

Alabama's Historic Cemeteries: A Basic Guide to Preservation



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Historic cemeteries are found in every rural and urban community across Alabama, providing wonderful opportunities to study and honor our ancestors and the communities they created. Whether your cemetery is well-preserved or endangered, the Alabama Historical Commission (AHC) will help you preserve it for future generations.

The AHC DOES:

- Provide official historic designation for cemeteries through the Alabama Historic Cemetery Register.
- Assist those interested in purchasing a historical marker or plaque for cemeteries on the register.
- Make information on the cemetery laws available and offer support to law enforcement when needed.
- Issue permits for substantial work in cemeteries at least 75 years old or older.
- Inform the public about general cemetery preservation guidelines.

The AHC DOES NOT:

- 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.
- Maintain cemeteries.
- Give non-profit status to your organization.
- Perform Ground Penetrating Radar (GPR) or other types of remote sensing.

Cemetery Preservation Plan

A Cemetery Preservation Plan is an important first step in the preservation of historic cemeteries, which can be an overwhelming process. Before any work begins in the cemetery, an overall plan should be developed that establishes goals, prioritizes activities, and develops an annual maintenance schedule. A sample Cemetery Preservation Plan is available from the Alabama Historical Commission.

Recommended Cleaning Guidelines

There are cleaning methods that are extremely harmful to grave markers and can cause more harm than good. Below are general guidelines for cleaning historic grave markers.

1. 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.
2. 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.
3. 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, plastic paint scrapers, or any other material that is softer than the stone.

4. 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.
5. 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 of water with you. Begin cleaning at the bottom of the marker and work up. Once clean, be sure to rinse the stone with clean water.
6. 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.
7. If the grave marker has algae, mold, fungi, lichens, or any other type of biological growth, it is safe to use "D2," available www.d2bio.com.
8. Do not use acids, bleach, household detergents or pressure washers to remove dirt or plant growth from the grave markers. While the extremely white appearance might be impressive, these methods will only increase the speed of deterioration.

Repairing Grave Markers

Repairing historic grave markers is perhaps the most difficult of all cemetery work. Most repairs will require a professional who is experienced in repairing historic masonry. Below are general guidelines for repair.

- 1) Preservation in place is a viable preservation alternative. It is acceptable to leave the grave markers alone until the appropriate repair method is identified.
- 2) Repair stonework utilizing **Like Materials** only. 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.
- 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.

Removing Vegetation in Cemeteries

1. All methods of removing vegetation should be fully documented and photographs made before, during, and after the removal process.
2. Flag all marked and unmarked graves before removing any vegetation. Continue to flag graves as they are discovered while removing vegetation.
3. Heavy equipment should not be brought in to the cemetery.
4. Take care to only remove vegetation that is causing harm or is unsightly. Often times, trees, shrubs, plants, flowers, decorations, or other real or personal property were used as memorials to the dead and should not be removed. Historic plantings should be pruned, not removed. It is important to retain the defining traits that make a cemetery historic.
5. Hand cutting weeds adjacent to the grave markers is highly recommended. Bumping into grave markers with a lawnmower can easily topple them; weed-eater string can permanently scratch and damage the markers as well. Do not alter the location of any gravestone, rock, fieldstone, etc., while mowing as these may be the only articles marking graves.
6. Do not spray any commercial herbicides near or directly on the grave markers. The chemicals and sodium compounds in these products could cause damage to the grave stones.
7. Do not burn debris near the cemetery as ash and soot can permanently discolor grave markers.

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

- *A Gravestone Preservation Primer* by Lynette Strangstad
- NPS Preservation Brief #1: Cleaning Historic Masonry available from the AHC or at www.cr.nps.gov
- NPS Preservation Brief #2: Repointing Mortar Joints in Historic Masonry Buildings, available from the AHC or www.cr.nps.gov
- NPS Preservation Brief #27: Cast Iron Maintenance and Repair, available from the AHC or www.cr.nps.gov
- "The Conservation and Cleaning of Historic Gravestones" by Peter Sandbeck, available from the AHC
- The Association for Gravestone Studies (AGS) www.gravestonestudies.org

Alabama Historic Cemetery Register

The Alabama Historic Cemetery Register is the state's official list of historic cemeteries in Alabama. The Alabama Historical Commission (AHC) considers historic cemeteries particularly worthy of preservation and appreciation, and therefore deserving of this special recognition. The designation serves to increase awareness of the site in hopes that it will be preserved. Once a 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. To nominate a cemetery, an applicant must complete a series of forms that provides basic information and historical facts about the cemetery. Photographs of the cemetery are also required.

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

- The cemetery must be at least 40 years of age.
- A majority of burials must be over 40 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.

Historical Cemetery Markers & Plaques

Historical cemetery markers and plaques inform the public about cemeteries that are listed on the Alabama Historic Cemetery Register, the Alabama Register of Landmarks & Heritage, or the National Register of Historic Places. No state funds are available for markers or plaques. The current price of markers can range from \$1440 to \$2590 and is dependent upon the size of the marker and the amount of text. The current price for a plaque is \$470. Text is limited on plaques. An application must be completed and the AHC is the final editor of all marker text. Contact the AHC for an application.

Legislative & Regulatory Issues

Access the *Code of Alabama* 1975 by visiting this site: www.legislature.state.al.us/CodeofAlabama/1975.htm
If you believe someone has violated the law, contact local law enforcement.

ALABAMA'S BURIAL ACT

§13A-7-23.1, as amended

Section 1.

(a) Any person who willfully or maliciously injures, defaces, removes, or destroys any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, or any enclosure for the protection or ornamentation of any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure before mentioned, or for any enclosure for the burial of the dead, or any person who willfully and wrongfully or maliciously 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, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, 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.

(c) The provisions of subsections (a) and (b) shall not apply to any person holding a permit issued by the Alabama Historical Commission pursuant to subsection (d), to anyone operating a cemetery under standard rules and regulations and maintenance procedures, or to any person otherwise authorized by law to remove or disturb a tomb, monument, grave marker, burial mound, earthen or shell monument, or similar structure, or its contents, as described in subsections (a) and (b), nor shall the provisions of subsections (a) and (b) apply to any person authorized to take any action on municipal property.

(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 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. 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.

DESECRATION OF VENERATED OBJECTS

§13A-11-12

- (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.

CEMETERY ACCESS

§35-1-4

- (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)(1) 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, or cultural research, or, in the case of a plot owner, burying a deceased person in the plot.
- (2) 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)(1) 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.
- (2) 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.

(Act 2007-408, §1.)

CEMETERY REHABILITATION AUTHORITIES

§11-80-13

- (a)(1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (c) 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.
- (d) 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.
- (e) The county commission of each county may provide for the identification, cataloguing, of 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.
- (f) 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.
- (g) 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 section, may be subject to civil liabilities or penalties of any type.

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 granted to the AHC in Section 13A-7-23.1(d) of the *Code of Alabama* 1975.

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 other ground disturbing activity, etc.)
- 2) Cemetery Relocations

Applicants must fill out a Permit Application. An AHC 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 visit: <http://ahc.alabama.gov/cemeteryprogram.aspx>

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