

JASON OLIVER SMITH

The Use of Land Trusts to Preserve Graveyards in the American Southeast  
(under the direction of MARK REINBERGER)

This thesis observes the neglected condition of abandoned, historic graveyards in the American southeast, and the danger they face of being annihilated by development and the forces of nature. It asserts the value of these graveyards to society and the need for their preservation. The legal circumstances of graveyards as real estate are examined, both in general and specifically to Georgia. In addition to discussing issues of ownership and the right to intervene by preservationists, the thesis treats the subject of responsible custodianship, once the right of custodianship has been secured. Namely, the custodial responsibilities of graveyard documentation and conservation are covered. Finally, the thesis proposes the use of private, nonprofit land trusts as an organizational model for graveyard preservation— an approach that has apparently not been utilized. Appended to the thesis are Georgia's cemetery laws and a Greenville County, South Carolina cemetery survey conducted by the author during research.

INDEX WORDS: Thesis; Graveyards; Cemeteries; Historic Preservation; Land  
Trusts; Georgia; Southeast; Greenville, South Carolina; Survey

THE USE OF LAND TRUSTS TO PRESERVE ABANDONED GRAVEYARDS IN  
THE AMERICAN SOUTHEAST

by

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## PREFACE

The purpose of this thesis is to reveal the neglected condition of small, historic human burial places in America, outline the preservation responsibilities that need to be addressed, and propose an organizational model to confront these concerns within a state-wide or regional jurisdiction. This thesis often uses the terms “graveyard” and “cemetery” somewhat interchangeably, but “graveyard” is actually more applicable to most of what is said here because the term denotes historic places of burial exclusively, whereas “cemetery” is a more recent word strongly associated with modern burial grounds (Strangstad 1988, 6). The region of emphasis treated in this thesis is the southeastern United States, for that is where the largest concentration of abandoned graveyards exists in America, and where an ongoing surge of real estate development serves to make them especially endangered. Little is said concerning Native American grave sites because this is almost a separate topic. Indian graves are often protected by different statutes, handled by separate and explicitly defined authorities, and conserved through techniques that don’t apply to Euro-American stone monuments.

The topics covered by this thesis were selected from the point of view of a graveyard preservationist, rather than a graveyard historian, conservator, or art connoisseur. The information will be particularly useful to any serious graveyard enthusiast who wants to organize for the preservation of multiple cemeteries. Structurally, this thesis begins with an overview of graveyard conditions today, relates the legal parameters governing their treatment, and reports actual examples of several graveyard disputes. The thesis to this point attempts to explain the state of affairs surrounding abandoned graveyards, that is to say, it reveals the impediments to their preservation.

Following discussion of these impediments is a discussion of graveyard custodianship, which should be the final objective of graveyard preservationists. This is intended to ground the role of graveyard preservationist in the act of preserving graveyards once major impediments have been removed. At chapter six, the thesis concludes by describing an ambitious model for organizing in order to assume graveyard custodianship. This is the culmination of the thesis because inadequate organization is seen to be the biggest problem confronting abandoned graveyard preservation today. Chapters one through five should provide the reader with a foundation to understand the issues and responsibilities inherent to the kind graveyard preservation organization proposed here. An appendix shares the data collected from a county-wide cemetery survey conducted in the course of research. This survey is discussed within the thesis body.

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## CHAPTER 1

### GRAVEYARDS IN THE AMERICAN SOUTHEAST

#### The Significance of Historic Graveyards

Among all categories of real estate, cemeteries are-- in an obvious sense-- the quintessence of inertia. Over decades, the fields surrounding them go fallow and fences rust, but withal the stones remain exactly where they were placed. This condition speaks to people with a voice quiet and unmistakable through the world's calamitous vista. Cemeteries say other things as well, and are, for all their inertia, fairly vibrant with significance. Hence the average citizen will simply steer his lawn mower around that dilapidated congregation of rocks in the back yard. Most people respect cemeteries even when they have no sign or overseer, and often those who do disrespect cemeteries do it precisely because of the understood level of anti-social contempt that their vandalism embodies. No category of otherwise ordinary real estate is imbued with such universal and timeless respect. In a sense, cemeteries are the most powerful form of real estate.

A gravestone is a physical representation of all the cumulative emotions, struggles, and triumphs of an individual's life. No single artifact associated with a particular person more poignantly encompasses the very fact that he or she lived, and for most people, a tombstone remains behind as their only artifact at all. Old graveyards are therefore important emblems of the sanctity of human life; this principle of human sanctity is under attack in modern culture and should be defended. Furthermore, cemeteries transmit a sense of cultural continuity and heritage, crucial elements in binding together any society.

It is easy to comprehend why some people allow or even cause the destruction of historic graveyards for monetary incentives, but within the sphere of more rarified philosophy there circulates an idea that effectively coincides with the actions of rank capitalists. This somewhat contrarian, philosophical notion holds that it is symbolically fulfilling to allow the disintegration of graveyards, and that the proper show of respect is to simply let the dust have them (Strangstad 1988, 1). This sentiment suggests the poetry of life and time, but nothing can articulate an appreciation of those powerful concepts more eloquently than the old gravestones themselves. Besides, some graveyards are ultimately not suffered to weather the elements, but are callously annihilated by strokes of lazy development.

In addition to philosophical reasons, historic cemeteries should be preserved for their unique archaeological content. Cemetery analysis can reveal social values. For instance, if an abundance of corn is buried with a chieftain, this suggests the importance of corn in that society. Medical and anatomical facts can also be gleaned from cemetery archaeology.

Graveyards present important historical data. For one thing, gravestones can be the only documentation in existence about an individual, and the information contained on tombstones sometimes goes beyond names and dates. Epitaphs may tell stories, like the survival of an Indian massacre by a New England woman, or the drowning of one brother who was attempting to rescue the other (Strangstad 1988, 3). Family relationships can be discovered or inferred from stone groupings, as can countries of origin and settlement patterns. American slaves were sometimes buried with beads which, by their color and form, reveal the individual's origin within Africa (Reinberger 2001). Knowledge of these origins are important to the modern population's sense of cultural legacy. A recent explosion in historical and genealogical interest has created a large population of people who greatly desire to see graveyards preserved, and the 1200-member Association for

Gravestone Studies was created to coordinate their conservation efforts. These people and that institution recognize the unique and irreplaceable historic value of graveyards.

Graveyards are architecturally valuable, as well. Like the architecture of buildings, funerary design reflects affiliation and influence with European countries of origin (Strangstad 1988, 2), and burial motifs can reveal social attitudes. For instance, Puritan gravestones did not use Christian iconography because it was considered idolatrous. Elsewhere in America, early motifs of scythes, skulls, and hourglasses gave way to images of cherubim at a time when harsh living conditions began to ameliorate (Strangstad 1988, 2), and when religious concepts were undergoing transformation. Styles exist among tombstones, and sometimes incorporate the contemporary fashions of furniture or architecture. Gravestone carvings range from crude to highly sophisticated, and reflect personal and regional styles in the same way that the architecture of buildings does. Unlike most historic buildings, graveyards are found rurally as well as in town, so the architecture contained on their stones may be the only centuries-old architectural remnant for miles.

Finally, old graveyards are an overlooked component of good land-use planning, because they provide green space, supply visual variety to the landscape, and serve to “ground,” or dignify a landscape. Graveyards were historically used as parks (Strangstad 1988, 5), which suggests that people can actively enjoy them, and because historic graveyards are scattered everywhere, they present an in-place structure of ubiquitous mini-parks. Historically, graveyards were often sited upon ground that was high and inherently special. The same instinct that caused our ancestors to select these particular sites prevails in our ability to appreciate them as special. Graveyards may, therefore, serve as focal points or local landmarks, particularly in rural areas (Reinberger 2001). It is detrimental to the landscape when we strip these sites of graveyards, even when the graves are relocated responsibly. By allowing such relocations to occur, we help create a homogeneous, egalitarian landscape in which sites hold no priority or significance. Every

time a graveyard is uprooted and shuffled off to a more expedient site, we erode the reverence of location, and diminish the relationship of people with the land. A quicky mart should not just as readily occupy the community hilltop as should a two-hundred year old burial ground of that community's founders. While there are rare instances when the relationship of people to the land must be subordinated to considerations such as public safety, it should never be imagined that grave relocations are merely distasteful. Relocations are distasteful, to be sure, but something of our cultural landscape is also destroyed in the process.

Those pragmatists who maintain that graveyard preservation stands in the way of progress must be reminded that a county's combined acreage of historic graveyards is infinitesimal. In cases where construction does encounter an old graveyard, the burial site can usually be left unmolested, and with little effort. What results is a more richly textured landscape combining old and new, great and small.

A variation on the pragmatist's theme is a notion that preserving old graveyards is costly and fiscally irresponsible. In her book, A Graveyard Preservation Primer, nationally significant graveyard preservationist Lynette Strangstad rebuts this assertion with the following poignant observation. "Individual graveyards may be of local, regional, or even national importance in recording the history of an area or that of its historic figures. It is not uncommon to hear of a quarter of a million dollars being invested in the restoration of the house of a prestigious historical figure. Yet such a sum to preserve the graveyard that could relate the history of an entire city is rare (Strangstad 1988, 3, 4)." By Strangstad's logic if we as a society are to value our history in the first place, we should not balk at the expense of cemetery restoration.

## Current State of Affairs Regarding Abandoned Graveyards

The graves of America's ancestors are strewn across America to be found (or left not found) in all manner of circumstances. Some are within the hearts of bustling municipal districts, soldiered into rows and gleaming like perfect teeth; most are clustered in the woods, forgotten by all except a few locals. Other gravestones-- who can know



A stone surround was added to Crowley Family Graveyard at Avondale Mall, Decatur, Georgia

how many-- have been paved over or otherwise annihilated by time and man.

Today, most people who are not cremated are buried in expansive, profit-based burial grounds. Nearly all the rest, today, are buried in church plots, as were some ancestors, but the most common burial plot in America's pre-twentieth century

South was the small, family graveyard.

Before the mid-nineteenth century, carved

tombstones were relatively uncommon, due to their expense and the availability of local materials and masons. The graves of most colonial and early nineteenth century



This black sharecropper's graveyard off Hudson Rd. in Greenville, SC is in a housing subdivision

Americans, at least in the South, were marked either by unpolished and un-inscribed rocks, or by other means that are no longer distinguishable, such as a wooden plank. Often today the most ornate tombstones are allowed to remain, while simple granite monuments are ignored. This prejudice is unfortunate and



Stroud Family Graveyard near Traveler's Rest, South Carolina reveals the ravages of nature

not entirely aesthetic, for it draws on a social deference afforded to prominent, wealthy, citizens, albeit deceased ones.

A wide variety of conditions applies to old graveyards, to the extent that it is impossible to generalize about their surroundings, maintenance, security, or plight in general. The only generalization

that pertains is the haphazard particularity that determines each cemetery's chances for preservation.

Frequently people concerned about a particular abandoned graveyard ask, "Do they have it on the list?" Precisely whom do these people refer to as "they?" Who is the keeper of this comprehensive cemetery "list?" It is reasonable, but usually incorrect, to assume that an official graveyard documentation arrangement by "the authorities" exists. To some extent this phenomenon extends to historic preservation in general-- the general public often assumes that society has made arrangements for the protection of its cherished cultural places, but nowhere is this assumption more erroneous than in regard to historic graveyards. It is true that many historical societies have taken it upon themselves to enumerate as many graves within their jurisdiction as possible, and such efforts are ongoing, but in America the occurrence of these recording projects is completely random and their quality falls to the chance disposition of skill, commitment, and resources within a particular volunteer group. In most cases the closest thing to an authoritative list of cemeteries is found at the county health department, which regulates certain aspects of modern burial grounds. Health departments do not have abandoned graveyards on their lists, however, because nobody is being interred at those places anymore.

So officially, at least, there is no "they;" there is no "list." Historic cemeteries are dealt with on an individual basis as they are discovered in the course of development, but

otherwise they are not part of the government's expenditure in resources or attention. Exceptions exist, such as Alabama's statewide cemetery mapping program, an idea that needs duplication elsewhere (see Chapter 7). There is no widespread attention to this subject on the part of non-profit organizations, either. Numerous small "cemetery friends" associations exist to take care of individual graveyards, but only a tiny fraction of graveyards enjoy such patronage. There are some nonprofit organizations like the statewide Save Texas Cemeteries that oversee a multiple-graveyard jurisdiction, and that have a mission to directly preserve graveyards, but this kind of organization is extremely uncommon. It is for good reason that historic cemeteries have been called the "forgotten stepchild of preservation" (*Atlanta Journal-Constitution*, 31 Aug 1997).

In light of the philosophical respect abandoned cemeteries typically command, it is surprising that as a class of real estate they should be as un-institutionalized and misunderstood as they are. What most people "know" about the legal implications of old graves are actually assumptions based on conscience and taboo. Some of their assumptions, such as regards the illegality of unauthorized exhumations, are no doubt correct in all fifty states. All in all, however, the public is not nearly so educated about abandoned cemeteries as they are about other real estate matters. The topic is equally obscure among government authorities, which are usually either laissez-faire or inconsistent in their regulation of old graveyards. Some developers and landowners have taken advantage of this disorganization, bulldozing cemeteries when no vocal opponent is readily found, and when money overrides their sense of propriety. The social inheritance of values that cherish old graveyards and the systems already in place to protect graveyards are proving inadequate. Only through more concerted preservation efforts will many abandoned graveyards continue to exist into the country's future.

## CHAPTER 2

### THE LEGAL LANDSCAPE

Any meaningful discussion about how to preserve historic graveyards must include law, because it is law that mediates between a graveyard's perseverance and the pressure of real estate development; it is law that deters funerary theft or vandalism in relation to the severity of punishment; it is law that governs the conditions through which a graveyard may be maintained or restored by individuals; it is law that determines whether government can help pay for graveyard restoration. It can, however, be difficult to meaningfully discuss law concerning a subject like cemeteries, because much of the law on this topic is determined within relatively specific jurisdictions. Cemeteries are basically a subset of "land use," and land use laws are left by the federal government for states to determine.

Interestingly, at least one group of cemetery activists has recently attempted to introduce federal legislation that would comprehensively address the plight of cemeteries nationwide. Sponsored by a website called "Saving Graves," a petition under the moniker "National Cemetery Protection Act" was circulated both over the internet and on paper, to be presented on May 30, 2001 to United States Congresswoman Cynthia McKinney of the 4<sup>th</sup> Congressional District of Georgia. The result of this petition, which received a total of 57, 226 signatures, is unknown ([www.savinggraves.com/petition](http://www.savinggraves.com/petition), 13 Jul 2001). If nothing more, it demonstrates the concern over graveyards that currently exists in grass-roots America. However, it is highly doubtful that Congress will legislatively intervene on behalf of abandoned graveyards. It has already addressed its role in the protection of our nation's cultural property and established a government-sponsored organization to execute

its vision for this role. Concerns about abandoned graveyards should therefore be directed to the National Trust for Historic Preservation, a quasi-governmental institution chartered by Congress and formerly funded by the federal government. The National Trust probably desires as much authority from Congress as it can garner, but since its inception the Trust has never had authority to condemn or encumber real property for the public benefit, which is what the Saving Graves petition seeks.

Actually, the Association for Gravestone Studies has already approached the National Trust about the possibility of federal protective legislation, and the National Trust has agreed to help that organization draft it. Denise Webb of the Association for Gravestone Studies explains, “We hope to create a uniformity by the states so that should you decide to move to another state, you won’t have to worry about Mom and Dad being paved over and their burial site being lost (*USA Today*, 17 Jan 2000).” As is demonstrated by its involvement with the Association for Gravestone Studies, The National Trust is responsive to the public’s outcry over various subsets of preservation and the Trust may allocate more of its support to graveyards when demand is felt. That support may or may not afford increased federal legal protection for graveyards, but as this chapter will demonstrate, in most cases plenty of laws already exist at state and local levels on behalf of graveyards.

Because this thesis is not designed to be a national review of cemetery laws, which would necessitate analysis of each individual state and be a thesis unto itself, instead the single state of Georgia has been selected for emphasis. Georgia was chosen simply because this thesis originates from a university within that state, which facilitates research and increases the local relevance of this research. Preceding the discussion of Georgia’s state cemetery laws is a general commentary on the nature of cemetery laws throughout the nation. It is hoped that this overview will provide the reader with a sense of what is common among states. In addition, certain state laws are highlighted to demonstrate the variance that exists among state statutes and case law. From the specific state laws it is

hoped the reader will gain a sense of what is unique. Thus, what follows is a presentation of generally accepted legal theory, interspersed with examples of how that theory has been variously manifested nationwide, concluding with a thorough exposition of cemetery law in Georgia. Appended to this thesis for easy reference is the Georgia Cemetery Relocation Act, which directly concerns abandoned cemeteries.

### National Overview of Graveyard Protection Laws

In 1989 proposed legislation in North Carolina to prevent looting of archaeological sites and unmarked burials was defeated due to the lobbying of treasure hunters (Brook 1994, 1). But while stories like this one confirm that cemetery preservation does not enjoy universal support, most legislation does defend abandoned graveyards (Stueve 1984, 110). It is doubtful that when cemeteries are destroyed, the perpetrator believes he is legally justified in doing so. Rather, historic cemeteries are annihilated because their aggressors typically sense that they are free to act with impunity. Usually the assumption is correct, however it is owing to a dearth of enforcement rather than a dearth of legislation. Lest any genuine confusion exist in real estate circles concerning abandoned graves the following should clarify the legal status of human graves-- if merely in theory.

In the first place, what is a cemetery? The answer is not always as straightforward as it seems, for according to some jurisdictions a plot of ground must contain six or more human burials to be officially designated a cemetery (Jackson 1950, 186). A casual burial, say, performed in transit would not constitute a cemetery unto itself. Nevertheless, the distinction does nothing to diminish the protection of graves themselves. "A single burial will entitle the interred cadaver to protection, and land containing a human being will be maintained inviolate (Jackson 1950, 187)."

This is not to say, of course, that developers are automatically prevented from developing cemetery land for other uses. An old aphorism states, "Once a graveyard,

always a graveyard,” but this saying has no legal basis (Jackson 1950, 395). American society takes a literal, rather than sentimental view of cemeteries. The act of human burial does not legally endue a place with revered status; it is the actual existence of human remains upon the site that does. Therefore, when such remains are removed from the site, it ceases to be a place of burial, and developers are no longer obstructed from pursuing their intended site plan (Jackson 1950, 402, 403). Of course, unauthorized exhumations are frequently felony offenses, but like most legal matters pertaining to land, the statutory severity and punishment for this crime is determined on a state-by-state basis.

An important point that the author has been unable to settle regards the definition of human remains, insofar as their presence determines the existence of a cemetery and the potential need to re-inter. Much litigation and controversy has centered on the precise legal definition of a dead body. This debate reaches back many decades and touches on various legal contexts (Stueve 1984, 9). In the course of litigation a basic definition has evolved by which a “corpse” must meet three conditions: it must be the body of a human being, without life, and not entirely disintegrated (Stueve 1984, 8). Accordingly, neither the dust of a long dead person, nor his or her skeletal bones, is admitted to be a “corpse.” It is inconceivable that cemetery designation depends on this definition of a corpse. For instance, a severely mangled but newly deceased human body is also not a corpse under law, for it is not recognizable as a human body (Stueve 1984, 9), yet disposal of such remains would certainly be controlled and protected precisely as if their human form remained intact (Conlon 1993, 50, 51). If not “corpse,” then what standard exists to define cemeteries by a state of human decomposition? If after generations of decomposition a collection of bodies is rendered mere dirt, does the site of burial lose its protected status as a cemetery? After all, it has been shown that the act of burial does not constitute a cemetery, but rather the presence of human remains does (Jackson 1950, 402, 403). Fortunately, this query may be simply academic, at least until it emerges within a

desecration defense before a court of law. No such case was discovered in the course of thesis research.

Just as the act of burial does not make a cemetery, nor does the appearance of burial make a cemetery. If a plot contains human remains, but no monuments, it is still a cemetery. Accordingly, a significant distinction is made in state laws between desecration of human remains and desecration of their associated funerary objects, like tombstones. A tombstone vandal will face entirely different charges than will a person who invades the grave cavity itself-- the crimes are not simply a matter of degree. This is important, because it suggests that a person may remove all evidence of a cemetery without risking the consequences of removing the remains themselves. Of course, the removal of grave markers or the lack thereof frequently leads to inadvertent construction upon the cemetery, and the unexpected cost of relocating the affected graves, not to mention the mess and indignity of disturbing human remains. Tombstones are interesting in that they are protected under law even when their owner is undetermined (Jackson 1950, 105). This is atypical in our legal system, considering that usually an indictment for malicious mischief in injuring or destroying property is impossible unless the property owner is established. Tombstone defacement falls within a philosophical category of statutes in which an indictment for wanton and malicious defacement need not involve the establishment of ownership. This category of crime applies not only to the desecration of gravestones but also to other sacred property including churches, certain public buildings, battlefields-- as in South Carolina (see below statute), or even the United States flag-- as in Kansas [KS § 21-4111 (2000)]. All of these sacred properties, and more, may be named in the same statutes designed for their protection. “Malice” is often found in the legal verbiage of these statutes, but importantly when it comes to tombstone desecration, at least, malice is not always a necessary component to convict a vandal under cemetery desecration statutes, for the mere “doing of the forbidden act” is legally compelling (Stueve 1984, 110).

Specifically, the protective cemetery statutes vary from state to state. In some states, cemetery monuments are not particularly identified within the law at all. Other states do identify cemeteries separately, which helps ensure their protected status, but the penalties for the statute's abrogation can be too weak to dissuade financially driven violators. Accordingly, some state codes articulate a distinction within their cemetery protection statutes between the damage of punk vandals and the utter annihilation done by real estate developers. The South Carolina statute for petty cemetery vandalism is excerpted below, followed by its comparison to a related South Carolina statute. This comparison demonstrates how some states use different statutes to address both vandalism and whole-scale destruction of graveyards.

[Graveyard Vandalism in South Carolina]

Whoever shall unlawfully or willfully cut, mutilate, deface or otherwise injure any public or private monument or tombstone, whether within or without any recognized cemetery or on any battlefield, or shall cut, injure, deface or mutilate any fence or enclosure erected around any such monument or commit any other willful trespass upon the grounds around such monument or tombstone shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or imprisoned for a period of not less than twenty days nor more than thirty days [SC § 16-17-590].

As a misdemeanor, the statutory excerpt quoted above establishes scant legal disincentive to, say, a developer who stands to make a hundred thousand dollars from the sale of grave-riddled real estate. Based on this punishment, a would-be developer's risk-versus-reward calculation is severely tilted in favor of nefarious demolition. However, in South Carolina— and other states-- a would-be developer's punishment is not based on the above-cited misdemeanor at all, but instead on a related code. To say nothing of disturbing human remains themselves, a party may be prosecuted with a felony charge if they “obliterate, vandalize, or desecrate a burial ground where human skeletal remains are

buried, a grave, graveyard, tomb, mausoleum, or other repository of human remains.” Conviction under this statute [SC § 16-17-600(B)(1)] leads to imprisonment for not more than ten years or fines not to exceed \$2000, or both. The amount of this fine may have been raised to \$5000 by the time of this thesis’ publication (Henry 1996, 2, 3). Even the fencing, plants, and trees around a graveyard are specifically provided for [SC § 16-17-600(C)], with their destruction leading to a maximum sentence of five years imprisonment and a fine to be determined by the court (Henry 1996, 3). This last provision is consistent with common law’s definition of a cemetery, which includes “not only the ground in which interments are made, but also the roads, paths, and appurtenant grounds used and ornamented in connection therewith (Jackson 1950, 186).”

As alluded to, the protective systems for graveyards and the severity of punishment for their offenders vary among states, and some statutes evince extensive commitment to graveyard preservation beyond the punishment of ravishers. The state of Massachusetts has perhaps gone furthest to legally promote the preservation of graveyards. It has passed several laws which cover the topic from different angles. For one thing, no municipality may re-appropriate the use of a cemetery without court authority, provided that the cemetery has been in use for more than one hundred years [MA § 114]. The language of this law is particularly important to preservationists because it specifically values cemeteries in terms of their historical nature. Former laws protecting cemeteries were typically designed with grieving heirs in mind, and were more apt to place restrictions on recent cemeteries than on more ancient ones.

Also within Chapter 114 of the General Laws in the State of Massachusetts is the same enabling legislation passed in Georgia. In the Massachusetts version of this law it is expressly decreed that property rights must not be abridged, no body may be disinterred, and no associated funerary structure may be removed. Some graveyard preservationists have advocated the removal and storage of gravestones which are in danger of complete erosion or prone to vandalism. In Massachusetts, a prospective grave preservationist

would need to realize that this option may be unavailable. Whether or not it is available depends on the decision of the municipality. The state legislature provides an optional provision, which must be specifically adopted by a town, wherein a gravestone may be removed for purposes of repair or reproduction. Such removal is only permitted if done “by community sponsored, educationally oriented, and professionally directed repair teams.” To determine the eligibility of a proposed gravestone removal, the applicant must seek a permit from the Secretary of the Commonwealth, whereupon the Secretary will rely on the judgment of the Massachusetts Historical Commission and others. The applicant must be a nonprofit organization and must present a detailed plan of the gravestone restoration project.

The Massachusetts legislature also has allowed towns to raise taxes in order to protect abandoned graveyards within the city limits. Interestingly, graveyards are only eligible if they contain ten or more burials. The actual care and protection of the cemetery grounds is in the charge of the town cemetery commissioner, “if the town has such officers,” otherwise it is left to be appointed [MA § 114].

While American cemeteries are not state-run, the burial of the dead is still considered one of society’s basic needs, and it therefore falls within the police power of the state to ensure the sanitary and morally acceptable disposal of the dead (Jackson 1950, 197, 200). All aspects of the cemetery industry are regulated by the individual state governments, except that often municipal authority establishes the permissible location of cemeteries. Because of the state’s interest in maintaining adequate burial facilities for the population, it has had no problem protecting established cemeteries when they are public. Whether a cemetery is considered public or private is a long-recognized distinction that can have consequences for graveyard preservationists, but in legal matters it is not always relevant whether or not a graveyard is public or private. For instance, the malicious injury to a gravestone would result in criminal charges regardless of whether the graveyard is deemed public or private. The distinction could, however, have weight in a court’s

decision to condemn a graveyard, for in these cases a public cemetery will have a stronger defense against such action (Jackson 1950, 215).

A public cemetery is one in which anybody has a right to be buried, as opposed to a private cemetery, which is designated for use by a particular group of people. The rights of public cemeteries are inclined to more stringent defense by the courts since they represent the interests of society rather than individuals. It is possible for a graveyard to be determined public by the courts even where it has not been officially designated as such. This is done through the legal principle of “dedication.” The term’s meaning is intuitive, which is to say that by observing individual circumstances, a court may find that through its manner of occupation a parcel has been effectively “dedicated” to public use as a cemetery. For example, if a land owner buried his child upon a spot of his ground and then permitted his neighbors to bury their own people there, stating that the area was intended for such use, and if the subsequent land owner recognized the area as being a burial place and did not object, “it is sufficient evidence of the dedication of the lot to the public for a cemetery (Perley 1896, 137).” Dedication is of no avail to the protection of private cemeteries (Jackson 1950, 230), however private cemeteries have also been protected by a related provision within real estate law called “adverse possession.” Adverse possession is discussed later in the text.

The law makes other differentiations between cemeteries besides whether they are public or private. One of the distinctions which is of primary significance to this thesis is whether the cemetery is abandoned or in continuing use. Where an active cemetery is termed a “place of burial,” a cemetery in which burials no longer occur is termed a “former place of burial (Jackson 1950, 187).” However, a former place of burial is not necessarily “abandoned,” for in legal terms graveyard abandonment has nothing to do with whether bodies are still being buried on the premises (Jackson 1950, 187, 396). Similarly, a graveyard may contain the remains of the dead and still be considered abandoned

(Jackson 1950, 397). A thorough description of a legally abandoned cemetery was provided in Missouri's *Campbell v. Kansas City* [102 Mo. 339, 348, 13 S.W. 897]:

If no interments have been made for a long time, and cannot be made, therein, and, in addition thereto, the public and those interested in its use have failed to keep and preserve it as a resting place for the dead, and have permitted it to be thrown out to the commons, the graves to be worn away, gravestones and monuments to be destroyed, and the graves to lose their identity, and if it has been so treated and used or neglected by the public as to entirely lose its identity as a graveyard, and is no longer known, recognized and respected by the public as a graveyard, then it has been abandoned; or if the public, and those interested in its use as a graveyard, have permanently appropriated it to a use or uses entirely inconsistent with its use as a graveyard, in such a way as to show an intention of permanently ceasing to use it as a graveyard, and it has become impossible to use it as a graveyard, then it has been abandoned; and in determining the question of abandonment the jury should take into consideration all the facts and circumstances given in evidence (Jackson 1950, 397).

The above definition of abandonment comes out of case law, but state statutes may define abandonment, as well. A clear definition is relevant to judges and lawmakers because after a cemetery is deemed abandoned it may result in actions ranging from municipal adoption and care of the premises to their condemnation. The use of the term abandoned is entirely dependent on the specific state statutes that accompany the definition. For instance, New York State defines an abandoned cemetery as one in which “no deceased person shall have been interred within twenty years,” and accompanies this definition with measures for the municipal relocation of the bodies and subsequent reversion of the land to the town (Jackson 1950, 397).

The twenty-year standard is influential across America, but not necessarily binding. In South Carolina's *Frost v. Columbia Clay Company* [124 S.E. 767, 768, S.C. 1924] the judge ruled that, “[t]he abandonment of a burying place is accomplished by the removal of the remains to a more suitable place. The change of the place for the burial of those who die, or who have died after a given time, does not constitute an abandonment of a graveyard . . . .” In consequence to this ruling, and in spite of the overgrown and

neglected state of the graveyard in question, a lineal descendant's right was upheld to prevent the current land owner from disturbing the grave site (Henry 1996, 2).

An important, general point to take away from the abandonment distinction is that by virtue of the distinction itself, an abandoned cemetery is still legally recognized and affirmed to perpetually constitute a cemetery regardless of its state of neglect. No argument may be made dismissing the legal identity of a cluster of nameless grave rocks--they signify a place of burial, and that place is legally defensible, no matter how abstract its relationship to humanity has become. It is categorically illegal to construct on ground where human remains are known to exist without first relocating them through legal processes (Jackson 1950, 395).

Another avenue exists besides a declaration of abandonment for those who would seek to remove a cemetery through legal channels. If a graveyard is declared a nuisance it may be thereby subject to removal. A cemetery's location, operating conditions and mode of burial may, in fact, create a nuisance for which the law does provide redress. Rather than codifying a threshold period of dormancy such as twenty years, some states rely on the principle of nuisance to effectively define when a cemetery is "abandoned (Jackson 1950, 398)," and subject to condemnation. At the same time, a graveyard need not be abandoned to be legally declared a nuisance. For example, a cemetery that by its location tends to impair or contaminate a water supply such as a spring or well is a nuisance. A cemetery is not a nuisance merely because it depresses sensitive people as a reminder of death or tends to influence property values in the neighborhood. Illinois' 1916 case, *Sutton v. Findlay Cemetery Association* makes this point clear: "This is the rule in this state and generally throughout the United States. A cemetery may be objectionable or offensive to the taste of an adjoining owner, but it is not a nuisance per se, and its use cannot be enjoined merely because it is offensive to the aesthetic sense of an adjoining proprietor (Stueve 1984, 103)."

While aesthetics are not sufficient cause to declare a cemetery a nuisance it is apparently possible that sheer neglect may contribute to a nuisance declaration. In 1930 the U.S. Court of Appeals for the Ninth Circuit upheld the right of the city of San Francisco to declare the Masonic Cemetery a nuisance. The cemetery in question had been established at a time when the location was on the outskirts of the city. “As time passed that part of San Francisco known as the Richmond residential district surrounded the cemetery and with this investment by householders came numerous problems involving the blocking of streets with a consequent fire hazard, the gradual filling up of the cemetery lots, its gradual decline in maintenance and the presence of a 28-acre block of unlighted, unsupervised land in the heart of a residential district.” From this it may be concluded that pervasive neglect is inimical to a cemetery’s existence, not only through the disrepair itself, but also through potential legal consequences (Stueve 1984, 104). “A cemetery improperly managed, located or abandoned may become a nuisance . . . (Stueve 1984, 102). Needless to say, this is a very important point for graveyard preservationists because it amounts to a potential loophole in the law for those who would relocate an abandoned historic graveyard.

If nuisance is an adjunct legal principle which threatens graveyards, adverse possession is an equivalent “loophole” through which graveyards can be preserved. Adverse possession is a principle within real estate law by which, simply stated, a party in hostile possession of another’s land for a prescribed period may claim title to it (Jackson 1950, 230). The prescribed period generally ranges from seven to twenty years (Floyd 1999, 95). This principle is similar to dedication-- previously discussed-- in that it allows the court to observe circumstances of a land’s use and, conditions warranting, the court may legally endorse continuance of that use. Legal endorsement amounts to a free transfer of title for the land to those in “hostile” possession of it, and this is extremely significant for graveyard preservationists. It provides another way by which title to a

graveyard can be secured, where such title does not already exist separate from the greater, encompassing property.

As mentioned, there are conditions, but judicial interpretation of these conditions has been lenient in the case of cemeteries. For one, the statutory period of possession has been interpreted to represent the duration that a body has been buried (Jackson 1950, 230). Another common condition for adverse possession to take effect, besides the time period, is that the land be visibly enclosed (Jackson 1950, 231). This common requirement reflects an underlying precept of adverse possession that the property's owner be fully aware that his land is under unauthorized use. Indeed, in reading the string of legal appositives used to define the nature of possession-- these are, "actual and exclusive, open and notorious, hostile, and continuous (Floyd 1999, 96)--" the image of a fence comes to mind. But the enclosure requirement has been, while not expunged, at least relaxed in the case of graveyards (Jackson 1950, 231). In *Sherrard v. Henry* [88 W. Va. 315, 320, 106 S. E. 705] adverse possession was declared for a cemetery that was not enclosed by a fence. The judge in this case said only that, "[the] delimitation of the claim upon the ground must be of such character as to clearly indicate that it is claimed by the party asserting the right thereto. There must be such marks as indicate that the land is under the actual control of the party claiming it (Jackson 1950, 231)."

## Georgia Graveyard Protection Laws

Much of what has been discussed thus far in the chapter is the “common law” of graveyards, common law being an underlying body of legal theory that serves to inform legal decisions in cases where no applicable statute exists. Georgia’s cemetery law does not depart from the common law theory discussed, but the state does not simply rely on common law to settle graveyard issues. Instead Georgia has consciously addressed cemeteries and their protection within its state codes, especially recently. The latest expansion of the state’s cemetery statutes came in 1991 with the Georgia Cemetery Relocation Act, wherein the General Assembly confronted the timely issue of development within human burial grounds. Not all of the statute is mandatory, but the large portion which delineates the legal process of grave relocation. The statute prohibits the disturbance without permit of burial grounds for the purpose of developing the land or altering its use. The legislation then details the permitting process for such a disturbance concerning both proper procedures and also criteria for local governments to use in evaluating the permit application. (Most of the statute pertains to the permit process.) Finally, it mandates that an archaeologist supervise all disinterment proceedings, and then

punishment for breach of the statute is dictated (see appendix for details).

One section of the statute is discretionary, meaning it is the decision of individual counties whether to adopt it. The section alluded to permits local governing authorities to actively protect abandoned cemeteries. Such



Archaeologists are called in to relocate an historic cemetery before construction of a Macon reservoir

protection may include the exercise of eminent domain to assume title or other legal interest in cemetery property, and the authority to appropriate money for upkeep. The law defines the government's duty to "preserve and protect," as to "keep safe from destruction, peril, and other adversity," the graveyard accouterments such as signs, markers, and fencing. It is stressed here that acceptance of the above-named responsibilities is left entirely to the discretion of the individual counties, a point that has been misunderstood (see *Smith v. Pulaski* below). As of January 2000, nine years after passage of the Cemetery Relocation Act, no county in Georgia has accepted the discretionary responsibilities provided for in section 36-72-3 (Van Voorhees 2000).

In 1997 the family of Kathleen Lamkin Jackson Smith filed suit against Pulaski County, Georgia on the basis of the Georgia Cemetery Relocation Act, and the ensuing case was heard eventually by the state Supreme Court. This case is one of the most direct dealings with the Georgia Cemetery Relocation Act to ever come before the bench (Hall 2001). The plaintiff's complaint stated that the county had, but failed to observe, an obligation to preserve, protect, and prevent the desecration of the Lamkin family cemetery located in Pulaski County (Smith 1998), fifty miles south of Macon (Hall 2001). Included as a co-defendant in the suit was adjacent landowner Alvin Mathis, who was accused by the Lamkins of negligence per the Cemetery Relocation Act. While no denial or mitigation was made about the graveyard's negligent treatment on either the part of Mathis or Pulaski County, any such disputations would have been irrelevant, for the charges themselves were moot (Smith 1998). Mathis initiated the entire affair by digging a ditch beside the cemetery, and Pulaski County was included in the suit because it failed to issue an injunction against Mathis' digging (Hall 2001). Section 36-72-4 of the Georgia code provides that, "[n]o known cemetery . . . shall be knowingly disturbed by the owner or occupier of the land on which the cemetery is located for the purposes of developing or changing the use of any part of such land unless a permit is first obtained from the governing authority . . . ." Mathis had no permit, so the Lamkins sued.

Lamkin lost primarily because she failed to correctly interpret the Georgia Cemetery Relocation Act. In its decision the Supreme Court pointed out that the act and its inherent prohibitions only apply to counties that have chosen to adopt and enforce the act. Being enabling legislation as it is, the Cemetery Relocation Act is merely theoretical unless and until a county chooses to implement it. Because Pulaski County had not adopted the discretionary act, it was not subject to the responsibilities named therein. Concordantly, nor was the owner of the land abutting the Lamkin family cemetery required to obtain a permit before digging a ditch (Smith 1998).

In addition to the central issue in this case, which was the applicability of the Cemetery Relocation Act, a boundary dispute existed. Throughout its entire chain of title, the Lamkin family graveyard had been “excepted” (legally acknowledged and set aside for the heirs), so Mathis clearly did not own the cemetery land. The ditch he made was not through or upon the actual graveyard, but rather directly adjacent to it, although the plaintiff held that it had been dug on an inherent easement skirting the graveyard. While Mathis was legally vindicated in this instance, it is important to note that his ditch was not thought to have disrupted either graves or tombstones. If the ditch was shown to have disrupted graves, however, Mathis could be subject to criminal prosecution (Hall 2001) for cemetery desecration.

In The Law of Cadavers Percival Jackson asserts that, “[t]he courts as a rule will not allow disinterment against the will of those who have the right to object (1950, 115).” This rule was contradicted in the 2001 Georgia Supreme Court case of *Jean Atilano v. Board of Commissioners of Columbia County*, one of the few high court cases to interpret Georgia’s Cemetery Relocation Act. The Supreme Court’s finding in the case was not complicated at all. The situation involved the county relocating a private, abandoned cemetery that included the plaintiff’s ancestors. The court ruled that the county correctly observed due process in its consideration and execution of the move, and furthermore that it was justified in its relocation because the interests of the county outweigh “any and all

competing interests (Jean 2001).” Thus, eminent domain can be used by governments to commandeer cemeteries and relocate the graves in advance of construction in the public interest-- for instance, road or reservoir construction. Grave relocation is, however, always required.

In the above-cited case the court also mentioned that the plaintiff was the only one of nine known descendants to object to the relocation. The import of this observation is not articulated, but mere mention of the fact as relevant suggests that descendants’ views are considered in the aggregate (Jean 2001). In other words, unanimity among descendants is not necessary to have standing before the court, or else Jean Atilano could not have prosecuted her case in the first place, but nor are the views of one descendant considered in isolation of other descendants’ dissenting views. The legal authority of heirs in graveyard disputes is an important matter not yet discussed, and as it pertains to Georgia it bears mentioning at this point in the text.

It is very important for interested third parties such as graveyard preservationists to locate and work with a graveyard’s descendants (Sheftall 2001). Common law has long affirmed the responsibility of family members to prosecute in the civil defense of grave monuments. Namely, if a gravestone has been erected within a graveyard in advance of a person’s death, it falls to the monument’s owner to sue following injury to said monument (Perley 1896, 193). After the gravestone owner’s death, however-- and this is the relevant point for preservationists-- “all subsequent suits must be brought by the heir of the deceased, and not his executor or administrator. The same is true of a bill for injunction, when injury is threatened (Perley 1896, 193).” Where necessary the court has even gone so far as to prioritize the authority of different family members by virtue of their relation to the deceased (Pyle 1999) (Pyle 2000), granting foremost authority to the spouse, followed by children, followed by siblings, and so forth (Pyle 1999). Besides family members, other “interested parties” (those who have rights recognized by the courts) include an executor or administrator, the owner of the ground, and the owner of the burial right (Jackson

1950, 115). The “owner of the burial right” will seldom be the graveyard activist, and will, moreover, usually be dead inside the grave under dispute. Definition of the term is called for to thoroughly describe the parties who maintain legal standing in civil graveyard disputes. Law considers that the burial right owner “. . . whether his evidence of title be by deed, or certificate, or other means, does not acquire an absolute title to the land, but has the right or license . . . to bury the dead upon the subdivided plot assigned to him . . . (Jackson 1950, 361).” In other words, it is the holder of a plot in a cemetery. Although a court will weigh the interests of all the above parties in accordance with particularities of the case, it holds that the objections of a landowner are inherently less compelling than the objections made by next of kin (Jackson 1950, 115).

Graveyard preservationists need not only work with descendants in order to facilitate civil prosecution, however. There are far more frequently applicable circumstances in which a relative is needed. To begin with, even crossing somebody’s land without permission in order to photograph an old tombstone is illegal, *unless*, in the state of Georgia, you are a lineal descendant of the people buried there. Some form of documentation may, technically, be necessary to verify relation. Graveyards in Georgia have an inherent right of easement to descendants, caretakers appointed by the descendants, and official agents of government (Sheftall 2001). This right is subject to reasonable restrictions (passage may not be permissible at 3 a.m.), but it exists in perpetuity irrespective of a graveyard’s abandonment (Sheftall 2001). Furthermore, whenever a grave relocation occurs the right of easement transfers to the new location (Sheftall 2001). Descendants are automatically entitled to further protections, as well, against such disturbances as cows grazing and logging (Sheftall 2001). Part of what Georgia’s Cemetery Relocation Act embodies is an addition of responsibility to the county for preventing such activities on abandoned graveyards. After all, the fact that a graveyard is abandoned portrays a scenario in which no descendants are cognizant of their

graveyard's condition, so they could not very well bring action to stop disruptive uses there.

In light of the enumerated, inherent privileges of Georgia's abandoned graveyards, some ambiguity may appear to exist concerning the rights of graveyard descendants versus the rights of those who own title to the graveyard. Georgia attorney John Sheftall explains that graveyards must be thought of in terms of two layers of rights, and it is the interplay of these layers that determines a graveyard's degree of legal protection. The first layer comprises the inherent graveyard rights to descendants that derive from common law and are described above. It is not legal to bar descendants from visiting and maintaining their private, family graveyard. If, at any point in the land's history, the graveyard was excepted from the surrounding property, and designated for the perpetual ownership of heirs, then those heirs additionally enjoy the second layer of protection which Mr. Sheftall alludes to— they have title to the land. Of course, if no exception was ever made, a graveyard's title can still be sought and purchased from the present owner by the descendants, if the owner is willing. It may seem that descendants have all the protection they need to enjoy their graveyard already built into the law, but this is definitely not true. Holding title to the land is very important because the owner may decide to relocate the graves if he or she so desires, and the financial incentive to do that very thing is increasingly common in parts of Georgia. If descendants own title they can refuse to relocate the graveyard in all circumstances unless required to do so by the state's power of eminent domain. Needless to say, the power to refuse sale and relocation resides just as much with a non-relation who owns title to the graveyard.

## CHAPTER 3

### CASE STUDIES

#### Hall County, Georgia

While many counties in Georgia are finding their historic cemeteries under pressure from development, most have not mobilized an effective effort for graveyard protection. An exception is Hall County, where after several years of community activism, graveyards are benefitting from increased public and bureaucratic awareness. Interestingly, no formal graveyard preservation association exists in Hall County, but concerned individuals have rallied under the vision of Hall County Historical Society leaders. Both the president and chairman of the Historical Society's board are concerned about the precarious state of local graveyards, and although the Society has not adopted an official mandate to preserve graveyards, the personal interest of these two individuals has been influential. Society president Ken Cochran explains that most cemetery advocacy in his community has not been handled under the auspices of the Historical Society, but there are occasions when Historical Society letterhead adds weight to his correspondence with state officials. Cochran stressed the importance of letter-writing to elected state officials, who usually direct the issues to county officials.

Cochran is quick to point out that the protection efforts of interested Hall County individuals like himself are severely limited by the fact that their attention is afforded on a volunteer basis. He added that a paid organization could do a much better job overseeing the interests of graveyards and coordinating the energies of volunteers. The volunteer efforts of Cochran and other Hall County citizens have been directed to several

simultaneous purposes. To begin with, the volunteers are in the process of revisiting all of the county's cemeteries, as enumerated in a former genealogical study, and updating the location of those cemeteries in terms of Global Positioning units. Cochran is also leading an effort to modify county building code requirements with a mandatory thirty-foot setback for cemeteries. Currently no setback stipulation exists, and consequently development is free to take place right up to the gravestones themselves.

Hall County activists are recording cemeteries with the planning department, and making their voices heard at county planning commission meetings. Area residents are playing the role of watch dog and calling the Hall County Historical Society in advance of threats to graveyards by development. All of these efforts have created increased awareness and sensitivity on the part of local government officials. According to Cochran, several years ago planning officials were unreceptive to the complaints and petitions of citizens concerned about graveyards, but today that attitude has improved, and the concerns of cemetery advocates are respected. Before, the county itself acquired land containing historic graveyards and scarcely considered the disposition of these plots. Cochran maintains that this, too, has improved.

An example of Hall County's fight to protect graveyards is the historic Bennett Cemetery, which is under continued dispute as of the date of this writing. The Bennett family cemetery dates from the mid-nineteenth century and according to archaeologist Chad Braley contains approximately eighty to one hundred graves. The cemetery's primary defender is Dee Hayes, a neighbor whose success in locating descendants led to her designation as the cemetery's official caretaker. Hayes believes that the large number of graves may be accounted for either by the inclusion of slaves or fellow members of the church attended by the Bennett family. There is no hereditary descent uniting Hayes to the people buried in this graveyard; she advocates on its behalf because she is philosophically inspired by the principle of funerary sanctity.



This barbed-wire fence marks the property line between Hayes and Nicholson and bisects the Bennett graveyard

The cemetery straddles the property line between Hayes' land and that of Jerry Nicholson, who early in the year 2000 provoked Hayes' indignation by paying a man to "bush hog" that portion of the cemetery on his property. Bush hogging involves clearing

undergrowth with machinery that is potentially damaging to tombstones.

Hayes interrupted the clearing process and the worker left, however in July 2000 Hayes received notice of a proposed subdivision on Nicholson's land. Wary on behalf of the cemetery, Hayes investigated the subdivision plat at the Hall County planning office and found that no mention was made of the Bennett Cemetery, which was included within lot 1 of the proposed subdivision. After complaining of this to county commissioners at a public meeting, Hayes was assured that the developer would be required to delineate the cemetery on the subdivision plat since it is illegal to knowingly build atop a graveyard. Months went by with no sign of redress, however, and when in early 2001 grading equipment appeared next to the graveyard Hayes realized that its partial destruction might be imminent. She renewed her advocacy with phone calls and letters to the individual commissioners, and eventually elicited an order from the commissioners to the county planning and engineering departments that a stop-work order be issued if Nicholson failed to include the cemetery on his plat. Nicholson complied, but Hayes was unsatisfied because the graveyard as shown on the revised plat was too small, and she felt it did not include all of the graves.

Another stop-work order was threatened unless Nicholson hired a state-certified archaeologist to survey the graveyard. This survey was done by Chad Braley, whose

estimate of the cemetery bounds conformed with Hayes', rather than Nicholson's estimate. Today Bennett Cemetery is enveloped by an orange plastic tree fence, and is closed off by a fence from Nicholson's property. Hayes worries that development might still take place upon the graveyard grounds and is vigilant against this possibility. In any event, Hayes recalls that a generation ago the owners of the cemetery took it upon themselves to actively maintain the graveyard despite the fact that they knew nothing about the identities of the deceased.

The Bennett Cemetery case is demonstrative of the attitude some developers take toward abandoned graveyards. Although the Bennett Cemetery occupies a small corner of the development's total acreage, and does not impede the development in any fundamental way, it is treated in a hostile manner by the developer, who evidently wishes to maximize profit through the sale of one more lot (Hayes 2001). The fence that bisects the graveyard, as seen in a preceding photograph, was constructed by the developer and proves that even though in theory descendants are perpetually guaranteed access, reality does not always correspond. Are the heirs expected to climb over the barbed-wire fence? This is not access. The Bennett Cemetery case also reveals the powerful influence that one person's vigilance can have toward a graveyard's salvation, for Dee Hayes' activism led to inclusion of the graveyard on the subdivision plat, and because of her the developer was also forced acknowledge the true boundaries of the graveyard, rather than disregard and possibly allot some of the grave space for construction. The Bennett Cemetery example also shows that it is possible to find the heirs of a graveyard's deceased, and that even after many generations they may be indignant about their graveyard's imminent abuse, as they were in this case. Despite Hayes' contribution in preventing Bennett Cemetery's destruction, however, it should be recognized that her best intentions are incapable of providing the level of protection that the cemetery truly needs to be preserved. For example, the fence itself that divides the cemetery is not going to be dismantled unless suit is brought against its constructor, and it is doubtful that Hayes will

undertake such time and expense even if she understands that this may be an option. More importantly, the fence would probably never have been put up to begin with if title to the graveyard had been previously sought and held by a preservation-minded party. Furthermore, in visiting the site one is struck by its complete physical neglect, to the degree that the contentious debate over its future seems ironic. That is to say, if trouble is taken to keep developers from razing a graveyard, that is laudable, but some effort should meanwhile be devoted to keeping trees from growing beside, and uprooting, tombstones. That level of preservation requires an ongoing relationship with the graveyard by preservationists.

### Cherokee County, Georgia

In many disputes with developers over obstructing graveyards there is consensus on the boundaries of the burial tract, but the argument centers on whether or not to relocate the graves. This kind of controversy usually occurs only when a cemetery is still in use, and therefore has a group of citizens— often related to the deceased— who are inspired to fight for the graveyard.

Such was the scenario at the 127-year-old cemetery of Hickory Log Missionary Baptist Church in Canton, Georgia, located in Cherokee County thirty-four miles north of Atlanta. The information concerning this case study came from two Atlanta Journal-Constitution articles; dated November 27, 1999; January 6, 2000; and from an interview with attorney James Drane. The controversy arose because developer Mike Sasser wanted to move the graves and use the cemetery land in his expansion project of Riverstone Plaza, a 600,000 square-foot shopping and entertainment complex (*AJC*, 6 Jan 2000). Sasser maintained the cemetery would be better off moved than left intact, since the project's grading would slice more than sixty feet from the cemetery's hilltop and would leave the one-acre grave site standing out like a "beacon" inside the 650-acre development. Sasser

remarked, “If it were on grade, we’d do everything to work around it. I can’t think of anything that works (*AJC*, 27 Nov 1999).” Sasser even offered to provide perpetual care for the graves once moved, but his proposal outraged many people in the community, including the church congregation, the Cherokee County Historical Society, and every one of the county commissioners.

According to Hickory Log parishioner Otis Keith, who buried a premature child in the embattled cemetery, most of the church congregation have family members buried there and even those who do not were fervently opposed to the graves’ relocation. One of Keith’s fellow congregation members is community leader Charlie Ferguson. Ferguson, whose wife, mother, and father are buried at the graveyard, said, “We’ve gotten calls from everywhere. I am sort of anxious about it. That’s why I’ve been involved, working on this.” Despite the congregation’s zeal to protect its graveyard once they were threatened with its destruction, it was actually in a state of disrepair before the controversy erupted. During the course of their battle church members formed a nine-member Cemetery Preservation Committee to make recommendations for the cemetery’s restoration. Otis Keith is the chairman. “We’re making the effort,” Keith said. “The men cut the weeds and cleared trees to make it look better.” The committee also recommended a donation of \$25 from each family to fund restoration, maintenance, grave identification, and the purchase of markers and a sign identifying the cemetery (*AJC*, 6 Jan 2000).

The Cherokee County Historical Society provided unflagging support to the congregation in part because the graveyard was begun by former slaves and was considered one of Cherokee county’s significant historical resources (*AJC*, 27 Nov 1999). “I can’t put a financial value on it,” said Judson Roberts, president of the Cherokee County Historical Society. “But it is one of the oldest and largest African-American cemeteries in the county.”

While the issue was not legally theirs to decide, Cherokee County commissioners voiced their support of the preservation effort by unanimously sending a letter to City



For now, only these concrete buffers stand between Hickory Log cemetery and development seen beyond

Council asking it to block the proposed move. County commissioners explained they just wanted to have their say. Chairman Emily Lemcke explained, “It angers me that the development community can ride roughshod over all kinds of things. They think they can play God. It’s wrong. Where are our values as a

community (*AJC*, 27 Nov 1999)?”

Canton mayor Cecil Pruett expressed his wish that the issue would be settled between the church and the developer without being brought for adjudication to city council. “If they can’t get together, then we will hold a public hearing and decide,” Pruett said. “There are some things government just shouldn’t be involved in (*AJC*, 27 Nov 1999).” But parties on both sides seemed to recognize early on that law would probably have to settle the issue, and city council members were lobbied as early as six months before Mike Sasser’s submission for a permit to relocate the graves. In addition to lobbying, lawyers were sought. The historical society secured legal services from Flint and Connolly, a local law firm. (*AJC*, 6 Jan 2000). For attorneys Doug Flint and James Drane, who worked on the case, their legal assistance was personal. “We’re doing this as a service to the community and the church,” revealed Drane (*AJC*, 6 Jan 2000),” and Flint observed, “It’s a sad situation when a cemetery stands in the way of ‘progress’ (*AJC*, 27 Nov 1999).”

The fundamental legal question, and the issue to be decided by the Canton city council, if necessary, was who owned the cemetery. Church members claimed they did, and it was a matter of finding a lost deed. “Everybody’s looking for that deed right now.

It's like the Ark of the Covenant," mused the historical society's president. Meanwhile, Sasser contended he bought the land and cemetery from the Jordan family, descendants of Philip Keith, who originally gave two acres for the church and cemetery in 1872. "We have title insurance on it," said Sasser (*AJC*, 27 Nov 1999). In the absence of a deed, church attorneys Drane and Flint researched records and state legal codes to try and establish that the graveyard was due property of the church, nonetheless (*AJC*, 6 Jan 2000). Drane called this "doing their homework," and the legal team remained confident despite their lack of a deed to the cemetery. Doug Flint explained, "We feel pretty strongly the anecdotal evidence and use of the property is enough to establish ownership (*AJC*, 27 Nov 1999)."

No resolution has been achieved over the Hickory Log Missionary Baptist Church cemetery as of this writing. The developer has made several proposals to the church members, one of which involved meticulously mapping the grave locations, removing each grave within a large section of earth, grading the hilltop in accordance with plans, and returning the graves to their exact positions. The graves would theoretically rest exactly as they were, except that their elevation would be reduced by some predetermined distance of feet. It is thought that this proposal, and all others, was rejected by church members, and neither party has pressed the issue one way or another in months. Interestingly, in consequence to their volunteer litigation on the case and the publicity it provided, Canton's Flint and Connolly law firm has since received four other graveyard cases throughout the state of Georgia. None of these has reached trial, but attorney James Drane reports that at least one may in the not-distant future (Drane 2001).

It is difficult to draw a clear lesson from the Cherokee County case study because it is unresolved. The church's attorneys allege that the graveyard's ownership is in question for several reasons that must be confronted. For example, while the developer did purchase rights to the graveyard along with the entire parcel, was the graveyard truly the seller's to begin with? In addition, Drane raised the issue of adverse possession (discussed

in the previous chapter) and applied it to the context of the Hickory Log cemetery. “You cannot look at this cemetery through 2001 eyes,” he warned. According to Drane, it is unreasonable to expect former slaves, living in the 1870's, to be sophisticated enough to draw up a deed on the place where their dead are buried and reserve it for perpetual use by the heirs. Whether or not this application of adverse possession will become a key issue before a Georgia court, and whether it will prove legally compelling, remain to be seen. Drane concurs that scant case law exists in Georgia to clarify the law concerning graveyard protection. The Cherokee County case study makes clear the reality that until Georgia courts speak resolutely in favor of private graveyard protection under broad circumstances, the preservationist's safest recourse is to do what the congregation did in this case— scramble to try and find a deed.

This case reveals another ominous truth— descendants can and do sell out their own ancestral graveyard for money, as the seller did here. For this reason it may actually be safer for graveyards to be owned by nonprofit preservation groups that are prohibited from selling their holdings. That way, the other several hundred contemporary descendants do not lose their heritage due to the prerogative of a single, title-holding cousin.

### Cobb County, Georgia

The Edwards/Attaway Cemetery in Cobb County, Georgia is illuminating because the issue of its proposed relocation was pressed to the full extent of legal process, culminating in an April 4, 1994 ruling by the Georgia Supreme Court. This case allows observers to witness the linear process of graveyard litigation and to learn the priorities and predilections of the various courts and commissions.

The .196 acre Edwards/Attaway Cemetery consists of eleven inscribed graves-- the earliest of which dates from 1883-- and forty-one un-inscribed graves (Hughes 1993)

(Hughes 1994). When first targeted for development around 1989 (Hughes 2001), it had been maintained on only one occasion during forty years following the last internment. Having purchased this land at the intersection of Ernest Barrett Parkway and Barrett Lakes Boulevard, prominent automobile dealer C.V. Nalley, III applied for a burial disturbance permit on January 2, 1992 with Cobb County's Cemetery Preservation Commission. The proposal to relocate was met with protest by some in the community (Hughes 1993).

By several accounts, the driving force behind opposition was Stone Mountain, Georgia's Gayle McAfee Hughes, the lead plaintiff and a lineal descendant of those buried at the graveyard (Cooper 2001) (Hughes 2001) (Vaughn 2001). Hughes' involvement with the Edwards/Attaway Cemetery was sparked by a coincidental journey to the graveyard in search of an ancestor's grave, as Hughes had recently begun researching her family's genealogy. Told of its location by extended family members, Hughes arrived to find the graveyard "sticking up eighteen feet in the air" above recently graded, surrounding terrain. Troubled by what appeared to be the graveyard's imminent destruction, Hughes spent two days making phone calls to local officials before finally being directed to the (now extinct) Cobb County Archaeology Department. The Archaeology Department in turn directed her to the county attorney, who vouchsafed that while the cemetery was under proposal for relocation by C.V. Nalley, III it would likely be left alone due to recent demonstrations against the move (Hughes 2001).

These demonstrations had been made in front of the cemetery with picketing signs under the leadership of local history advocate Lamar Weaver (deceased before this writing). Weaver was himself not a descendant, but his wife had been. The controversy stirred by Weaver's group had attracted television news crews and may have attended the initial public hearing by the Cobb County Cemetery Preservation Commission (the exact chronology of Weaver's advocacy has not been determined). For whatever reasons, the Cobb County Cemetery Preservation Commission took ten days after its public hearing to

consider the facts, whereupon it issued a recommendation to deny Nalley's application for burial disturbance. This recommendation did not carry the force of law— it was, after all, only a recommendation. The protests by Weaver's group were assumed by many, including the county attorney, to be a sufficient deterrent for Nalley's planned relocation. This assumption proved to be erroneous (Hughes 2001).

After Hughes consulted with the county attorney, weeks went by with no further word from that office, so she called again. She was told that Nalley was going ahead with the proposal, and they had attempted to notify her but lost her telephone number. Hughes was informed of an upcoming county commissioner's meeting to determine if the graveyard relocation would be allowed, and she was warned that she would not be allowed to speak at the meeting unless she could prove lineal descent from the Edwards/Attaway ancestors. A cousin helped Hughes assemble genealogical materials to verify her descent, and she attended the April 14, 1992 meeting (Hughes 1993) (Hughes 2001). Hughes claims that she almost did not get a chance to speak at the meeting because the small time increment allotted for public discourse was monopolized by others, but her arguments proved ineffective anyway (Hughes 2001). The county commissioners voted to reject the Cemetery Preservation Commission's recommendation, thereby approving Nalley's application for burial disturbance (Hughes 1993). In Hughes' opinion, the county commissioners were motivated in their decision by the clear promise of additional tax revenue brought in by Nalley's development (Hughes 2001).

In consequence to the Cobb County Commission's approval, Hughes confronted the Cobb County attorney's office to ask if they would bring suit to stop the relocation, since, according to Hughes and others, Edwards/Attaway Cemetery was a public cemetery. The county attorney declined to get involved, and Hughes contacted Columbus, Georgia attorney John Sheftall, whose booklet on cemeteries she remembered seeing at the Georgia State Archives. Although Sheftall helped research the case, he was forced to recommend attorney Bill Turnipseed to do the actual litigation, because Sheftall

did not do litigation. Hughes' lawsuit ultimately added eight other descendant-plaintiffs, and it named Cobb County and C.V. Nalley, III as defendants.

Cobb County was included because part of the buffer surrounding the cemetery had already been destroyed during grading-- some graves along with it (Hughes 2001). In fact, Hughes points out today that Nalley's initial proposal for mitigating harm to the cemetery was to move only the eleven, marked graves. Hughes herself once asked the archaeologist hired to survey the cemetery by Nalley how he could have failed to include the other grave markers, even one that included a three-foot marble slab. Observing a photograph of the slab, the archaeologist responded, "I don't know that's a grave (Hughes)."

The case went before Cobb County Superior Court and its decision was filed on October 21, 1993 in favor of the defendants. The court's deliberations centered on the issue of the property's ownership. Two title attorneys testified that C.V. Nalley, III was the title holder of the Edwards/Attaway Cemetery, while all parties acknowledged the inherent rights of the descendants to ingress and egress (that is to say, the right to visit the graveyard-- see page 25). The plaintiff asserted that, title notwithstanding, it was impossible for C.V. Nalley, III to own the graveyard because it had been dedicated to use as a cemetery and was therefore owned by the public (see page 16 for explanation of the principle of "dedication"). In responding to this claim the court affirmed the principle of "dedication" per se, but ultimately found that the Edwards/Attaway Cemetery did not meet the legal requirements for dedication. Dedication in the context of graveyards was the crux of debate in this case, and future graveyard preservation cases across the state depend on the court's reasons for refusing application of this principle to the Edwards/Attaway Cemetery (Hughes 1993).

It will be recalled from Chapter 2 that for a public dedication of land to occur there must be both an owner's consent in long continuous use and the public's acceptance and use. The Cobb County Superior Court found that, "[the] plaintiffs have offered no direct

evidence that the Edwards/Attaway cemetery was expressly dedicated to the public by any of its owners.” The plaintiffs’ evidence of dedication was instead merely circumstantial, and while a preponderance of evidence may be enough to establish an owner’s intent for the use of property, the court in this instance named two points as detrimental to the evidence supporting dedication. To begin with, the court found that the Edwards/Attaway Cemetery was used as a burial place by a small group of neighbors who intermarried on occasion, rather than by the public at large. In addition, the Edwards/Attaway Cemetery was not in **continuous uninterrupted use** between the time of dedication and the time of litigation. Instead, it had “fallen into disrepair with kudzu overtaking the cemetery, headmarkers pushed over and broken, and a vagrant setting up a makeshift tent.” The two, afore-mentioned points are the legal pith of Cobb County Superior Court’s decision in *Hughes v. Cobb County* (Hughes 1993).

Having lost at the trial court level, the plaintiffs appealed and the lower court’s verdict was ultimately affirmed by Georgia’s Supreme Court on April 4, 1994. The Georgia Supreme Court maintained that whereas the plaintiff acknowledged at least some evidence in support of the Cobb County judge’s findings, the Supreme Court would not usurp the lower court’s judgement in weighing the competing interests. The plaintiff felt in particular that the testimony of its witnesses was less biased than that of the defense witnesses, but the Supreme Court maintained that it was the province of the lower court judge to evaluate the credibility of opposing witnesses.

Additionally, the case was appealed on grounds of a procedural matter that did not impress the Supreme Court. The precise nature of the procedural issue is not germane to this discussion.

In a third and final point of its decision (or “Division 3”), the Georgia Supreme Court reinforced that the physical neglect of Edwards/Attaway Cemetery was crucially relevant and supportive of the graveyard’s relocation. This opinion was articulated in the context of interpreting section 36-72-8 of the Cemetery Relocation Act, which mandates

that a governing authority must assume “a presumption in favor of leaving cemeteries undisturbed.” Evidently the Georgia Supreme Court felt compelled to explain why it supported a variance from this unequivocal legislative mandate. The court stated, “There is evidence in the record which supports the trial court’s conclusion of fact that, due to lack of maintenance and inappropriate surroundings, relocation would preserve rather than destroy the ‘cultural heritage of this county and this cemetery.’” Thus, the Georgia Supreme Court cited two reasons why the “presumption in favor of leaving cemeteries undisturbed” was overruled. The first reason cited was “lack of maintenance,” and reveals that an abandoned cemetery is considerably cheaper to the courts than one which has been maintained.

The second compelling reason cited by the Georgia Supreme Court was “inappropriate surroundings,” and the court’s rationale on this point reveals a legally endorsed, palatably phrased hostility toward all historic graveyards that are, or will be, surrounded by modern development. This judicial predilection has sobering implications for historic graveyards whether they happen to be maintained or not. For elucidation of the court system’s attitude it is useful to return to the Cobb County Superior Court verdict referred to within the Supreme Court decision’s Division 3. The Superior Court verdict thoroughly explicated the role that physical surroundings play in determining a graveyard’s judicial disposition. The Supreme Court affirmed the Superior Court’s authority to determine that role in the way that it did. Following is the pertinent excerpt from the Superior Court decision:

At present, this cemetery sits upon a man-made precipice in a commercial area. If allowed to remain in its present location, the Edwards/Attaway Cemetery will be surrounded by a car dealership including a used car lot, neon lights, the coming and going of huge delivery trucks, loud speakers, a service department, a blanket of pavement all around its base, and a constant parade of consumers looking at and test-driving cars. Its present location and future surroundings can in no way resemble the quaint, quiet, rural crossroads community/family cemetery that existed years ago. The present location of the cemetery lost its cultural and historical

significance once the surrounding terrain was graded. The idea of leaving the ancestors of the Edwards, Attaway, and Kendricks families buried in the middle of a noisy, busy, and bustling car dealership is contrary to their choice of a final resting place. These families chose to be buried on a quiet, rural knoll. That place no longer exists. In that the grading has destroyed the cultural and historic significance of the area and the planned future use of the surrounding area is so at odds with the original concept of this burial place by those who chose it as a burial place, it is in the best interest of the Edwards/Attaway Cemetery to be relocated to a more appropriate site in the general location to preserve the cultural heritage of this county and this cemetery (Hughes 1993, 15).

As the passage above makes clear, the Georgia court system has manufactured its own strategy for historic graveyard interpretation despite the fact that the legislature has already codified an official historic interpretive philosophy in the Cemetery Relocation Act. The court does not seem to accept a “presumption in favor of leaving cemeteries undisturbed” at all, preferring instead to relocate graveyards to landscapes reminiscent of their bucolic beginnings.

When it comes to relocating Georgia’s historic graveyards there appears to be a contradiction or “disconnect” between legislative intent and judicial enforcement. The most productive reaction that preservationists can take in response to this is not attempting to alter judicial interpretation— such a course would be folly and a waste of energy. Instead, graveyard preservationists must accept the protective parameters as they exist in reality, and work within those parameters. Specifically, what this case suggests is that the courts cannot be relied upon to let rest historic abandoned graveyards, even when descendants are involved in the defense. The only way to assure the meaningful preservation of graveyards is to render moot any argument of their ownership by acquiring title or a conservation easement to them. This reality is obvious from an early statement within the Cobb County Superior Court verdict, which reads, “Ownership of the property is the threshold issue that will logically dictate the course of analysis and thus will be determined first (Hughes 1993).”

This case also reveals the efficaciousness of cemetery preservation commissions. Predictably, the Cobb County cemetery preservation commission recommended that the Edwards/Attaway Cemetery be left in place, but its recommendation amounted to nothing before the county commissioners (Hughes 1993).

Of course, the courts in this case revealed the importance of several factors that influenced their decision to allow relocation. The courts in *Hughes v. Cobb County* revealed or stated a preference for graveyards that are:

1. Maintained over a continuous period (rather than one time right before litigation);
2. Not adjacent to “bustling” modern development;
3. Clearly intended for public use and not simply use by a small, related group of citizens.

It is useful for preservationists to be knowledgeable of these factors even after a preservation strategy is in place to acquire title or conservation easements on graveyards. Awareness of these factors will allow graveyard preservationists to identify cemeteries most in peril of receiving callous treatment by the courts, and preservationists may wish to take preemptive action on those graveyards as soon as possible.

Another point that emerges from thorough analysis of cases like this one is the enormous amount of time, money, and trouble necessary to sue over a graveyard, regardless of outcome. This fact alone is probably enough to prevent most graveyard cases from ever being pursued by graveyard advocates, and is another reason why the best strategy for the preservation of graveyards is to unequivocally hold title or a conservation easement on them.

### Walton County, Georgia

Sometimes the dispute over a graveyard happens too late to preserve anything. The following case study is brief for precisely this reason-- the damage, if any, has been done and there is no basis for negotiation, litigation, or reparation. Were it not for a crusading

third-party individual named Billy Hudson this example may never have surfaced at all. Hudson is an auto mechanic by trade whose avocation for twenty years has been historic graveyards. According to Hudson and nearby residents, a Meridian Homes subdivision in Walnut Grove, Georgia was built atop a 138-grave graveyard that included the grave of Robert Echols, a Georgia hero of the Mexican War. “That Echols cemetery, that’s a part of history that’s gone today,” lamented Hudson. This county is really starting to take off. I know these cemeteries are at risk. I know that if we’re going to do anything, now is the time (*USA Today*, 17 Jan 2000).”

The Meridian Homes developer is Darrell McWaters, who insists that he knew nothing of the cemetery before Billy Hudson brought it to his attention. When McWaters and his partner David Willett bought the seventy-acre subdivision tract in 1995 the cemetery was not listed on the county plat. McWaters paid \$4000 for a boundary survey, which did not reveal any cemeteries, and spent another \$500,000 before being told of the graveyard. McWaters said he called the county and the seller and asked about the existence of a cemetery on the property, but neither reported the existence of one. “What more can you do?” asked McWaters, going on to say his company has spent over \$20,000 on two separate occasions in the past to accommodate graveyards (*USA Today*, 17 Jan 2000).

It is impossible to know for sure whether the Meridian Homes developers are being completely truthful when they claim to have known nothing of the graveyard’s presence. It makes no difference now whether they knew or didn’t, the graveyard is beneath somebody’s home. Billy Hudson stood pointing in front of several houses in the subdivision. “We don’t have any idea if the cemetery was on that lot, or that lot, or that lot,” he said. This case demonstrates the common scenario by which graveyards across the southeast are annihilated without controversy, repercussions, or— perhaps— without villains. Were it not for Billy Hudson, the Echols graveyard might never have been

brought to society's attention at all. What is needed is a system of oversight that prevents mistakes like this from occurring to begin with (*USA Today*, 17 Jan 2000).

## CHAPTER 4

### GRAVEYARD DOCUMENTATION

The foregoing chapters have discussed the problem of graveyard decimation and also the extent to which graveyard preservationists may rely on law to prevent that decimation. Actual case studies demonstrated those tensions in action. There are, however, other responsibilities facing graveyard preservationists before and after legal wrangling over land. The following two chapters discuss the most significant of these other responsibilities— documentation and conservation.

Documentation of graveyards has gotten much more attention than has preservation of graveyards, undoubtedly in part because it is easier for lay persons to accomplish. Most documentation is carried out by volunteer groups— often members of a local historical society— with a major emphasis on epitaph transcription. Documentation is an inextricable component of responsible graveyard preservation and it is also one major element in the preservation process that can be handled exclusively by trained volunteers (Strangstad 1995, 11). It should be remembered that documenting a historic resource is not the same as preserving it. It is poignant that the final responsibility involved in the defense of historic resources against proposed, destructive federal highway projects is complete documentation of the resource. That is to say, graveyard documentation is valuable but is mainly necessary in case preservation fails. Historic preservation cannot take place without first identifying the resources to be preserved, and so the first stage of documentation— locating graveyards— actually begins the entire preservation process of those graveyards.

Merely finding historic graveyards to preserve can be a tricky proposition. The best starting point is usually a county cemetery survey done by the local historical society, but these do not always exist. United States Geographical Survey topographical maps sometimes demarcate graveyards, but seldom do the very small graveyards make it onto the maps because they are not discernible from the aerial photographs used to make the maps (Landgraf 2001). County highway maps, forestry service maps, and foresters themselves are other sources of graveyard locations. No matter how obscure a graveyard is situated, it seems there is always somebody who knows it exists. The challenge for preservationists is to provide a format for these people to share their knowledge. Media campaigns inviting the submission of graveyard locations would probably draw a strong response if people realized their reported graveyard might be protected as a result.

#### Greenville County, South Carolina

Appended to this thesis is data for a sample graveyard-location survey conducted by the author in Greenville County, which is located in northwestern South Carolina. While it is very difficult for any county-wide cemetery survey to be perfectly comprehensive, complete documentation was not the underlying intent of this survey. Rather, this survey was planned and executed as an experiment in the survey process itself. As an experiment in the process of locating graveyards, this survey was informative in many ways, however owing to lack of resources it could not be mounted on the scale necessary to deem a survey “comprehensive.” For instance, no contact was made with the media, so all “tips” were secured on a random, face-to-face basis. It is probable that other graveyards exist in Greenville County, South Carolina beside those listed in the survey, but these may never be discovered unless either a media campaign is undertaken or development stumbles across them.

The basis for this survey was a former effort published in multiple volumes by the Greenville, South Carolina Chapter Genealogical Society in 1977, which sought to locate and transcribe the gravestones for the county's every cemetery— large and small, old and new, public and private. Like the 1977 survey, this survey pertains to all cemeteries because doing so circumvents the need to make distinctions about what is abandoned and what is “historic.” While epitaph transcriptions are an invaluable historical resource, the following survey relates exclusively to the process of identifying cemeteries, so unlike the 1977 survey, no epitaph transcriptions are provided.

This survey observed the extent to which:

1. The 1977 survey was, in fact, “comprehensive;”
2. Cemeteries catalogued in 1977 still exist;
3. Tombstone inscriptions have become illegible since the 1977 survey;
4. Directions to the cemeteries are still useful.

The Greenville Chapter Genealogical Society appears to have done an excellent job canvassing the county for obscure graveyards, however a cursory effort was made in this survey to locate other cemeteries, and about ten more were found. An exact number of excluded cemeteries is not clear from this survey for two reasons. To begin with, a thorough investigation following the methods proposed earlier in the text was not undertaken due to limited resources, therefore it is highly probable that more cemeteries would turn up through more complete survey techniques.

Furthermore, a great challenge encountered in this survey was that of cross-referencing the names and descriptions of the 1977 survey cemeteries with the identities of cemeteries found in the field. Because of the ambiguity of graveyard identities, it is possible that some cemeteries discovered in this survey are identical to cemeteries named in the 1977 survey. However, almost all of the 1977 cemeteries were accounted for by comparing their names as enumerated on paper with the names of cemeteries appearing in the field. Following this comparison, those cemeteries that were left outstanding from the

1977 survey were compiled and referenced against the epitaphs of “newly discovered” cemeteries to ascertain whether a match existed. In at least ten cases it is clear that the unaccounted for 1977-cemeteries do not describe cemeteries found in the field, therefore these cemeteries were accidentally left out of the 1977 survey. It is reiterated that a thorough, county-wide search for other cemeteries was not undertaken in this survey, therefore the following list of cemeteries should not be considered conclusive.

The survey revealed that in the last twenty years several cemeteries among those visited have been demolished. The circumstances of demolition were learned for only two of these cases. The first case involves Cox Cemetery near the municipality of Mauldin. A neighbor related that the current owner of an adjacent house removed all of the tombstones and, it is speculated, buried them elsewhere on the property. Today only a tell tale grove of trees remains to mark the two dozen individuals buried below. The motive for the crime is unknown, but supposed to be in preparation for future sale of the land. The second case of demolition occurred in 1999 due to a residential subdivision. In this instance, a very prominent Greenville politician/developer annihilated a small plot of tombstones which remained from a defunct, historic church. The only protest was by an elderly neighbor, whose effort to reassign the bulldozed tombstones was resolutely overcome by subsequent rumblings. As in the former instance, the graves remain without markers, only this time they are literally in somebody’s backyard.

It is emphasized that only a fraction of the 1977 survey’s cemeteries were revisited in the course of this survey, approximately 7%. If four or five demolished cemeteries among a sample of 30 accurately relates to the entire universe of Greenville County cemeteries, then they are being destroyed at an alarming rate. An actual rate of destruction is not ascertainable from this study, for its methods are not scientifically sustainable. For instance, most cemeteries visited were historic family graveyards, whereas the entire list of cemeteries includes numerous church and a few corporate cemeteries. Since church cemeteries and corporate cemeteries are much less endangered



Archaeologist Chad Braley locates an overgrown cemetery using a U.S.G.S. 7.5 minute map and a Universal Transverse Mercator scale

than abandoned family cemeteries, it is improbable that the rate of destruction observed among the sample study would extend to Greenville County cemeteries as a whole.

What is clear from the survey is that cemeteries are far more susceptible to destruction when they are no longer being used. The relatively high rate of destruction witnessed among the study sample has nothing to do with the fact that the sample cemeteries are, in large part, historic family graveyards. That characteristic is ancillary to the fact that

the sample cemeteries are all abandoned. After all, the second cemetery cited above whose circumstances of demolition are known was itself a church graveyard at one time. Having fallen into disuse, and without owners, alert descendants, caretakers, or otherwise interested parties, this former church cemetery suffered the same fate as the more frequently demolished family graveyard.

The legibility of Greenville County tombstones has obviously not improved during the last twenty years, and while the vast majority of inscriptions remain readable, some of the grave markers have already become illegible in that time. In addition to erosion, several instances were noted in which headstones have broken into pieces, often through the apparent force of unchecked vegetation. When this happens it rapidly increases the rate at which the information contained on the stones will be lost forever, as the individual pieces may become lost in undergrowth and are subjected to greater moisture upon the

ground. Usually the markers within a given grave site are broadly similar in their degree of legibility.

The directions accompanying each graveyard in the 1977 survey often proved dismally inadequate. Cultural landmarks such as signs, rusted farm equipment, and other ephemeral items were sometimes used, and even the residences of individuals were referenced for these people's apparent notoriety in the community. Needless to say, this kind of instruction has a short life and should never be used in conjunction with cemeteries, which remain long after tractors and the people who drive them disappear. Even roads and buildings, while better, do not make full-proof points of reference. It was amazing to see how outdated Greenville County's 1977 landscape had become by 1999. As suggested earlier in the text, the best way to fix the location of graveyards on paper is through the use of Global Positioning Devices, which are easy to use, increasingly affordable, and forever relevant unless the world's systems for self-measurement are one day replaced. These devices did not exist in 1977, but in all future cemetery surveys they are an essential ingredient.

### Alabama

In 1997 a major cemetery mapping project was begun by the University of Alabama Cartographic Research Lab. This project was the brainchild of cartographer Craig Remington, and the intermittent responsibility of a dozen, variously matriculating graduate students. Four years after its initiation, the survey contained over 13,000 cemeteries and was published in a four-hundred page volume entitled *Historical Atlas of Alabama, Volume II: Cemetery Locations by County*. The book is being updated, but the current edition is now in its second printing, having sold over a hundred copies throughout Alabama and the nation. Remington's team began their survey with a thorough investigation of published cemetery inventories and handwritten manuscripts found at the

University of Alabama. In addition to location descriptions, they relied on the names of buried persons to provide identities to the cemeteries described. Following this research, an e-mail was sent out to genealogists subscribing to an internet list-serve, inviting the submission of graveyard locations and further details about the graveyards. The response to this e-mail was enthusiastic and beneficial (Landgraf 2001).

The team utilized highway maps and topographical maps to fix the locations of identified cemeteries, and made a distinction on their master maps between cemeteries of known name and known location, cemeteries of unknown name and known location, and cemeteries of known name and unknown location. The graveyards are depicted as a square whose color denotes one of these three categories. In their correspondence with volunteers around the state, the research team requested additional information about the graveyards in order to name and pinpoint as many as possible. Those cemeteries for which further information was not forthcoming were included on the map as boxes colored to convey the lack of precise information (Landgraf 2001).

The Alabama survey is unique for its comprehensiveness, and for the sophisticated degree of resources employed. The ideal scenario would find states around the nation commissioning such surveys and, just as importantly, incorporating the results into mandatory development review processes at the county planning departments. Unfortunately, in the case of Alabama's state survey, the data is primarily useful to amateur historians and genealogists. Only a handful of county planning officials have learned of the project and ordered copies of the data for inclusion in their review processes (Landgraf 2001).

The spreadsheet used by the University of Alabama Cartographic Research Lab included five columns with the following headings:

1. cemetery name
2. identification number, which corresponded to the map icon
3. township and range of the cemetery
4. name of the county
5. church affiliation and remarks

Under “church affiliation and remarks,” the research team sought information concerning church denominations, the dates of church establishment and construction, the approximate number of marked and unmarked graves, the oldest and most recent known interments, common surnames of people buried there, and any unique facts concerning the identities of people buried there or their tombstones (Landgraf 2001).

The Alabama documentation form is basic, meant primarily to determine location of the state’s graveyards. When a thorough documentation is to be done on a graveyard it will include more information than what is contained in the five, above-listed columns. The clearest way to demonstrate the desired range of information is by example, so on the following page is a model cemetery survey form put together by the National Trust for Historic Preservation, which published a pamphlet on graveyard preservation (Strangstad 1995). In a thorough graveyard documentation one form such as the one which follows would be filled out for each grave, in addition to a general commentary about the graveyard’s location, condition, orientation, and the like.

## Gravestone Survey Form Designed by the National Trust for Historic Preservation

Sample Survey Sheet for Individual Grave Marker				<div style="border: 1px solid black; padding: 2px; display: inline-block;"> Recorder: _____  Date: _____ </div>	
Name of Burial Ground: _____			Marker Number: _____		
Contact Person: _____			Other I.D.: _____		
Marker Orientation:    E   SE   S   SW   W   NW   N   NE					
Name/DDate: _____			Photo Number: _____		
Dimensions:    _____ high    _____ wide    _____ thick					
<b>Marker Type:</b> <input type="checkbox"/> tablet <input type="checkbox"/> foot <input type="checkbox"/> table <input type="checkbox"/> tomb <input type="checkbox"/> cradle <input type="checkbox"/> statuary <input type="checkbox"/> monument <input type="checkbox"/> goods <input type="checkbox"/> modern flat <input type="checkbox"/> other: _____	<input type="checkbox"/> tablet-on-base <input type="checkbox"/> box <input type="checkbox"/> obelisk <input type="checkbox"/> mausoleum <input type="checkbox"/> grave depression <input type="checkbox"/> barrel vault <input type="checkbox"/> grave <input type="checkbox"/> plaque	<b>Severity of Condition:</b> (least) 1    2    3    4    5 (most)  <b>Causes:</b> <input type="checkbox"/> settling <input type="checkbox"/> weathering <input type="checkbox"/> vegetation <input type="checkbox"/> paint <input type="checkbox"/> graffiti <input type="checkbox"/> vandalism <input type="checkbox"/> other: _____			
<b>Material:</b> <input type="checkbox"/> marble <input type="checkbox"/> limestone <input type="checkbox"/> brownstone <input type="checkbox"/> sandstone <input type="checkbox"/> slate <input type="checkbox"/> granite <input type="checkbox"/> dolomite <input type="checkbox"/> fieldstone <input type="checkbox"/> cast stone <input type="checkbox"/> brick <input type="checkbox"/> stucco <input type="checkbox"/> white bronze <input type="checkbox"/> iron <input type="checkbox"/> wood <input type="checkbox"/> pottery <input type="checkbox"/> other: _____		<b>Previous Repair:</b> <input type="checkbox"/> cement <input type="checkbox"/> adhesive <input type="checkbox"/> iron pins <input type="checkbox"/> iron braces <input type="checkbox"/> stucco <input type="checkbox"/> mortar <input type="checkbox"/> cement <input type="checkbox"/> encased <input type="checkbox"/> rebuilt <input type="checkbox"/> coatings <input type="checkbox"/> other: _____			
<b>Motif(s):</b> <input type="checkbox"/> death's head <input type="checkbox"/> soul effigy <input type="checkbox"/> urn and willow <input type="checkbox"/> portrait <input type="checkbox"/> clasped hands <input type="checkbox"/> open book <input type="checkbox"/> dove <input type="checkbox"/> lamb <input type="checkbox"/> cross <input type="checkbox"/> floral <input type="checkbox"/> cross and crown <input type="checkbox"/> fraternal <input type="checkbox"/> other (describe): _____		<b>Enclosure Type:</b> <input type="checkbox"/> none <input type="checkbox"/> iron/wood fence <input type="checkbox"/> brick/stucco/stone wall <input type="checkbox"/> brick/stucco/concrete/stone coping <input type="checkbox"/> vegetation <input type="checkbox"/> other: _____			
<b>Maker's Signature:</b> _____		<b>Vegetation:</b> <input type="checkbox"/> none <input type="checkbox"/> shrubbery <input type="checkbox"/> trees <input type="checkbox"/> ground covers <input type="checkbox"/> bulbs <input type="checkbox"/> other (species, variety or describe): _____			
<b>Condition:</b> <input type="checkbox"/> sound <input type="checkbox"/> sound but lying on the ground <input type="checkbox"/> cracked <input type="checkbox"/> eroded <input type="checkbox"/> broken # of pieces _____ <input type="checkbox"/> sunken/tilted <input type="checkbox"/> flaking <input type="checkbox"/> delaminated <input type="checkbox"/> voids/losses <input type="checkbox"/> stained <input type="checkbox"/> moss/lichen <input type="checkbox"/> structure of footing unsound <input type="checkbox"/> other: _____		<b>Complete Inscription:</b> <input type="checkbox"/> inscribed <input type="checkbox"/> raised <input type="checkbox"/> painted <input type="checkbox"/> other: _____ <small>(on back of survey form, copy exactly as found on marker)</small>			



Archaeologist Chad Braley probing with a T-bar

After having located a cemetery and before documentation begins it is necessary to ascertain its boundaries if a surrounding fence or wall is not in place. Even when a physical boundary does exist, however, missing markers may require investigation to determine the number of enclosed graves. Often a depression will exist in the soil revealing the settlement of an underlying grave, but the best way to number the graves in a cemetery involves

superimposing an imaginary grid on the target area, and probing the earth at intervals along this matrix. As the probe passes through soil, the resistance slackens noticeably when it reaches a grave cavity. The accompanying figure shows an archaeologist demonstrating the use of a soil probe.

Documentation should always be done before any maintenance or cleanup unless the graveyard is so overgrown as to make documentation impossible. Thorough analysis includes notation of any former repair attempts, such as iron bars or wooden splines. Vegetation should also be noted, as it may reveal the historic landscaping employed while the cemetery was still in use. Sometimes flowers planted around the graves have continued to flourish through a hundred successive floral generations. The condition of grave markers themselves should be inventoried on an individual basis in addition to general observations about the group. Information about the size, material, and orientation of a marker should not be left out, especially in case the monuments are subsequently de-situated and need to be reset. Photographs of each gravestone are an invaluable addition to the documentary effort, and are most useful when framed alongside a scale and orientation arrow. In addition to the individual photographs, a series of

panoramic shots should be included to provide context (Strangstad 1995, 12). Sophisticated archaeological techniques exist for the study of graveyards without disturbing human remains. Termed “non-invasive,” these technologies include ground-penetrating radar, color infrared photography, thermal infrared-multi spectral scanning, and thermal resistivity (Strangstad 1995, 13). Local utility companies and universities sometimes have ground-penetrating radar equipment and are willing to participate in a community sponsored graveyard research project (Strangstad 1995, 13). Georgia archaeologists are now more frequently called upon to investigate graves, in consequence of a 1992 cemetery relocation law that requires their involvement when a cemetery relocation is unavoidable (Code 1992 § 36-72-15). Athens, Georgia archaeologist Chad Braley reports that the remains depend greatly on the soil’s acidity, and usually excavations uncover little more than rusted coffin hardware or fragments of coffin upholstery (Braley 2001). Cost to move one grave is from \$2000 to \$3500 (Braley 2001).



An excavated grave in Redfield Cemetery, Jones County, Georgia. Analysis of the skeletal remains yielded important data about tenant-farmer health during the late nineteenth and early twentieth centuries (Braley 2001).

## CHAPTER 5

### GRAVE SITE CONSERVATION

It is important that cemetery preservation organizations and individuals not simply document the graves at a site, but also strive to better the condition of cemeteries once they have secured the legal right to do so. Thoughtful graveyard maintenance and repair can significantly extend the life of graveyards, and that is the objective of graveyard preservation in the first place. However, unless the graveyard maintenance is done in an informed way, it should not be done at all. Good intentions are meaningless once insensitive methods irretrievably diminish a graveyard's historic accuracy and future welfare.

The most important source for graveyard conservation expertise in America is the Association for Gravestone Studies in Greenfield, Massachusetts. This nonprofit organization was begun in 1977 as a collaboration of attendees to an annual preservation meeting called the Dublin conference. In the years since its founding the organization has grown to over 1200 members and become a central hub for the dissemination of pamphlets, books, and articles related to gravestone treatments. The association's massive collection of information is accessed by staff archivists who copy and send out applicable materials for each situation, and a catalogue of materials is available by request. Available publications range in level of expertise from amateurish "how to" directions to in-depth technical knowledge from the field of masonry conservation. The topics most commonly requested of the association include resetting and reattaching severed monuments, the accentuation of faded lettering, and-- more than any other-- gravestone cleaning. In addition to the distribution of printed materials, the association also sponsors

conferences around the country and provides contact information for gravestone conservators and technicians (Carlin 2001).

Much of the research conducted on masonry and stone conservation pertains to the use of these materials as structural elements in buildings. The context of such analysis is related but separate from the micro-scale analysis of stone deterioration that concerns material durability. For example, building structure and the diagnosis of stone components within a building's structure are within the purview of structural engineering.. This type of general analysis deals with entire facades and its results may be articulated qualitatively in terms of structural stability, aesthetic appearance, and the amount of lifetime left in a building. In contrast, the micro-scale analysis of stone degradation is expressed quantitatively in terms of mass loss, and changes in dimensions and porosity. The scope of this analysis is quite technical and involves chemistry, physics, microbiology, and petrology.

Those who are serious about the conservation of gravestones will benefit most from the second category of masonry research concerning micro-scale analysis. It is not within the scope of this thesis to delve into the technical details of micro-scale masonry science. Nor is it necessary for graveyard advocates to become professional conservators in order to improve the condition of graves under their charge. At the least it is important for graveyard advocates to realize that professional stone conservators exist, and among these, specialists in tombstone diagnosis and repair. Not only should graveyard custodians be familiar with the work of professional gravestone conservators so that their services may be enlisted, but also because some tombstone repair efforts done by well-meaning amateurs are damaging to the monuments. For example, iron bars which in the past were used as splines on broken tombstones have since rusted, and the oxidation served to further degrade the adjacent stone. In short, while some minor improvements can be made to grave monuments by amateurs, it is best that cemetery advocates concentrate their efforts on preserving grave sites and accessibility to those sites, leaving major monument

repairs to professional conservators. The goal of this chapter will be to familiarize the reader with the fundamental areas of conservation that would be the province of graveyard land trusts or similar preservation organizations. Appendix C is an overview of more technical, micro-scale masonry analysis and repair, since this knowledge is useful in relating to the professionals whose services may be enlisted for major gravestone repairs.

### Amateur Graveyard Maintenance

Many private cemetery associations or individuals will find the expense of professional conservation prohibitive, but will want to do what they can to repair and maintain the graveyard under their care. One form of maintenance germane to all graveyards is standard landscape maintenance to remove briars, weeds, and fallen limbs. The degree to which graveyards are cleared of organic detritus is largely an aesthetic judgement to be made on the part of caretakers, but it should be remembered that unkempt places have a tendency to invite deliberate neglect, such as trash dumping and vandalism. Responsible grounds keeping in a historic graveyard need not, however, reflect the contemporary aesthetic standard familiar in the closely mown yards of residential subdivisions. From the standpoint of historic accuracy, this meticulous look is inappropriate as much as it is unnecessary. In the early eighteenth century goats and sheep were the primary grounds keepers at most grave sites, and before the advent of perpetual care cemeteries, graveyards doubtless had a more natural appearance (Strangstad 1995, 18). Regardless of the chosen sophistication or regularity of cemetery landscaping, all priorities must be subjugated to, and directed toward, the protection of tombstones. For example, vines and seedlings must be removed on a regular basis from and around monuments because their growth will disrupt the marker. The methods used for landscape maintenance must be sensitive to the markers. Mowers cause severe damage to tombstones and should never be used to clear weeds adjacent to the markers. Mowers

may serve a purpose in a cemetery, but they should be equipped with rubber guards to prevent accidental collisions with tombstones, and nylon weed-whips should be used to clear weeds adjacent to stable markers. Unstable or otherwise vulnerable tombstones should be weeded by hand (Strangstad 1995, 17).

Where decisions are made concerning which vegetation to remove from a graveyard, it is preferable to protect and care for existing perennial vegetation. The acids and salts discussed previously are often present in fertilizers, herbicides, and insecticides and can do great damage to the stone used for early monuments. “Applied directly to stone markers, they can cause deterioration, especially to marble and other calcium carbonate stones.” Even where not applied directly to the monuments, these landscaping chemicals can migrate through moist soil to the stone material, where damage occurs well after application. For this reason fertilizers should only be used in extreme circumstances rather than during routine maintenance, and they are unadvisable around the grave markers (Strangstad 1995, 17).

In addition to the chemical danger herbicides present to stone, they leave an unattractive ring of brown, dead grass at the monument’s base and meanwhile eliminate whatever remnants of early plantings remain there in defiance of clumsy mowers. Herbicide application should be confined to the removal of nettlesome plants like poison ivy (Strangstad 1995, 18).

As with herbicides, the use of insecticides can be damaging to markers and thus should only be used to curtail potentially injurious conditions to people-- an extreme infestation. Indiscriminate application of fertilizers, herbicides, or insecticides is always the wrong way to go about maintaining a graveyard (Strangstad 1995, 18).

When it comes to the maintenance and cleaning of tombstones, similar judgements must be made as those concerning the appearance of the cemetery grounds. Some people advocate a laissez-faire approach to monument cleaning because they attribute part of the graveyard’s historic character to the time-worn appearance of the monuments (Strangstad

1988, 60). Others prefer a more formal appearance and champion the improved clarity of monument detailing (60). Cleaning can also be advantageous for maintenance reasons alluded to earlier, in that it may remove salts, biofilms, and other damaging substances from the stone surface. The “dispute” over the appropriateness of improving tombstones is not likely to go away any time soon, and it parallels a rift within the general field of historic preservation. “Scrape or non-scrape,” as this philosophical dilemma has been coined, applies to the treatment of all historic artifacts from buildings to antiques. As it applies to gravestone maintenance, this issue is most realistically left to be arbitrated by the individual tastes of graveyard caretakers, with the only indisputable axiom being that all monuments must be kept from material disrepair. Otherwise future generations will be denied the privilege of debating their proper interpretation of historical gravestones because these artifacts will no longer exist to begin with.

When opting to clean the monuments in a graveyard, no stone should be cleaned whose stability is in question (Strangstad 1988, 61). Using a soft-bristled brush, an application of water should precede any cleaning solutions, and all scrubbing should be done from the base of the stone upward to avoid streaking. As for the cleaning solution, it should consist of water and a mild, non-ionic detergent such as Igepal or Triton-X 100 (available through conservators’ supply shops). An alternative cleaning agent is Photo-Flo, which is available through photography supply stores, or household ammonia may be used on marble and limestone (Strangstad 1988, 61). An exception is soapstone, to which only pure water should be applied (Strangstad 1988, 63). Solution concentrations for the above listed cleaning agents should be one ounce to five gallons of water, except for ammonia which should be diluted at one cup per gallon of water. Another readily available chemical which may be useful to remove biological growth is swimming pool disinfectant, but this should not be used on soapstone, slate, or sandstone. Commonly sold as “HTH,” this chemical should be mixed at a ratio of one pound dry to four gallons of warm water. All cleaning should be applied with cotton swabs, spray bottles,

toothbrushes, and other soft-bristle brushes (Strangstad 1988, 63). Cleaning should not be done often, since stone particles are always washed away regardless of the care taken during cleaning (Strangstad 1988, 62).

### 9 Guidelines for Gravestone Cleaning \*

1. Evaluate condition of gravestone and do not attempt cleaning if flaking is present, or if gentle tapping reveals hollow places within the stone.
2. Determine the type of residue– whether organic growth, dirt, salts, etc.
3. Always attempt to clean the stone with less aggressive treatment methods first.
4. Apply treatment to small test areas first, before treating the entire monument
5. Pre-wet the stone with water before applying any chemical solution as this softens grime and prevents excessive incursion into the stone by the chemical
6. Clean from the bottom up on the stone, to avoid streaking
7. Rinse with water when through, to remove cleaning agents that may cause blotching
8. Remember that one cleaning product is not necessarily effective on all gravestones
9. Consult with a professional stone conservator

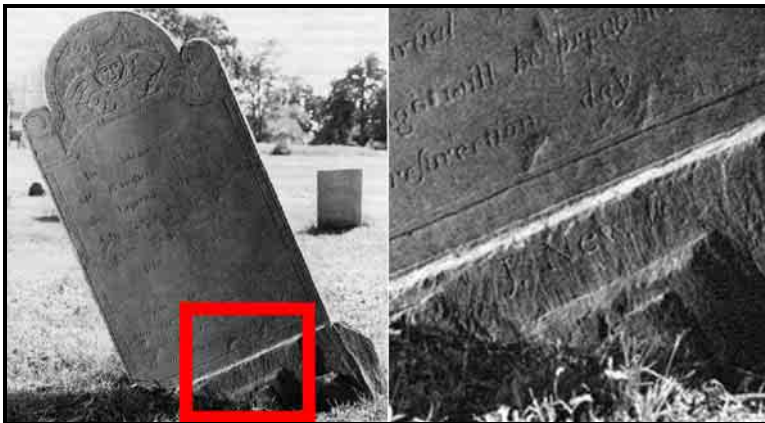
\* Association for Gravestone Studies

In addition to cleaning monuments, another graveyard maintenance task that may not require a professional conservator is that of resetting old gravestones. If such work is undertaken by volunteers or regular maintenance personnel, they should first be provided on-site training and an outline of the correct process. As with the decision to clean a monument, resetting should only be considered for those stones which require it. Stones should not be reset simply to straighten a minor tilt or to line them up in straight rows. Rather, monuments should be reset only if they are either unreadable due to having sunk beneath ground or else in peril of breaking due to an extreme lean (Strangstad 1988, 65). If a monument is especially fragile, it could break into pieces during the resetting process, doing more harm than good. Such stones should be left either alone or to a professional conservator for resetting. In their handling, gravestones must not be treated like common boulders, for many of them– particularly those of marble or sandstone-- contain internal fractures that are not detectable by observation. Jostled from their centuries-old stance, these stones can split at the fracture if suffered to endure sudden stress (Strangstad 1988, 65, 67). Slate monuments make better candidates for resetting than marble or sandstone

because fragile specimens are more easily diagnosed. With slate, exfoliating surface layers mean the monument cannot be amateurishly reset; if light finger-tapping produces hollow sounds the same condition applies. Granite is the most stable gravestone material and can even be reset by a modern monument company, but in the days of early quarrying and hand carving this stone was so hard to work that its use was comparatively rare before 1800 (Strangstad 1988, 66).

Resetting is not always a straightforward task, since changes can occur to the orientation of stones over time. The errors of former maintenance can confuse the job, as well, where a stone was reset some time in the past to face the opposing direction of adjacent monuments (Strangstad 1988, 65). Some dismal restoration attempts in the past have even completely disregarded the difference between foot stones and headstones, and all were equitably reset into straight lines, effectively doubling the number of graves, (Strangstad 1988, 65). Other caretakers have intentionally placed the foot stone directly behind the headstone in order to simplify mowing. In unkempt graveyards today it can be a challenge to distinguish between the headstone and foot stone when the headstone has sunken to a few inches above ground, and therefore resembles a foot stone (Strangstad 1988, 63). In order to sort out such confusion it is useful to be familiar with certain protocols that frequently governed the orientation of human burials in the pre-twentieth century American Southeast.

Where the headstone and foot stone both bore inscriptions they were usually positioned so that the writing faced away from the intervening grave. The headstone's inscription often faced west, and the foot stone's inscription faced east, so that upon the morning of rapture the dead would rise to face the sun in the eastern sky. This system had exceptions and it should be remembered that if a stone is otherwise positioned, this variance might have some as-yet undetermined significance. The most important step in resetting a stone, therefore, is to document the changes made to each stone (Strangstad 1988, 65).



The carver's signature, "J. New," is visible on part of the stone that is supposed to be underground

After documenting the stone's former position, the next step is extricating it from the ground, which requires digging at least as deep as the stone is tall. Only the soil at one side of the stone should be dug, since the dirt on the other

side, left compact, provides a solid surface against which to reset. It is better to dig beneath the un-inscribed face to lessen the odds of accidentally chipping the inscription with shovels, but this may be impossible if the inscribed side leans steeply over backward, facing sky (Strangstad 1988, 66). At 160 to 180 pounds per cubic foot, heaving a gravestone out of the ground requires several strong people and potentially ropes and boards, as well (Strangstad 1988, 67). When using a lever it is very important not to exert localized pressure points on the stone that could break it. An especially susceptible region of the gravestone is at grade level, since it has endured rising damp and multiple freeze-thaw cycles (Strangstad 1988, 66). After freeing and raising the monument, it should be laid on its back and the stone's subterranean portion examined for markings such as a carver's signature, quarry marks, or sample lettering. Of course, if any of these are found they should be documented before again submerging the stone into the ground (Strangstad 1988, 67).

Before resetting the marker, a bed of mortarless, sand-cushioned brick should be prepared in the hole to help the marker hold its new posture. The brick and sand serve as a platform evenly distributing the marker's weight, and this platform's distance below ground determines the height of the reset marker. Conversely it is the marker's characteristics that determine how deep the platform should be set. For instance, if a

stone tapers at the bottom, usually it is set so that the taper begins just below the surface. Or, a rough finish on the monument's bottom portion clearly demarcates the intended burial line. Normally, though, it is the epitaph which determines how high the monument is set. If stones are set too high their stability is adversely affected, so the ground should be a few inches below a boxed-in epitaph (Strangstad 1988, 67).

After returning the monument to its hole, it should be held against the wall of undisturbed soil and adjusted for level and plumb. What follows next is an update of the historic stone setting process, for our ancestors simply used dirt and manufactured the monument to have a very long, stabilizing below-ground portion. Today, to help with drainage a mixture of half sand and half pea gravel should be poured into the bottom half of the hole before the remaining void is filled with tamped soil, and the monument's base is graded to prevent puddling. Markers must never be set in concrete— this is an

irreversible and highly destructive practice (Strangstad 1988, 68).

There is no guarantee that a reset stone will not again settle or tilt out of plumb. This can happen due to anything from insufficiently tamped soil to nearby building construction (Strangstad 1988, 68).

### Vandalism

Vandalism is a serious issue confronting all cemeteries with stone monuments, due to the usual absence of on-premise oversight. In response to this problem, some cemeteries have adopted a defensive posture consisting of fences or solid



Unfortunate reply to graveyard vandals

walls. In addition to the obvious aesthetic drawbacks these present, they deter the public from strolling within the grounds or indeed using the cemetery at all unless a gate is locked and unlocked twice daily. Furthermore, it should be remembered that solid walls can usually be scaled by vandals, and they may actually aid in the destruction or removal of funerary objects since passersby cannot view their desecration in progress (Strangstad 1988, 18). Lighting, too, can just as well serve to facilitate theft or destruction as it can serve their prevention. With locked fences, walls, and lighting, individual circumstances are best left to dictate the proper course of action. Short of installing twenty-four hour security cameras or hiring security guards, there is simply no solution to graveyard vandalism unless measures are taken like those seen in the adjacent figure.

Examples of cemetery vandalism are ubiquitous but seem to transpire most often in larger cemeteries at well-trafficked locations. Such is the profile of historic Linwood cemetery in Columbus, Georgia, which has suffered two major incidents in as many years. Dating from 1833, Linwood consists of twenty-eight, completely occupied acres enclosed by a tall fence. A cemetery official is present at a station near the front gate, but obviously cannot see the entire grounds. At night the official locks the gate and departs, and it was after hours that both incidents occurred. The vandals, who remain unidentified, are thought to have entered the cemetery by scaling the masonry piers flanking the back gate. Stone urns were smashed and large monuments pushed from their pedestals onto marble slabs underfoot. Linwood Cemetery Foundation director Linda Kennedy observes that the vandals seemed to prefer this approach because it allowed the simultaneous destruction of monument and slab. Kennedy reports that some of the damage can be repaired, but some of it cannot. The city has recently installed security lights within Linwood Cemetery but it remains to be seen whether this will prove an effective deterrent against crime there (Kennedy 2001).

Vandals do not always escape justice, despite the often random nature of their crimes. In Martinez, Georgia, the vandals of Macedonia Baptist Church were two, fifteen-

year old boys who were caught after being seen in the vicinity of a fire they set the same night as the cemetery desecration. For the two crimes the boys were sentenced to a minimum of one year in a juvenile detention center, and will be required to pay restitution (*Augusta Chronicle*, 17 Feb 2001).

The arrest of a man and wife in Edgefield, South Carolina proves that not all cemetery vandalism comes at the hands of rebellious teenagers; nor is it always motivated from simple boredom and maliciousness. The perpetrators in this case, both of whom are in their thirties, paid cemetery workers \$50 to remove a tombstone to adjacent woods, where the couple smashed the marker to pieces with a sledgehammer. The destroyed marker belonged to a family with whom the couple's family maintains a feud. After turning themselves in to investigating authorities, the couple was charged with a felony and released on \$5000 bond. Their subsequent sentencing is undetermined (*Augusta Chronicle*, 25 Mar 1999).

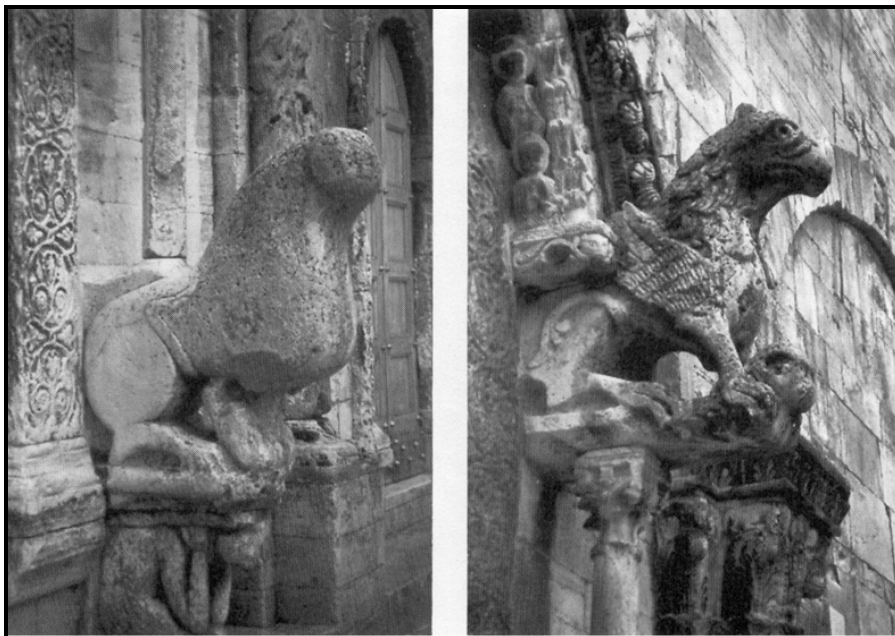
The scope of damage done by vandals can far exceed the cost to repair a few broken monuments, although often in the absence of descendants even this cost is too much. For example, in Langley, South Carolina the September 15, 1998 vandalism of hand carved Italian statues and benches at Sunset Memory Gardens totaled more than \$700,000. In this case special attention was taken by the marauders to blaspheme Christian iconography. Within days police arrested a twenty year old man for the crime after which two juvenile accomplices turned themselves in, as well (*Augusta Chronicle*, 16 Sep 1998).

Enemies of cemeteries include thieves in addition to vandals. Unfortunately, certain funerary objects are valued as objets d'art and are purloined to be sold at flea markets or used in residential gardens. Stolen cemetery items include wrought iron fences, steel Confederate emblems, and even the tombstones themselves, which are either used to construct decorative walls or simply valued as collectibles. In addition to the vandalism suffered at Columbus, Georgia's historic Linwood Cemetery, recently several wrought iron gates were stolen off their hinges (Kennedy 2001). Similarly, a 200-year-old wrought

iron gate was stolen from a Ridgeland, South Carolina cemetery where a signer of the Declaration of Independence is buried. This theft was advertised nationally by police with photographs (*USA Today*, 24 Mar 1998). This brand of thievery besets graveyards everywhere, but the most fertile market may be New Orleans, where since 1997 a veritable crime wave is stripping its forty-two aboveground cemeteries of statues, urns, iron crosses, and gate sections (Smolowe 1999, 47). The purloined treasures may be peddled nationwide at antiques shows or, in the case of New Orleans, simply sold to local art and antique boutiques (Smolowe 1999, 47, 49). A New Orleans sting operation found twenty-five local art dealers holding stolen cemetery goods, and four of these dealers were arrested for complicity (Smolowe 1999, 49). In American law, stolen items are forever subject to forfeiture by the buyer, whether or not the buyer knew the item was stolen at the time of purchase (*USA Today*, 24 Mar 1998). Thus it is possible for cemeteries to recover their stolen items, but only if they can be found and positively identified.

There is a cousin of vandalism infrequently recognized as such because it is not malicious. Children climbing and playing on tombstones and statuary is an insidious threat because these innocent gambols may be completely overlooked as destructive. After all, it is difficult to even vaguely associate children's games with images of roaring bulldozers or urn-hurling marauders, which are the unveiled faces of human destruction in graveyards. However, the effect of unconstrained children at a grave site can be the same as if a bulldozer or vandal took aim at it. Some graveyard caretakers and activists may be susceptible to permitting "children to be children," at least among their sturdier monuments, since it is healthy for the graveyard to have people want to visit it. Juvenile apologists should take note of the two figures below before being so permissive. Both statues appear at Italy's Ruvo Cathedral and are subject to identical pollution and weather. The real difference between the griffin on the right and the (lion) on the left is that the griffin is too high for children to climb onto its back, as they have done to the lion for— one assumes— centuries (Baer 1997, 82). Of course, where tombstones are

concerned it is likely that a marker would become unseated or broken by such treatment long before the effects of friction would become so egregious. We need not return to the mores of nineteenth century France, where it was a crime to use offensive language within a cemetery (Jackson 1950, 104), but it does behoove graveyard custodians to post rules that prohibit potentially destructive frivolity.



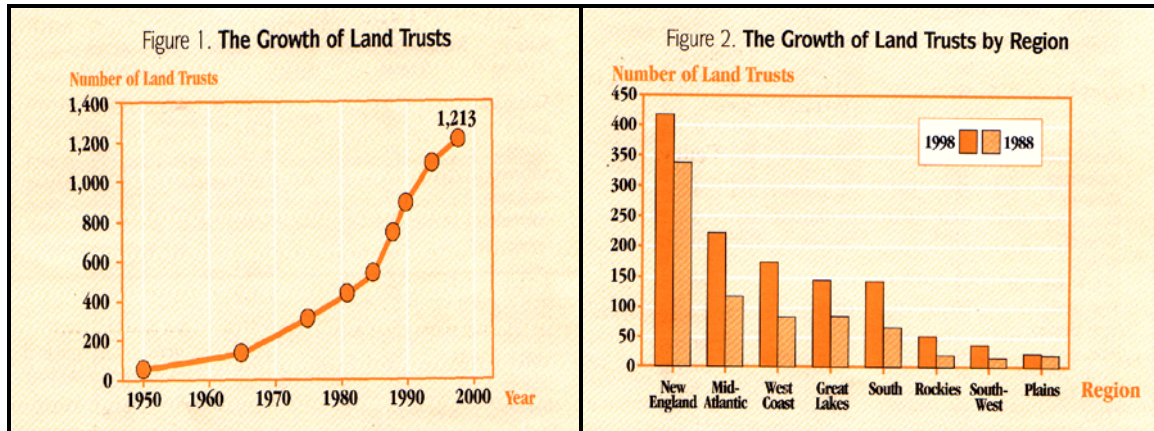
Destruction of child's play at Ruvo Cathedral in Southern Italy, credit D. Camuffo

## CHAPTER 6

### LAND TRUSTS

In most cases, historic family cemeteries are simply encompassed within a larger tract of land, the majority of which is not devoted to burial. The legal ownership of the cemetery is identical to that represented by the parcel at large, and local statutes superimpose a layer of protection for the cemetery. As previously discussed, the statutory protection afforded to graveyards is desultory and poorly enforced, so in many cases a cemetery's condition depends on the landowner's forbearance alone. As landowners come and go amid escalating real estate values, a cemetery's chances for protection decrease. All it takes is brief jurisdiction under one irresponsible land holder for a historic graveyard to be gone forever.

The best means of protecting historic graveyards, or land of any kind, is to eliminate the element of chance from their ownership. A single, unchanging owner should keep and control the fate of a cemetery-- an owner who is acutely sympathetic to the value of historic cemeteries. Obviously, this is not possible with normal owners since eventually each land owner must die and be replaced. However an answer lies in land trust organizations. Land trusts exist for the express purpose of administering and protecting parcels of land in perpetuity and they have greatly increased in number and influence during the recent decades. Nationwide, land trusts now protect over 4.7 million acres. While the growth of land trusts has been swiftest in the Rocky Mountain region, land trusts in the southern United States doubled in number between 1988 and 1998. Georgia has 23 private land trusts which cumulatively protect 7,646 acres. The state is not alone, but in the minority, for having zero acres under protection of a state agency (Land Trust



Alliance 1998, 4: 5, 6). While most land trusts are private organizations, many have close ties with government agencies, and some are considered quasi-public institutions (4: 7). The mission of land trusts varies among organizations. The great percentage of America's 1200 land trusts attend to the conservation of wetlands, but many trusts protect non-wetlands on the basis of open space, agricultural, animal habitat, or recreational values (4: 7). There are currently no land trusts devoted to the protection of historic cemeteries, but there is no reason why there could not be. In fact, such organizations are needed across the country to spearhead the cause of protecting our neglected graveyards.

There are two basic means by which a land trust can execute its custodial purposes. The most expensive way is to purchase the land outright. Obviously, because of the cost not as many parcels are likely to be acquired by the land trust. Acquiring clear, full title to land best ensures its protection, for it eliminates legal interests of other parties. Properties that are under a land trust's ownership are subject to lower monitoring costs, and assuming that liability is responsibly attended to, the contingency for costly, time-consuming lawsuits is reduced.

Another avenue for protection exists for land trusts in the form of conservation easements. A conservation easement secures the affected parcel against future development and may be defended in court in case of infringement. Such easements are encouraged by federal income tax credits and increasingly by additional benefits at the

state level (Tabas 1999, 2: 5). Stipulations often accompany governmental benefits regarding the intent of the easement. In North Carolina, an incentive may only apply to conservation easements that contribute to the public benefit in one of the following ways: public beach access, public access to trails and waters, fish and wildlife habitat conservation, and similar land conservation purposes (Tabas 1999, 2: 7).

There are three categories of state incentives for conservation easement donation. The first is an income tax benefit for the value of the land or easements donated to qualified conservation organizations or government agencies. In North Carolina such a law permits 25% of fair market value of the donation, up to \$250,000 for individuals and \$500,000 for corporations. Between 1983 and 1995, estimated lost tax revenue to North Carolina on account of the easement credit program totaled \$3.5 million, which was only 8.5% of the value of land contributed. Thus, the easement donation program may be seen as an extremely efficient means of acquiring land for the public's benefit. The second incentive category concerns habitat management and provides for the recoupment of expenses incurred in, for instance, the restoration of wetlands. Again, this recoupment is facilitated through an income tax credit. The third incentive category establishes property tax relief for owners of conserved land. An example of this program exists in Maryland, where a conservation easement grantor receives a 100% property tax credit for 15 years on unimproved land for which a conservation easement was donated (Tabas 1999, 2: 6,7).

Very few, if any, state enabling laws allow easements in gross in perpetuity to be acquired by any party other than nonprofit corporations and government entities (Hutton 2000, 1: 29). An easement "in perpetuity" lasts forever, and an easement "in gross" is any easement that takes rights away from one property while not simultaneously granting rights to another (Floyd 1999, 454). Nonprofit corporations that accept conservation easements have many responsibilities in successfully managing their acquisitions. Prior to acquiring an easement, a land trust should:

1. Use written criteria in evaluating potential easements;
2. Document condition of property at the time of grant;
3. Research conservation values before acquisition;
4. Develop a plan for conservation easement stewardship;
5. Perform title checks;
6. Perform boundary surveys;
7. Identify a back-up grantee or co-holder (Nudel 1999, 1: 6).

Conservation easements exploded in popularity among land trusts during the 1990's (Nudel 1999, 1: 5), but their use is not without drawbacks. One way in which easements are inferior to fee title is in what must be understood as the cost of splitting interests with the landowner. Usually when such split interests occur it is not with the landowner who originally transacted the conservation easement, but with subsequent owners of the land. Nationally in 1999, for instance, not one lawsuit pertaining to easement violations involved a party who originally transacted a conservation easement with an easement-holding institution (Danskin 2000, 1: 5). Encumbered land *is* sold, however, and sometimes to unscrupulous buyers, so land trusts have no choice but to monitor for contractual infractions. In 1999 average time spent monitoring each easement was ten hours per year, and average annual monitoring cost per easement was \$267 (Guenzler 2000, 1: 11,12). Two-thirds of all easement-holding institutions have no stewardship endowment (Guenzler 2000, 1: 13), and inadequate monitoring is widely seen as the greatest weakness of conservation easement programs. Where public land management institutions are concerned, stewardship is effectively impossible, since legislators are wont to re-appropriate money that seems to be lying dormant, "doing nothing" (1: 13). In fact, public agencies are statistically inferior to land trusts in monitoring their land interests, for while seventy-five percent of land trusts do annually monitor, only thirty percent of public agencies do (Guenzler 2000, 1: 11).

The responsibility and hassle of easement-monitoring is only likely to grow, for as real estate values rise, so too does the incentive to violate development restrictions. Currently less than seven percent of easements are violated, and most infractions are considered minor (Danskin 2000, 1: 5), but already land trusts are beginning to face increased violations and attendant lawsuits. Public agencies are at an advantage because they have legal resources at hand (Guenzler 2000, 1: 13), so it is essential that private land-trusts set aside not only monitoring monies but a legal defense fund, as well.

A land trust should attempt to decide for the long term whether to purchase title to a parcel or seek a conservation easement, but care must be taken in the event that a trust later seeks to purchase land for which it already holds an easement. This scenario would most likely arise in the course of temporarily owning land in order to transfer it to a conservation-friendly buyer. Whatever the reason, if a land trust buys property that it already had an easement on, the easement is extinguished (Hutton 2000, 1: 29). If the trust then reconveys the land to someone else, the easement is not revived— it is simply gone (Silberstein 1999, 1: 17). To avoid this, the land trust should reassign the easement to another organization before taking title (1: 17).

### Using Land Trusts to Protect Abandoned Graveyards

Whether seeking to acquire title to cemetery land or trying to purchase a conservation easement for it, any trust organization will potentially encounter problems unique to its cemetery protection mission. Often historic family cemeteries were mentioned in early real estate transactions by a forward-thinking family member who acted as grantor in the transaction. In addition to transferring title of a greater parcel, this grantor legally declared the cemetery to be separate from the parcel at large and legally owned by the heirs of those interred. Other old deeds do not convey a larger tract at all, but are drawn up expressly for the dedication of family cemetery land (Turner v. Turner

1910). This arrangement was clear enough for a generation or two, but after the passage of much time, even identifying and locating all heirs would usually be unfeasible. The legal question is raised-- how many must agree to a transaction with the land trust before the transaction is valid?

Based on the procedure defined in Georgia's State Codes for redeveloping cemetery lands (Code 1991, § 36-72-6), no pre-ordained number or percentage of descendants must be located. The law only specifies that "reasonable attempts" must be made to identify descendants, and any heirs who express interest are to have their views considered. In many cases a single descendant is acknowledged to have legal standing before planning commissions, and the right to speak on behalf of a graveyard's interests. However, this law pertains to the potential relocation or infringing development of cemetery lands, not to the general procedure for establishing title. Because a land trust would not undertake to redevelop a cemetery in the first place, this code in Georgia's law would apply less than would the standard, recognized process for establishing legal title. The process of establishing title is undertaken by professional title searchers and may culminate in the newspaper publication of legal notice to heirs.

The vast majority of conservation easements held by American land trusts are donated; only 18% of land trusts in 1998 reported having purchased easements (Nudel 1999, 1: 6). This arrangement would be even more frequently the case in the conservation of graveyards, given that the expense of relocating graves would automatically suppress the land's appraised value. It is not unreasonable to project that a graveyard land trust could secure conservation easements for free on most cemeteries, excluding legal and administrative costs of the acquisition. It is true that the grantor of the easement might not receive a federal or state income tax credit from their cemetery donation, for the same reason that owners of abandoned cemeteries do not pay property taxes on them (Jackson 1950, 263, 264). The absence of an income tax credit might do little to dissuade easement donations on graveyards however, since they are tiny in comparison to most tracts of

easement-donated land, and are generally regarded as having little or no economic value. Of course, the most necessary components are a preservation-minded land owner and a compelling solicitation by the land trust.

Not all conservation easements on graveyards must start from scratch. There are numerous cases in which a family graveyard's original owners foresaw to legally set apart their cemetery for perpetual protection in the deed. In these cases it may be necessary to formally update the language of the easement in order to shore it up against modern day disputes (Wiesner 2000, 2: 10). This conversion process is not uncommon among land trusts today; a year 2000 survey conducted by the Land Trust Alliance found the average cost of executing an easement update to be \$1775 (Wiesner 2000, 2: 9). This cost includes staff expenses and associated costs in addition to legal fees.

Another technique that might be used by graveyard land trusts is to solicit use of the federal income tax charitable deduction under section 170(c)(5). This statute provides tax deductions for contributions to— among other things-- private, nonprofit cemetery organizations. Therefore, graveyards may not provide substantial tax relief when donated by their owners to a graveyard trust, but cash contributions for the sustenance of the trust may provide that benefit to participants. As for private nonprofit cemeteries themselves, they have been held eligible for income tax exemption under section 501(c)(13) of the federal income tax codes, despite the fact that they are not charitable organizations under section 501(c)(3) (Whalen 1990).

One cost that will apply to all cemetery transactions, whether in the course of acquiring title or acquiring a conservation easement, is that of legally establishing the boundaries of the graveyard through a registered land surveyor. Surveyors typically deal with the attorney who is handling the property sale, rather than the buyer, seller, or other concerned party, and payment is reimbursed from client to attorney at the real estate closing (Cato 2001) (Mullinax 2001). In fact, the purchaser and the surveyor usually do not even meet (Mullinax 2001). It is very important for keeping costs down that a recent

survey of the property be checked for. If one exists, it will greatly reduce the amount of work necessary, for in effect the boundary survey of the parent tract will have already been done (Cato 2000). All that would remain is the subdivision survey to find the cemetery boundaries. Land surveying cost varies with many factors, the most obvious of which is the size of the greater tract and the size of the smaller parcel to be carved out from the greater tract (Cato 2000). Actually, a client does not stand to save very much from the fact that a cemetery may be small-- as is always the case in business, the trouble, setup, and paperwork involved in the job is much the same as if it were subdividing a much larger parcel (Cato 2000). For this reason, if a preexisting boundary survey exists, the job will be cheaper if the same surveyor is hired who did the former survey, since he or she will already have that job entered into the computer (Cato 2000). Another surveying cost factor is the existence of physical impediments like rose bushes, steep inclines, and swamps, all of which raise the cost (Cato 2000). Surveying costs are quoted per foot of the entire perimeter of both parent tract and subdivision parcel, and while surveyors are generally loathe to provide price quotes without first seeing the actual land under discussion, \$.35 per foot holds as a general estimate (Cato 2000).

### Five Stages in Preserving Graveyards

Many variations are possible, even inevitable, for how a land trust might go about protecting a graveyard. Because no graveyard land trusts were located during research for this thesis, an actual example is impossible. However, for the purpose of clarification, following is a hypothetical depiction of a five-stage preservation process that might be utilized by a graveyard preservation land trust. To the author's knowledge, the work outlined below is currently not being done anywhere in the American Southeast.

#### *Stage 1: Identification of Graveyards*

This stage draws heavily on the work done by others, but should not rely entirely on any single source of cemetery locations, such as a historical society census of area graveyards. It would be in a graveyard land trust's best interests to encourage statewide graveyard mapping projects, like the one undertaken in Alabama (see "Documentation" chapter). As mentioned throughout this thesis, graveyard documentation is relatively common, and is an increasing priority among state governmental preservation offices such as those of South Carolina and Texas. The graveyard land trust should establish a working relationship with all statewide cemetery documentation projects, because these projects could be the most comprehensive source of target properties to be protected. The land trust should maintain databases for each jurisdiction, whether by county or some other intra-state region, and the locations for each graveyard should be listed both in absolute terms (Global Positioning System coordinates) and in directions that could be navigated by "the man on the street." Local historical societies should be asked to continually scour their locales for obscure graveyards that may have been missed by other surveys. The databases should always be updated with new properties, as some are sure to be discovered along and along. (See "Documentation" chapter for further information relating to the identification of graveyards).

Having constructed a series of comprehensive graveyard lists for different jurisdictions, a land trust will next need to identify graveyards within those lists for which it wants to assume responsibility. In order to make these identifications, it will be best to formulate some priority system. The nature of the priority system may be based on a number of approaches, such as the geographic concentration of members or the desire to extend the land trusts's visibility into a particular community. More refined choices will be possible only where some information about a graveyard exists in the database beyond simply its location. For example, if it is known that a certain graveyard exclusively contains the graves of slaves, the land trust might deliberately pursue that graveyard in order to establish the inclusiveness of its preservation vision. Conversely, if a land trust

only pursues graveyards that contain architecturally distinctive monuments then it will need descriptions of the monuments corresponding to each graveyard in the database. In the author's opinion, all historic graveyards are valuable and worthy of preservation, but even if this philosophy is adopted by a land trust, some method of selecting or prioritizing graveyards is probably necessary to facilitate efficient operations. Of course, regardless of which pre-selection process is utilized, after researching the selected graveyards some will prove unfeasible due to unsympathetic landowners, legal imbroglios, or other reasons.

### Stage 2: *Discovering Graveyard's Current Owners*

This thesis does not explore the details of how to start and structure a preservation nonprofit organization, however at this point it bears mentioning that a graveyard land trust almost surely needs to be a member-based organization. The reason for this goes beyond the obvious benefit of membership dues, because unlike many preservation-oriented and other nonprofit organizations, a graveyard land trust requires a small army of participants scattered across many territories in order to be effective. Perhaps the single most important volunteer service that a land trust needs to secure is free legal help, and the best way to find this service may be through members who happen to be lawyers. It will not always be necessary to use the services of a lawyer to initially identify the owner of a graveyard. Real estate lawyers or paralegals will only be required at the initial contact stage in cases when the graveyard's ownership is unclear. It will, however, be necessary to call upon members of the organization to visit the courthouse or tax assessor's office to learn the owner of targeted graveyards, so that these owners can be approached by the land trust staff. It is unwieldy and inefficient to expect land trust staff to personally research the owners of graveyards unless those graveyards happen to be located near the land trust headquarters. For one thing, travel time to and from courthouses would consume all of the staff's time, and not very many graveyards would be preserved. Instead, land trust staff should prepare a manual for deed research to disseminate to members, and establish through correspondence which members are willing to donate time

doing this research at their local courthouse. Along with the owner's name, his or her address and phone number should also be acquired by the research volunteer.

### *Stage 3: Acquiring Title or Conservation Easement*

It should be the responsibility of land trust staff to contact graveyard owners and, whenever possible, descendants of people buried there. Of course, whenever the owner is known personally by a member, that member may be instrumental in selling the land trust's mission to the owner. A graveyard land trust should attempt to seek a donation of the graveyard's title or conservation easement. Whether or not the land trust consents to a purchase depends on the available funds and the importance of the particular graveyard. Purchase agreements will not usually be advisable considering the vast number of graveyards in need of preservation. It may be better to wait until the graveyard changes ownership of its own accord; future staff members at the land trust can approach subsequent owners about a donation of the graveyard, provided that it still exists at that future date. Records should be kept of all contact ever made with graveyard owners, so that donations are not repeatedly sought of the same unwilling individuals. Once an agreeable graveyard owner is found, legal services will be required to close the deal. The legal contract work should be done by lawyer-members whenever possible, for otherwise the legal fees incurred during a year of the land trust's operation could amount to well over a hundred thousand dollars. As stated earlier, it is very important for a land trust to have many lawyers supporting it, and these real estate closings are the primary reason why. Otherwise, closing costs will likely be a graveyard land trust's largest operating expense.

### *Stage 4: Documenting Graveyard*

Once title is taken by a graveyard land trust or a conservation easement is transacted, the land trust should immediately document the condition of its site, monuments, and unmarked graves. This documentation should be done by volunteers and members, in accordance with a manual designed by the land trust for that purpose.

Photographs of the graveyard and of each individual monument are essential, and it is best if they are digital so as to facilitate organization of the photographic record. This record could, after all, become very extensive depending on the number of graveyards preserved by the land trust. There is another reason for digital photographic inventories that will be discussed in the final chapter (For further information see “Documentation” chapter).

#### Stage 5: *Maintaining Graveyard*

A graveyard land trust should always be cognizant of the condition of each parcel-- indeed, each grave. Periodic surveys should be arranged to alert land trust management of vandalism, monument settling, and other destructive incidents. It should not be difficult to arrange these visits by members, since most members of a graveyard land trust presumably do not mind visiting a historic graveyard. (A primary challenge facing the land trust is to gather members from a wide geographic distribution, so that this kind of monitoring, surveying, and research is possible.) Whenever damaging circumstances are reported, or whenever a graveyard is acquired that already needs repairs, the land trust should always attempt to make repairs that are necessary to prevent imminent destruction, as with a severely cracked or leaning monument. To fail in this would mean that the land trust was not responsibly addressing its preservation mission. There are many other beautification techniques that may hold interest, and occasionally some should be indulged to boost the trust’s aura of accomplishment, but the expense associated with these should never interfere with the land trust’s primary mission— acquiring and stabilizing graveyards. Cemetery “friends” associations may be very beneficial in maintaining and beautifying the land trust’s graveyards. Such associations should be formed or, if already in place, approached to help with these tasks. As with all areas of the land trust’s endeavors, specific guidelines and instructions should be provided to prevent accidental destruction of the graveyards by volunteers. As indicated in the “Conservation” chapter, all major repairs to markers should be left to professional conservators as money for their services becomes available. (For further information see “Conservation” chapter.)

## CHAPTER 7

### CONCLUSION– POTENTIAL FOR A NATIONAL ALLIANCE

Land trusts are the fastest growing segment of the conservation movement today, with fifty new ones formed each year (Merced 2001). The cause to preserve graveyards and grave monuments is not new, but amateur graveyard preservationists persist in making mistakes that range from resetting monuments in concrete to taking epitaph rubbings from fragile monuments. The biggest mistake in the graveyard preservation movement today is not these small judgement errors, it is the lack of a long-term strategy for graveyard protection. This is the mistake that land trusts could rectify. An ocean of untapped citizen energy exists concerning old graveyards, and it needs to be channeled through an organization on a wider scale than presently exists to specifically protect graveyards. Plenty of resources and positive public sentiment would likely attend a well-defined, professional organization, in the same way that other specific land-use interests have been successfully addressed. For example, the 35,000-member Civil War Preservation Trust has protected 11,000 acres of endangered historic battlefields (Sirotkin 2001). The cause of Civil War battlefield protection is no less rarified than that of protecting historic graveyards.

The ideal solution for preserving abandoned graveyards may be a national alliance of state-wide, graveyard land trusts. These trusts could operate within a framework similar to that suggested in the previous chapter, to locate cemeteries, acquire fee title or conservation easements on them, and arrange for their repair and ongoing maintenance. The graveyard land trusts could also coordinate epitaph transcriptions and photography projects for use in fund raising (see below) or simply for historic safekeeping. Other

creative management strategies might include coordinating prison labor teams to do rudimentary graveyard landscape maintenance, or the land trust might register its graveyards with county planning agencies. These agencies would benefit from knowing the locations of area graveyards, and in some cases they could use a treatise on the importance of steering development around abandoned graveyards-- this is especially true in communities where no graveyard proponents have already stepped forward to complain. In addition to procuring and maintaining graveyards, a land trust could eventually assume other roles such as lobbying for policies such as cemetery setbacks and mandatory reporting by land surveyors. The land trust might also undertake to increase public education and scrutiny concerning abandoned graveyards. Support could be garnered from such groups as the Boy Scouts of America, local historical and genealogical societies, the Daughters of the American Revolution, the Sons of the Confederacy, African-American history organizations, collegiate fraternities and sororities, societies such as Civitan and Masons, town beautification committees, and neighborhood associations.

Maintenance of the cemeteries might be handled similarly to highway litter programs around the country, in which businesses and groups such as those listed above “adopt” a stretch of highway and voluntarily remove trash from it in exchange for a sign acknowledging their generosity. Epitaph transcription could accompany maintenance commitments for all cemeteries, insuring against the inevitable mistakes and exclusions of previous historical society surveys.

Another, potentially remunerative service that might be provided by state-wide, graveyard land trusts relates to the epitaphs found within its holdings. Following a capital investment for digital cameras and computer equipment including a high-capacity server, the organization could host, on the internet, photographs for each identifiable grave. The photographs would be referenced to a database of names, dates, and locations, and this database would be web-searchable for free. Researchers around the world could enter

search criteria and the land trust's web server would return a list of possible matches. Following this search, the researcher would have the option of paying several dollars to view and download digital images of the grave, as well as an image of the cemetery in which it is located.

This photo inventory business has enormous potential due to the recent burgeoning interest in genealogy. In fact, genealogy research comprises one of the largest single causes of internet traffic today. "CyndisList.com," a popular umbrella site for amateur genealogists on the web, receives well over 15,000 daily visitors. Comparable services exist on the internet today, from the standpoint of cataloguing epitaphs. The most comprehensive service is USGenWeb Tombstone project, which accepts donated cemetery transcriptions and hosts the information on a web page linked to a master cemetery list. These cemetery lists are broken down by state, and then further by county. As popular as this service has been, it differs from the one proposed here in that it contains no built-in search engine, nor does it provide photographs of the graves, or a standard format for epitaph recording. An online photo inventory is not necessary or fundamental to the erection of a graveyard land trust, but it might be worth the effort both because of the archival contribution and financial support such photos would provide.

Abandoned graveyards are receiving increased attention during recent years (Strangstad 1995), as is evident by heavier phone-call volume to preservation officials (Thomas 2001), more frequent news stories on the subject, increased legislation-- only some of which is adopted, and a proliferation of graveyard lawsuits (Drane 2001). In addition, documentation of cemeteries is a thriving endeavor among volunteers, both through the internet and in partnership with historical societies or cemetery associations. All of this taken together suggests two things: abandoned graveyards are in danger of destruction, and there are many people who desire their preservation. Greater mobilization of this preservation sentiment is called for to reduce the danger of graveyard destruction. All of the ongoing graveyard documentation efforts are laudable, but they

only address the preservation of data, not the preservation of graveyards themselves. Graveyards can only be preserved when they are controlled by parties amenable to their existence, and control of the land is best exercised by acquiring title or a conservation easement to it.

Sometimes preservationists advocate the formation of cemetery ‘friends’ associations (Crawford 1995). An example of such an association is Upcountry Friends in Greenville County, South Carolina, which celebrates cemeteries in addition to other historic features in the community. Its mission statement reads, “. . . the purpose of understanding and preserving the heritage and culture of the Upcountry, and promoting the understanding of the general public concerning that culture and heritage.” Other associations that are exclusive to cemeteries adopt similarly broad roles, but the author was unable to locate an organization whose stated mission is similar to the following: “to actively identify abandoned historic graveyards and arrange for their perpetual preservation on an individual basis.” A mission such as this is called for; of course, its execution would certainly involve participation with support groups like the cemetery ‘friends’ associations. Cultural appreciation of historic properties, including graveyards, can only occur as long as those properties remain.

Too many historic graveyards are being destroyed, too many are being neglected, too many remain anonymous. Perhaps one day laws for graveyard protection will be stringent and ubiquitously enforced, perhaps eventually communities everywhere will adopt and maintain their historic graveyards, but in case this never happens and until it does, private organizations are needed to acquire and safeguard historic graveyards. “Show me the manner in which a nation or community cares for its dead and I will measure with mathematical exactness the tender mercies of its people, their respect for the laws of the land, and their loyalty to high ideals,” pledged William Gladstone, the British prime minister over a century ago (Koerner 2000). The American people have a great

capacity for the qualities Gladstone alluded to, and through better organization that capacity can be fulfilled.

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## APPENDICES

## GREENVILLE COUNTY, SOUTH CAROLINA SURVEY DATA

**ABBREVIATIONS KEY**

Bap	Baptist	m	mile
btw	between	N	North
Cem	cemetery	Rd	road
Ch	church	s	side
E	East	S	South
fm	from	St	street
ft	feet	W	West
GV	Greenville	X	intersection

yellow highlight = unofficially named

Greenville County, South Carolina Cemeteries		
	Cemetery	Directions
1	Abner Cureton	
2	Adams	
3	American Spinning Cemetery	
4	Antioch Church	GV; SE 1 m. Donaldson Center; @ Antioch Ch/Fork Shoals Rd. X
5	Antioch Christian	
6	Ashmore (1)	2.75 m E of Moonville; W s Fork Shoals Rd. .15 m S of Ferguson Rd. X
??	Ashmore (2)	2.25 m E Moonville; N s Pond Rd(connects Griffin Mill, Fork Shoals Rd)
8	Austin	

Greenville County, South Carolina Cemeteries		
9	Babb-Kellett	
10	Babon Creek Baptist	
11	Bailey-Cunningham	
12	Barton's Memorial Chapel	O'Neal; .2 m SW Edwards Lake; E s X of Hwy101 and Camp Rd
13	Bates	
14	Beech Springs Pentecostal Church	
15	"Beechtree"	
16	Belue Cemetery	
17	Benson	
18	Benson-McWhite	
19	Benson-Vaughn	Gantt; W s Old Grove Rd. @ X with Hwy25
20	Berea 1st Baptist	Berea; S s Hwy183 at Kingswood Dr. X; address: 529 Farr's Bridge Rd.
21	Beth Israel	
22	Bethany Baptist	Marietta; N s Bethany Rd. (which connects Valley Rd., Hwy414)
23	Bethel Methodist	
24	Bethlehem Church	GV;
25	Bishop	
26	Blassingame	
27	Blue Ridge Free Will Baptist	
28	Blythe	
29	Boswell	
30	Bramlett	
31	"Brookfield East"	
32	Bruce	

Greenville County, South Carolina Cemeteries		
33	Brushy Creek Baptist	GV; X of Brushy Creek Rd. and Old Spartanburg Rd (East North St)
34	Camp Creek Baptist	btw Blue Ridge and Tigerville; X Camp Creek, N Packs Mtn. Rd
35	Campbell	Moonville; E s Campbell Rd. midway btw Ray Rd. & Sandy Springs Rd.
36	Cannon	Fountain Inn
37	Capps	
38	Carter	
39	Cedar Shoals Baptist	
40	Cedar Rock Baptist	
41	Charles	Moonville; fm X of Hwy 25 (Augusta) & Bessie Rd., its .1 m NNW on a knoll
42	Chastain	
43	Cherry Hill Baptist	.6 m SW of Old Indian Mtn.; N s Dividing Water Rd. .7 m W of Old Hwy11 X
44	Choice	
45	Christ Episcopal Church	downtown GV
46	Clark	
47	Clear Spring Baptist	Simpsonville; N s Bethany Rd. just W of Clear Spring Rd. X
48	Clearview Baptist	Little Texas; S s State Park Rd. at X of Clearview Rd. and
49	Cleveland	Marietta; Baker Circle Rd.
50	Cleveland 1st Baptist	
51	Cleveland Park Removals	

Greenville County, South Carolina Cemeteries		
52	Coleman Memorial	Traveler's Rest; X White Horse Rd. and Hwy276
53	Columbia Baptist	
54	"Columbia Road" (1)	
55	"Columbia Road" (2)	
56	Conestee Community	
57	Cool Springs Primitive Baptist	Tigerville; W s Cool Springs Ch Rd. .35 m N of Hwy414 X
58	Cooley-Whitt	
59	"Copeland" (Conestee)	Conestee
??	Cox Family	(demolished)
61	Cox Chapel	Cleveland; W s Hart Cut Rd. .6 m S of Goodwin Bridge Rd. X
62	Cross Plains Baptist	Cross Plains; 1.4 m SE of Hightower Mtn; N s Chinquapin Rd. at Trammell Rd. X
63	Crossroads Baptist	Batesville; N s Anderson Ridge Rd., .5 m N of S Bennetts Bridge Rd. X
64	Crymes	
65	Cureton	3.5 m E of Moonville; N s Garrison Rd. .3 m W of Fork Shaols Rd. X
66	Davenport	
67	Daventon Baptist	
68	Davis	
69	"Del Norte"	
70	"Devenger"	
71	Dials Methodist	
72	Dicey Langston Springfield	

Greenville County, South Carolina Cemeteries		
73	"Dixieland"	
74	"Donkle Road"	Taylor's; S s Donkle Rd off Rutherford Rd
75	Double Springs Cemetery	N s Milford Ch Rd near X of Hwy 290
76	Douthit	
77	Downs	
78	Drake	
79	Duncan Chapel	
80	Dunn's Rock Baptist	
81	Durbin	
82	E.R.	
83	Earle	
84	Earle-Stone	
85	East-North Baptist	GV; address: 4108 East North St
86	Ebenezer Baptist (Trav. Rest)	Traveler's Rest; E s Ebenezer Ch Rd., near White Horse Rd. X at Hwy 276
87	Ebenezer Methodist (Batesville)	Batesville; both ss of Batesville Rd., .3 m S of Hwy 14 X
88	Ebenezer Welcome Baptist	Gowensville; 1.15 m NW of Campbell Covered Bridge; N s 414 at Howe Rd.
89	Edgewood Church	downtown Greer; X Cannon and Jason St
90	Edwards (@ church)	Edward Rd. Bap.; GV; 1.2 m E Woodlawn Cem.; Edwards, Botany Rd X
91	Edwards	

Greenville County, South Carolina Cemeteries		
92	"Elementary"	downtown Marietta; end of Baker Circle
93	Enoree Baptist	Traveler's Rest; N s Hwy173 (Tigerville Rd.), .4 m W of Jackson Grove Rd. X
94	Enoree Fork Church	GV; Enoree Rd off of East North St
95	Eubank	Traveler's Rest;
96	Fairview Baptist	
97	Fairview Presbyterian (Fountain Inn)	Fountain Inn; S s Fairview Ch Rd. .4 m fm X with Hickory Tavern Rd.
98	Faith Temple Church	@ Sandy Flat btw Greer and Traveler's Rest; X of Hwy 253 and Hwy 290
99	Fellowship Church (Northwood Middle)	GV; Woodview Dr. beside Northwood Middle School
100	Fellowship Community Church	3.7 m ESE of Moonville; E s Fork Shoals Rd. at W Georgia Rd. X
101	Few's Chapel (old site)	Blue Ridge; .45 m E of Bryant Pond; E s Hwy 101 at Few's Chapel Rd X
102	"Fifth Hole"	
103	Five Forks Baptist	near Batesville; E s Batesville Rd., .2 m N of Woodruff Rd. X
104	Flat Rock Baptist	Moonville; near Woodmont High School; 250 N Flat Rock Rd.
105	"Fifth Hole"	Cliffs @ Glassy Development; beside the cart path on the fifth hole of the golf course here
106	Forestville Baptist	Traveler's Rest; N s McElhaney Rd., 250 ft W of Keeler Mill Rd. X

<b>Greenville County, South Carolina Cemeteries</b>		
107	Fork Shoals Baptist	Fork Shoals Ch Rd., N s of McKelvey Rd in Fork Shoals
108	Forkville Church	near town of Duncan Township; New Forkville Ch Rd.
109	Forrester	
110	Forrester-Southern	
111	Fountain Inn Municipal	
112	Fowler	
113	Freeman	
114	Friendship Baptist	Marietta; S s Hwy288, .5 m E of Mayfield Bridge
115	Fulton Presbyterian	
116	Gaines	
117	Gantt	
118	Gap Creek Baptist	Marietta; .75 m W of Osborne Mountain; address: 381 Gap Creek Rd.
119	"Garlington Road"	
120	Garrison	Golden Grove; E s of Old Pelzer Rd. across fm Spring Lake Rd.
121	George Green	
122	"Gethsemane Baptist"	
123	Glassy Mountain Baptist	E s Hwy 560 (Glassy Mountain Rd.), 100 yards S of Hwy 11 X
124	Glassy Mountain Church of God	
125	Glenn (old site)	
126	Goodlett	
127	Goodlett (abandoned)	

Greenville County, South Carolina Cemeteries		
128	Gosnell-Pruitt	knoll on left facing boulders, 1.2 m. down gravel rd. off Callahan Rd. .4 m. N of Hwy 912 X
129	Gowensville Baptist	Gowensville; Gowensville Ch Rd. off Hwy14 near Spartanburg County border
130	Grace Chapel	
131	Graceland	
132	Graceland East Memorial Park	
133	Grandview Memorial Gardens	Traveler's Rest; N s Grandview Dr. (off Hwy 276)
134	"Granite Knob Rd."	Cliffs @ Glassy Development; on lot 33 at X of Limerock Way and Granite Knob Rd.
135	Green, William	
136	Green Family Cemetery	
137	Greenville Memorial Gardens	GV Mem.Gardens; Moonville
138	Gresham	
139	"Groce Meadow Road"	
140	Grove Station Baptist	Golden Grove; X Piedmont Hwy & Woodlawn Dr.; 640 Piedmont Hwy
141	Gum Springs Pentecostal Church	Mt. View; S s Gum Springs Rd. .3 m W of Fews Bridge Rd. X
142	Hammett (old)	
143	Harbin-Howell	Simpsonville; N s Shady Brook Lane, .25 m W of Hwy14 X
144	Hardin	1 m S of Caesars Head State Park border; S s 276 .3 m E of Hwy11, 260 ft SE of bench mark 1116

Greenville County, South Carolina Cemeteries		
145	Harrison	Fountain.Inn; E s N Harrison Bridge Rd. .8 m N of X with Jenkins Bridge Rd.
146	Hart	River Falls; N s Oil Camp Creek Rd. .15 m W of River Falls Rd. intersect. (& bench mark 1089)
147	"Hawkins Road"	
148	Hawkins-Green	
149	Hawkins-Shockley	Greer; E s S Suber Rd. at Clements Rd. X
150	Hennon-Smith	Conestee; 50 yards off W s Fork Shoals Rd. immediately N of Conestee Rd. X,
151	Hew Harmony Baptist	
152	Hicks	Conestee; W s Hicks St, .22 m S of Augusta Rd. X
153	Highland Baptist Church (Dickey's Chapel)	Highland; E. s Hwy414, .2 m S of Hwy101 X
154	Highland Church of God of Prophecy	E s Hart Rd.
155	Hightower	
156	Hightower-Hagood	
157	Hillside Baptist	
158	Hilltop-Garland	
159	Hite-Morgan	
160	Holliday-Wiliams	
161	Hopewell Methodist	Fountain Inn; S s Neely Ferry Rd. .2 m E of X with Hipps Rd.
162	Howard	
163	Howell	

Greenville County, South Carolina Cemeteries		
164	"Hudson"	
165	Hudson	
166	Hudson family cem. off Pelham	
167	"Hudson Road"	GV; N s Hudson Rd .25 m W of Marchant Rd X
168	"Hudson Road" (Dacusville)	
169	Huff	
170	Huff-Payne	Gantt; .15 m W of Hwy 25 fm a position .3 m N of Bracken Rd. X, at a hill
171	Hunter-Gilbert	
172	Hyde	
173	"intersection"	
174	Jackson Grove Meth	GV; vicinity Paris Mtn. State Park; N s Jackson Grove Rd. near X of Hwy 253
175	Jackson	
176	Jenkins, Raleigh	
177	Jones, near Pumpkintown	
178	Jones, E. (of Ftn Inn)	
179	Jones, John J.	
180	Jones, Middleton	
181	Joyce	
182	Jubilee Church	GV; 2.5 m N of Taylors; Jubilee Ch Rd. btw Stallings Rd. and Locust Hill Rd.
183	Judson Cemetery	
184	Kellett-Babb	
185	Kelly	

Greenville County, South Carolina Cemeteries		
186	"Korean Nazareth"	
187	"Lake Cunningham"	
188	"Lanford Rd."	
189	Lebanon Meth (old site)	
190	Laurel Creek Baptist	
191	Lathem	
192	League	Gaylords Crossroads;
193	Lebanon Methodist	
194	"Lee Vaughn"	
195	Lenhardt Baptist	
196	Lester	
197	Liberty Church	Gowensville; S s Hwy.414 at X of Linder Rd
198	Liberty United Meth	
199	Lickville Presbyterian	
200	Ligon	
201	Lima Baptist	Lima Bap Ch Rd. which is S off Hwy.11, .25 m W of Hwy.25 X
202	Lima Baptist (old site)	
203	"Linda Avenue"	
204	Locust Hill Baptist	Locust Hill; N s Hwy.290, .3 m E of Tigerville Rd. X
205	"Lockhart Circle"	
206	"Loop"	Slater; S s Edwards Rd., .4 m W of Hwy.130 (Goodwin Bridge Rd.) X
207	Lowndes Hill Baptist	
208	Machen	
209	Mauldin United Methodist	

Greenville County, South Carolina Cemeteries		
210	Marietta First Baptist	Marietta; end of dirt Rd off of Baker Circle, atop a knoll
211	Marietta 1st Freewill Baptist	Marietta;
212	Mastin Grove	
213	Mauldin First Baptist	
214	Mauldin Methodist	
215	Maxwell	Woodville; N s Garrison Rd a m W of Hwy 25 X; Cem in woods behind houses
216	McCarter Pres	
217	McClanahan	
218	McCuen	
219	McCullough	
220	McCullough-Donaldson	
221	McDaniel	
222	McDavid, John	
223	McDavid, James	
224	McDavid	Woodville; W s Hwy. 25 (Augusta Rd.) .5 m N of X with Woodville Rd.
225	McWhite	
226	Maddox	
227	Meadow Fork Church	Tigerville; W s Meadow Fork Rd. at Yeargin Rd. X
228	Means-White	
229	Middle River Baptist	Cleveland; .3 m NW of Wolf Creek; W s Hwy.276 on Ch Drive
230	"Milestone"	

Greenville County, South Carolina Cemeteries		
231	Milford Baptist	Greer; Cool Creek Drive off of Milford Ch Rd .6 m SE of Lake Cunningham
232	Miller, Israil	
233	Miller	
234	Mills Mill Cemetery	
235	Monaghan	GV;
236	Moody Cemetery	end of dirt rd. off Marked Beech Rd., near Moody Bridge Rd, .5 m E of Pickens
237	Mose Chapel	
238	Mosteller	
239	"Mountain Creek"	GV; N s of Hwy.253 a m E of State Park Rd. X
240	Mountain Creek Baptist	
241	Mountain Creek Methodist	
242	Mountain Hill Baptist	Cliffs @ Glassy Development; near X of Fire Pink Way and Cliffs Parkway
243	Mountain View Cemetery (Greer)	downtown Greer; btw Drace St and Vandiventer Drive
244	Mountain View Church (Gowensville)	Gowensville; X of Goodjoin Rd. and Wingo Rd. near Spartanburg Co.
245	Mt. Ararat Church	Marietta; W s Hwy.414, Batesview Dr. X
246	Mt. Bethel Methodist	Pelzer; off Old Pelzer Rd. at end of New Bethel Rd.
247	Mt. Carmel Methodist	
248	Mt. Carmel Baptist	

<b>Greenville County, South Carolina Cemeteries</b>		
249	Mt. Grove Church	Locust Hill; E s McKinney Rd. at X with Hwy.290 (Locust Hill Rd.)
250	Mt. Lebanon Baptist	
251	Mt. Pleasant Baptist	Glassy Mountain; N s Hwy 912
252	Mt. Pleasant Church	GV; X of Faiview Boulevard and Bluff Rd
253	Mt. Sinai Baptist	Traveler's Rest; S s Roe Ford Rd., .15 m W of Hwy.25 X
254	Mt. Zion (hwy 14)	
255	Mullinax Cemetery	Gap Creek; S s Gap Creek Rd., .5 m W of Old Gap Creek Rd. X
256	Mush Creek Baptist	Tigerville; N s Hwy.270 at Yeargin Rd. X
257	Needmore Cemetery	downtown Greer; N s Canteen St, .1 m S of Wade Hampton Blvd. X
258	New Golden Grove Church	Piedmont; off Old Pelzer Rd. on Oil mill Rd. near Williams Rd. X
259	New Harmony Presbyterian	
260	New Liberty Baptist	Traveler's Rest; E s Hwy. 25, .3 m S of Hwy.414 X
261	New Pilgrim Church	Simpsonville; N s Bethany Rd. btw X of Lee Vaughn & Scuffletown Rds.
262	New Salem Church	off small rd. .1 m fm S s of 414 near Burrell Rd. X, 1 m W of Highland
263	New Shady Grove Church	Ware Place; off Hwy. 8; New Shady Grove Ch Rd.
264	Norris	
265	North Fork Baptist	Terry Creek; .8 m E of Cedar Mtn.; off Callahan Rd. at Poinsett Reservoir

Greenville County, South Carolina Cemeteries		
266	"North Greenville"	Lima; E s Hwy.969 at X with Hwy. 25
267	O'Neal Church of God	
268	"O'Neal Detention"	
269	Oak Grove Baptist	
270	Oak Hill Methodist	
271	"Oaklawn Road" (call Chas. Latimer)	.65 m. NW Fork Shoals Tower; .1 m. N of Oaklawn Rd., .35 m. W of Fork Shoals Rd. X
272	Old Tarrent	
273	Paris Mountain State Park	
274	Paris Mountain Holiness Baptist	
275	Paris-Townes	
276	Parkins	
277	Parnell-Couch	
278	Payne-Moon-Garrison	
279	Pennington	
280	Philip Evans Burying Ground	
281	Pickett	
282	Pierce (also known as Belue)	
283	"Pine Street"	
284	Pinedale Mem. Park	
285	Piney Grove Church	near N. Saluda Reservoir; on NC border 1.4 m E of Alec Mtn.; fm NC take S.R. 1100
286	Pisgah Methodist	Fork Shoals; N s McElvey Rd. .8 m E of Reedy River
287	Pleasant Grove Baptist	Greer; E s Hwy.14 .1 m S of Buncombe Rd. X

Greenville County, South Carolina Cemeteries		
288	Pleasant Grove Church	
289	Pleasant Hill Church	Skyland; .7 m W of Hugey Pond; S s Jordan Rd. at Crain Drive X
290	Pleasant Hill Baptist	
291	Pleasant View Church	S s Hwy.339, .2 m S of Valley Rd. X
292	Pool	
293	Poole	
294	"Poplar Drive"	
295	Poplar Spring Baptist	Simpsonville
296	Powell	
297	Princeton Baptist	
298	"Railroad"	
299	Raines family	
300	Rector	Greer; atop knoll, .2 m due E fm X of Hwy. 14 and River Rd.
301	Reedy Fork Baptist (GV)	GV; 1.6 m E of Moonville; N of Blakely Rd. X; 459 Reedy Fork Rd.
302	Reedy Fork Baptist (Simp)	Simpsonville; 4.2 m ESE Moonville; X Fork Shoals & Fairground Rd
303	Reedy River (Traveler's Rest)	Traveler's Rest; W s Hwy.25, .2 m S of Hwy.280 X
304	Reedy River Baptist	
305	Rehobeth Baptist	btw Pelzer/Piedmont; E s Old Pelzer Rd. at Rehobeth Rd. X; 1620 Old Pelzer Rd.
306	Resthaven Memorial Gardens	
307	Rice-Ragsdale	
308	Richardson	
309	Robinson	

Greenville County, South Carolina Cemeteries		
310	"Robinson View"	
311	Rock Hill Church	
312	Rock Hill Baptist	
313	Rock Springs Baptist	near Tryon, NC; 1.25 m W of Lake Lanier; S s Pink Campbell Rd. (off Dug Hill Rd)
314	Rocky Creek Baptist	
315	Rocky Creek Church (Simpsonville)	Simpsonville; S s Rocky Creek Rd. .3 m fm W Georgia Rd. X
316	"Rocky Mount Church"	Berea; X of Motor Boat Club Rd. and Hwy. 25
317	Roper Mountain Baptist	
318	Rose Hill Cemetery	downtown Piedmont; First Bap Ch Rd. off Lee St, which is off Main
319	Ross	
320	Rowland	41
321	"Royal Oaks"	
322	Rush	
323	Saint John's Church	Traveler's Rest; N s of Roe Ford Rd., .25 m E of White Horse Rd. X
324	Saint Luke Methodist	Traveler's Rest; X of Pine Log Ford Rd. and St. Luke Methodist Ch Rd.
325	Saint Mark's Church	Greer; Saint Mark's Rd near X with Locust Hill Rd.
326	Saint Mary's Catholic	
327	Saint Matthew's Baptist	Piedmont; St. Matthews Rd. off Old Pelzer Rd.; 860 Old Pelzer Rd.
328	Saint Paul's Church	btw O'Neal and Blue Ridge; E. s Hwy.101 at Stanford Rd. X

<b>Greenville County, South Carolina Cemeteries</b>		
329	Salem United Methodist	
330	Salmon	
331	"Saluda Dam"	
332	Saluda Hill Baptist	
333	Sandy Springs Baptist	Moonville; Sandy Springs Rd, Snow Rd X
334	Shady Oak Cemetery	
335	Shannon Green	
336	Sheffield	
337	Sheldon	
338	Shockley	
339	Shockley (Hunt's Bridge Road)	
340	Shockley	
341	Simpsonville	
342	"Skyland"	
343	Slater Church of God	Slater; E s of Woodland Rd.,
344	Smith, Riley	
345	Smith, Donaldson Center	Donaldson Center Industrial Park
346	Smith, Benjamin	
347	Smith Family	
348	Smith, Hamby Dr.	Hamby Dr.
349	South Saluda Church	Blythe Shoals; W s Marked Beech Rd. .6 m S of Moody Bridge Rd. X
350		Marietta; N s Southerlin Rd(off Hwy 276 )
351	Spillars Family	Mauldin; btw hole 10 and hole 11 on Hejaz Shriners Golf Course
352	Springfireld (Dicey Langston)	

Greenville County, South Carolina Cemeteries		
353	Springwood (City of Greenville)	downtown GV
354	"Stacked Rock"	
355	Standing Springs Church	Simpsonville; E s W Georgia Rd. at X of McCall Rd.
356	Stephenson Memorial Chapel	Taylors; X Aiken Chapel Rd, Riverside Dr
357	Stokes, Jeremiah	
358	Stokes, Hugh	
359	Stroud	Tigerville; 30 yards off S s of Goodwin Rd., at a point 40 yards W of Hwy. 25 X
360	Sudduth	
361	Talley's Farm	
362	Taylor	
363	Taylor's First Baptist	W Main St in Taylors at X of Taylors Rd.
364	Taylor-Gibson	
365	Taylor-McKinney	
366	Terry Creek Pentecostal Holiness Church	Terry Creek; E s Terry Creek Rd., .25 m N of Short Branch Rd. X
367	Thompson	
368	Thompson-Wynn	
369	Tigerville Baptist	Tigerville; N s Tiger Elementary School Rd.
370	Townes & Paris	
371	Townsen-Waddill	
372	Traveler's Rest Church of the Brethren	near Keeler Mill; end of Silvers Rd
373	Traveler's Rest 1st Baptist	Traveler's Rest; N s McElhaney Rd.

Greenville County, South Carolina Cemeteries		
374	Traveler's Rest Methodist	downtown Traveler's Rest; Ch St, off S Main St
375	Traynham #2	
376	Traynham #1	
377	Turner-Hill	
378	Tyger Baptist	Tigerville; N s Hwy.414, 1.2 m E of North GV College
379	Union Church	N s Union Ch Rd., (connects Standing Springs, Fork Shoals Rd)
380	Unity Baptist	Simpsonville; E s Fairview Rd. at Neely Ferry Rd X; 1000 Fairview Rd
381	Unkown on Hart Cut Rd. 2 graves	
382	Vaughn Cemetery	200 ft off the N s Roper Mountain Rd., .35 m W of Moore Rd. X
383	Walker, Pelham Rd.	
384	Walker, Roper Mt. Rd.	
385	Walker, Samuel	
386	Ware	
387	Washington Cemetery	Greer; E s of Hwy 14 at Bomer Rd. X
388	Washington Church	Ware Place; off Hwy. 8; Washington Ch Rd.
389	Watson, Old Easley Bridge Rd.	
390	Watson, Fisher Dr.	
391	Waycross Baptist	Piedmont; X W Georgia Rd., Waycross Ch Rd.
392	Welcome Baptist (older stones only)	GV
393	"Welcome Home"	

Greenville County, South Carolina Cemeteries		
394	Wesley Chapel United Methodist	Batesville; E s Batesville Rd. just past Rocky Creek when driving S
395	West	
396	Westfield-Rosamond	
397	Westmoreland	
398	"White Horse"	Traveler's Rest; E s White Horse Rd., .25 m S of Hodgins Drive X
399	White Oak Baptist (oldest stones)	GV; across St fm Bob Jones University; W of Hwy.29, 291 X
400	Williams	
401	Wilson	East View; W s Beech Springs Rd. .25 m S fm X with Hwy. 8 (Pelzer Hwy)
402	Wilson grave	
403	Wilson & Peace	
404	Wood Cemetery	about 50 yards off SE s of Dillard Rd., at a point .14 m fm McKinney Rd. X
405	Woodlawn	GV; X of Wade Hampton Blvd. & Pleasantburg Drive
406	Woodside	
407	"Woodville"	
408	Yeargin	
409	Yergin grave	
410	Young, Capt. Billy	
411	Young, Capt. John	
412	Zupon	Dacusville; near Hunts Lake; S s Faith Drive, 260 ft fm Old Bent Bridge Rd X

## GEORGIA CEMETERY RELOCATION ACT (effective 11 April 1991)

## § 36-72-1. Legislative findings and intent.

(a) The care accorded the remains of deceased persons reflects respect and regard for human dignity as well as cultural, spiritual, and religious values. The General Assembly declares that human remains and burial objects are not property to be owned by the person or entity which owns the land or water where the human remains and burial objects are interred or discovered, but human remains and burial objects are a part of the finite, irreplaceable, and nonrenewable cultural heritage of the people of Georgia which should be protected.

(b) It is the intent of the General Assembly that the provisions of this chapter be construed to require respectful treatment of human remains in accord with the equal and innate dignity of every human being and consistent with the identifiable ethnic, cultural, and religious affiliation of the deceased individual as indicated by the method of burial or other historical evidence or reliable information.

## § 36-72-2. Definitions.

As used in this chapter, the term:

(1) "Abandoned cemetery" means a cemetery which shows signs of neglect including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, or the disintegration of grave markers or boundaries and for which no

person can be found who is legally responsible and financially capable of the upkeep of such cemetery.

(2) "Archeologist" means any person who is:

(A) A member of or meets the criteria for membership in the Society of Professional Archaeologists and can demonstrate experience in the excavation and interpretation of human graves;  
or

(B) Employed on July 1, 1991, by the state or by any county or municipal governing authority as an archeologist.

(3) "Burial ground" means an area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

(4) "Burial object" means any item reasonably believed to have been intentionally placed with the human remains at the time of burial or interment or any memorial, tombstone, grave marker, or shrine which may have been added subsequent to interment. Such term also means any inscribed or uninscribed marker, coping, curbing, enclosure, fencing, pavement, shelter, wall, stoneware, pottery, or other grave object erected or deposited incident to or subsequent to interment.

(5) "Cemetery" or "cemeteries" means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth

interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

(6) "Descendant" means a person or group of persons related to a deceased human by blood or adoption in accordance with Title 19.

(7) "Genealogist" means a person who traces or studies the descent of persons or families and prepares a probative record of such descent.

(8) "Human remains" means the bodies of deceased human beings in any stage of decomposition, including cremated remains.

(9) "Preserve and protect" means to keep safe from destruction, peril, or other adversity and may include the placement of signs, markers, fencing, or other such appropriate features so as to identify the site as a cemetery or burial ground and may also include the cleaning, maintenance, and upkeep of the site so as to aid in its preservation and protection.

§ 36-72-3. Authority of counties and municipalities to preserve abandoned cemeteries.

Counties, anywhere within the county boundaries, and municipalities, anywhere within the municipal boundaries, are authorized, jointly and severally, to preserve and protect any abandoned cemetery or any burial ground which the county or municipality determines has been abandoned or is not being maintained by the person who is legally responsible for its upkeep, whether or not that person is financially capable of doing so, to expend public money in connection therewith, to provide for reimbursement of such funds by billing any legally responsible person or levying upon any of his

property as authorized by local ordinance, and to exercise the power of eminent domain to acquire any interest in land necessary for that purpose.

§ 36-72-4. Permit required for developing land on which cemetery located.

No known cemetery, burial ground, human remains, or burial object shall be knowingly disturbed by the owner or occupier of the land on which the cemetery or burial ground is located for the purposes of developing or changing the use of any part of such land unless a permit is first obtained from the governing authority of the municipal corporation or county wherein the cemetery or burial ground is located, which shall have authority to permit such activity except as provided in Code Section 36-72-14.

§ 36-72-5. Application for permit.

Application for a permit shall include, at a minimum, the following information:

- (1) Evidence of ownership of the land on which the cemetery or burial ground is located in the form of a legal opinion based upon a title search;
- (2) A report prepared by an archeologist stating the number of graves believed to be present and their locations as can be determined from the use of minimally invasive investigation techniques, including remote sensing methods and the use of metal probes, which activities shall not require a permit;
- (3) A survey prepared by or under the direction of a registered surveyor showing the location and boundaries of the cemetery or

burial ground based on an archeologist's report;

(4) A plan prepared by a genealogist for identifying and notifying the descendants of those buried or believed to be buried in such cemetery. If those buried or believed to be buried are of aboriginal or American Indian descent, the genealogist, in preparing the notification plan, shall consult with the Council on American Indian Concerns created pursuant to Code Section 44-12-280 and shall include in the notification plan not only any known descendants of those presumed buried but also any American Indian tribes as defined in paragraph (2) of Code Section 44-12-260 that are culturally affiliated; and

(5) A proposal for mitigation or avoidance of the effects of the planned activity on the cemetery or burial ground. If the proposal includes relocation of any human remains or burial objects, the proposal shall specify the method of disinterment, the location and method of disposition of the remains, the approximate cost of the process, and the approximate number of graves affected.

§ 36-72-6. Identification and notification of descendants of person in cemetery sought to be developed.

The applicant shall implement its plan for identifying and locating descendants no later than the date the application is submitted to the governing authority. The governing authority shall review the applicant's plan for identifying and notifying the descendants of the deceased persons and may require as a condition for issuing a permit that the applicant implement additional reasonable attempts to identify and locate descendants. Notice to possible descendants

shall include information on how to contact the governing authority and a summary of the rights of descendants under this chapter. The governing authority shall promptly inform any descendant who indicates an interest in the disposition of the human remains and burial objects regarding any proposals for mitigation, the terms of any permit issued, the time and place of any scheduled public hearings, and appeal procedures and events.

§ 36-72-7. Public hearing on development of abandoned cemetery; time for decision on application for permit.

(a) Within 15 days after it is satisfied that all reasonable effort has been made to notify descendants, as provided in Code Section 36-72-6, and following receipt of the recommendations of a board or commission created pursuant to Code Section 36-72-9, the governing authority shall schedule a public hearing at which any interested party or citizen may appear and be given an opportunity to be heard. In addition to the notice required in Code Section 36-72-6, notice of the public hearing shall be advertised in the legal organ of the jurisdiction once a week for the two consecutive weeks immediately preceding the week in which any such hearing is held.

(b) Within 30 days after the conclusion of the public hearing, the governing authority shall notify the applicant in writing of its decision. The governing authority shall have the authority to deny the application with written reasons therefor, to issue a permit adopting the application in whole or in part, or to issue a permit which may include additional requirements to mitigate the proposed activity's adverse effects on the cemetery or burial ground, including but not limited to relocation of the proposed project, reservation of the cemetery or burial ground as an undeveloped area

within the proposed development or use of land, and respectful disinterment and proper disposition of the human remains. The governing authority may adopt the applicant's proposal for mitigation.

§ 36-72-8. Issues considered in decision on application for permit.

The governing authority shall consider the following in making its determination:

- (1) The presumption in favor of leaving the cemetery or burial ground undisturbed;
- (2) The concerns and comments of any descendants of those buried in the burial ground or cemetery and any other interested parties;
- (3) The economic and other costs of mitigation;
- (4) The adequacy of the applicant's plans for disinterment and proper disposition of any human remains or burial objects;
- (5) The balancing of the applicant's interest in disinterment with the public's and any descendant's interest in the value of the undisturbed cultural and natural environment; and
- (6) Any other compelling factors which the governing authority deems relevant.

§ 36-72-9. Establishment of board or commission to review applications in counties exceeding certain population size.

The governing authority of any county whose population is in excess of 290,000 as established by the United States decennial census of 1980 or any such future census shall be authorized to establish or empower a new or existing commission or board to hear and review any application filed pursuant to Code Section 36-72-5. The board or commission shall conduct a public hearing within 60 days of the filing of an application and shall make a written recommendation to the governing authority no later than 15 days following the public hearing with respect to the sufficiency of the notice to descendants, the plan for mitigation, the disturbance and adverse effects on the cemetery or burial ground, the survey of the cemetery, and plans for disinterment and reinterment.

§ 36-72-10. Application fee.

The governing authority shall be authorized to impose an application fee which shall reflect the cost to the governing authority for processing and reviewing the application including, but not limited to, the cost of hiring an attorney, independent archeologist, and independent surveyor to assist in making recommendations regarding the applicant's plan. Such fee, if imposed, shall not exceed \$2,500.00.

§ 36-72-11. Appeal of decision on application for permit.

Should any applicant or descendant be dissatisfied with a decision of the governing authority, he or she, within 30 days of such decision, may file an appeal in the superior court of the county in which the cemetery or burial ground is located in addition to the superior courts enumerated in Code Section 50-13-19.

§ 36-72-12. Development activities pending appeal.

Until the expiration of the time for appeal as set forth in Code Section 36-72-11, the applicant shall not begin or resume activities which comply with the permit issued by the governing authority. If an appeal is filed, the applicant may begin or resume activities which comply with the permit only upon consent of the governing authority and the party seeking judicial review or upon order of the reviewing court for good cause shown.

§ 36-72-13. Inspection to ensure applicant's compliance.

The governing authority or local law enforcement agency shall inspect as necessary to determine whether the applicant has complied with the provisions of this chapter requiring cessation or limitation of activity and with the terms of the permit as issued by the governing authority or as modified by the superior court or reviewing court.

§ 36-72-14. Jurisdiction of superior court; expending private or public funds to mitigate harm to cemetery.

(a) Notwithstanding any provisions of this chapter to the contrary, when any agency, authority, or political subdivision of the state seeks to file an application for a permit under this chapter, the superior court having jurisdiction over the real property wherein the cemetery or burial ground is located shall have exclusive jurisdiction over the permit application. The superior court shall conduct its investigation and determination of the permit in accordance with Code Sections 36-72-6 through 36-72-8.

(b) When activities of an agency, authority, or political subdivision of the state adversely affect an abandoned cemetery or a burial ground, such agency, authority, or political subdivision shall bear the cost of mitigating the harm to the abandoned cemetery or burial ground or reintering the human remains as a part of the cost of the project and is authorized to expend public funds for such purpose. When activities of a private person, corporation, or other private entity adversely affect an abandoned cemetery or a burial ground, such person, corporation, or other entity shall bear the cost of mitigating the harm to the cemetery or burial ground or reintering the human remains. The cost of mitigating the harm to an abandoned cemetery or to a burial ground or reintering the human remains exposed through vandalism by an unidentified vandal or through erosion may be borne by the governing authority in whose jurisdiction the abandoned cemetery or burial ground is located.

§ 36-72-15. Disinterment and disposition of human remains or burial objects.

Any disinterment and disposition of human remains or burial objects permitted under this chapter shall be supervised, monitored, or carried out by the applicant's archeologist and shall be done at the expense of the person or entity to whom the permit is issued.

§ 36-72-16. Penalties.

Any person who knowingly fails to comply with the provisions of this chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction, shall pay a fine of not more than \$5,000.00 for each grave site disturbed; provided, however, that any person who knowingly violates the provisions of Code Section 36-72-4

shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction, shall be incarcerated for not more than six months and shall pay a fine not less than \$5,000.00 for each grave site disturbed.

## TECHNICAL GRAVESTONE CONSERVATION

### Scientific Gravestone Analysis

Graveyard preservationists will, from time to time as finances permit, need to employ the services of masonry conservators to repair gravestones. It is useful for preservationists to be acquainted on a general level with the current state of masonry conservation in order to relate intelligently with the conservators they hire.

Professional gravestone conservators begin the conservation process with scientific analysis of the stone, for it is necessary to diagnose the condition and causes of damage before the correct treatment can be applied. It is useful to think of masonry deterioration in terms of categories. Four major and well-studied causes of micro-scale stone deterioration are salt weathering, the freeze-thaw cycle, the action of bio-organisms, and sulfation (acidic solutions). Moisture is known to be instrumental in all four degradation processes, but the processes are quite complex and can lead to the production of ancillary minerals which themselves may decompose and produce further difficulties. The current state of knowledge varies among the four identified processes, but all are incompletely understood. Of these four processes, the two most complex (and most in need of further research) are probably salt-weathering and sulfation, even though the latter of these has recently received a good deal of attention due to acid rain. In regards to salt weathering, further detailed research is needed on mechanisms of crystallization and hydration. Hydration has proven a key element in the process of sulfation; in fact, solvent compounds like those found in acid rain have been shown to react only in the presence of moisture. Particulars of the freeze-thaw process which are inconclusively understood include the influence of porosity and pore size, mechanical properties of the stone, the degree of water saturation and the location of the moisture, the chemical composition of pore solutions, and the cooling rate on freeze-thaw processes. Bio-organisms, the fourth degrading property mentioned here, affix themselves to the stone surface within an organic matrix, or film. The biotic film serves to protect the stone-colonizing organisms from excess solar radiation, temperature fluctuation, dehydration, pollutant stress, and the film enhances osmosis. Some progress has been made in determining indicators of biofilm activity in lab conditions, but a reliable field application of this diagnostic tool is not available.

A primary thrust of the research into all four categories of stone degradation is the achievement of a diagnostic system of specific indicators. Such indicators would allow conservators to determine the cause of degradation on a particular stone surface, but the process of devising the indicators is complicated by the sometimes complex, simultaneous interaction of numerous destructive processes. Many field-monitoring programs have been undertaken on a range of stone types under different environmental conditions to derive an understanding of how degradation processes vary within differing environmental conditions. One significant problem in constructing indicators and analyzing interactive degradation processes is accounting for differences between laboratory conditions and real-world conditions. In addition, few thorough studies have been done to address the interaction of separate degradation processes, and such research is needed. Simultaneous degradation processes on stone may associate in a synergistic or antagonistic way, or they may develop independently. One dramatic example of synergistic stone degradation processes was illustrated by an experiment involving bio-organisms on two identical pieces of sandstone. A biocide was applied to one of the pieces in this experiment, and the other was left undefended. The treated sandstone held up well over the course of two years' observation, whereas the untreated stone developed a biofilm that contributed to the accretion of pollutants, and its surface was blackened during this time.

It is essential to document the type of stone when undertaking degradation analysis. The three basic stone categories of igneous, sedimentary, and metamorphic provide a useful starting place, but other more specific property distinctions are necessary. Porosity, composition, and fabric are three characteristics that have been identified as important to degradation analysis. Porosity concerns surface area, pore-size distribution, total pore space, and the chemical reactivity of pore walls. Composition concerns mineral phases and geochemistry, while stone fabric involves geological fabric, cement types, grain size, and larger-scale features like bedding and jointing. Currently, the relative importance of these three elements is inadequately understood for conservators to make formulaic judgements. In regards to biofilm degradation, other highly influential but insufficiently understood stone properties are: surface roughness, hydrophobic and hydrophilic surface properties, inner surface area, capillary water uptake and water absorption isotherms, amounts of clay minerals, feldspars, and stone fragments, and presence of acid-buffering carbonate compounds (Baer 1997).

Several highly technical testing methods exist for the nondestructive diagnosis of material (and structural) integrity of stone buildings and monuments but they are expensive and require great skill for execution and interpretation. The best analytical results can usually be achieved through the complementary application of two or more test methods. It is important to note that different portions of a stone monument may produce widely differing test results. Ground probing radar (GPR) can give information concerning the location of ties, voids, layers, and cracks and is important for its ability to detect discreet items within a mass of rocks or rubble (Baer 1997, 152). A similar procedure involves the transmission of an electromagnetic wave to measure moisture levels deep within stone, based on the stone's absorption of the wave (Baer 1997, 154). Another experimental way to measure stone moisture consists of removing and drying a stone specimen while monitoring its electric resistance (Baer 1997, 155).

There are other sophisticated gravestone analyses that do not involve moisture measurement. For instance, gravestones may develop interior voids over time, and a conservator may choose to fill these voids by injecting a stabilizing substance. Following such an injection, it is possible to assess the results by measuring for an increased velocity of ultrasonic wave pulses projected into the stone, since an increase in ultrasonic wave velocity belies improved mechanical properties (Baer 1997, 156). Another way to detect voids within a gravestone is through the transmission of high-energy radiation, and again, the resulting information stems from the stone's absorption rate of the waves. Of course, the exercise of this radiographic technique demands attentive and expensive safety precautions (Baer 1997, 158). Infrared thermography involves the use of highly sensitive thermal monitoring devices to do such things as determine the location of metal ties--which increase the heat flow along a stone surface (Baer 1997, 159).

Often conservators will employ a water permeability test to a stone or masonry surface in order to assess the performance of repair work. One way to do this is through the use of a Karsten tube. Shaped like a tobacco pipe, the bowl of the tube is sealed against the wall with the pipe stem pointed vertically. Water is introduced through the pipe stem opening and its level is measured (Baer 1997, 160).

#### Scientific Gravestone Cleaning and Repair

Conservators are not hired simply to analyze gravestones, but to improve their condition. The scientific analysis techniques previously reviewed are only useful because they facilitate subsequent cleaning or repair efforts by the conservator. Often stone monuments are not materially endangered but their surfaces are simply dirty and aesthetically displeasing. From the standpoint of preservation, gravestones should not be cleaned at all unless doing so is necessary for the maintenance of material integrity. The reasons why cleaning may be materially justified are: to open pores and reestablish water vapor transport, to remove substances like (and especially) salts, or to prepare the surface for absorption of subsequent conservation agents (Baer 1997, 233). These three reasons occur frequently, so proper stone cleaning techniques are essential to stone conservation. There are about seven common cleaning approaches; some should simply never be used on historic stone or masonry at all, the others must be selected for use in accordance with circumstances. These seven approaches are cold water, pressurized water, steam jet, particle jet, micro-particle jet, and laser. All water-cleaning methods are damaging to loose scales and flaked surfaces, and they are also dangerous insofar as they can penetrate into the stone (Baer 1997, 233). Cold water sprayed on without pressure can be effective when the contaminant contains lots of gypsum, which is highly susceptible to water, but otherwise pressurized cold water does not substantively improve the cleaning process (Baer 1997, 233). For most early stones, water pressure should not exceed ninety pounds

per square inch, which is less pressure than what is produced by a strong garden hose nozzle (Strangstad 1988, 59).

While particle-jet cleaning methods do not introduce the immediate risk of moisture, they can be equally dangerous to stone if done poorly. Conventional sand blasting is horrible for a stone surface, but the modern version of this concept is, for one thing, five times less pressurized and may



Gravestone before and after pressurized water cleaning

yield acceptable results. Furthermore, whereas conventional sand blasting uses large, coarse and split quartz particles; the particles used in the modern, responsible version of this technique are much smaller and include quartz, natural sand, corundum, limestone powder, fine glass beads, crushed furnace slag, plastic granulates, and baking soda. As a general rule, soft particles polish the surface, which renders it less permeable to water but may not be aesthetically appropriate in certain circumstances. Sharp particles are more effective in removing dirt and other foreign substances, but care must be taken not to inadvertently roughen the substrate surface. Laser beam cleaning is effective on light-colored stone, where it is self-regulating-- once the beam energy is reflected it stops the laser device. Unfortunately the costs associated with this treatment are extremely high (Baer 1997, 233).

When determining whether a gravestone is adequately cleaned, methods may be used by professional conservators other than simply observation with the unaided eye. In addition to establishing the difference in color before and after cleaning, the use of these methods provides a quantitative basis for future assessments of the surface appearance. Thorough conservators may therefore employ laboratory color-constants to establish the stone color, by magnifying glass or microscope. Conservators may also evaluate cleaning success by observation of gravestone properties other than appearance, such as water transport capability (Baer 1997, 234).

In addition to cleaning, another common stone treatment is consolidation, which compensates for the loss of cohesion due to weathering processes by reinforcing the links between grains. As might be expected, this loss of cohesion is usually at its greatest on the stone surface, and is decreasingly pervasive from surface to center. "Consolidation" is different from "strengthening," which implies the use of altogether different injections in order to increase a stone's load-bearing capacity. (Strengthening is seldom necessary in gravestone repair). Stone consolidation is a micro-scale treatment used to stabilize grains and prevent the loosening of fractured segments. It is important for stone consolidants to have a plastic behavior, and it is also important that no abrupt changes in the stone's strength take place (Baer 1997, 235).

The destructive possibilities of moisture on stone having been well established and long understood (Baer 1997, 182), as has the desire to chemically prevent the absorption of water into stone. Progress has been made in the science of water repellants, but it

remains that there are negative, as well as positive, effects of treating stone for the prevention of water absorption. "Hydrophobation," as the procedure is technically called, should only be used to counteract direct rainfall, and it should not be applied if the stone structure is also wetted from behind by such conditions as rising damp. In addition, hydrophobation should only be applied to the entire surface as opposed to individual features. The treatment is not appropriate in all circumstances but must be governed by both the above-mentioned considerations and the scientific properties of the treatment substance, as determined by a professional conservator (Baer 1997, 240).

It should be noted that the presence of moisture itself does not damage stone, but rather it is certain chemical reactions that may take place as a consequence to the presence of moisture on stone. Hydrophobic treatment is therefore administered to do the following: reduce biofilm growth and the amount of particulates, avoid migration of soluble salts, diminish moisture-swelling, and eliminate the wet absorption of reactive gases like sulfur and nitrous oxides. During the last thirty years, the hydrophobic treatment substance of choice has been alkyl silanes, siloxanes, or polymeric silicone resins, all of which result in a stone-pore blocking silicone resin (Baer 1997, 182). This substance is safer for stone than treatments used before 1970, but recent German research has unequivocally demonstrated that silicone resins dramatically lose their effectiveness over time. However, this drop in efficiency seems highly related to the degree of skill used in the substance application (Baer 1997, 184). Re-application of silicone resin-inducing treatments is effective but appears to create a more rigid surface zone, which is undesirable (Baer 1997, 185). As silicone resin wears off, which it usually does within twenty years, it does so fastest at the stone surface, leaving a comparatively impregnable zone within the stone (Baer 1997, 185). This condition is especially dangerous in that a sharp separation of wet and dry zones within a stone can actually enhance biological accretion and frost damage (Baer 1997, 188). There are other drawbacks of modern hydrophobic treatments, and because of these drawbacks, preservationists should be wary of using this kind of treatment as currently available.