



G.A.R.

G.A.R. Memorial Sugar Grove Cemetery

If we bring legal action against the Sugar Grove Cemetery Association I think we will need to do the following to be successful:

ONE: Convince the court that Sugar Grove has no claim to ownership of the cannons or the Civil War Memorial. As far as I know there is absolutely nothing they can produce to show any claim to ownership except the fact they have taken care of the cannons and the memorial since they were placed in the cemetery in 1927. However, Ohio Attorney General Opinion AGO 2008-027 dated August 12, 2008 reviewing O.R.C. 5901.37 (which requires county commissioners to care for veterans memorials in cemeteries) notes that law was initially enacted in 1904. Since the memorial was placed in the cemetery in 1927 it has been the duty of the commissioners to care for the memorial since it was placed there. Any care and maintenance provided by the cemetery was unnecessary since they could have asked the commissioners to perform such care. I would think a cemetery board of trustees would be expected to know what the law is relating to the care of cemetery war memorials.

TWO: Establish that the cemetery has been either attempting to sell the cannons or at least threatening to sell the cannons. In November, 2012 the cannons were listed for sale on the Cannon Super Store web site. December 7, 2012 Wilmington News Journal front page story indicates Board is considering sale of the cannons. In January, 2013 Board President Mac McKibben posted on the cemetery web site a copy of his letter to the editor of the Wilmington News Journal explaining why the cemetery wanted to sell the cannons after the Wilmington News Journal story appeared. A Feb. 27, 2013 front page Wilmington News Journal story about the cannons mentions McKibben's letter to the editor. May 23, 2013 Wilmington News Journal front page story states the county commissioners have agreed to pay the cemetery annually for the upkeep of the Veterans Memorial, but the cemetery board states they are still considering selling the cannons if they can get the right deal. Since at least July 15, 2013 the cannons have been listed for sale on the Steen Cannons web site from Ashland, Kentucky.

THREE: Establish that the Veteran's Memorial in question was ordered by the G.A.R. and paid for by funds raised by the G.A.R. and placed on a cemetery lot in the Sugar Grove Cemetery considered by the G.A.R. to be their lot. The cannons were mounted on pedestals as part of the Veteran's memorial at the time the veteran's memorial was placed in the cemetery in 1927 and have been there ever since.

FOUR: Establish that the Sons of Union Veterans of the Civil War is the legal heir to the G.A.R. and thus entitled to claim title to their property. But, in any case since there is no evidence of ownership by the cemetery, thus they cannot sell the cannons. We of course have the Deed of Conveyance of Property from the GAR to the SUVCW.

PROOF OF OWNERSHIP BY THE G.A.R AND THE SUVCW: We have the following documents and information to establish the cannons are the property of the SUVCW as legal heir to the G.A.R.:

1. **1857** -Cemetery Association was formed in 1857 (According to cemetery flyer)
2. **1862**- At a special board meeting of the Board of Trustees of Sugar Grove Cemetery on March 25, 1862, the following resolution was presented and approved. "Resolved that lot number 130 in section number one containing 2030 square feet valued at \$203.00 be and hereby is set apart and donated for the interment of volunteer soldiers from Clinton County." "Upon motion the President was instructed to furnish a copy of the above

Resolution to the Clinton Republican and the Wilmington Watchman with the request that they each give it at least one insertion in their paper. The Clinton County Historical Society has the minute book, and I have a copy of page 154 of the 1857-1880 Minute Book which contains this resolution. *“My Note: The Civil War started on April 12, 1861 so it appears this donation would have been made during the Civil War for burial of Clinton County Civil War soldiers. This would also be prior to the creation of the Grand Army of the Republic (G.A.R.) which occurred after the war (1866-1956; thus the lot was not given to the G.A.R., but it no longer belongs to the cemetery since they donated it for the burial of “volunteer soldiers from Clinton County”.)*

3. **1884-** Morris McMillian Post No. 58 Grand Army of the Republic chartered January 17, 1884. According to page 219 of the 1915 History of Clinton County book at the Clinton County History Society. I have a copy of this page.
4. **1899-** We have a copy of a December 14, 1899 newspaper article from the Clinton County Historical Society which reports “The two cannon secured to Wilmington by the courtesy of Senator Foraker have been properly mounted on carriages and flanked by two piles of cannon-balls now stand on the court house corner. A heavy penalty should attach to any defacement of the guns.” We also have a copy of a photo of the old Clinton County courthouse from the Clinton County Historical Society showing cannons on carriages on the lawn. *My Notes: Sen. Foraker was a member of the Fred C. Jones GAR Post No. 401 in Cincinnati, OH and was an active GAR member. He may have been asked by the McMillian Post to secure the cannons. We have copy of Post 401 membership roster with his name listed.*
5. **1915-** We have a copy of page 219 of the Clinton County History book which is available at the Clinton County Historical Society. The article gives a history of the G.A.R. post and on page 220 we find the following: “On January 17, 1909, the post celebrated its twenty-fifth anniversary by a banquet in the post room on Locust Street, to which the Woman’s Relief Corps was invited.”
6. **1919-** We have a copy of the November 14, 1919 minutes of the Morris McMillan Post #58 G.A.R. which includes the following: “Post met in regular session in their new quarters in the new Court House, Senior Vice Commander Jenks in the Chair—“We have a copy of the blue prints for the first floor of the new courthouse (It’s the courthouse currently in use.) It shows a “G.A.R. Relic Room” *My Notes: It appears the cannons were mounted on carriages and stood on the courthouse lawn from 1899 until the new courthouse was built in 1919. From 1919 until 1927 we have no record of where the cannons were. In 1927 they were mounted on pedestals as part of the new G.A.R. veteran’s memorial in the Sugar Grove Cemetery. The Clinton County Historical Society has the G.A.R. minute book for 1926 and 1927 which gives an account of how the G.A.R. post with the help of the Woman’s Relief Corps (WRC)(the G.A.R. auxiliary) raised the money to construct the memorial on what they apparently considered to be their lot in the Sugar Grove Cemetery. We have copies of all the G.A.R. minute book pages relating to their efforts to construct the memorial.*
7. **1926 – GAR Minute Book Page 237** (book at Clinton County Historical Society) (October 9, 1926) On motion by Comrade Bayless, unanimously adopted, a special meeting was appointed for Thursday Oct, 14 at 2 O’clock P.M. to consider the matter of a suitable monument for the G.A.R. lot in Sugar Grove Cemetery. There being no further business the post closed...*My Note: All through the minutes of GAR post the burial plot*

in Sugar Grove Cemetery is referred to as the GAR plot or lot. It would appear the GAR post believed the burial plot belonged to them.

8. **Page 238**

(October 23, 1926) ...Minutes of the last (illegible) meeting read and approved including minutes of special meeting of Oct 14-
Commander presented copy of petition for funds for proposed monument to be placed on G.A.R. lots in Sugar Grove Cemetery, which, with some changes was approved by the Post.

Special Meeting- In pursuance of the actions of this post taken Oct 9, 1926 the post met in special meeting. Commander Moon presiding. The purpose of the meeting being to consider the matter of a monument to be placed on the G.A.R. lot in Sugar Grove Cemetery. After considerable argument on the subject, on motion of Comrade W. J. Bayless, which was adopted

9. **Page 239**

(continued from page 238) a committee was appointed which was (illegible) to invite patriotic organizations and other Wilmington and vicinity to meet with them and to consider a plan of assisting Morris McMillian Post No. 58 in placing a monument on said G.A.R. lots according to specifications submitted – The committee was appointed as follows: W. J. Bayless, B. F. Wildman and J. W. Crouse.

(Nov. 13, 1926) Committee on Monument reported progress. The Q.M. reported donation from Wilmington Veterans Post No. 49 American Legion for \$100. for the proposed monument to be placed on the G.A.R. lots in Spring Grove Cemetery. Which amount is thankfully received.

10. **Page 244**

(January 22, 1927) A committee from the Morris McMillian W.R.C. viza Mrs. Dan Watson and Mrs. T. E. Moon was present and made a favorable report on monument fund.

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(Feb 12, 1927) Members present listed. Continued from page 244. On motion, unanimously adopted a committee was elected, including the soliciting committee for monument fund and every members present to receive bids and enter into contract with the best bidder for the monument to be on the G.A.R. Lot in Sugar Grove Cemetery. Said monument to be completed to the satisfaction of said committee. It was announced that the soliciting and the collection committee from the W.R.C. would be ready to report and pay over to the Q.M. the full amount acquired \$1500 during the next week. On motion unanimously approved the post recessed to convene on Saturday Feb. 19, at 9:00 P.M.

11. (Feb. 19, 1927) Post reconvened after recess per orders to receive report from soliciting and collection committee for Memorial fund. For the absence of the Commander Sr. Vice Commander John Dalahgan presided. Comrade W. J. Bayless as chairman of soliciting

committee reported as follows: Amount transferred to Q.M. signed by Denise M ..., Louisa Moore collecting committee.

Check on Clinton Co. N.B.&T. Co.	\$1,463.10
“ “ Citizens N.B.	15.00
“ “ 1 st N.B.of Hilsbrough	100.00

12. Page 248

(March 26, 1927) Per Committee heretofore elected by the post on Feb. 12, 1927 to receive bids and enter into contract with the best bidder for the monument to be placed on the G.A.R. lot in the Sugar Grove Cemetery reported as follows: To Morris McMillian Post No. 58 Department of Ohio G.A.R. Wilmington, Ohio March 19, 1927. Your committee elected by the post on Feb. 12, 1927 to receive bids and enter into contract with the best bidder for the monument to be placed on the G.A.R. lot in Sugar Grove Cemetery begs to report that they have received bids as follows- viz-

Dodds Granite Co., Xenia	\$1,886.00
P. J. Burke, Washington C. H.	1,997.00
Keman & Crumly, Martinsville	1,796.00
W.A. Harsha & Son, Wilmington	1,795.00

The W.A. Harsha & Son Wilmington, Ohio being the lowest bidder your committee accepted said bid, and have signed to enter into contract with said firm for the erection of said monument, according to specifications and make report back to the post and hereby ask the approval of the post at its regular stated meeting March 26, 1927. Signed W.J. Bayless, Chairman. *My Notes: We have copy of the contract with W.A. Harsha and Son along with copy of their invoice for the job and copy of the check paying the invoice. These items supplied by the Clinton County Historical Society.*

13. Page 260

(Oct. 8, 1927) On motion, unanimously adopted, the Q.M. was directed to pay all bills connected with finishing and dedicating the memorial statue on the G.A.R. Lot in Sugar Grove Cemetery, including Flag Staff, Mounting Cannons out of the Monument Fund. *My Notes: We have copy of invoice from Louis Schuer Carpenter and Builder for \$25.05 "For material and labor on forms for cannons at cemetery"*

(Oct. 22, 1927) Monument Committee and Committee on placing cannons on G.A.R. Lot reported by its chairman Comrade W. J. Bayless that the monument was dedicated on Sunday Oct. 16, 1927. Great day and a success in every way. The cannons was put in place and completed on Oct. 29, 1927 and bills all paid—approved by all parties concerned.

14. Page 261

(Dec. 10, 1927) Disbursements M.F.

Pd. W. A. Harsha & Son by order of post	\$1,808.75
Anna Matson	“ 10.00
Wilson Boy Scout Band	“ 35.00
Bernard Jonson Flay Pole	“ 29.93

James McLenny “ cannon “	92.00
Louis Schuer “	25.05
R.P. Barrett & Son”	34.99

My Notes: The payments to James McLenny (\$92.00; Louis Schuer (\$25.05) and R.P. Barrett & Son (\$34.99) for “cannon” would appear to be for the construction of the pedestals for the cannons including the materials used and probably for mounting them. We have copy of invoice from R.P. Barrett & Son for \$34.99 which is the amount listed in the GAR Post minutes. These records are from the Clinton County Historical Society.

15. **1927 – July 25, 1927** Wilmington Daily Journal newspaper article reporting that G.A.R. and W.R.C. members met at the cemetery to view the new monument and voted to authorize payment of the \$1,808.75. Date for dedication ceremony to be announced later.
16. **September 28, 1927** – Wilmington Daily Journal newspaper article reporting “plans for unveiling the Civil War veterans’ monument erected on the soldiers’ burial ground in Sugar Grove Cemetery two months ago through the efforts of G.A.R. and W.R.C. members, were made at a called meeting of representatives of patriotic and civic organizations, held in the G.A.R. room at the Court – house, Tuesday afternoon.” *(My notes: This news article confirms the G.A.R. post was holding its meetings in the courthouse in a room designated as the G.A.R. room.)*
17. **October 14, 1927-** Wilmington Daily Journal newspaper article reporting plans for a parade through the streets of Wilmington to the Sugar Grove Cemetery for the dedication of the new soldiers’ monument and announcing Judge Edgar S. Matthias, Department Commander of the United Spanish War Veterans’ will make the dedication address at the cemetery. The article gives the names of all those participating in the ceremony and the program agenda for the ceremony.
18. **October 15, 1927** – Wilmington Daily Journal newspaper article reporting “Finishing Touches Made For G.A.R. Monument Ceremonies” “Jacob Secrist, Department Commander of the G.A.R. and Joseph D. Patton, Chief of Staff, will assist with ceremonies dedicating the Soldiers’ monument in Sugar Grove Cemetery, Sunday afternoon, October 16, at 2 P.M.” *My Notes: The newspaper articles consistently refer to this new memorial as a G.A.R. monument and the two pedestals holding the cannons have the initials G.A.R. molded into the side of them.)*
19. **October 17, 1927** – Wilmington Daily Journal newspaper article reporting “Soldiers’ Monument Dedicated with Impressive Ceremonies at Cemetery” “Judge Edgar S. Matthias Is Principal Speaker On Program” “Delegations Of Three Wars Head Parade Of Hundreds On Sunday” The article reports on who participated in the ceremony and gives a description of the monument.
 “The handsome monument dedicated Sunday is of carved granite and represents a Union soldier of the Civil War on winter-time guard, Cannon for which concrete bases are now being made are to be placed on either side of the monument. They could not be finished in time for these Civil War Cannon, which have for years been on wooden carriages (which are now rotting from age and exposure) to be mounted in time for the dedication exercises.” “There are 326 soldiers buried in Sugar Grove cemetery, 56 of whom are on the G.A.R. plot on which the monument has been erected.” *My notes: This newspaper article confirms what the G.A.R minute book states regarding the cannons being placed on pedestals by the new monument, but the pedestals were not ready at the time the*

monument was dedicated. The G.A.R. minutes show the G.A.R. paid for the pedestals and the cannons were placed on them soon after the dedication ceremony.



BY
MORRIS MEMILLAN
POST G. A. R.
AND
CITIZENS — 1927

