson, *York County Deeds* (Portland, Maine: John T. Hull, 1887), book 13, p. 246; Moulton, *Grandfather Tales of Scarborough*, pp. 124, 145; Charles Edward Banks, *History of York County, Maine* (Baltimore, Maryland: Regional Publishing Company, 1967 [c. 1931-1935]), pp. 206-10. See Alden T. Vaughan and Edward W. Clark, *Puritans Among the Indians: Accounts of Captivity and Redemption, 1676-1724* (Cambridge, Massachusetts: Belknap Press, 1981).

7. Wilbur D. Spenser, *Pioneers on Maine Rivers* (Portland, Maine: Lakeside Printing, 1930), p. 24.
8. Moulton, *Grandfather Tales of Scarborough*, p. 194, chapter 25.
9. President Danforth's Deed of Scarborough, 1684, in William S. Southgate, *The History of Scarborough from 1633-1783* (Maine: S.J. Bentley and T.S. Henley, 1998), pp. 232-34; Richardson, *York County Deeds*, p. 73.
10. Information on the Saco Tannery Waste Pits Superfund Site is contained in an eight-volume set of loose-leaf notebooks compiled by the U.S. Environmental Protection Agency in 1989. See particularly vol. 1. The completion report by the EPA, *Tannery Waste Pits Deletion Docket*, is a two-volume set of loose-leaf notebooks compiled by the agency in 1999. These notebooks are in the Saco City Hall.