

# PRESERVING HISTORIC CEMETERIES

## TEXAS PRESERVATION GUIDELINES

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Cemeteries are among the most valuable of historic resources. They are reminders of various settlement patterns, such as villages, rural communities, urban centers and ghost towns. Cemeteries can reveal information about historic events, religion, lifestyles and genealogy.

Names on grave markers serve as a directory of early residents and reflect the ethnic diversity and unique population of an area. Grave marker designs and cemetery decoration and landscaping represent a variety of cultural influences that helped shape the history of Texas.

Established in large part for the benefit of the living, cemeteries perpetuate the memories of the deceased, who bequeathed to their communities the amenities that give a place character and definition. In communities that have a strong sense of history, people are more likely to protect and maintain cemeteries.



TEXAS  
HISTORICAL  
COMMISSION

*The State Agency for Historic Preservation*



*Angels are among the most common images found in cemeteries.*

*Cover:*

*The grave site of Texas hero Stephen F. Austin can be found at the State Cemetery in Austin.*

Unfortunately, historic cemeteries do not necessarily remain permanent reminders of our heritage. They are subject to long-term deterioration from natural forces such as weathering and uncontrolled vegetation. Neglect accelerates and compounds the process. Development activities and construction projects are also a threat to these precious resources. Vandalism and theft continue to plague both rural and urban burying grounds across the nation.

With this booklet, the Texas Historical Commission (THC) presents steps to aid in the preservation of the state's historic cemeteries. None of these steps, however, will be successful without the involvement of individuals who have an interest in local culture and history and a commitment to saving the physical remnants of Texas' heritage that are present in our communities.

# CEMETERY LAWS

Neither the Texas Historical Commission (THC) nor any other state agency enforces cemetery laws. This responsibility belongs to county and municipal law enforcement officials. If a cemetery is being vandalized or destroyed, contact your county sheriff or local police department. Enlist the support of other individuals or groups, including the county commissioners court, local media, county historical commission, local preservation societies or family members of individuals interred in the cemetery.

Following are some of the state and local laws or court decisions regarding cemeteries. They provide an overview of the legal steps that have been successful in preserving some of the state's burial grounds. This information does not take the place of legal counsel. Consult the county or city attorney or other legal counsel for more information about laws related to cemeteries in Texas. Most of the Texas laws regarding cemeteries are in Chapters 694-715 of the Health and Safety Code.

## Perpetual Care

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Chapter 712 of the Health and Safety Code covers the operation of perpetual care cemeteries, which the Banking Department of Texas regulates.

## Ownership

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Section 711.021 of the Health and Safety Code allows nonprofit corporations to establish, manage, maintain, improve or operate a private cemetery.

Property dedicated to cemetery purposes and used as a burial ground may not be sold in such a manner as to interfere with its use as a cemetery. *State v. Forest Lawn Lot Owners Assn.*, 254 S.W.2d 87 (Tex. 1953). However, such property may be conveyed in fee simple as long as it is still

used as a cemetery and the grantee continues to maintain the cemetery for the benefit of the public. *Barker v. Hazel-Fain Oil Co.*, 219 S.W. 874 (Tex. Civ. App. – Fort Worth 1920, writ ref'd).

A living person who has relatives buried in a graveyard does not, by that fact, own the land or plots in which they are buried. That person can, however, visit, ornament and protect the graves from desecration even if he or she must cross private property to do so. *Gibson v. Berry Cemetery Assn.*, 250 S.W.2d 600 (Tex. Civ. App. – Dallas 1952, no writ).

## Dedication

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Section 711.035(f) of the Health and Safety Code states that once property is dedicated for cemetery use, it cannot be used for any other purpose unless the dedication is removed by a district court or the cemetery is enjoined or abated as a nuisance.

Section 711.010(a)(b) amends Chapter 711 by stating that improvements to property that would disturb an unknown or abandoned cemetery may not be carried out until the remains are removed under a written order issued by the State Registrar or their designee under Section 711.004(f). The property owner may petition the district court where an unknown or abandoned cemetery is located to remove the dedication for cemetery purposes and the court shall then order the removal of the human remains from the cemetery to a perpetual care cemetery.

Section 711.011(a)(b) further amends Chapter 711 by stating that a person who discovers an unknown or abandoned cemetery shall file notice of the cemetery with the county clerk of the county in which it is located, documenting the land on which it is found by way of description as well as an approximate location of the cemetery and the evidence of the cemetery that was discovered. There are no fees associated with this filing.

Texas courts have said that no special ceremony or record is required to dedicate a cemetery; actual use as a cemetery is sufficient for dedication. *Damon v. State*, 52 S.W.2d 368 (Tex. 1932). Enclosure of land for use as a cemetery and evidence of burial are among the criteria for dedication. *Smallwood v. Midfield Oil Co.*, 89 S.W.2d 1086 (Tex. Civ. App. – Texarkana 1935, writ dismissed).

*Vandalism appears to be on the increase in cemeteries across the state. The three individuals who vandalized this Hays County cemetery were apprehended and brought to trial. All individuals were indicted and received judicial punishment. The gravestones were reinstalled, but some of them suffered permanent damage.*



## Abandonment

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The fact that the remains of the dead buried in a cemetery have not been removed and that tombstones mark the places of burial is sufficient to show that the cemetery has not been abandoned. *Michels v. Crouch*, 122 S.W.2d 211 (Tex. Civ. App. – Eastland 1938, no writ). In *Markgraf v. Salem Cemetery Assn.*, 540 S.W.2d 524 (Tex. Civ. App. – San Antonio 1976, no writ), the court decided that land outside a cemetery fence was not abandoned because several graves were still evident.

## Petition for Guardianship of a Historic Cemetery

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Chapter 715 of the Health and Safety Code states that a nonprofit corporation may be organized to restore, operate and maintain a historic cemetery by following a procedure set forth in these laws.

This chapter offers an excellent way for private citizens to restore a historic cemetery and gain legal custody over it to ensure its continued preservation. The procedure requires a court to approve the establishment of a conservatorship over the cemetery, so it may require the services of an attorney. If you need additional information about the procedure, the THC can provide assistance.

## Local Cemetery Laws

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Sections 694.003 and 713.001 of the Health and Safety Code provide that Type A general law municipalities may regulate burial of the dead and may purchase, establish and regulate a cemetery. The municipal government may enclose, regulate and improve cemeteries belonging to the city.

Section 713.002 of the Health and Safety Code generally provides that any city or town that owns or has control of any cemetery has the power to maintain the cemetery.

Section 713.009 of the Health and Safety Code states that a city with a cemetery within its boundaries or jurisdiction may take possession and control of the cemetery on behalf of the public health, safety, comfort and welfare. Perpetual care cemeteries and private family cemeteries are exempt from this section.

Section 713.021 of the Health and Safety Code states that a (county) commissioners court by resolution may establish a perpetual trust fund to provide maintenance for a neglected or unkept public or private cemetery in the county. The commissioners court shall appoint the county judge as trustee for the fund.

Section 713.028 of the Health and Safety Code states that a commissioners court may use public funds, county employees and county equipment for the maintenance of certain cemeteries for purposes of historic preservation (cemeteries with graves more than 50 years old) and protection of the public health, safety and welfare.

## Access

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Section 711.041 of the Health and Safety Code states that any person who wishes to visit a cemetery that has no public ingress or egress shall have the rights for visitation during reasonable hours and for purposes associated with cemetery visits. The owner of the lands surrounding the cemetery may designate the routes for reasonable access.

The validity of section 711.041 has been called into question. The owner of a cemetery challenged the right of access under sec. 711.041 as a taking of his property. In *Meek v. Smith*, 7 S.W. 3d 297 (Tex.Ct.App.—Beaumont 1999, no pet.), the court held that Section 711.041 constitutes an unconstitutional taking of property without just compensation as applied to the owners of property near a cemetery. However, the general applicability of this decision is in doubt. The court held the law unconstitutional only as applied to the facts of **this** case. Further, the state was not a party to the case, as it usually is when the constitutionality of a state law is challenged. Other issues, such as a right of access through a prescriptive easement or easement by adverse possession were not considered in the appeal.

## Criminal Mischief

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Section 28.03(f) of the Texas Penal Code provides that an offense involving damage or destruction inflicted on a human burial site is a state jail felony.

## Desecration

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Section 42.08 of the Texas Penal Code states that a person who intentionally or knowingly disinters or disturbs a human corpse has committed a Class A misdemeanor.

Section 711.0311 of the Health and Safety Code states that a person who destroys, damages or removes remains of a decedent or obliterates, vandalizes, or desecrates a plot or repository of remains has committed a felony of the third degree. It further states that a person who commits any of the following acts has committed a Class C misdemeanor: defaces, vandalizes, injures, or removes a gravestone, monument, or other structure commemorating a deceased person or group of persons, whether located within or outside of a cemetery; obliterates, vandalizes, or desecrates a park or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons; obliterates, vandalizes, or desecrates plants, trees, shrubs, or flowers located on or around a cemetery; obliterates, vandalizes, or desecrates a fence, rail, curb, or other structure of a similar nature intended for the protection or for the ornamentation of any plot, gravestone, monument, or other structure of similar character. The person found guilty of committing such an offense shall provide restitution to the cemetery organization for the amount of any damage caused by the person.

## **Graffiti**

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Section 28.03 (a)(3) & (f) and Section 28.08 (a) & (d) of the Texas State Penal Code provide that an offense involving graffiti on a “place of human burial” is a state jail felony.

## **Theft**

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Section 31.03(e)(4)(b) of the Texas Penal Code provides that an offense under this section is a state jail felony if, regardless of value, the property is stolen from the person of another or from a human corpse or grave.

In addition to state or local laws, other methods to protect historic cemeteries exist. Under certain circumstances, federal authorities can become

involved in matters pertaining to the relocation or destruction of burial grounds.

## **STATE ANTIQUITIES CODE INVOLVEMENT**

If a historic cemetery is publicly owned by a state agency or political subdivision of the state (counties, cities, utility districts, etc.), the burials are protected as archeological sites under the Antiquities Code of Texas (Title 9, Chapter 191 of the Texas Natural Resources Code of 1977, revised Sept. 1, 1997). To some degree, the headstones associated with interments may also be protected, either as part of the archeological deposits or as separate architectural features associated with the site as a whole. According to the Antiquities Code, no such deposits may be “removed, altered, damaged, destroyed, salvaged, or excavated without a contract with or permit” from the Texas Historical Commission (THC), the state agency that administers the Antiquities Code (Section 191.093).

State agencies and political subdivisions of the state must notify the commission before a publicly owned cemetery that is 50 years old or older can be altered beyond on-going maintenance and daily cemetery activities. The THC has developed a policy that addresses both historical and archeological concerns related to the preservation and exhumation of historic graves.

The THC policy on historic graves and cemeteries calls for recordation, protection and preservation whenever possible. Survey-level investigations of these historic resources should include the collection of historical archival data and archeological data that assist in documenting the location and history of the grave(s) or cemetery (including the relative age and date range for the use of the location), names of individual(s) buried at the site, location(s) of burial(s), and the historically platted boundaries and the actual boundaries of the cemetery or grave(s).

*Homemade headstones are fashioned from various materials, including cast stone (concrete), metal and wood. This marker is located in northwest Texas.*

## **Policy on Historic Grave Exhumation**

When a cemetery or graves cannot be preserved in place, the data collection associated with the exhumation of graves that falls under the Texas Historical Commission's (THC) jurisdiction will be based on the following policy:

■ Cemeteries or graves that are 50 years or older are considered to be historic.

■ Unmarked graves are considered to be historic unless proven otherwise through historical research.

■ If unmarked historic graves are between (or potentially between) the ages of 50 and 100 years old, and no historical archival data can be found that identifies the individuals contained within the grave locations, the exhumations must be performed with the assistance of a physical anthropologist or forensic pathologist who is capable of gathering basic demographic data (i.e., sex, age, height, possible cause of death, etc.) from the human remains being exhumed.

■ Historic graves more than 100 years old must be exhumed by a professional archeologist with the assistance of a physical anthropologist, or forensic pathologist who is capable of gathering basic demographic data from the human remains being exhumed. Additionally, casket morphology, casket hardware and any grave goods (i.e. grave offerings, clothing items, personal objects) must be examined and identified in a report. Note: This policy applies to both marked and unmarked graves unless otherwise indicated by the THC's Archeology Division.



■ Unless otherwise specified, all physical anthropological investigations of human remains that fall under the THC's jurisdiction will use non-invasive techniques. If invasive techniques are proposed, the wishes of living descendants shall be solicited and their wishes shall be honored.

■ Grave goods will be reburied with the human remains after they have been documented.

■ All exhumations of graves shall comply with any other laws that pertain to the exhumation of human remains.

■ Decisions regarding the appropriateness of the reburial of human remains will be made in consultation with the Texas Historical Commission (THC), but the THC has no formal role in decisions about the methods or ceremonies associated with reburials.

Cemeteries on public land can also be officially designated as State Archeological Landmarks. For designation information, contact the Texas Historical Commission, P.O. Box 12276, Austin, TX 78711, 512/463-6096.

## FEDERAL 106 INVOLVEMENT

Several federal laws protect cultural resources in the United States; however, the National Historic Preservation Act of 1966, as amended, is the statutory tool for protecting cultural resources. The Act promotes a national policy to preserve historic properties, significant historic and prehistoric sites, buildings and objects that are either eligible for or listed in the National Register of Historic Places. Section 106 of the National Historic Preservation Act requires federal agencies that fund, license, permit or approve construction or similar projects to consider the effects

of the undertakings on historic properties. Section 101(b)(3) of the Act states that one of the responsibilities of the State Historic Preservation Officer (in Texas, the officer is the executive director of the THC) is to advise and assist federal agencies in carrying out their historic preservation responsibilities and to ensure that all are taken into consideration at each level of planning and development. Cemeteries are one kind of cultural resource that must be considered by federal agencies during such an undertaking. The 1980 and 1992 amendments to the Act further reinforce cemetery protection measures by requiring federal agencies to develop preservation programs for identifying and protecting historic properties, and by expanding and maintaining the National Register of Historic Places in a way that considers the preservation of their historical, archeological, architectural and cultural value.

The State Historic Preservation Office (SHPO) at the THC includes four divisions that review and monitor federal projects and consult with individuals and agencies as needed: the Archeology Division, the Architecture Division, the Community Heritage Development Division

*Hispanic influence is evident in this Presidio County Cemetery.*



## CLEANING STONE

Before cleaning any stone, carefully check its condition. If the surface readily falls away, or you notice other conditions that indicate the stone is brittle or vulnerable, do not clean it. Cleaning may irreparably damage the surface.

### The Cleaning Process

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1. Use a non-ionic soap. One of the most readily available soaps is Orvus®, commonly used in association with horse and sheep husbandry. It can be found in feed stores. Mix a solution of one heaping tablespoon of Orvus® to one gallon of clean water (it comes in either liquid or paste form).
2. Pre-wet the stone thoroughly with clean water and keep the stone wet during the entire washing process.
3. Thoroughly wash the *wet* stone using *natural bristled, wooden handled brushes* of various sizes. The use of plastic handles is not recommended, as color from the handles may leave material on the stone that will be very difficult to remove.
4. Be *thorough*. Wash all surfaces and rinse thoroughly with lots of clean water.
5. When cleaning marble or limestone, one tablespoon of household ammonia can be added to the above mixture to help remove some greases and oils. Do not use ammonia on or near any bronze or other metal elements.
6. Lichens and algae can be removed by first thoroughly soaking the stone and then using a wooden scraper to gently remove the biological growth. This process may need to be repeated several times.
7. Not all stains can be removed. Do not expect the stones to appear new after cleaning.
8. Do not clean marble, limestone or sandstone more than once every 18 months. Every cleaning removes some of the face of the stone. However, occasionally rinsing with clean water to remove bird droppings and other accretions is acceptable.
9. Keep a simple treatment record of the cleaning, including date of cleaning, materials used and any change in condition since last cleaning (such as missing parts, graffiti and other damage). These records should be kept at a central location where the condition of the stones can be monitored over time.

*Developed from data supplied by John R. Dennis, Dallas Museum of Art Conservation Lab.*



*Family member cleans a stone at Oakwood Cemetery in Austin.*

and the History Programs Division. They evaluate all sites, including cemeteries, for their eligibility for inclusion in the National Register of Historic Places.

These preservation laws can affect cemeteries if they are within the boundaries of a federal project area, if they have been determined to be eligible for inclusion in the National Register and if they are to be affected by the development project in some manner. Sometimes cemeteries in a project area must be moved. The move is made according to policies developed by the federal agency in consultation with the SHPO and any interested parties.

The agency involved is usually requested to have professional archeologists make a map of the cemetery and document the gravestones and any other features (depressions, fencing and plantings) associated with the cemetery. Archeologists and physical anthropologists may be present to identify and study human remains and grave artifacts during manual excavation of the interment. Often information is recorded from the gravestones to provide historical documentation, such as the length of occupancy of a land tract or ethnic affiliations in the community. This documentation can assist archeologists and historians in interpreting other historic properties within a federal project area.

For questions involving possible federal involvement in projects that will affect historic cemeteries, contact the History Programs Division and the Archeology Division of the Texas Historical Commission (THC).

## PROTECTION FOR HISTORIC CEMETERIES

Communities can begin to protect historic cemeteries by documenting their locations. Enlist the support of county historical commissions, genealogical societies, Junior Historian chapters, scout troops or area historical societies. The U.S. Geological Survey publishes topographical maps that identify sites such as cemeteries. County maps, available from the Texas Department of Transportation, also identify the locations of known cemeteries. These resources are available at various sites, including the following:

<http://mapping.usgs.gov/>

<http://topozone.com/>

<http://txdot.lib.utexas.edu/>

Do not overlook older maps found in libraries and archives – often information is changed or not transferred when maps are updated. Some cemeteries are small and unmarked. These are

*Theft of cemetery urns and other ornamental items is an increasing problem.*



often difficult to locate. Talk to the older people in the community for their recollections of burial grounds. These oral histories often are an invaluable aid to locating small family plots.

Once located, historic cemeteries can again become an integral part of the community. Stage periodic clean-up days or run short columns in the local paper about the lives of individuals or families buried in the cemeteries. Encourage students at all levels to explore cemeteries and write essays about tombstone designs, burial customs or community history, including infant mortality, local epidemics or catastrophic events.

In all cases, however, balance common sense with practical considerations. There are times when publicizing the location of a cemetery is detrimental to its preservation. Vandals can desecrate secluded cemeteries that are located away from the eyes of the protective community. Keep statistical and historical information readily available for public use, but be discreet about the exact location of vulnerable cemeteries.

National, state and local historical markers provide a focal point for drawing public attention to cemeteries. Historical markers provide an overview of the individual or institutions associated with a site. For information on the various options for historical markers through the Historic Texas Cemetery designation program or the National Register of Historic Places, contact the Texas Historical Commission's (THC) History Programs Division at 512/463-5853 or [history@thc.state.tx.us](mailto:history@thc.state.tx.us).

Historical markers, cemetery clean-up days and publicity efforts are tools that will increase public awareness of these important cultural resources. Such awareness and education are among the best ways to guarantee the preservation of a cemetery.

Prehistoric grave sites contain fragile, easily destroyed remains that tell us about our past. Investigation by qualified archeologists is necessary if the history in these sites is to be properly

preserved. Questions about prehistoric grave sites should be addressed to the THC's Archeology Division at 512/463-6096 or [archeology@thc.state.tx.us](mailto:archeology@thc.state.tx.us).

## **WHAT TO DO IF A CEMETERY IS BEING DESTROYED**

Should you see a cemetery being disturbed by vandals, looters or construction equipment, whether or not it is marked by headstones or a fence, call local law enforcement authorities at once. State laws protect cemeteries and provide a legal framework for removing the grave remains in a dignified manner. All burials must be removed according to legal statutes before the landowner can use the property for any other purpose. The same protection applies to isolated burials. However, you may know more about obscure cemetery statutes than the authorities, so be sure to inform them of pertinent cemetery laws.

After contacting local law enforcement authorities, notify the county historical commission, local heritage society, newspaper and the THC about the destruction of a cemetery. Stay involved. Do not condone the willful destruction of cemeteries with silence or by turning a blind eye. The memory of those who have lived before us should not be forsaken for reasons of expediency or economics.

There are times when criminal action is not appropriate. A civil lawsuit may be the only means of resolving a conflict involving a cemetery. For instance, a county historical commission in Central Texas undertook a survey of the historic cemeteries in its area. Several years later, the fence and gravestones surrounding one of the surveyed family cemeteries were removed. No stones remained to provide evidence of the graveyard; thus, only the survey proved the cemetery's existence. Since the site was being considered for development, the records of the county historical commission were crucial to the



future disposition of the land. In this case, the descendants of those interred in the cemetery filed suit and were compensated in an out-of-court settlement.

In Collin County, a cemetery occupied a prime lot in one of the largest residential developments in Texas. Developers petitioned the court to remove the cemetery's dedication so that the remains and stones could be moved to a perpetual care cemetery. A local preservation group, along with the descendants of those buried in the cemetery, led a vocal protest that received wide news media attention. The court decided the cemetery should remain in its original site. With the cemetery now preserved, the new residents of the development can appreciate the cemetery as a reminder of their local heritage.

While it is disturbing to lose cemeteries to development pressures, it is perhaps even more disturbing to lose them to criminal acts of vandalism and looting. Vandalism can range from intentionally pushing over gravestones to spray painting

*One of the best ways to protect cemeteries is to educate our school children. They are our future preservationists. Lessons can be developed using scavenger hunts to teach history, art, math, geology and sociology.*

graffiti on cemetery chapel walls. The demand by collectors for vintage artifacts and architectural and landscaping antiques has contributed to the increasing disappearance of elaborately carved gravestones, sculptures, urns, finials, benches, gates and fencing from our cemeteries. This demand also leads to the digging and looting of graves for valuable objects such as jewelry, firearms, buttons and buckles.

If a cemetery is destroyed, use that fact as a rallying point for the preservation of a community's remaining cemeteries. Nothing can substitute for the preservation efforts of individuals. You and other interested people and groups must develop an active role in the preservation of local cemeteries today in order to walk among the gravestones and read the tender thoughts of enduring human emotions tomorrow.

# CEMETERY RESTORATION

Even though the most disturbing threats to any cemetery are the acts of vandalism and theft that may be directed against grave markers or tombs, simple neglect of maintenance is perhaps a more common and damaging problem.

To assist in cemetery restoration, the Texas Historical Commission (THC) makes the following suggestions:

## Get Permission

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Find out who has legal jurisdiction over the cemetery and get written permission for restoration. If it is on public land, contact the federal, state or local government entity with the authority to protect the property. If the cemetery is on private land, contact the landowner or his/her representative and negotiate access, in addition to obtaining the necessary written permission. Cemetery associations govern many Texas cemeteries. If a cemetery association is involved, become familiar with its rules and regulations. If a cemetery is not clearly established in the county deed records, consider recording its existence therein as provided for in Section 711.011(a)(b) of the Health and Safety Code as described under Cemetery Laws in this booklet. This may be the single most valuable act of preservation for any cemetery.

*See page 18 in this booklet for information on one process for recording a historic cemetery in the county deed records, the Historic Texas Cemetery designation.*

## Security

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Before any plans are made for restoration, make the cemetery secure. Contact law enforcement officials and ask them to add the cemetery to their route patrols. Request their advice when creating security measures for the cemetery. Develop a good relationship with the local police department or sheriff's office.

Contact neighbors living near the cemetery. Ask them to report any suspicious activity to the police. Let the neighbors know that an effort is underway to restore the cemetery and tell them who to contact if they notice any problems.

If a historic fence is not in place, erect appropriate fencing that will keep livestock out of rural cemeteries (livestock can knock down and trample gravestones) and deter vandals from entering urban cemeteries, while allowing people to see in (vandals and thieves prefer high, solid fences that hide their illegal activities). When appropriate, use lights to illuminate the dark corners of the cemetery.

Do not restrict access to cemeteries, but consider posting rules and regulations. Post signs at entrances to let visitors know who to contact for access, and to show that the cemetery is maintained.

## Survey and Inventory

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In order to fully document a cemetery, grave markers, fences and buildings must be inventoried. Following is one method to inventory cemeteries.

■ Create a map of the cemetery grounds that includes the location of trees, bushes, fences, gates and other landscape features. Note the location and orientation of each grave marker, mausoleum, crypt and monument. Include the orientation of all marked and unmarked graves. Assign each physical feature (headstones, footstones, fences, benches, etc.) a control number that will tie together the written, photographic and map records. A sample map is located on page 21.

■ Make a written record that includes the following information: control number, date of record, name of cemetery, type of marker (headstone, footstone, crypt, obelisk, etc.), size of marker, description of material used to make the marker (limestone, granite, marble, wood, iron, zinc, etc.), condition of the stone, name of



*Careful planning and the proper equipment should be used when moving headstones and curbing. Stones can weigh up to 165 pounds per cubic foot. Here, the curbing of the Wharton Monument at the State Cemetery in Austin undergoes restoration.*

deceased, vital dates, description of carving, exact inscription and any other identifying characteristics. The sample survey form is on page 19. Definitions of terms used in the form are on the back.

■ Record each headstone in a systematic method. Divide the cemetery into sections and record the graves down the rows. After completing a section, spot check it to make sure nothing was missed. Have another person recheck the recorded information against stones to make sure no errors are in the transcription.

■ In order to read partially obscured inscriptions, try recording information in the morning. Most grave markers face east. The morning sun may make inscriptions more legible. When it is not practical to record in the morning, use a mirror to angle the sun onto the grave marker to illuminate indistinct letters and numbers. Never

use chalk, talc, flour, shaving cream, etc. as an aid to reading inscriptions on the face of a stone grave marker. Contrary to popular belief, these treatments do not always wash away and may contain chemicals, oils, emollients or bacteria that can damage the delicate stones.

■ If time and money allow, photograph the grave marker, labeling the photograph with the control number. It is best to use 35mm, black and white slow speed film (about 100 ASA). Black and white photographs do not fade as quickly as color photos, and the slow speed film usually provides a sharper image.

■ If a computer is available, the inventory information can be easily stored and retrieved using word processing or data base software. Programming may be available from members of a community computer club or a computer student needing a challenging project.

## **Master Plan**

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Before a blade of grass is cut, before a stone is leveled, before any work is done, it is essential that a master plan for the restoration of the cemetery be developed. The master plan will act as a framework for restoration activities. Once it is developed, the interrelationships among the different elements of the cemetery can be exam-

ined. A step-by-step guide will identify the scope of the work as well as necessary workers needed to perform it. Some projects may be handled by trained volunteers while others will require professional expertise. The plan should attempt to estimate accurately how much money is required for services and materials. Additionally, the master plan should include goals, priorities and a realistic time frame for the completion of all project work.

When creating the master plan, consider the customs of those buried in the cemeteries. Often cemeteries contain burials from many different ethnic and religious groups with diverse burial customs. Cemeteries are an expression of a community, including the varied cultural beliefs that make the community unique. Respecting the dead means extending that respect to their living descendants. Input from relatives and other interested individuals should be solicited.

Realistically evaluate the skills of the volunteers working on the restoration. Some aspects of the project will be better left to professionals. Archeologists, architects, historians and landscape architects are examples of the types of professionals who could be useful to a cemetery restoration project.

Take into consideration all the aspects of the cemetery and how they will interact. Will grading a road create runoffs that might undermine a monument foundation? Will cutting down a tree increase deterioration of a neighboring grave marker? Will stone repair accelerate natural weathering? Consider all these questions and more. Develop a philosophy of “cemetery ecology” and incorporate it into your master plan. In addition, the adage “If it ain’t broke, don’t fix it” is generally true when applied to cemetery restoration. Some of the worst restoration disasters have been brought about by well-intentioned improvement attempts.

## Conservation and Repair

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Historical grave markers, fences and structures are delicate artifacts that must be repaired with care and expertise. Modern repair methods and materials will often harm items created 50 or more years ago. Specially trained craftpersons and conservators should undertake most repairs; however, careful volunteers can repair some artifacts within cemeteries.

## Grave Markers

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Most historic grave markers in Texas are carved from one of three different types of stone: marble, limestone or sandstone. These stones are relatively soft and easy to carve; as a result, they were used extensively in Texas cemeteries during the 19th and early 20th centuries. Unfortunately, because these stones are soft, they are more susceptible to the effects of weathering than harder stones such as granite.

Before beginning any treatment on a gravestone, check it for soundness. Is the surface grainy and crumbling? Are there any large cracks? Are the vertical strata of the stone separating into sheets and flaking off? If the stone has any of these problems, or appears in any other way to be unsound, do not clean or repair it. The stone will require expert care from a stone conservator.

If the stone appears to be sound, cleaning and simple repairs may be possible. Test any treatment on a small, hidden portion of the stone. Wait a few days or weeks and evaluate the results. If the test is successful, begin cleaning the whole stone.

A stone’s appearance can be greatly improved with a simple cleaning. Follow the cleaning instructions highlighted in this brief.

Do not apply portland cement, chemical cleaners (besides those mentioned) or sealants. Do not use metal bolts or braces. Do not sink stones into concrete. Never sandblast a gravestone or spray it with an excessive force of water.

## Other Restoration Concerns

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Grave markers are the focal point of most cemeteries and are given the first consideration when repairs are required; however, don't forget other historic cemetery features such as gates, fences, chapels, tabernacles, mausoleums, crypts, grave-houses and even historic landscaping. Consult



with a preservation architect or other specialists before restoring these complex structures or cemetery features.

## Maintenance

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Once a cemetery has been carefully restored, attention must focus on proper maintenance. Clear brush by hand when possible. When hand cleaning is impractical, use hand mowers, but not close to the gravestones. For close work, use hand tools.

Be careful when using pesticides, herbicides and fertilizers. Acidic chemicals can deteriorate limestone, sandstone and marble, while alkaline chemicals can deteriorate granite. In most instances, organic methods of eradicating weeds and pests are better than chemical methods. Do not burn brush or rubbish near cemeteries. Uncontrolled fire could severely damage gravestones and destroy wood markers or structures.

## Funding

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Funds for the care of historic cemeteries are particularly difficult to obtain. However, funding is one of the most important tasks in preserving cemeteries, since much of the restoration and maintenance of old grave markers and cemetery structures can be costly.

*Do not reattach or set gravestones or gravestone fragments into concrete. Concrete is much harder than the gravestones, expands and contracts at a different rate and resists movement of water, causing additional deterioration. Concrete permanently adheres to the historic stones and can negatively affect their appearance.*

Here are a few suggestions:

- Form a nonprofit cemetery organization.
- Solicit donations from descendants of the deceased buried in the cemetery.
- Research bank records for unused trust funds designated to maintain specific graves.
- Request help from county commissioners courts and city councils. Though they may not be able to allocate funds, they may be able to use county or city equipment and personnel to maintain cemeteries for health and safety reasons.
- Request donations from associated businesses, including funeral homes and monument companies. Businesses often look for ways to “give back” to the community.

With the money collected, establish a trust fund for the care of cemeteries. The Parker County Historical Commission has successfully established such a fund. It has also used standard community fund-raising activities such as bake sales and rummage sales to raise money for the restoration and maintenance of historic cemeteries in the county.

## Conclusion

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Perpetual maintenance and community awareness are the best long-term solutions to the survival of any cemetery. The hard work of recording and restoring a cemetery may be worthless if the community is unaware of its existence. Cemeteries are lost to development and vandalism because only a few family members, if anyone, may know of their locations and importance. The community as a whole can take an active part in the preservation, maintenance and protection of local cemeteries. Civic organizations, church groups, scout troops and historical societies all are potential assistants in efforts to care for cemeteries.

Educate city and county officials about cemetery preservation issues. Inform state legislators of the need for stronger state laws. Elected officials are not always aware of historic preservation problems in the community and they will welcome input. A working knowledge of federal, state and local cemetery laws is essential, as is an effort to publicize attempts to protect and care for cemeteries when possible.

Keep the Texas Historical Commission (THC) informed of cemetery preservation projects taking place in the community. If you need additional help or information about preserving cemeteries, or if you would like an application for the Historic Texas Cemetery designation, please contact:

Gerron Hite  
History Programs Division  
Texas Historical Commission  
P.O. Box 12276  
Austin, TX 78711-2276  
512/475-4167  
FAX 512/475-3122  
gerron.hite@thc.state.tx.us

Information on cemetery preservation can also be found at the THC web site: [www.thc.state.tx.us](http://www.thc.state.tx.us).

## References

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*The Boston Experience: A Manual for Historic Burying Grounds*. Reprinted by the Boston Parks and Recreation Department, 1993.

*A Graveyard Preservation Primer* by Lynette Strangstad. Published by the American Association for State and Local History, 1988.

*Preservation of Historic Burial Grounds* (Information Series No. 76). Published by the National Trust for Historic Preservation, 1993.

*Texas Graveyards: A Cultural Legacy* by Terry G. Jordan. Published by the University of Texas Press, 1982.

The Association for Gravestone Studies  
278 Main Street, suite 207  
Greenfield, MA 01301  
413/772-0836  
www.gravestonestudies.org

Save Texas Cemeteries  
Karen R. Thompson, Founding President  
P.O. Box 202975  
Austin, TX 78720-2975  
512/258-5688  
www.rootsweb.com/~txstc

*Printing of this publication was underwritten by  
the Susan Vaughn Foundation, Inc.*



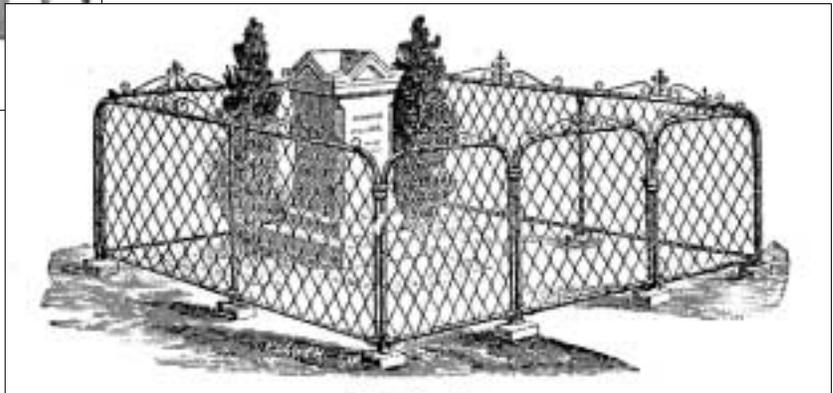
*Fencing helps define the entrance to the cemetery, perimeter of the cemetery and individual family plots. These are illustrations from various fence catalogues from the early 20th century.*

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*Above: Badger Wire & Iron Works, Milwaukee, Wisconsin*

*Left: Stewart Iron Works Company, Cincinnati, Ohio*

*Below: The Sedgwick Brothers Company, Richmond Indiana*



# HISTORIC TEXAS CEMETERY DESIGNATION

A cemetery that is deemed worthy of recognition and preservation for its historic associations is eligible to be designated as a Historic Texas Cemetery.

## Introduction

The Texas Historical Commission (THC) is the state agency for historic preservation with the responsibility of identifying, protecting and interpreting our historical resources. The THC works with interested citizens, county historical commissions and heritage groups to preserve our historical resources, including cemeteries. Following are instructions that explain the criteria, research methods and documentation necessary to apply for a Historic Texas Cemetery designation.

## Background

For many years, the THC has received telephone calls and letters from concerned citizens about the preservation of historic cemeteries that are located in both urban and rural settings. With the expansion of many urban areas, historic cemeteries are increasingly threatened. Sometimes these cemeteries disappear over a long period of time with the removal of one headstone at a time, while others disappear completely overnight. In rural areas, historic cemeteries are threatened by the breaking up of large tracts of land for residential development, by the absence of fencing allowing livestock to topple and break up headstones, and by the expansion of cultivated acreage. Cemeteries often are the last reminders of early settlements whose historical events, religion, lifestyles and genealogy are threatened and could be lost forever.

## Purpose

The Historic Texas Cemetery designation was developed to address the problem of the destruction and illegal removal of historic cemeteries in Texas. This designation cannot guarantee that a historic cemetery will not be destroyed, but official recognition of these family and community landmarks highlights their importance and promotes an attitude of respect and reverence by neighboring landowners\* and the general citizenry and will encourage further preservation of these unique resources.

*\*This designation does not restrict in any way the private owner's use of the land adjacent to the cemetery.*

## Criteria

Two basic criteria govern the approval for the Historic Texas Cemetery designation: (1) The cemetery must be at least 50 years old, and (2) deemed worthy of preservation for its historic associations. The very nature of a cemetery being a landmark of a family's or community's presence is considered to validate the criteria of historical associations.

## The Designation Process

**Applicant researches** the history of the cemetery, fills out the application and develops or finds a map for recordation.

**Applicant submits application**, attachments and processing fee of \$25.00 to the THC.

**THC staff reviews** the application and attachments. THC staff may request additional information. When all of the material is in order, the staff will review the application and, upon approval, the Affidavit of Dedication will be mailed to the applicant.

**Applicant takes Affidavit of Dedication to the county clerk** for recording. The applicant will secure copies of the recorded document(s) indicating the volume and page number or other recordation references and send it/them to the THC.

THC staff will issue the **applicant** a certificate upon receipt of the copy/copies of the recorded Affidavit of Dedication. A cemetery or burial site that has received the Historic Texas Cemetery designation is also eligible to display the Historic Texas Cemetery medallion and an optional name and date plaque or interpretive plaque at the cemetery or burial site. Applications for these medallions and plaques are available upon request following the bestowing of the Historic Texas Cemetery designation on a historic cemetery or burial site.

Historic Texas Cemetery policies are codified in Rules of the Texas Historical Commission, Texas Government Code Chapter 442.



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*The State Agency for Historic Preservation*

For information about alternate formats of this publication, contact the THC at 512/463-6255.

# SAMPLE CEMETERY SURVEY FORM

Name of Cemetery \_\_\_\_\_  
Location Ref. No. \_\_\_\_\_  
Name of Recorder \_\_\_\_\_  
Date of Recording \_\_\_\_\_

County \_\_\_\_\_  
Photo Date \_\_\_\_\_  
Negative No. \_\_\_\_\_

NAME(S):

Last

First

Middle

## MARKER AND ASSOCIATED OBJECTS:

- |                                |   |
|--------------------------------|---|
| <input type="checkbox"/> head  | <input type="checkbox"/> tablet with slotted base |
| <input type="checkbox"/> foot  | <input type="checkbox"/> curbing                  |
| <input type="checkbox"/> crypt | <input type="checkbox"/> fencing                  |
| <input type="checkbox"/> slab  | <input type="checkbox"/> other _____              |

## MATERIAL:

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| <input type="checkbox"/> granite   | <input type="checkbox"/> concrete    |
| <input type="checkbox"/> marble    | <input type="checkbox"/> metal       |
| <input type="checkbox"/> limestone | <input type="checkbox"/> combination |
| <input type="checkbox"/> sandstone | <input type="checkbox"/> other _____ |
| <input type="checkbox"/> wood      |                                      |

## ORIENTATION (marker faces):

- N     S     E     W     NE     SE     NW     SW

OVERALL DIMENSIONS: Width \_\_\_\_\_ Height \_\_\_\_\_ Depth \_\_\_\_\_

## CARVED SURFACES:

- |                                |                                      |
|--------------------------------|--------------------------------------|
| <input type="checkbox"/> front | <input type="checkbox"/> side panels |
| <input type="checkbox"/> back  | <input type="checkbox"/> end panels  |
| <input type="checkbox"/> top   | <input type="checkbox"/> other _____ |

## CONDITION OF CARVING:

- |  |                                      |
|--|--------------------------------------|
| <input type="checkbox"/> mint            | <input type="checkbox"/> traces      |
| <input type="checkbox"/> clear but worn  | <input type="checkbox"/> illegible   |
| <input type="checkbox"/> mostly readable | <input type="checkbox"/> underground |

DESCRIPTION OF DESIGN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## OVERALL CONDITION:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> soiled                 | <input type="checkbox"/> biological activity                  | <input type="checkbox"/> tilted/fallen/sunken |
| <input type="checkbox"/> stained                | <input type="checkbox"/> erosion                              | <input type="checkbox"/> open joints          |
| <input type="checkbox"/> delaminating           | <input type="checkbox"/> blistering/flaking/scaling/powdering | <input type="checkbox"/> fragmented           |
| <input type="checkbox"/> graffiti               | <input type="checkbox"/> cracked                              | <input type="checkbox"/> losses               |
| <input type="checkbox"/> other damage _____     |   |   |
| <input type="checkbox"/> previous repairs _____ |   |   |

## RECORD INSCRIPTION:

**Photo**

Repairs (date) \_\_\_\_\_  
Work Performed \_\_\_\_\_  
\_\_\_\_\_

# DEFINITION OF TERMS USED IN SAMPLE CEMETERY SURVEY FORM

## Condition of Carving

**Mint:** carving is in perfect condition, as though it was just carved

**Clear but worn:** carving shows some wear but legibility is not affected

**Mostly readable:** carving is difficult to read without directing light across the surface with the aid of a mirror or a flashlight

**Traces:** parts of the carving are visible but difficult to read or to determine the whole design

**Illegible:** none of the carving can be read

**Underground:** stone is laying face down or buried so carving cannot be read

## Overall Condition

**Soiled:** the surface is covered with dirt but can be easily washed off with water

**Stained:** the surface exhibits stains that cannot be easily removed with water

**Delaminating:** the stone is splitting off in layers, similar to what happens when interior plywood is subjected to moisture

**Graffiti:** designs not part of the original design are drawn, painted, sprayed or scratched on the stone

**Biological activity:** lichen, mold, or mildew found on the surface

**Erosion:** sections of the stone are worn off, usually from wind or water

**Blistering/flaking/scaling/powdering:** small or isolated areas are missing or surface of the stone is loose

**Cracked:** stone is cracked but not broken into separate parts

**Tilted/fallen/sunken:** the stone is not in its original alignment or is partly below the surface

**Open joints:** the mortar in the mortar joints is missing

**Fragmented:** sections of the stone are broken into many parts

**Losses:** parts of the stone are missing, such as a finial (terminating detail on the top of the gravestone)

## Previous Visible Repairs

**Adhesive repairs:** repairs to the stone with epoxy or some other adhesive have not been cleaned off the surface following repairs (may have turned a butterscotch color because of ultra-violet light)

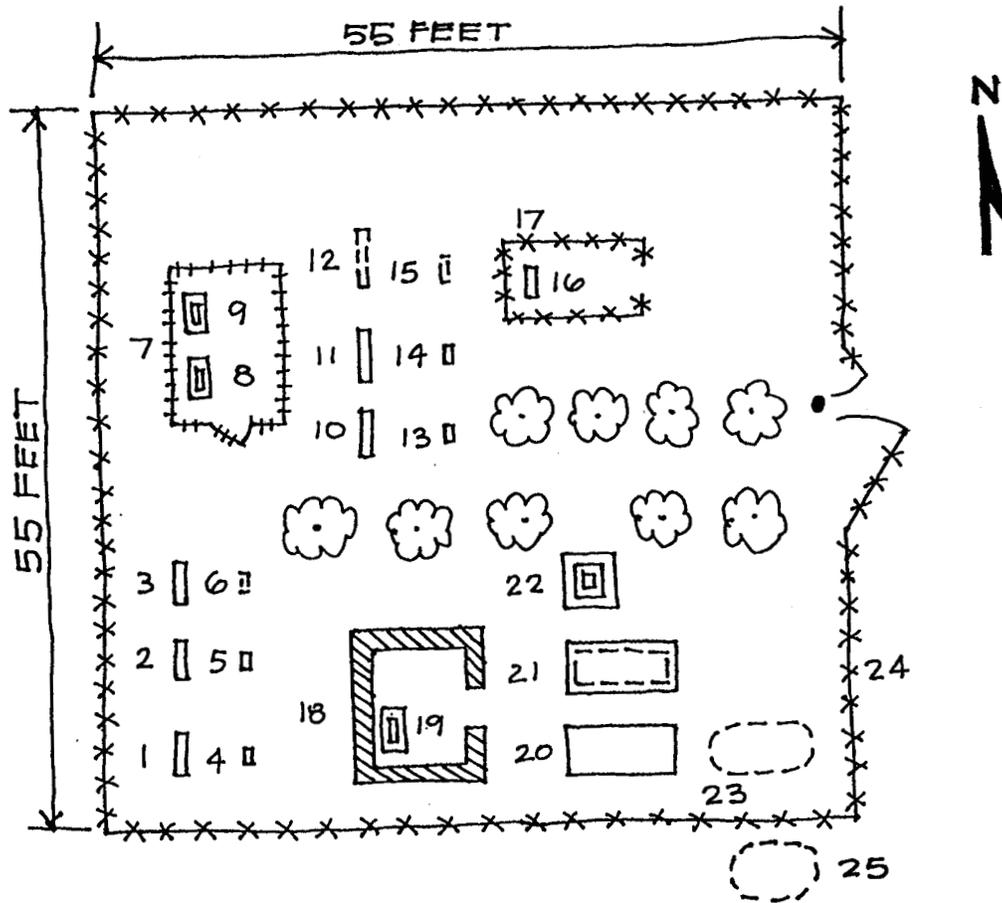
**Replacement:** total replacement of the original stone which can be determined by the date of death or the newness of the stone

**Portland cement:** a hard gray material improperly used to repair gravestones or encase fragments (this material is commonly used to construct sidewalks and foundations of buildings)

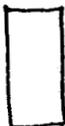
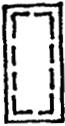
**Coatings:** used on some stones to extend the life of the material; however, most coatings are not appropriate (limestone and marble with a shiny or milky finish probably have a coating on them)

**Iron pins/braces:** improper method to secure pieces of stone together or to support the stone which usually results in the iron rusting and staining the stone

# SAMPLE MAP OF CEMETERY



## LEGEND

- |  |  |   |  |
|--|--|---|--|
| <br>TABLET  | <br>MISSING-<br>TABLET        | <br>SLAB                   | <br>CRYPT              |
| <br>FOOTSTONE                                     | <br>MISSING-<br>FOOTSTONE     | <br>DEPRESSION             | <br>CYPRESS<br>TREE    |
| <br>MONUMENT<br>(OBELISK,<br>COLUMN,<br>PEDESTAL) | <br>TABLET W/<br>SLOTTED BASE | <br>WOVEN<br>WIRE<br>FENCE | <br>CAST IRON<br>FENCE |
| <br>STONE<br>WALL                                 |  |   |  |



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P.O. BOX 12276, AUSTIN, TX 78711-2276  
PHONE 512/463-5853 • FAX 512/475-3122  
[www.the.state.tx.us](http://www.the.state.tx.us)