

Retired St. Louis firefighter restores little-known cemetery, and takes aim at those he thinks marred it

• Joel Currier St. Louis Post Dispatch May 14, 2020

- JEFFERSON COUNTY — Here lies the founder of Hematite.
- A few steps away are the graves of a judge, his wife and their 12-year-old son whose headstones are among the earliest recorded in Jefferson County.
- Buried in another row is the wife of a farmer for whom a Jefferson County road, school and town were named.
- Their final resting place is a private family cemetery on an elevated half-acre tucked beneath towering power lines a few miles outside of Festus.
- The Smith-Speed Cemetery near the Joachim Creek may hold the remains of some 70 people including toddlers, teenagers and adults. But many of their headstones have been lost to history or possibly destroyed by modern machinery.
- It's a sore spot for Tim Ogle, the self-described "cemetery detective" whose **hobby is finding and restoring forgotten cemeteries around the St. Louis region.**
- His latest mission is far more personal: The cemetery he's saving holds dozens of his own ancestors.
- In December 2015, the retired St. Louis firefighter discovered the burial ground beneath a layer of brush and other debris, and about 20 headstones toppled or chewed up along with a wire fence around it.

- Just one headstone stood upright when Ogle found the cemetery. Some headstones are missing.
- The main culprit, Ogle says, was a brush hog, **a commercial mulching truck, used to clear vegetation** in an easement for power lines suspended over the cemetery. He and five fellow descendants of those buried there sued Ameren and a contractor in 2017 alleging the deliberate destruction of the nearly 200-year-old burial ground. According to the suit, Ameren has used a commercial tree removal service to maintain the easement that surrounds the cemetery.
- “Everything from up there all the way to the creek was covered with this weird-looking mulch,” Ogle, 62, said on a recent visit to the cemetery. “The machine chewed these (headstones) up. Now they’re in a thousand pieces.”
- Lawsuit against Ameren, Asplundh
- When Ogle’s ancestors sold 640 acres in 1870, the cemetery was excluded from the sale, according to Ogle and county records. That means descendants of those buried there own a piece of it even if they don't know it. The farmland surrounding the cemetery became known as the Donnell Farm after property owner Eliel Donnell.
- The lawsuit claimed that Ameren and its Pennsylvania-based contractor Asplundh in May 2015 trespassed on and damaged the historic graveyard. It relied in part on testimony of a caretaker for the Donnell Farm who witnessed the brush cutter roll through the property.
- “I observed this huge cloud of grayish, whitish dust come out of the thing. And it was right in the vicinity of the cemetery,” caretaker Dennis Diekman said in a deposition. Days later, Diekman said he found the cemetery's chopped-up wire fence “scattered all over. And a huge number of the tombstones were pulverized. Some of them had been ran over.”
- A former Asplundh worker, Ryan Trombley, testified that he unknowingly drove the brush cutter through the cemetery but did not hit a fence and was unaware if

he hit any gravestones. If he had, he said, "there would have been nothing left of them."

- "If it was clearly marked as a cemetery, we would have avoided it and went around it," Trombley said, according to a transcript of his Oct. 13 deposition. "If I hit 20 (gravestones) the machine would have made lots of noise and the head would have been off balance because the carbides getting knocked off by the ... stones."
- The lawsuit sought money to pay for repairs plus punitive damages.
- Ameren's settlement offer fell short of the \$57,600 estimate to restore the cemetery, Ogle said. In October, after settlement talks failed, the case went to a Jefferson County courtroom.
- Both companies denied damaging the cemetery. An Asplundh executive testified the tree service company wasn't aware of the cemetery existed and that Ameren never told Asplundh about it.
- After a week-long trial, a jury found that neither Ameren nor Asplundh were liable.
- A lawyer who represented Ameren and Asplundh at trial declined comment. An Asplundh spokesperson also declined comment.
- An Ameren spokesman provided a statement saying, "As a company that cares about our community, Ameren understands the sensitivities around this matter. However, the ruling in this case speaks for itself as the Circuit Court of Jefferson County ruled in Ameren's favor. All of the evidence was considered in this legal matter."
- Local historians have helped identify those who were buried at the cemetery in the early to mid-1800s. The graveyard holds the remains of dozens of Ogle's great-great-great grandparents, nephews and cousins. It also holds what

historians believe is the oldest headstone in Jefferson County: 12-year-old Thomas P. Speed, whose father served as a Jefferson County judge.

- Nancy Bailey, who died at 36 in 1859 and was the wife of farmer John Martin Bailey, is buried there, too. The unincorporated town of Bailey, west of Festus, is named for the family, as is Bailey Station Road and the former Bailey School.
- The star of the cemetery, according to **Jefferson County Heritage and Historical Society** president Bernard Laiben, is Stephen Osborn, who laid out the unincorporated town of Hematite in 1861 and died the following year at age 50.
- “To me, he’s a celebrity because he’s the founder,” said Laiben, 52, of Hematite. “Every cemetery is worthy of restoration. The tombstone and the grave, that’s our last mark on earth.”
- Laiben says Ameren should take responsibility for the damage because he believes the utility knew for decades that the cemetery was there.
- “It just makes you sick when you see all the tombstones and everything pushed over,” Laiben said.
- Old records resurface
- Ogle acknowledges that when he found Smith-Speed Cemetery, it was suffering from neglect and was overgrown when the brush cutter went through it.
- “The cemetery wasn’t in pristine shape,” he said.
- Rarely visiting the cemetery doesn't mean no one cares about its historical significance, according to historian Lisa Gendron, who serves as treasurer of the county's historical society and was a plaintiff in the lawsuit. “It’s an integral part of our county’s history,” she said.
- Historical society photos of the cemetery from 2011 and 2012 show several headstones before they were damaged or destroyed, Gendron said. Some of those

headstones have never been found. Had the jury found for the plaintiffs, Ogle and Gendron say the money would have gone toward restoring Smith-Speed and other cemeteries in Jefferson County.

- Months after the trial, Ogle said, he dug up historical records in storage at the home of Rufus K. Barton III, whose family owns the land surrounding the cemetery. The documents include a description of the easement identifying the location of the cemetery, a May 1974 court order finalizing Ameren's right-of-way, a survey designating the cemetery on a map, and letters between Ameren's legal counsel and property owners about a settlement in a 1977 lawsuit alleging that Ameren damaged property and the cemetery while building power lines.
- "It seems like everybody knew where (the cemetery) was but Ameren," Ogle said.
- Armed with new evidence, Ogle hopes to find other descendants willing to make claims against Ameren. That might be a longshot because Missouri's statute of limitations for property damage claims is five years. If the damage to the cemetery occurred in May 2015, as Ogle and others believe, then time may be running out.
- Ogle has spent hours alone at the cemetery fixing up headstones and reconnecting with his ancestry. Over the past several weeks, Ogle has epoxied several shattered markers, poured new concrete bases and stabilized headstones using mortar and steel frames. He's fixed headstones for Hematite founder Stephen Osborn, and William G. Reed, both married at different times to Tim Ogle's great-great-great aunt, Mary Ogle.
- Ogle plans to restore every headstone he can find. It's a promise he made to his oldest brother **Jim Ogle**, the family's genealogist who had visited the cemetery a few times before dying of cancer last year.

"All of these people had a story to tell and they deserve to be remembered and visited by their descendants," Ogle said.



The broken grave mark of Thomas Speed, bottom, right, awaits repair at Tim Ogle's almost 200-year-old family cemetery off State Highway P in Festus on Friday, April 10, 2020. Some of the grave stones in the cemetery date from the early 1830's. Ogle says Ameren damaged the cemetery, breaking headstones, when it was clearing trees and brush from the easement along Ameren's power lines. Ogle says Speed's grave marker is considered by the Jefferson County Historical Society to be the oldest dated grave stone in Jefferson County. Photo by David Carson



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Tim Ogle hauls in materials to repair his family's almost 200-year-old cemetery off State Highway P in Festus on Friday, April 10, 2020. Some of the grave stones in the cemetery date from the early 1830's. Ogle says Ameren damaged the cemetery, breaking headstones, when it was clearing trees and brush from the easement along Ameren's power lines. Photo by David Carson



Tim Ogle slides a historic grave marker into a new base he made for it the marker in family's almost 200-year-old cemetery off State Highway P in Festus on Friday, April 10, 2020. Some of the grave stones in the cemetery date from the early 1830's. Ogle says Ameren damaged the cemetery, breaking headstones, when it was clearing trees and brush from the easement along Ameren's power lines. Photo by David Carson

