

HENDERSON COUNTY HISTORICAL COMMISSION



Box 1412

Athens, Texas 75751

May 23, 1984

Honorable Mack Wallace
Railroad Commission of Texas
P. O. Drawer 12967
Capitol Station
Austin, Texas 78711

Dear Mack:

The Henderson County Historical Commission is working to preserve the old black cemetery; the Fisher Robinson Cemetery, and we have run up against a stone wall. As you probably remember, back in the 30's and 40's this cemetery on the north side of Robbins Rd. came off a piece of land formerly owned by Dilcey Robbin, which was given for a black cemetery by her descendants in the late 1800's.

We have secured many affidavits from her descendants and neighbors that had parents and other relatives buried here.

In 1939 or 40 Bob Bass, a local land speculator, put a deed on record that appears to have been put together from other deeds and falsely claimed title to the cemetery. He fenced the property up, put mules, cows, and hogs in the cemetery, and during this period someone took all the granite and marble headstones and hauled them off, leaving only the old iron ore markers that do not have any writing on them! These are still in the cemetery.

Later on, Bob Bass sold this land to Alan Whatley, claiming the cemetery under this false deed. We know that in Texas there is no such thing as a Limitations Title to steal a cemetery. When we were right in the middle of cleaning up this cemetery with the City's help, the City Attorney, Thomas Earl Williams, advised the City Manager that this property was in litigation and was owned by Mr. Whatley and for the City to stay out of the cemetery. He also advised Mrs. Marion Westbrook, Chairman of the Historical Commission, that this was not a cemetery but

private property and to stay out. But he also suggested to Bill Perryman that you, Mack Wallace, might get the Attorney General to help us recover this cemetery, which is now in litigation by filing a lawsuit on behalf of the State of Texas and the Descendants of those buried there. We are presently in the process of filing for a Texas State Historical Marker to be placed in this Pioneer Black Cemetery. This will be ready in the next few days.

Mack, I know you know a lot of people who have signed these affidavits and do not want to see this cemetery desecrated by having a shopping center or a parking lot poured on top of these pioneer families.

If you will help us by seeing that this file is turned over to the Attorney General and that they please help us stop this land from being claimed by someone other than the cemetery.

Yours truly,



Chairman, Henderson County Historical
Commission



Fisher Robinson Cemetery Marker Chairman

Plan to Restore Fisher Robinson Cemetery, Athens
Final Resting Place of Henderson County Black Ancestors
by Marian G. Westbrook

During February which is Black History Month, many Blacks take time to visit the final resting places of those whom they consider their heroes. Notable among these are Dr. Martin Luther King, Sojourner Truth, Booker T. Washington, Bishop Richard T. Allen, and Carter G. Woodson.

Dr. King's leadership inspired an entire generation of Blacks to press for long-denied civil rights. Sojourner Truth is remembered for her early efforts on behalf of abolition and women's rights and other causes, winning for herself a secure place in Black history. Booker T. Washington lifted the veil of ignorance from thousands of his students at Tuskegee Institute in Alabama. Bishop Richard T. Allen, even two centuries ago, refused to bow to racial oppression and became the first national leader of the Black community. Bishop Allen was the founder of the African Methodist Church in Philadelphia.

Closer home, there are other men and women whose talents were not so great. But they are heroic figures to their families and friends, whose memories are cherished and respected by both the white and black people of the community. The final resting place of some of these well-known Black ancestors of Henderson County has been neglected and forgotten by many citizens of Athens and Henderson County. Where is this Forgotten Final Resting Place of these Black Ancestors?

This Final Resting Place was known as the Fisher Robinson Cemetery. The land that was once used as a Black cemetery is located on the old Palestine Highway South, now known as Robbins Road. This cemetery, though forgotten by many is well identified in legal records of the county.

Efforts are under way, sponsored by the Henderson County Historical Commission, to improve the site by markers and placement of a monument to the Black people who are buried there.

Stories vary as to what happened to identifying headstones and markers which had been at the graves. One story is to the effect that the headstones all disappeared in the dark of night many years ago. Another is that the grave markers and headstones were trampled down by livestock when the fence was broken down. Nevertheless, in county legal records, the burial ground is identified.

This final resting place became a concern of Mrs. Mary Ann LaRue-Perryman, an historian and member of the Henderson County Historical Commission.

In 1980 Mrs. Perryman, with determination and enthusiasm, began the task to save the Lost and Forgotten Final Resting Place of some Black men and women of Henderson County. From her work, the following information developed:

The cemetery is part of Block 5 of the Dilcy Ruffin Partition that lies north of the Old Palestine Highway South. The Old Palestine Highway South (Roboins Road) cut off this sliver of land from the Dilcy Ruffin tract of 40 acres which lies in the Thomas Palmer Survey. The 40 acres were divided among the five heirs of Dilcy Ruffin.¹

"Being called Lot 3, Blk. 31 O.T., City of Athens, Henderson County, Texas; also being part of Block 5 of the Dilcy Ruffin Partition, recorded in Book K, page 401, of the District Court Minutes, Henderson County, Texas and more particularly described as follows:

"Beginning at the S.W. corner of land now owned by Mrs. Nannie Carroll. Thence South 50 feet to stake for corner;

Thence east 462 feet running north of the Old Palestine Highway South. Thence northwest 300 feet to Black Jack tree for corner on Mrs. Nanie Carroll tract; Thence west 185 feet to place of beginning."²

Map of Land

Mrs. Perryman visited and conversed with old timers who lived in that area to inquire if they know where this Black cemetery was located and if they knew of some of the people buried in the Fisher Robinson Cemetery.

Mrs. Perryman visited and conversed with the late Laura Shafer-Robinson who stated she was familiar with the described land located in Athens, when it was used as a cemetery. She had lived near the Fisher Robinson Cemetery during her life. She married Robert Robinson, son of Fisher Robinson who set aside the above described property to be used as a Black cemetery.

Mrs. Laura Robinson stated that some of the people buried in the cemetery are: Lizzie Winfield and husband, Aunt Susan Postell, and Old Man Rube Richardson. All these people were buried near each other in the above-described cemetery. Also buried there were Pearl and Rube Richardson, son of Della Richardson. Della was the daughter of Old Man Rube Richardson. Also Henry Massey and his wife, daughter and son, and Jim Wimbley--all in the above-described cemetery.³

Mrs. Perryman visited and had conversation with the late LeAnna Richardson-Carter who knew of the use of the land as a cemetery in Athens. Mrs. Carter stated that she remembers the Oshmans family being buried under a tree and that folks were scared to pass the cemetery. She also stated that some of the people who are buried in the above-described ceme-

tery are: Jeff Criner and wife Tempie Criner, Fed Massey and wife Mattie, and Charlie White and Emma White.⁴

The day of research was about to end with a visitation with Mrs. Beulah Larkin-Smith, who stated that she once lived near the described land, located in Athens, and it was used as a Black cemetery. Also she stated that some of the people buried in the cemetery are: Old Man Rube Richardson and family, Fed Massey and wife Mattie, other members of the Massey family, Jim Wimbley and wife Rozelle, and Old Man Will Graham.⁵ This confirmed information provided by foregoing sources.

Years of neglect do not cause a cemetery to be non-existent in the eyes of the law; so it is still inviolate and not to be disturbed.⁶ Both counties and cities are allowed under law to provide funds for the upkeep of cemeteries; however, they are not required to do this.

In the case of the Fisher Robinson Cemetery, they have been years of neglect--possibly abuse of the area. It is hoped that particularly during Black History Month, that volunteers, Black descendants of the Black Ancestors whose Final Resting Place has been neglected and forgotten, will have the courage to come forward and save this Black Cemetery. The Henderson County Historical Commission is sponsoring the effort to restore the cemetery and to install an appropriate marker.⁷

The Father of Black History, Carter Godwin Woodson, made Black Americans aware of their history and charged them with its preservation. Woodson stated, "If a race has no history, if it has no worthwhile tradition, it becomes a negligible factor in the thought of the world, and it stands in danger of being exterminated."⁸

Mrs. Marian Westbrook, chairman of the Henderson County Historical Commission, is chairman of the project to restore and properly identify the Fisher Robinson Cemetery for posterity. It was Mrs. Perryman, her husband, Bill Perryman, and their staff who ensured the legal identity of the cemetery, in recent years.

In 1980 the Henderson County Historical Commission began research of the Black Cemetery, known as the Fisher Robinson Cemetery. Through the years interest had been kept by the Henderson County Historical members that a Texas State Historical marker and place a fence around the area and be maintained as the Fisher Robinson Cemetery.

The Henderson County Historical members met April 14, 1984 to work on further cleaning, burning brush and securing documentation to apply for the marker.⁹

Mary Ann Perryman and Marian G. Westbrook visited and inquired of information about the people who were buried in the Fisher Robinson Cemetery and who lived in that area during that period.

Descendants and friends who knew of the described land located in Athens on Robbins Road as the Fisher Robinson Cemetery were: Rev. Billy Hudlin, A.M. Barnes, Jr., Mary Randle-Bell, Sylvester Winfield, Albert Brown, Georgia Coit Fite, Lizzie Dollie Bynum and Winloise Bynum-Taylor.¹⁰

Lizzie D. Bynum stated the cemetery was located northeast of the Methodist Episcopal Church. This property was deeded to the Methodist Episcopal Church in America By Dilcy Ruffin - September 15, 1874.¹¹

Once this bit of Henderson County history is completed, it will be written and marked for future generations and future historians.

This final resting place is forgotten by many but not by the Henderson

County Historical Commission members.

God who gave our fathers freedom,
God who made our fathers brave,
What they built with love and anguish,
Let their children watch and save.¹²

Marian G. Westbrook
P.O. Box 1003
Athens, TX 75751
PH. 214/675-5073

Mary Ann Perryman
111 Larue St.
Athens, TX 75751
PH. 214/675-4054

FOOTNOTES

- 1 and 2 - Book K, page 401, District Court Minutes, Henderson County Court-house, Athens, Texas
- 3 - Laura Shafer-Robinson, Book 908, page 246, The State of Texas, County of Henderson
- 4 - LeAnna Richardson-Carter, Book 908, page 244, The State of Texas, County of Henderson
- 5 - Beulah Larkin-Smith, Book 908, page 242, The State of Texas, County of Henderson
- 6 - Vernon's Annotated Revised Civil Statutes of State of Texas Title 26, Article 9129 - 10 - and 9129-11.
- 7 - Athens Daily Review, January 02, 1983
- 8 - Ebony, Volume XXXVIII, No. 4, Incorporating Black World Magazine, February 1983.
- 9 - Athens Daily Weekly Review, Wednesday, April 25-Thursday, April 26, 1984.
- 10 - Affidavits and Interviews

Rev. Billy Hudlin
The State of Texas, County of Henderson
May 19, 1984
Vol. 1061 - page 351 - #8717

A.M. Barnes
The State of Texas, County of Henderson
April 14, 1984

Mary Randle-Bell
The State of Texas, County of Henderson
May 23, 1984
Vol. 1061 - page 351 - #8717

Sylvester Winfield
The State of Texas, County of Henderson
April 26, 1984
Vol. 1061 - page 356 - #8722

Albert Brown, Sr.
The State of Texas, County of Henderson
April 24, 1984
Vol. 1061 - page 354 - #8922

Georgia Coit-Fite
The State of Texas, County of Henderson
April 24, 1984
Vol. 1061 - page 352 - #8718

Lizzie Dollie Bynum
The State of Texas, County of Henderson
April 24, 1984
Vol. 1061 - page 353 - #8719

Winlois Bynum-Taylor
The State of Texas, County of Henderson
April 24, 1984
Vol. 1061 - page 343 - #8719

- 11 - Volume K - page 649 - City of Athens, Henderson, TX - District Court Minutes, September 15, 1874.
- 12 - From Selections by Robert Nathan, To See A World in a Grain of Sand, page 47. Copyright MCMLXXII by the C.R. Gibson Company, Norwalk, Connecticut.

BIBLIOGRAPHY

Affidavits and Interviews

Barnes, A.M.

The State of Texas, County of Henderson
April 14, 1984

Bell, Mary Randle

The State of Texas, County of Henderson
May 23, 1984 Vol. 1061 - page 351 - #8717

Brown, Albert, Sr.

The State of Texas, County of Henderson
April 24, 1984

Bynum, Lizzie Dollie

The State of Texas, County of Henderson
April 24, 1984 Vol. 1061 - page 353 - #8719

Fite, Georgia Coit

The State of Texas, County of Henderson
April 24, 1984 Vol. 1061 - page 353 - #8719

Hudlin, Billy Rev.

The State of Texas, County of Henderson
May 19, 1984 Vol. 1061 - page 351 - #8717

Taylor, Winlois Bynum

The State of Texas, County of Henderson
April 24, 1984 Vol. 1061 - page 353 - #8719

Winfield, Sylvester

The State of Texas, County of Henderson
April 26, 1984 Vol. 1061 - page 356 #8722

Athens Daily Review - January 02, 1983

Athens Daily - Weekly Review

Wednesday April 25, 1984

Thursday April 26, 1984

Ebony Volume XXXVIII - No.4

Incorporating Black World Magazine

February 1983

From Selections by Robert Nathan, To See a World in a Grain of Sand, page 47.
Copyright MCML XXII by the C.R. Gibson Company, Norwalk, Connecticut

Map of survey plot - Thomas Pormer - A - 782, February 23, 1970, Book K -
page 401 of the District Court Minutes - Henderson County, Texas.

Vernon Annotated Revised Civil Statues of the State of Texas, Title 26 - Arti-
cle 912 A - 10 and 912 A - 11

Volume K - page 649 - City of Athens, Henderson, Texas, District Court
Minutes, September 15, 1874.



RAILROAD COMMISSION OF TEXAS

P.O. DRAWER 12967
AUSTIN, TEXAS 78711

MACK WALLACE
CHAIRMAN

June 6, 1984

Ms. Marian G. Westbrook
Ms. Mary Ann Perryman
Henderson County Historical Commission
Box 1412
Athens, Texas 75751

Dear Marian and Mary Ann:

I have your file on the Fisher Robinson Cemetery. I have this date forwarded it to George Christian who is Chairman of the Texas Historical Commission. I have asked that he have the Commission review the file and be of whatever assistance the Commission can in order to protect this landmark.

Sincerely,

A handwritten signature in cursive script that reads "Mack".

MACK WALLACE

MW/dp

D



CURTIS TUNNELL
EXECUTIVE DIRECTOR

TEXAS HISTORICAL COMMISSION

P.O. BOX 12276

AUSTIN, TEXAS 78711

(512) 475-3092

July 17, 1984

Marian G. Westbrook, Chairman
Henderson County Historical Commission
Post Office Box 1003
Athens, Texas 75951

Dear Mrs. Westbrook:

Your file on the Fisher Robinson Cemetery has been forwarded to our office. We have reviewed the material and we agree that the site is significant historically.

In Texas, cemetery laws are administered at the local level and the state will not intervene in such cases. It is our understanding that litigation to prevent the destruction of a cemetery would have to be initiated in the district court. You might be interested to know that in the upcoming legislative session efforts will be made to strengthen and expand the existing laws regarding historic cemeteries. If you would like to express your views regarding the content of such laws, you should write the Honorable Edward M. Emmett, 2240 Northpark Drive, #206, Kingwood, Texas 77339.

When the ownership of property is contested, it makes it more difficult to have the site designated historically. For example, in order for us to approve a marker for the cemetery, we would need the permission of the landowner. If he would not approve the placement of a marker, it could be erected nearby on another person's property. It is not uncommon for us to place a marker on a state road and note the location of the subject in the text. However, the marker does not afford any protection for the cemetery since burial grounds are covered under the separate laws noted in our reference guide, which was included in your file material.

The best course of action for the preservation of the cemetery would be a local publicity campaign that would alert the public to the current conditions at the site. A good history with accompanying photos might influence a newspaper to cover the story. Larger papers, such as the "Dallas Morning News", often pick up such stories for their regional news sections.

If possible, a careful survey should be made of the cemetery, noting each remaining stone. A plat of the site should then be filed with the district clerk. We were recently informed of a cemetery in a central Texas county that "disappeared" and the only records of the site

The State Agency for Historic Preservation

LOCAL HISTORY PROGRAMS
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711
512/463-6100

Date: October 2, 1991
Re: FISHER ROBINSON CEMETERY (Henderson County)

Dear Applicant/County Chair:

Our staff has made a preliminary review of the above-referenced marker application. Before we can complete our evaluation, however, we need the following items or information. Please include complete footnotes and bibliographic citations that indicate where the answers to these questions were obtained. We will place the application on hold until all requested material has been received.

The narrative references Book K, pg. 401, District Court Minutes, Henderson Co., in which Dilcy Ruffin deeded of 40 acres to his heirs.

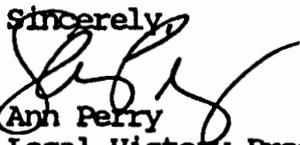
1. What is the date of this document?
2. Was the cemetery already in existence at that time?
3. Are his heirs named in the document?
4. Was this land deeded at the same time he deeded land for the church?

We are trying to determine more information about Fisher Robinson's donation of land for the cemetery.

5. Why did Fisher Robinson donate land for a cemetery? Was he a member of the nearby church? Did he begin by burying his own relatives on his property, and later deed it for community use?
6. When did he donate the land? Or, who owns the land now, and from whom was it purchased/granted in deed records? Is it Fisher Robinson? We'd suggest checking the most recent deed record for clues.
7. Is it correct that Fisher Robinson is not buried in the cemetery?
8. To what extent is the name "Fisher Robinson Cemetery" used by the community? It appears as though it is also called simply the "Black Cemetery." Please let us know.

Thank you for your assistance. While we understand the difficulties that can be encountered when documenting African American cemeteries, we think that these questions can be answered fairly easily with a check of the two deed records. If you have any questions about the material we need, please contact me.

Sincerely,



Ann Perry

Local History Programs (State Marker Program)

Copies to: Jana Shumate



CURTIS TUNNELL
EXECUTIVE DIRECTOR

TEXAS HISTORICAL COMMISSION

P.O. BOX 12276

AUSTIN, TEXAS 78711

(512)463-6100

September 23, 1992

Jana Shumate, Chair
Henderson County Historical Commission
P. O. Box 1412
Athens, TX 75751

RE: FISHER ROBINSON CEMETERY
Henderson County, Job #8021

Dear Jana:

We are sorry that you were not able to complete the necessary work on the above-mentioned historical marker application. Since we received no response to our letters of October 2, 1991, and May 28, 1992, the application has been officially deactivated. The original application materials are being returned to you under separate cover. Should you wish to reapply for a marker for this topic at some future date, please notify us so that we may send you guidelines and regulations in effect at that time. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia J. Beeman".

Cynthia J. Beeman, Administrator
Official Texas Historical Markers
Local History Programs



CURTIS TUNNELL
EXECUTIVE DIRECTOR

TEXAS HISTORICAL COMMISSION
P.O. BOX 12276 AUSTIN, TEXAS 78711 (512)463-6100

Date: May 28, 1992
To: Jana Shumate
Re: FISHER ROBINSON CEMETERY
Henderson County, Job #8021

As of this date, we have received no correspondence from you concerning the enclosed request for additional information.

Please let us know within the next thirty (30) days when we may expect to receive the requested information.

In accordance with Official Texas Marker Policy #7, failure to respond to this second request for information may result in termination of this marker application.

Please do not hesitate to contact our office if you have questions.

Thank you.

Sincerely,

Cynthia J. Beeman

Cynthia J. Beeman, Administrator
Official Texas Historical Markers
Local History Programs

Enc.