

Alabama's Historic Cemeteries: A Basic Guide to Preservation



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Alabama Historical Commission's Historic Cemetery Programs

Historic cemeteries are found in every rural and urban community across Alabama, providing rare opportunities to study and honor our ancestors and the communities they created. They are not only memorials to past generations, but are evidence of settlement patterns, family relationships, religion, lifestyles and craftsmanship. Some cemeteries are well kept and obviously important to current generations; others exist in shadows, lost in kudzu or forgotten memories. Whether your cemetery is well preserved or endangered from neglect and vandalism, the Alabama Historical Commission (AHC) seeks to help preserve these places for future generations.

While there are limits as to what we can and cannot do to help in every cemetery problem, the Survey and Registration Section of the AHC has several programs to aid individuals, local and state officials, and civic groups in identifying, documenting, registering, conserving, and protecting Alabama's historic cemeteries.

The AHC CAN:

- Teach individuals and organizations how to document a cemetery.
- Provide official historic designation through the Alabama Historic Cemetery Register.
- Make information on the cemetery laws of Alabama available and offer support to law enforcement when needed.
- Supply technical assistance on how to properly clean and restore cemeteries and grave markers.
- Issue permits for work in cemeteries at least 75 years old.
- Answer questions concerning the general history of cemeteries in Alabama.

The AHC CANNOT:

- Give money for cemetery maintenance or preservation projects.
- Provide legal assistance or advice.
- Arrest or prosecute individuals who violate Alabama's burial laws. This is the responsibility of local law enforcement.
- Provide maintenance for cemeteries.
- Give non-profit status to your organization.
- Perform Ground Penetrating Radar (GPR) or other types of remote sensing.
- Provide detailed histories of all cemeteries in Alabama.

Cemetery Preservation Plan

When individuals or organizations undertake a cemetery preservation project, they often have some idea of what they want to accomplish. However, the task of preserving a cemetery can be overwhelming, making it hard to know how to begin the project. Creating a Cemetery Preservation Plan forces an individual or group to think about all the various aspects of the project and establish priorities, define involvement, and create a realistic work plan.

A master cemetery preservation plan is an important step in the preservation of any historic cemetery. Before a tree is removed, before a grave marker is cleaned, before

any work is done, an overall plan is an essential tool for establishing goals, prioritizing activities, and developing an annual maintenance schedule. It also contains important records such as cemetery survey forms, photographs of grave markers and features, and a written history along with other historical data about the cemetery. A sample Master Plan is available from the AHC.

Cleaning Historic Grave markers

Many well intentioned cemetery cleaning projects have ended up causing more harm than good. People generally rush in to these projects without ever giving any thought to researching proper preservation and conservation methods. There are techniques that can be extremely harmful to grave markers and actually speed up the natural weathering process. Before you begin any cleaning project, investigate the proper preservation and/or conservation methods to ensure that the grave markers are protected. You might consider consulting with a professional who is knowledgeable about the treatment of historic grave markers. Below are some general guidelines for cleaning historic grave markers.

Suggested Cleaning Methods

1. Determine the condition of the gravestone before you attempt any cleaning. Are there obvious cracks in the stone? Is it leaning? Are there signs of sugaring of the stone? If so, leave it alone. Any pressure on the stone could cause it to break or further erode the outer layer of the stone.
2. Determine why the marker needs to be cleaned. Is it covered in atmospheric pollutants and dirt, biological growth such as pollen, fungi, moss, or algae that are harming the stone? In many cases, these pollutants and growth have gotten deep into the pores of the gravestone and simply cannot be removed. Before washing the stone, try brushing off or scraping off the biological growth with Popsicle sticks, Q-tips, or any other material that is softer than the stone.
3. It is important to soak the stone for as long as possible. 24 hours is the recommended time, but often that is not practical, especially if the cemetery has no water available on site. A good time to clean is after a heavy soaking rain.
4. Clean stones using the **Gentlest Means Possible**. Most dirt can be removed by using water and a soft bristle brush (nylon, plastic, natural, toothbrushes, etc.). If the cemetery has no available water, you will need to bring a lot water with you. Begin cleaning at the bottom of the marker and work up. Once clean, be sure to rinse the stone with water to remove all the surface dirt. The purpose of cleaning is to remove harmful substances, not to make the grave markers look brand new. These are historic artifacts and should retain their historic character after cleaning.
5. A diluted solution (2:1) of water and Kodak's Photo Flo can also be used to clean grave markers. Photo Flo is available at photographic supply stores.
6. If the grave marker has algae, mold, fungi, lichens, or any other type of biological growth, it is acceptable to use "D2," available from www.cathedralstone.com.
7. **Never** use stronger solutions such as acids, bleach, or blasting to remove dirt or plant growth from the grave markers. While you might be initially impressed by the extremely white appearance that you get when you clean with acids or bleach,

you have introduced chemicals into the pores of the historic gravestone that will infinitely increase the speed of deterioration.

8. Household detergents and cleaners such as Dawn, Ivory, Tide, 409, Windex, Clorox, Borax, Tilex, etc. are **never** recommended to clean historic grave markers. These products could contain acids that will lead to the formation of salt crystals that get trapped in the pores of the stone, grow, and eventually cause breaks in the stone.

Repairing Historic Grave markers

Repairing historic grave markers is perhaps the most difficult of all cemetery work. The majority of repairs will be extremely complicated and will require a professional. Just as certain cleaning techniques can prove extremely harmful to the life of the stone, insensitive repair techniques can be exceedingly more harmful to the stone. Before you begin any repair project, investigate the proper preservation and/or conservation methods to ensure that the grave markers are protected. Below are some general guidelines for repair.

Suggested Repair Methods

- 1) Preservation in place is a viable preservation alternative. Remember, it is important to leave the grave markers alone until the appropriate intervention is identified.
- 2) Repair stonework utilizing **Like Materials** only. Always use materials that are softer than the original stone. Introducing harder materials to “glue” pieces of stone together will cause great tension on the original stone causing not only new breaks in the stone but will cause the repair to fail. Portland cement should not be used to repair stonework, to fill joints, or to adhere pieces of stone. **Never** place broken pieces of stone into wet concrete. Further, adhesives of any sort (Bondo, Liquid Nails) should be avoided due to their creating a moisture barrier that contributes to breakage and deterioration of stonework. Lime mortar is recommended for these type of repairs and is available at www.virginialimeworks.com, www.usheritage.com, or www.traditionalandsustainable.com. Most repairs should be reserved for the professional to avoid further damage of the gravestone.
- 3) Recreation of Walls or Building Fences: Walls or fences often surrounded only marked graves in a cemetery. More times than not, unmarked graves lay outside the walled area. Therefore, it is imperative that the locations of all burials be identified before any fencing is constructed. Recreated rock walls or fencing should be based on photographic evidence, whenever possible.
- 4) Often, historic markers were constructed of fragile materials or were held together by gravity only (obelisks, for example). It is important that these design features be respected prior to making any repairs.

For further reading about cleaning and repair of historic grave markers:

- 1) *A Gravestone Preservation Primer* by Lynette Strangstad
- 2) NPS Preservation Brief #1: *Cleaning Historic Masonry* available from the AHC or at www.cr.nps.gov
- 3) NPS Preservation Brief #2: *Repointing Mortar Joints in Historic Masonry Buildings*, available from the AHC or www.cr.nps.gov
- 4) NPS Preservation Brief #27: *Cast Iron Maintenance and Repair*, available from the AHC or www.cr.nps.gov

5) "The Conservation and Cleaning of Historic Gravestones" by Peter Sandbeck available from the AHC

6) The Association for Gravestone Studies (AGS) www.gravestonestudies.org

Establishing Tax-Exempt Perpetual Care Trust Funds

DISCLAIMER: The advice of the AHC does not substitute for the qualified advice of an attorney or accountant.

Perpetual care cemetery trust funds will ensure the survival of many of Alabama's historic cemeteries. Regular, general maintenance is vital to the preservation of cemeteries. Often times, this maintenance can be expensive and time consuming for one family to manage. This is why the AHC recommends that a family or related group establish a trust fund specifically for cemetery perpetual care.

Historic Cemetery Survey Program

The Alabama Historic Cemetery Survey program promotes the systematic documentation of historic cemeteries in Alabama, which will in turn provide valuable clues about Alabama's history and its burial patterns and practices. By documenting historic cemeteries, we can learn about the kinds of people who settled an area as well as the racial, ethnic, social, and religious affiliations of those settlers. We can also learn valuable information about the gravestone carvers who created the monuments that still stand today. Documentation is vital since many of Alabama's cemeteries are in rural and isolated areas and therefore easy targets for vandalism and neglect. The information collected in cemetery surveys will be helpful to those interested in the history of Alabama as well as its genealogy. By maintaining this information at the main office of the Alabama Historical Commission in Montgomery, it will be available for all interested researchers for years to come.

Anyone can document a cemetery. The Alabama Historical Commission developed 5 cemetery survey forms: the **Main Form**, the **Map Form**, the **Historic Significance Form**, the **Object Form**, and the **Group Form**. We also have instructions for how to fill out these forms as well as a helpful glossary.

Alabama Historic Cemetery Register

The Alabama Historic Cemetery Register is a prestigious listing of historic cemeteries in Alabama. These selected cemeteries are worthy of both recognition and preservation. Listing on the state cemetery register is an honorary designation imposing no restrictions on property owners above what state law already provides. The register is the first step toward publicly recognizing a cemetery as historic and allows Alabama Historical Commission staff to determine if certain cemeteries are eligible for listing in the Alabama Register of Landmarks and Heritage and the National Register of Historic Places.

To be eligible for listing in the Cemetery Register, a cemetery must meet the following criteria:

- The cemetery must be at least forty years of age.
- A majority of burials must be over forty years of age.

- **Historic significance:** the cemetery should derive its importance from a family, community, church, historical event, etc. and/or contains unique grave markers and burial practices.

Persons interested in listing a cemetery must complete a series of forms provided by the AHC. Required forms include a fully completed **Cemetery Register Application**, a **Main Form**, a **Map Form**, and a **Historic Significance Form**. The AHC recommends but does not require the completion of **Object** and **Group Forms** for listing on the cemetery register.

Good quality color photographs (non-Polaroid) of representative grave markers and overall views of the cemetery are also required. The AHC prefers 4" x 6" 35mm color photographs or high-resolution color digital images, but black and white images will be accepted. **Polaroid pictures will not be accepted.** Please label the back of the photograph with the name of the cemetery and the county. Images on CD will be accepted. All photographs and survey forms will become the property of the Alabama Historical Commission.

Once the cemetery is listed on the register, a certificate in honor of this listing will be signed by the Governor of Alabama and the Executive Director of the Alabama Historical Commission.

Alabama Register of Landmarks and Heritage

To obtain another level of historic designation, consider nominating a cemetery for listing on the Alabama Register of Landmarks and Heritage. The Alabama Register of Landmarks and Heritage is an official list of buildings, sites, structures, objects, and districts worthy of preservation. It includes properties of national and state significance, as well as those of purely local importance. Listing a property in the Alabama Register simply means that the Alabama Historical Commission (AHC) has deemed it worthy of recognition as a historic place in Alabama and encourages its preservation. It is an honorary designation and carries no restrictions or financial incentives. Please be aware that stringent criteria limit a cemetery's eligibility for listing on this register.

Contact the Register Hotline at (334)230-2687 to request more information.

National Register of Historic Places

The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Properties listed in the National Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture.

Ordinarily cemeteries, birthplaces, and graves of historical figures shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- 1) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life;

OR

2) A cemetery which derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.

Contact the National Register Coordinator at (334)230-2644 to request more information.

Historical Cemetery Marker and Plaque Program

The Alabama Historical Commission historical cemetery marker program began in 2003 to assist Alabama cemetery enthusiasts in informing the public about significant historic cemeteries in Alabama.

No state funds are available for markers or plaques. Individuals and organizations are responsible for the entire cost. The cost of markers is paid directly to the manufacturer after the AHC Cemetery Program Coordinator approves the narrative. The current price for a marker can range from \$900 to \$2000 depending on the size and amount of text. The current price for a plaque is \$375. Text is limited on plaques.

To purchase an AHC cemetery marker or plaque, the cemetery must be listed on one of the following historic registers: the Alabama Historic Cemetery Register, the Alabama Register of Landmarks and Heritage, or the National Register of Historic Places. It will also be eligible for a historical marker if the cemetery is listed as a contributing resource in a listed Alabama Register or National Register Historic District.

The purpose of the marker program is to inform the public about the *historic significance* of the cemetery, therefore information for the marker will be based on the Historic Significance form for the Historic Cemetery Register or the Statement of Significance in Alabama Register or National Register nominations. The names of living persons of less than national significance will not be considered for inclusion in marker narratives. The names of the people or the organization that are erecting the marker will be allowed.

For a plaque, only the name of the cemetery and the names of the people or the organization sponsoring the plaque are allowed. Plaques are available in one size only, 16" x 16 1/2".

OTHER MARKER PROGRAMS

Many historical and preservation organizations across the state of Alabama have their own marker programs. Some such groups also have funds to assist with the purchase of markers. If you are interested, please check with your local organizations. The following groups also sponsor marker programs:

Alabama Historical Association

Attention: Norwood Kerr
c/o Alabama Department of Archives and History
P. O. Box 300100
Montgomery, Alabama 36130-0100
Phone: (334) 242-4363 Ext. 258

Historic Chattahoochee Commission

P. O. Box 33
Eufaula, Alabama 36072
www.hcc-al-ga.org
(877) 766-2443

Legislative & Regulatory Issues

The *Code of Alabama 1975* has numerous sections dealing with various aspects of cemeteries. Cemeteries may be found under Alabama statutes dealing with eminent domain, criminal, corporations, and consumer matters to name a few. By far, the Alabama Code sections on County and Municipal Corporations (Title 11 of the Alabama Code) have the most statutes dealing with cemeteries, the abandonment of cemeteries and the removal of graves and the reinterment of human remains.

You can access the *Code of Alabama 1975* by visiting the Alabama Legislature's website at <http://alisondb.legislature.state.al.us/acas/ACASLogin.asp> and click on the "Code of Alabama" tab on the left side of the page.

Criminal Statutes

The following statutes are taken from the *Code of Alabama 1975*. If you believe someone is in violation of one of these statutes, contact local law enforcement personnel. They are responsible for enforcing the law.

13A-7-23.1

Desecration, defacement, etc., of memorial of dead; invasion or mutilation of corpse.

- (a) Any person who willfully or maliciously injures, defaces, removes or destroys any tomb, monument, gravestone or other memorial of the dead, or any fence or any enclosure about any tomb, monument, gravestone or memorial, or who willfully and wrongfully destroys, removes, cuts, breaks or injures any tree, shrub, plant, flower, decoration, or other real or personal property within any cemetery or graveyard **shall be guilty of a Class A misdemeanor.**
- (b) Any person who willfully or maliciously desecrates, injures, defaces, removes, or destroys any tomb, monument, structure, or container of human remains, and invades or mutilates the human corpse or remains shall be guilty of a Class C felony and upon conviction the person shall be punished as provided by law. Any person who maliciously desecrates an American Indian place of burial or funerary objects on property not owned by the person **shall be guilty of a Class C felony** and upon conviction the person shall be punished as provided by law.
- (c) The provisions of subsections (a) and (b) of this section shall not apply to any person holding a permit issued by the Alabama Historical Commission pursuant to subsection (d) of this section.
- (d) The Alabama Historical Commission, to provide for the lawful preservation, investigation, restoration, or relocation of human burial remains, human skeletal remains, or funerary objects, shall promulgate rules and regulations for the issuance of a permit and may issue a permit to persons or companies who seek to restore, preserve or relocate human burial remains, human skeletal remains, funerary objects, or otherwise disturb, a place of burial.

Section 13A-11-12

Desecration of venerated objects.

(a) A person commits the crime of desecration of venerated objects if he intentionally:

(1) Desecrates any public monument or structure or place of worship or burial; or

(2) Desecrates in a public place the United States or Alabama flag or any other object of veneration by the public or a substantial segment thereof.

(b) Desecration of venerated objects is a Class A misdemeanor.

Section 13A-11-13

Abuse of corpse.

(a) A person commits the crime of abuse of a corpse if, except as otherwise authorized by law, he knowingly treats a human corpse in a way that would outrage ordinary family sensibilities. Abuse of a corpse may include knowingly and willfully signing a certificate as having embalmed, cremated, or prepared a human body for disposition when, in fact, the services were not performed as indicated.

(b) Abuse of a corpse is a Class C felony.

CEMETERY ACCESS & CEMETERY REHABILITATION AUTHORITIES

NEW!! Act 2007-408 (became law September 1, 2007)

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Owners and lessees of private land on which a cemetery, graves, or burial sites are located shall have a duty to allow ingress and egress to the cemetery, graves, or burial sites by (1) family members, friends, or descendants of deceased persons buried there; (2) any cemetery plot owner; and (3) any person engaged in genealogical, historical, or cultural research, who has given reasonable notice to the owner of record or to the lessees, or both.

(b) The right of ingress and egress granted by this section shall be reasonable and limited to the purposes of visiting graves or burial sites, maintaining the gravesite or burial site or cemetery, or conducting genealogical, historical, cultural research, or, in the case of a plot owner, burying a deceased person in the plot. The owner or lessee of the land has the right to designate the frequency, hours, and duration of the access and the access route if no traditional access route is obviously visible from a view of the property, provided that the designation is reasonable for the purposes set out above.

c) Any person entering onto private land pursuant to this section shall be responsible for conducting himself or herself in a manner that does not damage the private land, cemetery, gravesite, or burial site, and shall be liable to the owner or lessee of the property for any damage caused as the result of his or her access. The landowner and

lessee, in the absence of gross negligence or willful misconduct, shall be immune from liability in any civil suit, action, or cause of action arising out of the access granted pursuant to this section.

Section 2. (a) County commissions may establish a county cemetery rehabilitation authority (hereinafter "authority") to designate, register and maintain neglected cemeteries lying outside any municipal area within the county. When a county commission establishes an authority, it shall appoint a board to oversee the duties given to the authority. Each board member shall serve at the pleasure of the county commission. City governments have the same power to establish a city cemetery rehabilitation authority and a board to oversee the registration and maintenance of neglected cemeteries within their municipal limits. Governments are encouraged to include on their board representatives of genealogical and historical societies and other citizens who have shown an interest in preserving cemeteries.

(b) In the absence of action by the appropriate governing body, any citizen may submit, in writing, a request to the appropriate governing body that the governing body establish a cemetery rehabilitation authority, and such request shall be spread upon the minutes of the next meeting of the appropriate governing body following receipt of such request.

Section 3. (a) A cemetery rehabilitation authority created herein may accept the assistance of private citizens as well as money donated by private citizens or family, in order to afford the upkeep and restoration of cemeteries designated as neglected. A trust fund may be established to supply continuing needs over a long period of time.

(b) The cemetery authority may work with private landowners to determine the frequency of access, either for specified work days, or for visits by family to restore and or maintain the graves, or by genealogical researchers.

(c) The county commission of each county may provide for the identification, cataloguing, or recording of neglected cemeteries. A copy of all surveys shall be forwarded to the Alabama Historical Commission for establishment of a statewide inventory. If the county or city has a cemetery rehabilitation authority, this duty may be delegated to that authority.

(d) The authority or the county commissions of each county shall provide for the registration, with the Historical Commission, of each neglected cemetery within the county unless the cemetery has been previously registered. The registration shall take place within one year of notification being made to the board by any interested party of the existence of the neglected cemetery.

(e) No county or municipality nor any person under the supervision or direction of the county or municipality, providing good faith assistance in securing or maintaining a cemetery under this act, may be subject to civil liabilities or penalties of any type.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

AHC Cemetery Permits

The AHC issues permits to persons or companies who seek to restore, preserve or relocate human burial remains, human skeletal remains, funerary objects, or otherwise disturb, a place of burial that is 75 years or older. This authority is given to the AHC in Section 13A-7-23.1(d) of the Code of Alabama 1975:

“The Alabama Historical Commission, to provide for the lawful preservation, investigation, restoration, or relocation of human burial remains, human skeletal remains, or funerary objects, shall promulgate rules and regulations for the issuance of a permit and may issue a permit to persons or companies who seek to

restore, preserve or relocate human burial remains, human skeletal remains, funerary objects, or otherwise disturb, a place of burial.”

Generally, the AHC issues permits for two types of work in cemeteries:

- 1) Preservation (e.g. cleaning/repairing grave markers; removing heavy vegetation; removing/erecting fences; any ground disturbing activity, etc.)
- 2) Relocations

Applicants must fill out a Permit Application. Once the party requesting the permit has provided the AHC with all required information, the request is reviewed. Once approved, a permit is granted in the form of a letter from the AHC. It is important to understand that a permit does not imply permission from the landowner, nor does it imply that all laws have been followed by the permittee. It is the responsibility of the party requesting the permit to make sure that they are compliant with all laws.

For more information on any of the Alabama Historical Commission’s Cemetery Programs, please contact Lee Anne Wofford, Cemetery Program Coordinator at (334)230-2659 or leeanne.wofford@preserveala.org.