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March 3, 2009

Mr. H. Brantley Powell  
HPB Properties, LLC  
PO Box 5365  
Cary, North Carolina 27512

**Subject: Cultural Resource Reconnaissance of Legend Oaks Phase III, Chatham County, North Carolina**

Dear Mr. Powell:

TRC has completed a cultural resources field reconnaissance of the proposed Legend Oaks Phase III development in Chatham County, North Carolina. As discussed in our February 19 proposal, the reconnaissance was intended to examine two rock walls that could represent a potential cemetery location (the reported Durham-Edwards cemetery) and to assess the likely origin and potential significance of rock piles that are present on the tract. The reconnaissance was carried out by Paul Webb on February 26, 2008. In addition to examining the stone walls and selected rock piles on the tract, the survey also examined the previously documented Riggsbee Cemetery and a former house location. The results of the reconnaissance are presented by topic below.

**THE DURHAM-EDWARDS CEMETERY**

The Durham-Edwards cemetery is reportedly situated somewhere in the general project area. The cemetery was identified by Hugh Oldham (now deceased) in 1989, and reportedly contains at least five marked graves, including that of Hugh Edwards, for which nearby Edwards Mountain was named (<http://cemeterycensus.com/nc/chat/cem099.htm>). Although one of the two map locations provided for this cemetery on the Chatham County GIS site is situated within the Legend Oaks Phase III property, the cemetery has not been located by current members of the Chatham County Historical Association and its exact location and condition are unknown (Jane Pyle, personal communication 2009).

During the land survey of Legend Oaks Phase III, two stone walls were identified and mapped near one of the potential Durham-Edwards Cemetery locations, on the west side of a small tributary of Cub Creek in the south-central part of the property. Although the configuration of these walls suggested that it was unlikely that they were associated with a cemetery, given their location it was decided that a field visit was warranted.

The reconnaissance demonstrated that the mapped walls are two of at least four roughly parallel rock walls situated on a 10 to 20 degree side slope on the west side of a small tributary of Cub Creek (Figures 1 and 2). The fieldstone walls are low and largely obscured by vegetation, but each appears to extend 50 to 100 feet or more along the side slope. The location and orientation of these walls indicates that they are not associated with a cemetery, but rather represent retaining walls designed to restrict downslope soil movement. Their age cannot be determined, but they were likely constructed during the 19<sup>th</sup> to early 20<sup>th</sup> centuries, in association with the occupation of a nearby farmstead (see below).

It is possible that the Durham-Edwards Cemetery is located elsewhere on the Legend Oaks property, but no evidence of the cemetery was observed during the reconnaissance. If the cemetery is present, it is most likely on a level upland landform, such as a ridge or knoll. Any graves would likely be marked with fieldstone markers, similar to some of those present at the Riggsbee Cemetery.

## **THE RIGGSBEE CEMETERY**

The Riggsbee Cemetery was recorded during the land survey for Legend Oaks, and was later visited by Chatham County Historical Association members (<http://cemeterycensus.com/nc/chat/cem555.htm>). As shown on the development maps (Figure 6 of the COE permit application), the cemetery is situated in the southeastern part of the tract. The cemetery contains four inscribed tombstones (dating from 1896 to 1919) (Figure 3) and numerous fieldstone markers (Figure 4); during a March 2008 visit CCHA members identified at least 79 probable interments.

The Riggsbee Cemetery was visited during the field reconnaissance. Although no attempt was made to map this cemetery, it appears that all marked graves are situated within the fieldstone wall, and that this wall has been accurately mapped on the Legend Oaks development map. As long as the wall and cemetery are not disturbed, the presence of the cemetery will not affect development of the surrounding area.

Like other cemeteries, the Riggsbee Cemetery is protected by North Carolina State Statutes, including those codified at North Carolina General Statutes 14-148 (Defacing or desecrating grave sites) and 14-149 (Desecrating, plowing over or covering up graves; desecrating human remains) ([http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter\\_14.html](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_14.html)). In addition, General Statutes 65-101 and 65-102 outline the provisions for visitation of cemeteries located on private property, and GS 65-106 covers the removal of graves ([http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter\\_65.html](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_65.html)).

## **ROCK PILES**

The field reconnaissance also included inspection of some of the many rock piles situated on the Legend Oaks property. The observed piles vary considerably in size and shape, from low dispersed piles measuring several meters across to more tightly constructed but smaller piles. The piles were scattered across much of the property, and all observed piles appear to consist of unmodified fieldstones. Most of the piles were situated on sloping ground, downslope from the more level landforms (Figure 5), and some were observed immediately adjacent to Cub Creek (Figure 6). One pile appears to be a collapsed chimney, and is discussed separately below.

Rock piles are a common feature of the Piedmont North Carolina landscape, and have been observed across much if not all of the Southeastern US. They have been the focus of considerable discussion, and have been variously attributed to prehistoric and historic American Indians, Euro-American and African-American settlers and farmers, and more mysterious sources (Gresham 1980).

Some rock piles in the Southeast are clearly of American Indian origin, including some prehistoric rock and rock and earth mounds that have been excavated in Georgia (e.g., Jefferies 1976; Jefferies and Fish 1978), and others that appear to represent historic period American Indian constructions, such as those observed in the 19<sup>th</sup> century along the Pile Ridge Trail in Graham County, North Carolina (Riggs 1997:18). Most rock piles are believed to be of more prosaic origin, however, and are considered to be associated with historic period land clearing for agriculture and, sometimes, the stockpiling of rock for later removal. Although there has been so systematic investigation of rock piles in the North Carolina Piedmont, those that have been examined are believed to be historic in origin (e.g., Carnes-McNaughton 2006; Lilly et al. 1995:44–46).



With the exception of the collapsed chimney and associated structural remnants, the rock piles on the Legend Oaks property are almost certainly the byproduct of land clearing, probably in the late 18<sup>th</sup> to early 20<sup>th</sup> century. The piles thus represent rocks that were removed from fields, and likely transported to by wagon or sledge to field edges for disposal. This conclusion is based on several factors, including the general location of the piles on slopes at the edge of presumed former fields; the apparent random nature of their distribution, and the fact that there is currently no evidence of pre-historic or historic period American Indian rock constructions in the Carolina Piedmont.

## **HOUSE SITE AND ROAD TRACE**

During the reconnaissance, a road trace and former house site were observed in the west-central part of the property, on the west side of the tributary of Cub Creek. The road trace runs southwest-northeast through the property (Figure 7), before fording Cub Creek and continuing to the northeast (Figure 8). Immediately south of Cub Creek, a second road trace curves southeast, and continues uphill to a former house site.

The house site is marked by a large rock pile, presumably representing a chimney fall (Figure 9), a short wall segment (Figure 10), and a few apparent stone foundation piers. A few artifacts are scattered in the vicinity, including galvanized washtubs and buckets; an intact early 20<sup>th</sup> century bottle embossed “King-Crowell Drug Co. Raleigh” was recovered from the surface downslope to the west.

No systematic attempt has been made to research either the road trace or the house site, but some information is available. According to Ms. Beverly Wiggins of the Chatham County Historical Association, the road trace may represent an early route to Chapel Hill, although it had been replaced by a route following present-day US 15-501 by at least the 1930s, if not substantially earlier. The house site was apparently occupied into the 20<sup>th</sup> century, but was likely abandoned by the 1930s.

The potential significance of the road trace and house site cannot be determined based on the available data. In the absence of local or state requirements for an intensive archaeological survey of the property (Peter Sandbeck, letter of February 19, 2009), however, there is no requirement for additional investigations or consideration of either resource in the development plans. Both are interesting landscape features that could add to the appeal of the property, however, and their preservation and/or interpretation are recommended if compatible with the development plans.

## **CONCLUSIONS**

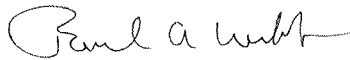
The cultural resources reconnaissance of the Legend Phase III development was intended to investigate stone walls near the reported site of the Durham-Edwards Cemetery, and to examine some of the rock piles or stone mounds present on the property. The results of the reconnaissance are as follows:

- The mapped stone walls on the property west of the tributary stream are certainly retaining walls, and are not associated with the cemetery.
- No evidence of the Durham-Edwards cemetery was observed, although it is possible that it is located on the tract.
- The Riggsbee Cemetery has been surveyed and placed on the development plans. As long as the stone wall and the cemetery are not disturbed, there is no reason development on the adjacent areas cannot proceed.

- A former road trace and home site are located on the west central-part of the property. Although there is no known legal requirement to preserve these resources, their preservation would likely add historical interest to the proposed development.

I hope that this information is helpful, and responds adequately to potential questions concerning the Legend Oaks property. Please do not hesitate to contact me at (919) 530-8446, or via email at [pwebb@trcsolutions.com](mailto:pwebb@trcsolutions.com), should you have any questions or require any additional information.

Sincerely,



Paul A. Webb  
Program Manager, Chapel Hill

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Figure 1. Retaining wall, view to northwest.



Figure 2. Retaining wall, view to north.





Figure 3. Riggsbee Cemetery, view to northeast.



Figure 4. Fieldstone markers at Riggsbee Cemetery.





Figure 5. Rock pile on sideslope, view to northwest.



Figure 6. Rock pile by Cub Creek tributary, view to southwest.





Figure 7. Road trace, view to southwest.



Figure 8. Road trace crossing Cub Creek, view to northeast.





Figure 9. Chimney fall, view to southwest.



Figure 10. Wall remnant near chimney fall, view to south.