

PROTECTING MIDWEST PIONEER CEMETERIES THROUGH  
CEMETERY PRESERVATION REFORM

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## ABSTRACT

Title of Thesis: PROTECTING MIDWEST PIONEER CEMETERIES  
THROUGH CEMETERY PRESERVATION REFORM

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Pioneer cemeteries are enduring, physical landscapes which display community antiquity and cultural heritage. Their loss through deterioration and destructive practices erases historical and archaeological fabric that cannot be reproduced. This thesis examines the preservation of pioneer cemeteries in the Midwest. It asks three questions: What are the activities groups undertake when preserving a pioneer cemetery? What resources are accessible for groups to restore and maintain pioneer cemeteries? Does Midwest state legislation assist or hinder pioneer cemeteries from abandonment and destructive practices?

A brief glimpse of cemetery history and preservation in the United States introduces the research. The discussion details a case study of five pioneer cemeteries in differing Midwest states (Illinois, Iowa, Kansas, Missouri, and Nebraska). Through

comparisons of abandonment and restorative activities, observations offer an understanding of available resources and areas of impediment volunteers confront to initiate and maintain pioneer cemeteries. The case study further evaluates each state's legislation and its assistance or hindrance to protect burial grounds as well as its promotion of public awareness in regarding cemetery preservation.

In conclusion, I advocate that pioneer cemeteries in the Midwest require numerous resources, particularly funding and educational programs, combined with robust legislation to ensure their longevity. Preserving these cemeteries will ensure their landscapes can be recognized as a historical commodity previously abandoned by their descendants and forgotten by their communities.

Tags: abandoned cemetery, cemeteries, cemetery, Cemetery of the Lone Tree, certified local government, Hamilton, Festus, Illinois, Iowa, Midwest, Kansas, Missouri, Moorehead, Mount Zion Cemetery, Nebraska, Old Log Church Cemetery, pioneer cemeteries, preservation, preservation funding, preservation legislation, South Jordan Cemetery, Valley Falls, Waterbury, Winans-Jackson Cemetery,

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Thesis submitted to the Faculty of Goucher College in partial

Fulfillment of the requirements for the degree of

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To Travis, Nicole, Geramee, and Brevon



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Lastly, I am optimistic that this thesis will spark continued discussion and activism for cemetery preservation. Only through understanding and compassion of the landscape environment will we learn how to interact with it, respect it, and preserve it.

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## CHAPTER I INTRODUCTION

Cemeteries invoke a range of emotions and societal uses. For some, cemeteries are ghostly backdrops for scary movies. But for many, cemeteries are tranquil places for mourners to pay respects; others use the grounds as a park setting for evening strolls. Even architectural, archaeological, and historical scholars use cemeteries as classrooms. Burial grounds remain physical connections between the generations of those who have traveled before us and the present. However, throughout the United States, the burial grounds of numerous early settlers are abandoned and desecrated with little regard for their preservation and historical value. During the past several decades, there has been an increase in the deterioration and destruction of pioneer cemeteries in the Midwest with futile attempts at intervention. If not prevented, the loss of these historic landscapes will disconnect us from our cultural past and create a void in our heritage and archaeological resources.

Limited available publications deal with the complexities of cemetery preservation beyond landscape management. *A Graveyard Preservation Primer*, authored by Lynette Strangstad, provides ample basics in conducting various cemetery preservation projects.<sup>1</sup> The book informs readers of procedures for organizing volunteers, applying acceptable treatments to cemetery fixtures, and undertaking the documentation

of unrecorded gravesites. While the book is dated, it remains a useful guide preservationists have come to rely upon.

*Preservation of Historic Burial Grounds*, also authored by Strangstad, is a more recent booklet highlighting many elements outlined in the previous reference.<sup>2</sup> It is useful in introducing the beginning preservationist to an overview of the basics in cemetery preservation with updated resources to gain additional knowledge on the subject. Each section offers a description of activities an individual may undertake to preserve or conserve a cemetery. While each reference is a valuable tool in cemetery care and documentation, neither addresses pressing matters that may arise during the establishment or course of a preservation project.

My thesis presents the necessity for additional study beyond the commonly found literature on practices for documenting, headstone cleaning, and grass maintenance of pioneer cemeteries. To ensure their longevity, these cemeteries require protections to reduce deterioration, vandalism, encroachment by urban development, and seizure through eminent domain. Therefore, I approach several questions to narrow the focus of the research. What are the activities groups undertake when preserving a pioneer cemetery? What resources are accessible for groups to restore and maintain pioneer cemeteries? Does Midwest state legislation assist or hinder pioneer cemeteries from abandonment and destructive practices? In-depth applications of conservation practices and techniques to preserve pioneer cemeteries, such as how to repair damaged headstones, are not a focus of this thesis.

### Brief History of American Cemeteries

The American tradition of burying the deceased and honoring graves with headstones is traceable to the introduction of the practice by migrating Europeans. Originating from Roman burial customs of marked single graves, the spread of Christianity influenced European burial traditions in the form of churchyard burials for the faithful and restricting single graves and personal markers for those of wealth and stature. Americans continued the practice of burying their dead due to vast land opportunities, unlike in Europe where land is scarce and graves may be expanded or recycled.<sup>3</sup> Farmers residing in rural locations designated portions of their properties for burying their deceased loved ones. Towns and cities incorporated community burial grounds within their boundaries for deceased citizens. The evolving burial options for Americans spawned new customs and changing views on burying the dead and using the grounds in which they rested.

During the nineteenth century, expanding cities welcomed a shift to planned burial grounds established outside their city limits. There are four primary cemetery styles recognizing as planned cemetery movements: Rural Gardens, Lawn Parks, Memorials, and Military cemeteries.<sup>4</sup> Municipalities, gardens, and horticultural societies — even commercial interests — offered opportunities for burial interments regardless of ethnicity, class status, or wealth. The planned cemetery provided managed groundskeeping in park-like setting with elegant views of art and architecture. Similar to public parks of today, these burial grounds invited the living to frequent the areas for socializing, entertainment, and reflection. The establishment of Mount Auburn Cemetery



(1831) in Boston sparked the Rural Garden Cemetery movement of the 1830s and 1840s.<sup>5</sup> The movement offered a return to natural scenery and an appreciation for the arts to avert the influx of overpopulating and unhealthy cities.

Lawn Parks utilized the Rural Garden landscape but in a minimal capacity, influencing present day cemetery design and reducing maintenance costs due to landscapes laden with monuments and ornamentation. Lawn Parks were created in 1855 with the modification of Spring Grove Cemetery in Cincinnati.<sup>6</sup> To minimize maintenance costs, the decade-old cemetery's grounds were restructured, eliminating much of the burdensome sculptures, fencing, and upright ornamentation. The redesigned landscape implemented uniform, grid-like burial plots, and included regulations for visitation.

Memorial Parks further minimized the cemetery landscape to low-lying burial markers and views of "open green spaces" for the purpose of reducing maintenance costs. These trends initiated by Dr. Hubert Eaton's 1917 redesign of Forest Lawn Memorial Park in Glendale, California.<sup>7</sup>

Military Cemeteries are planned cemeteries established and managed by the National Cemetery Administration to bury fallen soldiers, veterans, and their dependent family members. Previously, soldiers were buried on the battlefield, at post cemeteries or transported home for burial. The first military burial ground, Gettysburg National Cemetery, was created in 1863 to reinter and honor fallen Union soldiers removed from field graves after the Battle of Gettysburg.<sup>8</sup> Early landscaping of these cemeteries was regulated in 1867, requiring minimal aesthetics and regular maintenance. Each deceased

veteran's grave received an identifying marker while the cemetery's boundaries were enclosed in fencing of iron or stone. Modern cemeteries continue to exhibit minimal ornamentation and landscaping and layout gridded for ease of maintenance. The establishment of these burial grounds initiated the present system of 131 National Cemeteries around the country.<sup>9</sup>

Just as the planned cemetery movement influenced twentieth-century cemetery landscapes across the country, American burial practices have continued to evolve, influenced by changing views and necessities. What have not evolved are the resources to manage pioneer cemeteries in the rural Midwest. The continued redevelopment of farmland through urban sprawl is accelerating the loss of rural cemeteries and other cultural resources. The losses are devastating, though they “may occur incrementally and subtly at first, but with damaging cumulative impact.”<sup>10</sup> Abandoned for modern amenities, these cemeteries are presently under threat of extinction from deterioration and those wishing to reclaim their grounds for economic means.

### The Movement for Cemetery Preservation

The preservation movement in the U.S. traditionally commemorates the physical environment of the historic and patriotic pasts. While restoring well-known historic sites like Mount Vernon for its architecture or securing the remnants of battlefields such as Fort Sumter for its role in U. S. history, pioneer cemeteries of ordinary citizens were not a focus of the movement.

Pioneer cemeteries in rural Midwest communities differ from the planned cemeteries established since the Rural Garden Cemetery movement. Although having

similar locations outside city boundaries, pioneer cemeteries were often established by church congregations or farming families with minimal planning and consideration for their perpetual management. While many planned cemeteries have undergone restoration and function presently as tourist attractions, pioneer cemeteries are hardly considered for preservation, their existence often one of obscurity.<sup>11</sup>

In recent years, a grassroots movement in pioneer cemetery preservation is gaining public interest for numerous reasons. Urban development is replacing agricultural and timbered areas, threatening where pioneer cemeteries reside. The hobby of genealogy is encouraging researchers to return to the resting places of their ancestors. Conservationists are finding the landscapes of pioneer cemeteries a safe haven for plant species no longer in existence in asphalted city spaces.<sup>12</sup> Whatever the reason for the newly found initiatives to preserve these early cemeteries, each effort leads to the public outcry of losing a site that has been overlooked as an important heritage and educational landscape.

Neglected for decades, numerous pioneer cemeteries are silently deteriorating. Generally appearing as dense, wooded landscapes on the outskirts of cities, these cemeteries are virtually invisible to passersby. Adding to their descent are increased damages caused by many occurrences of vandalism or urban sprawl, which prompts disinterment of remains through eminent domain.

### Definitions

The terminology used to describe and classify cemeteries varies greatly; therefore “pioneer cemetery” will refer to any cemetery that was established prior to the twenty-

first century by the earliest settlers of a present city, county, or region. Nebraska offers an example of the growing use of the term “pioneer cemetery” for this specific time period and style of burial ground.<sup>13</sup> The definition excludes prehistoric burial sites, Native American burial grounds, and unmarked graves, which require particular management by state archeological regulations.

Neither the National Trust for Historic Preservation nor the National Park Service offer definitions for cemetery terminology. “Historic cemetery” will be used as a generic term or as a reference to specify notable burial grounds for the purpose of this thesis. The term “historic cemetery” is broad and may encompass any cemetery that was established prior to the twenty-first century or cemeteries with notable backgrounds.<sup>14</sup> The *Merriam-Webster Dictionary* defines “historic” as “famous or important in history; dating from or preserved from a past time or culture.”<sup>15</sup>

The term “abandoned cemetery” will be defined as any cemetery that has not received a burial for twenty years or more and has been determined to have no present ownership. The period of abandonment varies greatly in state legislations across the U.S.<sup>16</sup>

“Neglected cemetery” will be defined as any cemetery that has not received annual maintenance or management of its property for five years or more. The period of neglect varies in state legislation across the U.S.

The term “preservation” is defined by the National Park Service “as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property.”<sup>17</sup> The reference book *Historic Preservation: An*

*Introduction to Its History, Principles, and Practice* defines “preservation” as “the maintenance of a property without significant alteration to its current condition.”<sup>18</sup>

“Conservation” is defined by Norman Tyler in *Historic Preservation* as “the preservation of specific materials and the management of cultural property for the future.”<sup>19</sup>

The term “restoration” is defined in *Historic Preservation* as “the process of returning a building to its condition at a specific time period, often to its original condition.”<sup>20</sup>

“Reconstruction,” according to *Historic Preservation*, is the “rebuilding of a structure”<sup>21</sup> and “rehabilitation” is the preservation of “those portions or features that convey the structure’s historical, cultural, or architectural values while making compatible use of the property possible.”<sup>22</sup>

### Research Methods and Suppositions

To support the hypothesis, the investigation of this thesis included discussions with surveys of cemetery preservation activists, analysis cemetery preservation projects, and research of funding and cemetery legislation across the United States. As the basis of the research, I incorporated the results of my recently compiled independent study, “Abandoned and Neglected Cemeteries in the Rural Midwest.” Focused on three primary areas of concern, the independent study regarded each cemetery’s preservation project, the public and private funding sources available, and a multi-state comparison of cemetery legislation.

The independent study first focused on choosing five abandoned cemeteries using recent news articles within the rural Midwest states of Illinois, Iowa, Kansas, Missouri and Nebraska. To assist the choice of the study group participants, the concept of abandonment was defined and mentioned in Chapter I as “any cemetery that has not received a burial for twenty years or more and has been determined to have no present ownership.” A brief history of each cemetery was given and the causes of likely abandonment were recorded in a matrix-style format. The independent study’s second focus considered each group’s preservation activities and listed the primary issues that prevented or delayed their progress. The final focus for the group provided an overview of the five states’ legislation that affected each cemetery. Several charts were produced to show how state governments regulate abandoned cemeteries, exploring the disparities of cemetery legislation.

Each cemetery project was selected for its rural Midwest landscape and its proximity to populated cities. Those chosen for the study were: (a) Cemetery of the Lone Tree in Valley Falls, Kansas, which was used as a burial site from 1855 through 1928 and dedicated to Caucasian settlers; (b) Mount Zion Cemetery in Festus, Missouri, which was established in 1885 for the burial of African Americans and closed in 1973; (c) Old Log Church Cemetery near Waterbury, Nebraska, which was established and used from 1875 through the 1890s by the Methodist Episcopal Church. The burial grounds were then used by the Friends Church until the 1940s; (d) South Jordan Cemetery in Moorehead, Iowa, also a burial site for African Americans from approximately 1882 through 1900 (although it contains some Caucasian burials); and (e) Winans-Jackson Cemetery near Hamilton,

Illinois, which was the burial site of two known Caucasian families, the Jacksons and the Winans, with an approximate time of use during the 1840s through the 1890s. Each of these cemeteries falls within the definition of a pioneer cemetery and all were used as a comparison group for the thesis.

This thesis extends the findings of the independent study by highlighting areas of concern preservationists around the country likely are experiencing when undertaking cemetery projects. As a whole, the thesis identifies project resources that can assist in the constructing of a “best practices” or procedural guide in the daunting task of preserving pioneer cemeteries.

Due to the scarcity of published references, the internet is a tremendous resource for researching material regarding pioneer cemeteries. Many news articles are noting the growing trend to restore them to gracefulness. Unfortunately, an increasing number of news articles focus on their neglect, vandalism, or removal through eminent domain. Articles regarding options in funding and legislation for pioneer cemetery preservation are difficult to locate.

### Overview of Chapters II through V

Chapter II explores the rudiments of pioneer cemetery preservation through five Midwest pioneer cemetery restoration projects. The chapter explains the case study criteria and the cemeteries chosen for the case study. It provides a brief history of the cemetery’s establishment, preservation activities, and funding options utilized by each project. The chapter concludes with several tables that offer comparisons of

characteristics such as establishment date, ethnicity, and landscape elements, as well as possible factors of their abandonment.

Chapter III investigates the concerns plaguing cemetery preservation projects. Identified from the results outlined in Chapter II, several comparisons highlight significant problem areas in pioneer cemetery preservation: limited resources, minimal labor, inadequate public awareness, and lack of funding. The chapter further discusses preservation in practice through the phases a project may entail and the activities the case study cemeteries have initiated.

Chapter IV examines the various statutes from each case study state that affect cemeteries. This chapter outlines in numerous tables the unearthing of current legislation that focuses on several categories of legal interests: abandoned and pioneer cemeteries, legislative enforcement, registration, perpetual care, criminal actions, and eminent domain.

Chapter V analyzes the research to answer the questions, “What are the activities groups undertake when preserving a pioneer cemetery? What resources are accessible for groups to restore and maintain pioneer cemeteries? And does Midwest state legislation assist or hinder pioneer cemeteries from abandonment and destructive practices?”

While ongoing research will continue to contribute to my analysis, the immediate findings shown in this thesis present a desire for reform of laws and programs among Midwest states for the purpose of providing protections and resources for preserving pioneer cemeteries.



## CHAPTER II

### OBSERVATIONS IN CEMETERY PRESERVATION

“Cemeteries, as the visual and spatial expressions of death,” concludes Richard Francaviglia, “may tell us a great deal about the living people who created them.”<sup>23</sup> In recent years, pioneer cemeteries are gaining appreciation for their contributions not only to the fields of architecture and archaeology but also as vast repositories for cultural and social history. Townships and volunteer groups are increasingly paying homage by adopting many of the cemeteries threatened with destruction and obsolescence but limited in resources that overwhelm their mission.

To put forth programs to assist in the protection of pioneer cemeteries, we should have an understanding of the factors leading to cemetery abandonment and neglect as well as the constraints and needs of groups initiating such projects. As the manager of a restored cemetery, I was prompted to undertake a case study of abandoned and neglected cemeteries to compare their experiences. Focusing within five Midwest states, the case study allowed for the comparison of five rural cemeteries through their condition, preservation activities, and protective legislation. Their commonalities included the overwhelming need for restoration, a lack in resources, and minimally protective laws. Although limited in time and scope, the study highlighted a necessity to draft a “best practices” approach and enact programs to prevent, preserve, and protect pioneer cemeteries.

## Case Study Parameters

When selecting the case study group of Midwest states and cemeteries, a few particulars were taken under consideration. One consideration was to determine which states would be used in the study. The U.S. Census Bureau designates the Midwest as one of four census regions (fig. 1).<sup>24</sup> According to the 2010 U.S. Census survey, the Midwest consists of Illinois, Iowa, Kansas, Michigan, Missouri, Indiana, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. Missouri was immediately chosen due to my personal experience in restoration within the state. Utilizing the Bureau's statistical boundary, Illinois, Iowa, Kansas, and Nebraska were chosen for this case study at random.

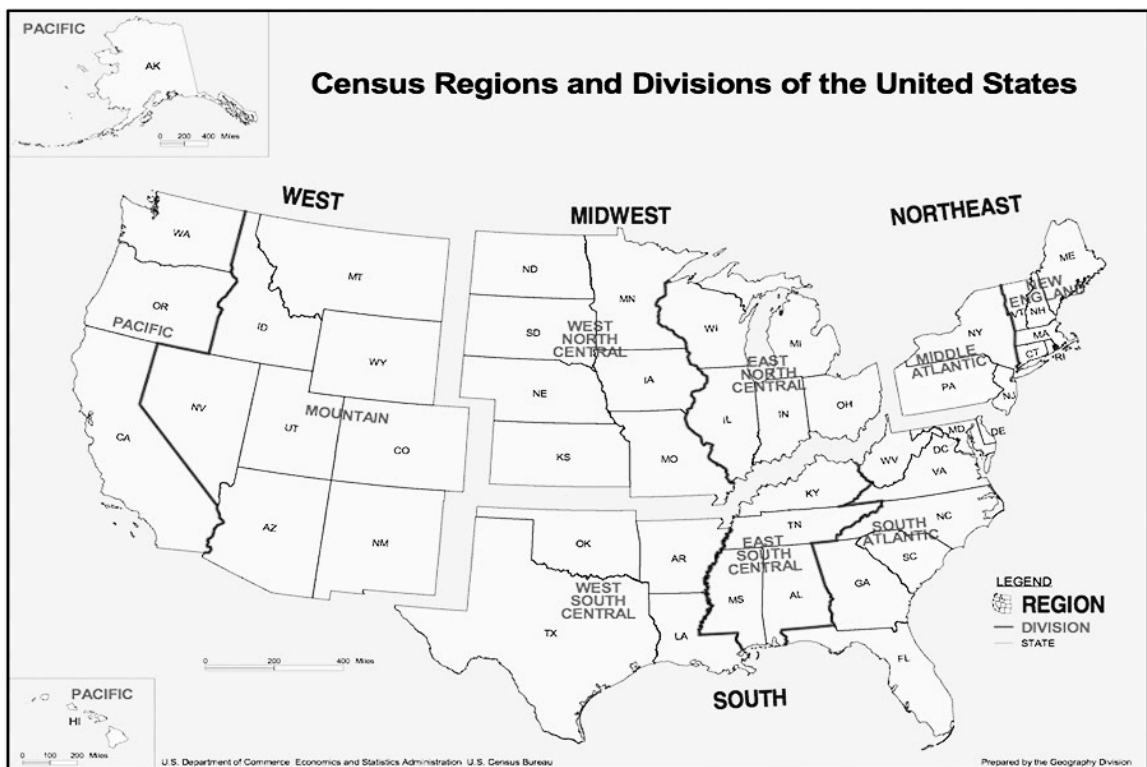


Figure 1: Census Regions and Divisions of the United States. [Source; Geography Division, U.S. Census Bureau, 2000.]

When choosing the cemeteries to be studied, consideration was given to their Midwestern and rural location, their historic age, and whether they went unmanaged for a period of time with a discontinuation of interments.<sup>25</sup>

With these criteria in mind, I selected Mount Zion Cemetery in Festus, Missouri for a case study (fig. 2). Mount Zion Cemetery was my first venture into cemetery preservation and can stand as a barometer of a typical restoration project of this nature. Additional cemeteries were chosen from internet searches, which uncovered newspaper articles of recently abandoned cemeteries undergoing restoration within the remaining four states. Of the cemeteries traced through online articles, the following cemeteries were also selected for the case study: Winans-Jackson Cemetery, near Hamilton, Illinois; South Jordan Cemetery in Moorehead, Iowa; Cemetery of the Lone Tree in Valley Falls, Kansas and Old Log Church Cemetery near Waterbury, Nebraska.



Figure 2: Map of Case Study Cemetery Cities. [Source; Google Maps, edited by author, 2013.]

### The Winans-Jackson Cemetery Project, Hamilton, Illinois

The Winans-Jackson Cemetery resides on private property near Hamilton, Illinois (fig. 3). Located on a wooded hill, which resides on undisclosed property along Windy Hills & N. Co. 750 Road near a rock quarry, the cemetery was established prior to 1854 for the deceased family members of Mary Bavington Jackson. The number of family members who are interred is unknown. In 1854, the cemetery and its adjoining property changed ownership from Jackson to Alfred and Ann Winans, and subsequently became the burial ground for the Winans deceased.

Several generations of Winans are likely buried in the cemetery but no records are known to exist to verify interment. It is unknown when the cemetery was abandoned but the likely factors are related to attrition and migration of the family from the area.



Figure 3: Vicinity of Winans-Jackson Cemetery. [Source; Google Maps, edited by author, 2012.]

### Preservation Activities

In 2004, Larry Cooper, a volunteer in cemetery preservation in Illinois, enlisted the assistance of Robert Burnett and Brian Lamma to restore the Winans-Jackson cemetery.<sup>26</sup> The group's activities included clearing overgrowth and visually surveying the area for graves. The survey revealed one headstone in a respectable condition and remnants of headstones and footstones scattered by vandals. The process of grave dowsing was used to relocate and mark twenty-six additional graves.<sup>27</sup> Grave dowsing was also used to redefine the cemetery's boundaries. Cooper's documentation and research of the Winans-Jackson Cemetery is archived at the Hancock County Historical Society.

### Funding

The Winans-Jackson Cemetery's initial cleanup was funded through the donations of Cooper's, Burnette's and Lamma's personal accounts. The volunteers also donated the equipment used to complete the task. The Wythe Township Board, which manages several pioneer cemeteries in Hancock County, is funded through the county tax budget and presently oversees management of the cemetery.

### The South Jordan Cemetery Project, Moorhead, Iowa

The South Jordan Cemetery, near Moorhead, Iowa — also referenced as the Negro Cemetery — was used as the burial ground for relocated African Americans employed as farm labor for landowner Adam Miers (fig. 4).<sup>28</sup> The gravesite was used from approximately 1882 through the 1930s. The site is about an acre in size, tucked

within a cluster of trees and the surrounding property formerly owned by Meir is presently in private ownership. Approximately twenty-one graves are known. Miers and several of his relatives are among those interred and a dozen headstones remain.

The African American community was short-lived in the vicinity and the likely cause of South Jordan Cemetery's eventual neglect. Additional research may discern Miers' ethnicity (probably of European and African American descent) and offer an insight into the uncommon practice of mixed-race burials within the cemetery.<sup>29</sup> Further research may also provide historical knowledge on the refuge from slavery and Jim Crow laws that his property provided.<sup>30</sup>



Figure 4: South Jordan Cemetery. [Source; photo by Ruth Pickle, 2012.]

### Preservation Activities

Over the years, the cemetery has received intermittent groundskeeping. Perry Moore initially cleared the cemetery of its brush in the 1930s with the assistance of

volunteers. During 1944, the American Legion sponsored a cleanup as well. In 2004, the local Jordan Sunshine 4-H Club adopted the cemetery and provided upkeep for the burial site. Presently, the local Jordan Township trustees manage the lawn care and recently installed fence to contain the boundaries of the cemetery. A simple sign was placed to mark the cemetery's location. The trustees plan no additional research or restoration of the burial markers. A local historian's research has been archived at the Ottawa Public Library.

### Funding

The South Jordan Cemetery's maintenance is presently funded through the Jordan Township Board. Supported through tax collection, the budget is limited and accommodates both the South Jordan and Jordan Cemeteries.



Figure 5: Cemetery of the Lone Tree. [Source; photo by James Benar, 2012.]

### The Cemetery of the Lone Tree Project, Valley Falls, Kansas

The Cemetery of the Lone Tree — also known as Pioneer Cemetery — is located along the western boundary of Valley Falls, Kansas, on a rocky, hilled terrain. Located off Highway 16 outside of the city, the seven-acre site was established by James Frazier in 1855 and hosts about 200 marked and unmarked burials (fig. 5). Deeded to the local township, the land functioned as the burial site for Valley Falls' early settlers until 1875. The cemetery was abandoned with the establishment of Rose Hill Cemetery within the city.<sup>31</sup>

### Preservation Activities

The Cemetery of the Lone Tree fell into disarray after it was abandoned but has recently received restoration of its grounds. According to Mary Jane Burns, a member of the Township Board, the cemetery has been undergoing restoration over the past few years. Knights of Columbus members and community volunteers met frequently to remove woody vegetation from the cemetery for ease of mowing. The condition of the cemetery is poor due to vandalism and aging, with many of the headstones needing or well beyond repair. In an effort to assist ease of maintenance, the Township Board enlisted high school volunteers to remove the damaged headstone fragments to a pile alongside the cemetery. The Knights of Columbus has recently installed a new wooden sign and is planning a marker or bulletin board that will display the known burials within the cemetery.<sup>32</sup> The Township Board is overseeing the annual maintenance of the cemetery.



## Funding

The Knights of Columbus Hall donated much of the funding and resources to restore Cemetery of the Lone Tree. Additional funding was provided through donations from the community, the Township Board, and the Former Commissioner of Jefferson County.



Figure 6: Mount Zion Cemetery after restoration. [Source; photo by author, 2007.]

## The Mount Zion Cemetery Project, Festus, Missouri

The Colored Union Baptist Church established Mount Zion Cemetery in Festus, Missouri in 1885 as the burial grounds of African Americans in the settlement of Mount Zion.<sup>33</sup> Three parcels of land were donated for the church to institute the cemetery (fig. 6). A member of the congregation, Louis Scott, granted two parcels, one in 1885 and the other in 1892. The third parcel was granted by Robert England in 1927.<sup>34</sup> By 1919, the congregation built a new church within the city limits of Festus. In 1973, the cemetery of nearly three acres was closed to interments due to inadequate burial space and record keeping. The cemetery holds over 300 graves and received no maintenance for several

decades. Its abandonment can be traced to the loss of community as residents migrated into the city of Festus, the passing of its caretaker, and completion of Interstate Highway 55 disconnecting the access road from Festus to the outskirts of the city where the cemetery resides.

### Preservation Activities

The African Methodist Episcopal Church led volunteers in a cleanup effort of Mount Zion Cemetery in 1992. Interest in the effort waned due to the overwhelming task of clearing wooded overgrowth and the devastation of the 1993 Mississippi River flood.<sup>35</sup> In 1999, my family undertook an effort to restore the cemetery and began clearing the wooded vegetation. In 2001, additional volunteers and businesses joined the effort. In 2002, I founded the nonprofit Mt. Zion Cemetery Board to assist in the oversight of the project and annual maintenance.<sup>36</sup> The project involved off-season clearing of brush and trees, leveling of sunken graves, reseeding of the grass, and asphaltting of its gravel drive. The grounds were further surveyed and chain-linked fencing was installed. I continue to research the history of the cemetery and reconstruct a list of the burials. I am also considering nominating the burial grounds as a historic landscape.

### Funding

Mount Zion Cemetery's restoration has been funded through donations and fundraisers. Volunteers and local businesses donated their labor and equipment used during the initial clearing and for the continued maintenance of the cemetery.

### The Old Log Church Cemetery Project, Waterbury, Nebraska

The Old Log Church Cemetery, often referred to as the Elk Creek Cemetery or the Friends Cemetery, is located near Waterbury, Nebraska (fig. 7). Established by the Methodist Episcopal Church in 1875, its congregation buried their deceased in the cemetery until the 1890s. The Friends Church then used the cemetery for burials through the 1940s. The cemetery covers two parcels of property deeded for the church in 1875 and again in 1884 during an epidemic. Approximately 100 graves and approximately 52 headstones have been identified to date among the cemetery's overgrowth. The abandonment of the Old Log Church Cemetery was likely the result of the migration of its final owner, the Friends Church, and its congregation to a new location.



Figure 7: Old Log Church Cemetery undergoing brush removal. [Source; photo by Cindy Krusemark, 2012.]

### Preservation Activities

The Old Log Church Cemetery is the recent restorative project led by Cindy Krusemark, a neighbor to the cemetery. Undertaken in 2012, Krusemark enlisted volunteers and sponsors to clear the burial site of debris and overgrowth of brush.

Surveying of its boundaries, reseeding with prairie grasses, and continuing research of the burial ground to reconstruct the burial list of those interred is on the list of tasks Krusemark and volunteers are currently performing in order to return the cemetery to a respectful state.<sup>37</sup>

### Funding

The Dakota County Board of Commissioners approved Krusemark's request for funding for the cemetery's preservation project. As allowed by local law, \$1,000 was budgeted annually for the cemetery's restoration and continued maintenance. Sponsors have also donated their equipment and labor for the project.<sup>38</sup>

### Comparison of Pioneer Cemeteries

To initiate a preservation project, it is beneficial to identify the type of burial ground needing support and understanding the necessary action steps to proceed. With that in mind, I compiled several of the traits specific to each cemetery for comparison. The comparison considered the characteristics and details of each site, possible factors for abandonment, and the preservation activities that have been conducted.

Table 1 displays elements that may be similar among pioneer cemeteries in the Midwest. Three main types of burial grounds were recorded in the case study: a family cemetery, a church cemetery, and a community cemetery. The sites vary in size, ranging from one to seven acres. Each site held a property deed noting its intended use as a burial ground. Two of the sites expanded through the acquisition of additional property also recorded by deeds.

Study Group	Illinois	Iowa	Kansas	Missouri	Nebraska
Cemetery	Winans-Jackson (Hamilton)	South Jordan (Jordan)	Cemetery of the Lone Tree (Valley Falls)	Mount Zion (Festus)	Old Log Church (Waterbury)
<b>Characteristics</b>					
Date of establishment	Prior to 1854	Prior to 1882	1867	1885	1875
Date of closing	Unknown	Unknown	1928	1973	Unknown
Site size (approx.)	1 Acre	1 Acre	7 Acres	2.79 Acres (3 Parcels)	3.5 Acres (2 Parcels)
Affiliation/Ethnicity	Caucasian	African American, Former Slaves	Caucasian, Quakers	African American, Descendents of Slaves	Caucasian
Deed(s) recorded	1854	1882	1867	1885, 1892, 1927	1875, 1884
Type (family, community, church)	Family	Community	Community	Church, Community	Church

Table 1: Comparison of pioneer cemetery characteristics.

An interesting observation regarding the cemeteries was their establishment dates. Each establishment date fell between 1850 and 1900, a period of immense migration creating an upsurge in new settlements and towns in the Midwest (fig. 8). The period experienced large migration by numerous social groups spurred by varying reasons including the Civil War, an influx of immigrants, fertile farmland, and occupational stability.

Research identified the social groups in three of the five case study cemeteries as Quakers and former African American slaves. It is probable the Quakers migrated to the area as a refuge from religious persecution and their abolitionist views. The former African American slaves likely migrated for freedom from slavery and disfranchisement.<sup>39</sup>

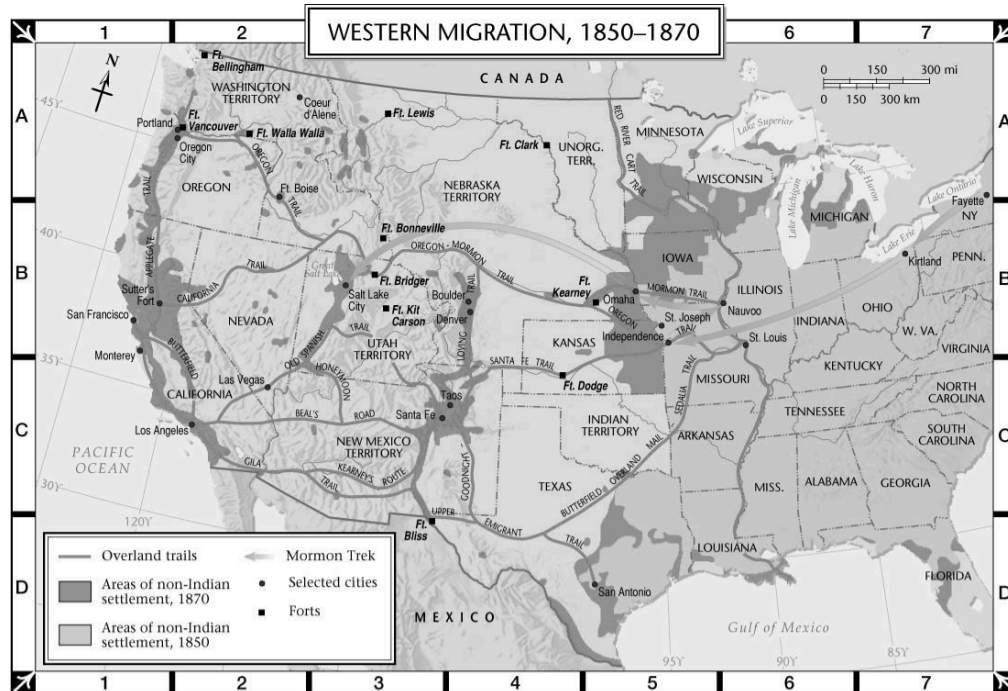


Figure 8: Western Migration, 1850-1870 [Source; Pearson Education, Inc., 2003.]

Although their establishment dates are similar, the date of the discontinuation for burials at each cemetery differs. While the Cemetery of the Lone Tree is noted to have closed in 1928 and Mount Zion Cemetery closed in 1973, the remaining pioneer cemeteries in the case study will require additional research to determine their final year of interments.

The case study noted the progress of pioneer cemeteries' site details regarding property condition, estimate of headstones and burials unearthed, current status of ownership, and the current caretakers in Table 2. The Illinois, Iowa, and Missouri preservation projects were finishing the clearing of vegetation and moving to annual maintenance. The Kansas and Nebraska cemeteries continued to undergo brush removal at the time of the case study.

Study Group	Illinois	Iowa	Kansas	Missouri	Nebraska
<b>Cemetery</b>	Winans-Jackson (Hamilton)	South Jordan (Jordan)	Cemetery of the Lone Tree (Valley Falls)	Mount Zion (Festus)	Old Log Church (Waterbury)
<b>Characteristics: Site Details</b>					
Number/estimate of headstones present	1	12	Unknown	150	52
Number/estimate of burials located	27	21	200	300-500	100
Condition (current)	Cleared Vegetation	Cleared Vegetation	Clearing Vegetation	Cleared Vegetation	Clearing Vegetation
Ownership	None	None	None	Non-Profit	None
Caretaker	Wyatt Township	Jordan Township	Delaware Township	Mt. Zion Cemetery Board, Descendents, Volunteers	Krusemark, Volunteers

Table 2: Comparison of case study pioneer cemetery characteristics regarding site details.

The estimated number of burials and headstones revealed at each pioneer cemetery after the removal of their brush and debris varies tremendously. Each of the cemeteries has a loss of written grave documentation and has suffered from weathering and vandalism. The Winans-Jackson Cemetery was discovered to contain a single intact headstone among fragments of other markers removed through vandalism and scattered among twenty-seven discovered graves or thrown down into a nearby creek. The South Jordan Cemetery revealed about twelve intact headstones in reasonable condition and an estimate of twenty discernible graves. The Cemetery of the Lone Tree has an estimate of 200 burials documented. While some of the headstones are intact, numerous headstones were removed from the graves and dispersed in fragments due to vandalism. The Mount Zion Cemetery has over 300 graves recorded with minimum of 150 headstones intact. The intact headstones vary in their condition due to age and weathering while a section of the cemetery appears to have been vandalized, the area cleared of headstones. At the time

of the case study, the Old Log Church Cemetery was had approximately 100 graves and 52 headstones in reasonable condition.

During the case study, various factors regarding each cemetery's abandonment were investigated. Table 3 offers a comparison view of known abandonment factors that may have contributed to the forgotten state of each pioneer cemetery. While the cemeteries have numerous factors leading to abandonment, the most apparent was a loss of community. Various circumstances contributed to the loss of community for the pioneer cemeteries studied, including attrition, migration, modern amenities, and site visibility due to its terrain and structures. The factors of loss of community are also outlined in Table 3.

Study Group	Illinois	Iowa	Kansas	Missouri	Nebraska
<b>Cemetery</b>	Winans-Jackson (Hamilton)	South Jordan (Jordan)	Cemetery of the Lone Tree (Valley Falls)	Mount Zion (Festus)	Old Log Church (Waterbury)
<b>Factors of Abandonment</b>					
Discarded for other options			x	x	x
Forgotten or unknown to locals	x			x	x
Isolation from a nearby city	x	x	x	x	x
Limited burial space				x	
Loss of community through migration	x	x	x	x	x
Loss of documentation	x	x	x	x	x
Loss of management through attrition	x	x	x	x	x
Rural location	x	x	x	x	x
Wooded environment/appearance	x	x	x	x	x
Terrain	Hill	Slope	Hill, Slope	Hill, Slope	Hill, Slope
Visible structures	Headstones	Partially Fenced	Headstones	Partially Fenced, Headstones	Headstones

Table 3: Comparison of factors contributing to abandonment.



Abandonment through migration is a common factor in each case of community loss. While many descendants of those interred relocated to cities, likely for convenience and economic opportunities, they made use of city burial options, leaving the old burial ground behind. Abandonment through attrition is also a factor among the five cemeteries. Once the last caretakers of the cemeteries were deceased, not a single person was available to overlook and maintain their grounds. Two of the cemeteries were abandoned for new burial grounds. Mount Zion Cemetery was discarded for its lack of additional burial plots for the deceased. The Cemetery of the Lone Tree was set abandoned for modern cemeteries within the city limits.

Visibility or lack thereof was another factor contributing to the continued abandonment common among the pioneer cemeteries. Surrounded partially or completely by woody vegetation, the cemeteries lie quietly on the outskirts of cities. Easily overlooked, their landscapes vary from a gentle slope to hilly terrain. Not conducive to visitation, the cemeteries were further overlooked by the lack of posted signage to direct passersby and increase awareness of their existence. During their restoration, each cemetery has received signage displaying the name of their burial site.

### Conclusion

The cemeteries within the abandoned and neglected cemetery case study may have been established by differing social groups presenting similar needs and characteristics, but each requires unique action steps to ensure its longevity. Willing volunteers, sponsors, and government officials can protect these landmarks through preservation projects, public awareness, and providing even the most minimal resources

to sustain the effort. It is my assumption that with increased availability of an organized network, providing preservation planning and funding for pioneer cemeteries and interested parties can not only assist their restoration but also to promote their recognition by nearby communities as historic landmarks.

### CHAPTER III

#### ASSESSING RESOURCES FOR CEMETERY PRESERVATION

Harold Wilson once said, “He who rejects change is the architect of decay. The only human institution which rejects progress is the cemetery.”<sup>40</sup> Valued by many including archeologists, educators, and historians, pioneer cemeteries function as visible time capsules of former periods in cultural and social history. Epitomized through landscapes of architectural elements in stone and metal fixtures, the deterioration and destruction of these burial grounds will result in the loss of irreplaceable materials that assist in our understanding and appreciation of the historic past. Through the investigation of the needs of cemetery preservation, we can best implement various resources similar to those aimed at restoring historic buildings and protected areas.

Several commonalities in preservation present themselves when comparing the project activities of the pioneer cemeteries in the case study. The primary observations during the investigation surround the inadequate knowledge and resources to properly undertake a cemetery restorative project and limited public awareness to assist in the recruitment of volunteer labor.

#### Preservation in Practice

To answer the question “What are the activities groups undertake when preserving a pioneer cemetery,” several aspects of preservation must be considered when reintroducing a cemetery into a community. The aspects of preservation,

rehabilitation, restoration, and reconstruction recommended by the Secretary of the Interior's Standards refer to areas of interventions necessary in historic preservation.<sup>41</sup> Because these areas are appropriated for architectural properties, they do not necessarily reflect those activities required of cemetery landscapes. To appropriately address the concerns of cemetery preservation specific areas of intervention are essential. These four areas – restoration, maintenance, conservation, and planning – better define the activities a cemetery preservation project should undertake.

The preservation activities seen among the case study projects were compiled from telephone discussions with leading participants and newspaper coverage. The activities outlined in Tables 4 – 6 were allocated into three areas: an initial cleanup, annual maintenance, and additional activities. Through this comparison of data, although minimal, the examination contributes to understanding and identifying the specific needs for similar landscape projects and preservation planning. The comparison may reveal additional options for cemetery preservation reform.

### Restoration Phase

The restoration phase focuses on the removal of vegetative overgrowth and debris from the burial grounds. While an architectural restoration may consider a building's return to a particular point in time, a cemetery's restoration attempts to return an unsightly, overgrown landscape to one that is physically manageable.<sup>42</sup> This phase is commonly the only stage groups are able to complete. Many groups often mistake restoration for the entire preservation process.

The initial activities projects confront during a restoration are summarized in Table 4. An immediate observation concerned the challenge to remove decades of invasive vegetation, consisting typically of grasses, brush, and trees. The immense task observed at each project fell predominately on the shoulders of volunteers.

Study Group	Illinois	Iowa	Kansas	Missouri	Nebraska
<b>Cemetery</b>	Winans-Jackson (Hamilton)	South Jordan (Jordan)	Cemetery of the Lone Tree (Valley Falls)	Mount Zion (Festus)	Old Log Church (Waterbury)
<b>Initial Restorative Activities</b>					
Brush and tree removal	x	x	x	x	x
Grass mowing	x	x	x	x	x
Ground leveling			x	x	
Headstone resetting					

Table 4: Initial restorative activities of the case study pioneer cemeteries.

Leveling the burial grounds is another initial activity seen in the case study. An abundance of grave depressions are commonly seen among the neglected pioneer cemeteries. Sunken by collapsed or vaultless coffins, water runoff, disruptive tree roots, and regular managing, grave depressions can be abundant and inhibit the restoration process. Once the grounds are cleared of overgrowth, organizers can commence in ground leveling to aid physical access and maintenance. The projects to restore Cemetery of the Lone Tree and Mount Zion Cemetery both tended to numerous depressions by leveling the grounds with topsoil to lessen the chore during maintenance.

The measure of restoration achieved through volunteer groups varies widely. A number of groups make ample strides on limited resources to achieve the removal of

landscape debris. While the aid of volunteer labor minimizes removal costs, the length of the process can be met with inconsistencies and extend from several months to several years. Due to the laborious conditions many volunteers find it cumbersome, become discouraged, and discontinue their projects, leaving these historical landscapes in varying stages of restoration. Three of the cemeteries, Cemetery of the Lone Tree, Mount Zion, and Old Log Church, secured supplementary assistance with overgrowth removal from local businesses. The sponsorship hastened the process, lessened the burden on volunteers, and most likely secured the longevity of each project.

The group engaged in restoring Old Log Church Cemetery is currently in the process of clearing their grounds of landscape debris. Many trees are toppled and some are engulfing headstones (fig. 9). Nearly two years into the restoration, the project is actively proceeding to the next phase of preservation.



Figure 9: A headstone engulfed by a cedar tree in Old Log Church Cemetery. [Source; Cindy Krusemark, 2012.]

Each of the sampled Midwest pioneer cemetery projects has accomplished or is accomplishing at the present time the restoration phase. Several of the projects aim to include additional phases but the lack of resources and inexperienced volunteers will likely prevent the incorporation of every aspect of preservation.

The lack of resources and experienced volunteers is not unique to the case study group. Similar projects throughout the country are suffering from similar circumstances. The Evergreen Cemetery in Richmond, Virginia, fell under disarray and vandalism after the 1930s.<sup>43</sup> The 60-acre cemetery was the burial place of approximately 5,000 African Americans, many of whom were well-known elites. In 2009, John Shuck and several volunteers began the restoration project for the burial ground. Over the past five years, the project has cleared approximately five percent with limited resources for acquiring equipment and securing funding. The restoration of Evergreen Cemetery has since halted and its grounds remain unrestored.

### Maintenance Phase

The maintenance phase allows for the ease of managing the site. Concentrating on grounds keeping, particularly grass mowing and tree trimming, the activity commences on an annual, monthly, or weekly basis. The care of cemetery landscapes is quite similar to the management of public parks. While cemeteries are primarily for burying and memorializing the deceased, their grounds can function recreationally for social activities such as jogging paths, hiking trails, and landscape art galleries. Ongoing maintenance, although straining to project budgets, is a necessary measure that will inhibit the return of unwanted vegetation while encouraging community visitation.<sup>44</sup>

Study Group	Illinois	Iowa	Kansas	Missouri	Nebraska
Cemetery	Winans-Jackson (Hamilton)	South Jordan (Jordan)	Cemetery of the Lone Tree (Valley Falls)	Mount Zion (Festus)	Old Log Church (Waterbury)
Maintenance Activities					
Grass mowing	x	x	x	x	x
Landscaping				x	x
Tree trimming		x	x	x	

Table 5: Maintenance activities observed in the case study.

This phase of preservation continues activities similar to restoration, as indicated in Table 5. Although on a smaller scale, mowing to prevent a return to unwanted overgrowth and tree trimming to rid the site of hanging branches, dying trees, and the like are actively pursued at the South Jordan, Cemetery of the Lone Tree, and Mount Zion cemeteries on a regular basis. It will be some time before Old Log Church Cemetery can move into a maintenance approach of activities.

Research into the care of the Winans-Jackson cemetery is limited but appears to show the site is being maintained along the principle of “preservation in place.” Preservation in place is a method of providing moderate maintenance such as grass mowing with no intentions to provide conservation of the landscape, headstones, or additional features. With a single headstone on the site and its wooded, hilly location, the occasional groundskeeping of brush and grasses may be the most economic option for the site. This pioneer cemetery would therefore be allowed to age gracefully. Additional research would verify the method chosen for its maintenance.



## Conservation Phase

Conservation involves the mending of features such as headstones, sculptures, and iron fencing. An approach similar to practices for buildings, cemetery conservation requires professional guidance and technology for appropriate handling to prevent the further loss of historical fabric. This phase is less commonly incorporated into a project due to the limited access to professionals with conservator expertise and the exorbitant costs involved.

The limited access to conservative options makes slowing the rate of decay in pioneer cemeteries a challenge. Both unknowledgeable in conserving stone materials and ill equipped, numerous groups find re-erecting large, heavy headstones that lay toppled and damaged a particular burden. It is not uncommon to find cemeteries void of some or all of their burial markers. Viewed as obstacles preventing maintenance and draining budgets, some cemetery managers such as churches and commercial owners have discarded headstones from their burial grounds.

One example dealing with the challenges of monument care is the complete clearing of headstones from the grounds of Calvary Cemetery in St. Louis.<sup>45</sup> Deemed a costly burden in 1951, approximately 1,000 headstones in the oldest sections of the Catholic cemetery were removed and destroyed. Considered renovation, the St. Louis Archdiocese' cemetery director oversaw the removal as a means to aid the church's economic plight in caring for aging stones and to beautify the grounds. The director oversaw the renovation of another Catholic cemetery, Saints Peter and Paul, discarding approximately 500 of the headstones.<sup>46</sup> Fortunately, not a single group in the case study



Figure 10: Display of headstone fragments in Cemetery of the Lone Tree.  
[Source; James Benar, 2012.]

has resorted to that extreme decision of headstone care promoting a mass loss of history.

The organizers for the Cemetery of the Lone Tree chose to relocate broken and scattered headstone fragments damaged through deterioration and vandalism. Relegated to a section just for their display, Figure 10 illustrates numerous burial markers laid alongside the cemetery in a rectangular fashion. High school students were enlisted for the task of moving the fragments, which unfortunately were not documented to note the original sites. The relocation was a considerate decision that permits unobstructed groundskeeping while allowing access to the fragments by family members and visitors.

After a decade of grass cutting, the headstones in Mount Zion Cemetery are beginning to receive attention. Due to several fragile, toppled, and partially buried headstones, a small group of individuals are assisting me in providing conservation. The repairs will help reduce the deterioration of burial markers due to weathering and accidental damage caused by maintenance crews (fig. 11).



Figure 11: Before and after photos of conservation to a handmade, sandstone burial marker recently mended at Mount Zion Cemetery. [Source; photo by author, 2012.]

### Preservation & Perpetual Planning Phase

Groups can assist in the success of a preservation project by outlining their initial goals to and the potential needs of a cemetery through preservation and perpetual care planning. Much like a business plan, this phase focuses on drafting the goals in written form to ensure projects and volunteers remain on task, meet milestones, and prepare for potential opportunities. A plan should include step-by-step details of the necessary tasks to complete preservation goals and the personnel appointed to each task. Preservation plans are best drafted prior to a project's onset but are still a pertinent document when adopted during the project and revised when necessary.

Perpetual care included in a plan should recognize future considerations a cemetery may require. While a plan may focus on maintenance and financial obligations to provide the landscape with continued care, this phase may incorporate public outreach and opportunities for its inclusion into the community, both educationally and economically. As noted by the National Trust for Historic Preservation, groups that

“implement a strategic planning process often overcome the fundamental problems they face and eliminate the symptoms that emerge throughout the organization.”<sup>47</sup> This phase is best utilized if introduced in the early stages of organizing projects. The process does not often move beyond planning for regular grass mowing to prevent unsightliness. None of the case study cemeteries have active perpetual plans in place.

Study Group	Illinois	Iowa	Kansas	Missouri	Nebraska
<b>Cemetery</b>	Winans-Jackson (Hamilton)	South Jordan (Jordan)	Cemetery of the Lone Tree (Valley Falls)	Mount Zion (Festus)	Old Log Church (Waterbury)
<b>Additional Activities</b>					
Historical Research	x	x	x	x	x
Genealogical Research	x			x	x
Land Research (Deeds)	x	x	x	x	x
Property survey				x	x
Site survey				x	x

Table 6: Additional preservation activities and goals of Midwest pioneer cemeteries.

Several organizers in the case study plan to or have already incorporated additional activities for their projects. As noted in Table 6, the additional activities observed in the case study regard details of each cemetery’s history that have been lost due to the passage of time. The known information regarding abandoned burial sites can be quite limiting at the onset of a preservation project. Delegating volunteers or enlisting the aid of professionals to undertake the research can uncover valuable historical facts previously considered lost.

Each of the cemetery projects was fortunate to have the assistance of local historians and genealogists who had previously compiled background research. At a

minimum, the findings verified their approximate establishment dates, their original owners, their affiliations, and their approximate date of closing to burials. Land record research aids the historical data and provides a foundation for property surveys to reestablish boundary lines. Acquiring the background history of a pioneer cemetery assists not only in restoring its forgotten details but can be a supportive aid in building public awareness.

Site surveys are ongoing at Mount Zion and Old Log Church. The surveys assist in the determination of the number of graves, headstones, and distinguishable features such as fence lines and nearby roadways. The surveys, paired with genealogical research, are especially helpful in reconstructing lost burial lists. Burial records for pioneer cemeteries are not commonly complete if known at all.

The active reconstruction of a burial list to record those interred in forgotten cemeteries is often overlooked as maintenance takes to the forefront of projects. The Cemetery of the Lone Tree has a list of interments recorded but there are many unmarked graves yet to be confirmed. The Winans-Jackson cemetery research uncovered a few of the family members likely buried within its grounds but the majority of those interred remains unknown. The South Jordan cemetery has a few names of the buried but the majority of its interred is possibly forever lost due to the time period and circumstance of its creation. Additional research may uncover more burials for each cemetery in the case study.

Unlike the previous cemeteries mentioned, I have actively pursued reconstructing a burial list for Mount Zion since 1993. That research is the catalyst for launching the

restoration project. The reconstruction begins with the photographing and transcribing of the existing headstones. The information gleaned regarding the deceased is verified against surviving references such as death certificates, death registers, newspaper obituaries, and funeral home records. Surnames are cross-examined to verify if additional relatives are interred without an existing headstone. I rediscovered several hundred burials and listed them in a personal digital archive, but many more are still to be confirmed. A list of that magnitude requires extensive research that may take many more years to compile.

The Midwest pioneer cemetery projects are in varying states of preservation. Observing the activities broadened my understanding of the thin resources that limited the projects. Only with ample resources at hand can a volunteer based group progress through each phase of preservation, restoration, maintenance, conservation, or perpetual planning. This understanding of the activities they *are* implementing versus the activities they *should be* implementing will assist their mission and increase the likelihood of pioneer cemeteries to be preserved for years to come.

### Public Awareness

Over the past several decades, citizen interest in cemetery preservation has increased. Many citizens are gaining awareness of the need for cemetery preservation due to the popularity of researching family histories. The hobby relies heavily on headstone inscriptions that are often the only source of information on ancestors' lives. Others are becoming aware of the need to preserve cemeteries in their subdivisions and when expanding shopping centers envelop reclaimed farmlands that encroach the boundaries of

forgotten burial grounds. However people arrive at becoming activists there are never enough volunteers. Numerous grassroots efforts face a high turnover rate of volunteers as limited resources increase frustrations and our fast-paced lifestyles diminish the labor and time investment that preservation projects require.

Following the example of the Federal Government's Advisory Council on Historic Preservation, Midwest states can make a difference in protecting historic resources.<sup>48</sup> By recognizing pioneer cemeteries as cultural resources, each state can play an essential role in public awareness. State recognition can decrease the cemeteries' further loss through active participation in boosting public campaigns. By increasing public awareness of their existence and preservative needs, providing accessible resources for project leaders and volunteers, and offering opportunities for funding incentives, states can use their political platform to lead the mission to protect pioneer cemeteries.

Several eastern states have led the country in historic preservation. Since the movement began in 1813 with the restoration of the Old State House (now known as Independence Hall) in Philadelphia, the preservation movement continues today, no longer limited to preserving the homes and battlefields of our founding fathers. But as advanced as the effort has come, Midwest states continue to lag considerably in the need for landscape preservation awareness.

During the case study, I examined the websites of each state's historic preservation office (SHPO) to view their activism in promoting cemetery preservation awareness. Of the five Midwest states in the case study, Illinois is the only one providing

citizens, professionals, and volunteer resources specific to cemetery preservation. The Illinois Historic Preservation Agency (IHPA), the state's historic preservation office, has implemented a webpage dedicated to cemetery preservation.<sup>49</sup> "Cemetery Preservation" is informative and offers several resources for preservationists and volunteers. Available for download are two guidebooks. The *Illinois Historic Cemetery Preservation Handbook: A Guide to Basic Preservation* provides an introduction to the state's Human Skeletal Remains Protection Act, planning a cemetery project, and cleaning headstones. The department also published the handbook, *Cemetery Preservation Training, Part I: Basic Workshop*, which provides an overview of the basics of cemetery preservation for their hands-on workshops. Held annually for the past few years, the workshops include programs to educate volunteers interested in cleaning and restoring cemeteries. Additional resources on the website include a "Frequently Asked Questions" section discussing cemetery concerns, information regarding the state's laws and requirements for initiating a cemetery project, and numerous links for additional resources beyond their capacity.

Across the country, numerous states are spreading awareness in preserving cemeteries through their SHPO. Offices such as the Arizona State Historic Preservation Office, the Arkansas State Historic Preservation Office, and the Maryland Historical Trust each demonstrate prime examples of state leadership Midwest states should embrace.

Arizona recently joined the effort for cemetery preservation awareness in 2008. To honor its Statehood Centennial in 2012, the Arizona SHPO collaborated in an effort



with various agencies, including the Pioneer's Cemetery Association, to locate and inventory cemeteries that are fifty years and older throughout the state.<sup>50</sup> The project is named the "Inventory of Arizona Historic Cemeteries (IAHC) and its aim is to "promote the protection of historic cemeteries through the state," and assists in their move to support "conservation and maintenance" of cemeteries.<sup>51</sup> The office's website also provides resources for volunteers to assist in the project with downloadable inventory forms and a guidebook on how to properly approach the effort. The guidebook *Places to Remember: Guidance for Inventorying and Maintaining Historic Cemeteries* provides a brief of the history of U.S. cemeteries and an overview in the basics for cemetery preservation from planning to management.<sup>52</sup> Although the IAHC website is minimal, it provides the basic essentials regarding cemetery ethics, state statutes that are specific to cemeteries, and public preservation programs volunteers need to commence projects.

Joining in the effort to bring awareness to cemetery preservation is the Arkansas Historic Preservation Program (AHPP).<sup>53</sup> The department's webpage "Preservation of Arkansas' Historic Cemeteries," offers visitors information regarding the significance of cemeteries, state laws, and resources to assist cemetery volunteers. The webpage offers several publications for cemetery volunteers including their manual, *Grave Concerns*.<sup>54</sup> Several online articles by the AHPP are especially helpful in promoting awareness; in particular, one highlights "abandonment, apathy, encroachment, environment factors, vandalism, and theft" as common threats to cemeteries.<sup>55</sup>

The Maryland Historical Trust offers a webpage, "Historic Cemetery Preservation," that provides resources and educational information.<sup>56</sup> The webpage

provides a brief introduction to cemetery preservation and options to learn more on topics of legal matters, planning, historic designation, training opportunities, and funding grants. Also available on the site are downloadable files regarding resources and the state statutes specific to cemeteries. The department's numerous website links direct site visitors to additional knowledge beyond their capacity. Overall, the Maryland Historical Trust website presents the state as an assisting partner in preservation concerns, be it architectural or landscape, and promotes public awareness quite favorably.

Benevolent volunteers become the stewards of countless abandoned and neglected cemetery preservation projects. On account of their manpower, equipment, and wallets, volunteers are currently the last prospect for the restoration of threatened cemeteries in the rural Midwest. Each phase of preservation requires volunteers to conduct action steps for their completion. State cooperation in public awareness for cemetery preservation can bring these valuable people into the preservation field.

### Funding Sources

Traditionally, the restoration of pioneer cemeteries has been supported primarily through the private sector. According to Lynette Strangstad, "Obtaining funding is often one of the most immediate and difficult goals of the entire process."<sup>57</sup> Through hosting programs, tours, social activities, fundraisers, and soliciting donations, numerous burial grounds are transformed annually from eyesores to community assets.

Some preservation groups have become creative, supplementing burial sites by taking advantage of tourism through bus or walking tours to raise funds. Bus tours offer traveling tourists arranged trips that vary in distance from neighboring cities to multiple

states. Cemetery tours have become a popular destination along bus tours and are often visited when in route to other historic sites. Walking tours are also growing in popularity. Commonly hosted by knowledgeable volunteers, walking tours offer visitors a guided stroll through the grounds while learning about the lives of the buried through stories and reenactments. Tours frequently coincide with holidays such as Halloween as ghost walks or historical events pertaining to the local community.

Study Group	Illinois	Iowa	Kansas	Missouri	Nebraska
<b>Cemetery</b>	Winans-Jackson (Hamilton)	South Jordan (Jordan)	Cemetery of the Lone Tree (Valley Falls)	Mount Zion (Festus)	Old Log Church (Waterbury)
<b>Funding Sources</b>					
Volunteers	x	x		x	x
Donations				x	x
Fundraisers			x	x	
Sponsors	x			x	
Local government	x	x	x		x
Grants, Endowments					

Table 7: Funding sources utilized by the Midwest pioneer cemeteries.

A Déjà vu Spirit Reunion, a tour also referred as a ghost walk, is held annually at the Memorial Cemetery in Ste. Genevieve, Missouri, established circa 1787.<sup>58</sup> Hosted by the Foundation for Restoration of Ste. Genevieve, Inc., visitors pay an admittance fee of \$2.50 to \$5.00 per person for a fall evening's theme of stories and tales depicting the lives of those interred in the cemetery's grounds. Historically dressed volunteers and reenactors spotlight the ethnic diversity of Ste. Genevieve's historical past to locals and tourists while raising funds to assist the cemetery's restoration. The most recent

restoration projects include the documentation and repair of numerous headstones, wrought-iron fencing, and its surrounding stone walls.<sup>59</sup>

The Bellefontaine Cemetery in St. Louis offers numerous tourism events annually to supplement its budget. Established in 1849 as a planned rural cemetery, Bellefontaine Cemetery's 314-acre landscape is the burial place for approximately 87,000 area residents regardless of social or economic status. Often presented by The Friends of Bellefontaine Cemetery, the events include bus tours of historical sites around the city and private walking tours of the cemetery grounds.<sup>60</sup>

The Beer Barons Tour, one of Bellefontaine Cemetery's most recent bus tours, recaptures stories of the barons and baronesses that advanced the St. Louis beer brewery industry and highlights the buildings and sites they constructed. The tours also greet guests with music, beer tastings, and local foods. Their walking tours, led by knowledgeable docents, take visitors on a leisurely stroll through the cemetery, highlighting the burials of well-known elites while pointing out the designed architectural and scenic landscape. Although I was unable to verify the amount of funds raised, the tours are popular attractions with fees ranging from \$25 to \$55 per tourist and providing an annual subsidy.

Cemeteries can be revitalized as social spaces which host special events to raise additional funding. New York's Marble Cemetery, established in 1830, offers a unique venue for photographic opportunities, private parties, and weddings. Co-owned by 156 families, the half-acre cemetery is the burial site of approximately 2,000 interments which utilize underground marble vaults.<sup>61</sup> In lieu of headstones, the site is surrounded by

a stone wall displaying marble plaques of the families interred, freeing the landscape as a private garden for recreational use. The public can request to rent the grounds for a fee based on their intended use.<sup>62</sup> A wedding, for instance, will raise \$2,500 for the cemetery's maintenance fund, as did the ceremony of Justine Delaney and Dr. Eamonn Vitt, who were married on the lot in 2012.<sup>63</sup>

Cemeteries can also raise funds by filling expanding social needs. Joggers and dog walkers often find cemetery pathways peaceful options for morning strolls beyond city parks. The K9 Corps has honored the buried by allowing owners to raise funds through a membership which allows dog walking along the grounds of the Historic Congressional Cemetery in Washington D.C.<sup>64</sup> Established in 1807, the cemetery is still an active burial site. Organized in 2007, the K9 Corps collects an annual donation of \$225 per membership, which provides the cemetery with monetary assistance for its restoration and maintenance. The group encourages its members to volunteer their time in the cemetery by engaging in such tasks as grounds keeping, archival work, and hosting annual events. The funds also assist in the cemetery's beautification by paying for garden furniture and human and pet water fountains.<sup>65</sup>

In 2002, the first 5K run and walk in a cemetery was hosted at the Metairie Cemetery in New Orleans. Includes on the National Register of Historic Places, the cemetery was established for burials in 1872, and now invites participants to a 5K run or walk through its 350-acre burial grounds.<sup>66</sup> Hosted annually by the nonprofit group Save Our Cemeteries, the event raises funds by charging participants a fee of \$25-35, with a benefactor's contribution option of \$50.<sup>67</sup> The event is sponsored by several local

businesses and the funds raised provide Save Our Cemeteries the means to continue its mission to focus on the “restoration, education, and advocacy” of preserving historic cemeteries in New Orleans.<sup>68</sup>

For funding, many groups turn to private organizations, like the Robert W. Woodruff Foundation in Georgia.<sup>69</sup> Dedicated to assisting public charities, the foundation is one of several donors that sponsored projects such as the restoration of Oakland Cemetery in Atlanta.<sup>70</sup> The cemetery received an extensive restoration of forty-two mausoleums managed by the nonprofit group, The Historic Oakland Foundation. Most often obtainable through an application process, limited funding grants are made available annually by gracious organizations, the process becoming a competition among groups requesting financial assistance. Table 7 shows the various avenues through which each case study cemetery received funding aid. Locating grants and the cemeteries that have received them requires ample research, as there is no central database of such occurrences.

An option few cemetery preservation groups utilize is to obtain financial assistance through a Certified Local Government (CLG) grant program. A Certified Local Government is a state-approved city or county which has met the requirements to receive aid and training to aid the historic preservation ordinances and legislation adopted by its jurisdiction.<sup>71</sup> The CLG program is a joint effort to provide financial and training support between state historic preservation departments and the National Park Service (NPS). Annually, the National Park Service allots monies to states, which are then required to designate ten percent of the funds for CLG expenditures. Dispersed funds

through a CLG are often awarded as matching grants for the purpose of local historic preservation projects in their areas. Local groups may apply for assistance to aid project needs that are often limited to education, public awareness, and project assessments. The grants can provide cemetery projects the guidance they need to proceed with experienced and professional assistance. CLG matching grants can allow for grassroots income to be directly used for the restoration and maintenance of a cemetery.

Each state in the case study receives annual funding for historic preservation programs from the National Park Service. The NPS budget for the 2014 Fiscal Year includes apportioning \$228,458 to each SHPO.<sup>72</sup> The allocation will be available for the CLG programs. Of the five cemetery preservation projects, only Jordan Cemetery could potentially take advantage of CLG matching grants as the county in which it resides, Monona, is an approved CLG.<sup>73</sup> The remaining projects have neither a city nor a county that is currently approved for the program, preventing this funding as a resource at this time.

The Historic Preservation Division of Georgia's Department of Natural Resources has awarded monies for approximately twenty-eight cemetery focused projects through the CLG program.<sup>74</sup> The funding allowed its local groups to acquire professional assistance with drafting preservation plans, tourism programs, educational training and materials, condition assessments, and site surveys. Nonprofit groups are the most likely recipients of such funding. In 2007, the Sandersville Historical Society was awarded a \$19,000 matching grant (60 percent state with 40 percent local contributions) to assist in the preservation of the Old City Cemetery of Sandersville, established in 1831. The funds

allowed the society's volunteers to apply coping techniques to the landscape as erosion prevention and tree removal in the cemetery. The group also used the funds to assist in the repair of a tomb and walkway that were deteriorating.

The Oakwood Cemetery Annex in Austin, Texas also received funding assistance through the CLG program for preservation repairs. The circa 1839 cemetery, covering approximately eighteen acres of ground, required repairs to the roof of its Craftsman-style restroom.<sup>75</sup> Built in the 1920s, the building is a contributing structure for the historic site that is listed on the National Register of Historic Places.<sup>76</sup>

Massachusetts recently instituted an additional funding option to the CGL program known as the Community Preservation Act (CPA). Enacted in 2000, the legislation provides aid “for open space protection, historic preservation, affordable housing, and outdoor recreation which can benefit pioneer cemeteries.”<sup>77</sup> While the CLG is funded by state distributions obtained from the National Park Service, a CPA is funded by surcharges of not more than three-percent of real estate tax levies collected through local courthouses.<sup>78</sup> Surcharges of \$10-\$20 are included in the transaction fee for document filings that occur in the Registry of Deeds and Assistant Recorder offices. Designated as a surcharge for services rendered, the moneys collected are dedicated to the CPA program and held in a community preservation trust fund. For example, a property deed filing or a municipal lien filing will include a surcharge of \$20. For communities to participate, they must adopt a preservation act and create a Community Preservation Committee (CPC) to propose projects to local municipalities.<sup>79</sup>



The CPA manages an internet database of approximately 7055 projects funded by the program. Of the projects, cemeteries may qualify in three of the four categories: historic, open space, and outdoor recreation.<sup>80</sup> Viewing the database's search engine approximately 256 funded projects reference a cemetery in its notes or as a factor in the project. The historic category refers to approximately 241 projects granted funding with reference to cemeteries. One instance is the Adams Street conservation area parking lot project in Holliston. The project received \$900 in 2012 to install signs to accurately interpret the history of the cemetery. The open space category notes twelve projects which note a cemetery. Prospect Hill Cemetery in Nantucket is an open space project example which received \$25,000 in 2007. The project focused on restoring restore its fencing, roadways, landscape vegetation, and tool house as well as install irrigation systems.<sup>81</sup> The outdoor recreation category lists three projects awarded funding with a cemetery referenced. The Oak Hill Cemetery Tree Restoration project was awarded a total of \$35,000 in 2008-2009 to assist in the protection and management of its century-old trees on the cemetery grounds.

Grassroots projects make a minor dent in cemetery preservation but a more aggressive approach is warranted. Long overlooked as sites of significance, pioneer cemeteries remain overwhelmingly in need of funding opportunities and incentives, unlike their architectural counterparts, historic buildings. Historic buildings are viewed for their "economic capacity, measures of return, value as an asset, and attractiveness as an investment are all going to be calculated...as any other parcel of real estate."<sup>82</sup> Visit any SHPO and there is an extensive list of historic buildings that remain staples in the

local economy when preserved and rehabilitated. Due to their economic value and reuse, preservation projects are strongly geared to these architectural sites, with an array of programs and incentives offered from the federal government down to local jurisdictions. Perhaps the answer to expanding resources for cemeteries preservation lies in increasing their value as a resource, be it for tourism, as an open space, etc.: build it and the resources will come?

Historic buildings are valued for their reuse and economic potential and hence have opportunities for their rehabilitation. Having a narrow focus to preserve primarily sites of architectural or prominence can result in great loss of irreplaceable cultural resources in many Midwest cities. Determining how a cemetery past its prime can be repurposed for present and future is the goal that will aid tomorrow's defunct cemeteries. Protecting these time capsules from extinction is vital to cultural and social history.

### Conclusion

Change and progress are inevitable, but to increase the odds for their longevity, pioneer cemeteries must be recognized for their value to cultural heritage. Pioneer cemeteries are just one of the various historical features that add to a community's identity and are threatened with deterioration, vandalism, and removal through eminent domain. The determination of their value may not be in the economic sense of the land, which is often the case for urban development, but in the unique heritage that only a landscape of its kind can offer.

Dual partnerships from the public and private sector can assist in saving the vast quantity of cemeteries that are increasingly deteriorating and threatened within Midwest

areas. The implementation of financial resources similar to those used to restore historic buildings, combined with training programs, can not only increase the viability of pioneer cemeteries but aid groups who aim to manage them.<sup>83</sup> Government-sponsored resources can assist volunteers by bringing the plight of pioneer cemeteries to the forefront.

## CHAPTER IV OBSERVATIONS OF CEMETERY LEGISLATION

Across the country, state after state has enacted legislation that regulates its interests in public and commercial cemeteries. The earliest laws often established the means for municipalities to provide community burials grounds, while many present laws regard the redevelopment of the land once deemed for the dead. Each enactment that states revise in their statutes tends to reflect the evolving views and needs of the community. What has been slow to evolve is the legislation that lobbies for the protection of thousands of aging pioneer cemeteries within the Midwest. State and local governments can be a supportive component in cemetery preservation reform.

As towns progressed from farm communities to progressive cities, the practices to bury deceased citizens transitioned from the common church and family burial ground to interments taking place in public cemeteries. State legislation followed suit, amending municipal policies to allow for provisions in funding and managing growing public and commercial cemeteries within their jurisdictions.

### Overview of State Cemetery Legislation

Numerous statutes can be found within each state's legislation reflecting the issues governments have had to confront since they first enacted cemetery laws. Of those enactments, several have become commonly adopted in varying degrees to tackle issues

such as maintenance, finances, criminal mischief, and neglect. Few statutes directly regard pioneer cemeteries, and when a focus, they are often limited to criminal acts and redevelopment. This limitation is an unfortunate provision when used by the court system and inadequate in enforcing protections for burial grounds of this nature.

#### Definition of Abandoned and Pioneer Cemetery

The initial investigation of cemetery legislation among the cemetery case study examples determined if each state instituted a definition of an abandoned or pioneer cemetery (as the terms can be used synonymously) and if the state adopted a statute dedicated specifically to abandoned or pioneer cemeteries.

<b>State Legislation Contains:</b>	<b>Illinois Statutes</b>	<b>Iowa Statutes</b>	<b>Kansas Statutes</b>	<b>Missouri Statutes</b>	<b>Nebraska Statutes</b>
Terminology which defines an abandoned or pioneer cemetery	N/A	523I.102.39	N/A	214.13	12-808
A dedicated section regarding abandoned or pioneer cemetery	N/A	331.325	N/A	N/A	12-805 to 810

Table 8: Statutes defining pioneer cemeteries.

The summary of statutes in Table 8 will direct an interested party to the specific legislation that provides a definition for authoritative understanding of abandoned or pioneer cemeteries. Of the five states in the case study, Illinois and Kansas do not have a definition for the two cemetery types nor do they have a chapter detailing the related statutes. Further research may yield additional information as navigating legislation can be quite an undertaking and recent changes to state legislation may have been enacted.

Iowa has several statutes among three Chapters (317, 331, and 523I) regarding cemeteries, commercial and non-commercial, with specific statutes pertaining to

abandoned and pioneer cemeteries. Iowa defines a pioneer cemetery as “a cemetery where there have been twelve or fewer burials in the preceding fifty years.”<sup>84</sup> The term “abandoned” is used frequently regarding commercial and noncommercial burial sites within the chapters but no definition was uncovered during the research.

Missouri has Chapter 214 of the state statutes specifically dedicated to cemeteries. The chapter does not define or make use of the term “pioneer,” but it does utilize “abandoned family cemetery” and “private burying ground” with variations in regard to the style of cemetery this thesis recognizes as pioneer. The Missouri definition states that an “abandoned family cemetery” or “private burying ground” shall include those cemeteries or burying grounds which have not been deeded to the public as provided in chapter 214, and in which no body has been interred for at least twenty-five years.”<sup>85</sup>

Nebraska, like Missouri, has a chapter dedicated to cemetery statutes, Chapter 12. Unlike its neighbor, the state uses “abandoned,” “pioneer,” and “neglected” in various instances, although not necessarily interchangeably, when defining cemeteries regarded as pioneer in this thesis. The Nebraska legislature has adopted a statute with three definitions to guide authorities in determining what constitutes an abandoned or neglected pioneer cemetery:

Such cemetery was founded or the land upon which such cemetery is situated was given, granted, donated, sold, or deeded to the founders of the cemetery prior to January 1, 1900;

Such cemetery contains the grave or graves of a person or persons who were homesteaders, immigrants from a foreign nation, prairie farmers, pioneers, sodbusters, first generation Nebraskans, or Civil War veterans; and

Such cemetery has been generally abandoned or neglected for a period of at least five consecutive years.<sup>86</sup>

## Local Jurisdiction

While cemetery definitions may or may not have been adopted by all Midwest states, legislation that allows for local governments to draft and enforce the regulation and handling of burial grounds is common.

State Legislation Contains:	Illinois Statutes	Iowa Statutes	Kansas Statutes	Missouri Statutes	Nebraska Statutes
An allowance for local jurisdictions to draft and enforce ordinances regarding cemetery abandonment and neglect	765 ILCS 835/9; 60 ILCS 1/130	523I.205	80-934 to 936	214.240	12-701 to 702
An allowance for local jurisdictions to draft and enforce ordinances regarding abandoned and/or pioneer cemeteries	760 ILCS 100/26	523I.401	19-3106	214.205, 214.24	12-701 to 702

Table 9: Listing of enforcement legislation.

Each case study state has instituted statutes, outlined in Table 9, for intervening in the regulation of public and commercial cemeteries, while few recognize the full needs of pioneer cemeteries. Many states were found without the plight of pioneer cemeteries on their agenda. Only when forced by necessity, often which is initiated by land development or criminal actions, do states actively reform statutes to accommodate the cultural resource. The statutes implemented to protect cemeteries by each state studied are summarized in Table 10.

State Legislation Contains:	Illinois Statutes	Iowa Statutes	Kansas Statutes	Missouri Statutes	Nebraska Statutes
Protections for historic, unmarked and/or unrecorded burial sites	20 ILCS 3440	523I.316	75-2744	194.406	12-1203 to 12-1210
Protections against criminal mischief i.e. vandalism, theft, or desecration	765 ILCS 835	523I.316	21-4111	214.131, 214.455	12-1203 to 12-1212
Procedures for disinterment or disturbance of burial grounds	20 ILCS 3440, 765 ILCS 830	523I.402	75-2743	214.208	71-605

Table 10: Listing of legislation regarding cemetery protections.

One state in the case study, Illinois, was recently placed in such a necessity, changing its apathy toward pioneer cemeteries. The state's actions against criminal mischief have started a dialogue regarding state responsibilities to approach cemetery legislation reform, which may increase the chances for a trend to spread from state-to-state.

### Criminal Mischief

To address today's growing problems of embezzlement and closures of commercial cemeteries for lack of funds, each state has established laws and procedures to create perpetual care funds (also known as endowment care funds) for all commercial cemeteries. One of the foremost issues governments currently face regarding drafting cemetery legislation is mismanagement. Embezzlement and misappropriation of cemetery funds have stricken many currently operating commercial cemeteries, leaving them just as vulnerable as the pioneer cemeteries. Even those cemeteries that have followed guidelines have found themselves with limited funds due to the economic slump, causing a new issue of concern for future regulation. Exempt from this mandate are the thousands of pioneer cemeteries established by churches and family farms, which have no established funds for their perpetual care and maintenance.

To prevent and prosecute instances of criminal mischief and specifically mismanagement, Illinois adopted the Cemetery Protection Act in 2010.<sup>87</sup> The attempts to thwart desecration and vandalism to human burial sites. Additionally, the Cemetery Oversight Act was put into place to regulate consumer protection in funeral and burial products and services.<sup>88</sup> This law was introduced in 2010 to prevent future occurrences of



criminal mischief similar to those reported at Burr Oak Cemetery in the Alsip suburb of Chicago, a case of extreme mismanagement.<sup>89</sup>

At Burr Oak Cemetery, a historic African American burial ground established during 1927, four caretakers reinterred numerous of the deceased's remains to mass graves on the cemetery grounds. Desecrating nearly 300 human burials, the caretakers removed and destroyed headstones, resold the reclaimed graves, and profited the proceeds as an embezzling scheme. Although the cemetery was a commercial property residing within the city limits of Chicago, the incident strengthened cemetery reform by leading to regulation, documentation, and registration of all cemeteries, public, commercial, and pioneer throughout the state.

Criminal acts against cemeteries are not new. Since the incident in the Chicago cemetery, many states have had similar occurrences of cemetery desecration. The outrage at Burr Oak Cemetery sparked discussion from legislators to citizens and began a debate on strengthening cemetery regulations. The International Cemetery, Cremation, and Funeral Association went as far to draft a guideline for proper cemetery management procedures.<sup>90</sup>

During times of economic downfall, occurrences of property theft appear to increase, and cemeteries are no exception.<sup>91</sup> Numerous states have enacted legislation to prevent destructive practices against property including cemeteries public, private, or commercial. Copper vases and ironworks such as wrought-iron fencing have been favorite artifacts thieves are recycling to scrap yards. Headstones produced prior to the twentieth century and physical remains are sold as exotic collectibles to antique

collectors.<sup>92</sup> As a post-theft measure, many states have enacted legislation similar to Nebraska's anti-thefts laws, which prosecute individuals for thievery if caught in the act or with stolen goods (often referred to as scrap metal laws).<sup>93</sup> In 2010, 36,881 incidents of theft were reported in Nebraska against property, which include cemetery and copper thefts; however, these types of property thefts are not itemized to identify how many involve cemeteries.<sup>94</sup>

Nebraska's anti-theft laws may be in place, but they are in need of additional measures to aid prevention and recovery of property, particularly those that are unsupervised such as pioneer burial sites. The recovery of the stolen headstone of Lena E. Davis in 2012 is a prime example.<sup>95</sup> Stolen sometime during the 1940s, the headstone marked the grave of Davis, an infant who died in 1880 at eight months of age, in Pleasant Home Cemetery near Stromsburg, Nebraska. The stone's travels are unknown until it was purchased by an artist from a Wyoming antique store as a decorative piece. On display in her studio for approximately eleven years, the artist placed the headstone on eBay, where a genealogist researched and alerted authorities in Polk County of its theft. The infant's headstone was retrieved and is now reset on the family plot beside her parents.

The felony theft charge against Dustin L. Grogan of Pasadena, Maryland in February 2013, demonstrates that the community will not accept desecration when a perpetrator can be identified.<sup>96</sup> Grogan stole numerous bronze burial markers from gravesites in the Glen Haven Memorial Park in Glen Burnie. The particulars of how the assailant was identified were not noted but likely through an anonymous tip. Many of the items were recovered and identified by the names listed on their surface. Both the Grogan

and Davis theft cases were unique as they led to the recovery of artifacts, but they show how even well-intended anti-theft laws are inadequate to conduct prosecution unless the perpetrators can be identified.

Cases of criminal mischief against cemeteries are coming to light with the recent passing of scrap metal laws across the country.<sup>97</sup> Although it may vary by state, these law require sellers of scrap metals to disclose their personal identification and sign statements of ownership and previous convictions of illegal scrap metal selling to scrapyards. The regulation also encourages scrap dealers to use a digital system to compile the information and receive alerts of known thefts from an internet alert system, Scrap Theft Alert.<sup>98</sup> The alert system allows for registered users to notify authorities of potential cases of metal theft. These steps are enabling scrap dealers and authorities to trace stolen items and catch criminals who steal metal items and fixtures from many places, including burial grounds.

In Scranton, Pennsylvania, two criminals were charged with the theft of hundreds of bronze cemetery vases after a scrap dealer's computer system highlighted scrap metal items as suspicious sales.<sup>99</sup> Erik Zimmerman and Robert Krostag, both repeat offenders, were arrested in April 2013 after scrap dealer Ben Weitsman and Son verified the assailants sold bronze cut up into pieces in large volumes and frequencies. Totalling 200 pounds, the scrap metal pieces were the remains of bronze vases recently stolen from Cathedral Cemetery. Because the system contained photographs that identified the criminals and the items they sold, the men were arrested onsite and the scrap was taken into evidence for the case. The computerized system allowed the business owner to

quickly review the previous transactions made with the sellers and contact the authorities of the crime.

Another example of charges successfully filed against those who commit crimes against cemeteries is the case in Ball, Louisiana where two individuals, Johnny Fitzgerald and Kimberly Deville, were charged with theft of over 500 urns from Forest Lawn Memorial Park Cemetery in Rapides Parish.<sup>100</sup> Stolen with the intention of selling them as scrap Fitzgerald was charged with thirty counts of copper theft and Deville was charged with possession of stolen goods. Each of the case study states have enacted stronger scrap metal laws which require tracing or documenting the selling and buying of scrap, and of the individuals of the interactions. This step is enabling the identification of stolen cemetery items as well as the prosecution of criminals.

The vandalism of Farmer's Valley Cemetery in Aurora, Nebraska by Robert Kelly, Jr., is a unique prosecution case.<sup>101</sup> Established in 1876, the burial ground was vandalized, which caused \$28,500 of damage to over 40 monuments in 2013. Kelly pled guilty and was charged with a class 4 felony of criminal mischief, was sentenced to 180 days in jail to be served intermittently from 2014-2017, given five years of probation, and forced to pay restitution in the amount of \$10,000. The community is currently fundraising to begin the restoration of the cemetery which could cost \$40,000 in restoration.<sup>102</sup>

### Registration of Cemeteries

Few states require the active registration and cataloging of cemeteries that are located within their boundaries. Of the five states in this study, as illustrated in Table 11,

Illinois, Missouri, and Nebraska were determined to have either written or electronic databases in place although in differing capacities. Additional research can identify the actual number of states that currently require cemetery registrations.

<b>State Legislation Contains:</b>	<b>Illinois Statutes</b>	<b>Iowa Statutes</b>	<b>Kansas Statutes</b>	<b>Missouri Statutes</b>	<b>Nebraska Statutes</b>
A state cemetery registry	20 ILCS 3440	N/A	N/A	N/A	12-1401
A local jurisdiction cemetery registry	N/A	N/A	N/A	214.283	N/A
Mandates for access to cemeteries	N/A	523I.317	N/A	214.132	12-808.01

Table 11: Listing of cemetery registration legislation.

The Illinois Department of Funeral and Professional Registration, established in 2010, actively pursue cemetery registration of all cemeteries in the state. The purpose of the database is to allow for the recording of recent burials in commercial cemeteries to assist in the regulation of cemetery burial monitoring. Abandoned or historic cemeteries are also monitored with the assistance of citizens and professionals who are required to apply for a permit prior to initiating preservation projects, as stipulated in the Human Skeletal Remains Protection Act managed by the Illinois Historic Preservation Agency.<sup>103</sup>

Missouri has a statute for cemetery registration in place. The statute requires local jurisdictions and land surveyors to register undocumented cemeteries that are discovered during their occupational duties. Written vaguely, the law can be interpreted to exclude family burial grounds, which dominate the pioneer cemeteries and would not be included on the list. The law, instituted in 1961 and last revised in 2010, is not enforced, has no regulatory oversight, and leaves many abandoned cemeteries undocumented.<sup>104</sup>

Nebraska has a Statewide Cemetery Registry managed by The Nebraska State Historical Society (NSHS). Established in 2005, the database is intended to register and

document the historical data and physical locations of all burial grounds including commercial, not-for-profit, abandoned, and pioneer cemeteries.<sup>105</sup> The goal of the NSHS is to allow public access to the database electronically on their website. Until additional funding can be allocated, the database is currently available for review in person at the Society's archive or by request through correspondence.

Investigation continues to grow regarding the expansion of urban sprawl and the reduction of our communities, including cultural and scenic landscapes.<sup>106</sup> With a vast amount of land affected by sprawl and reclaimed for commercial and residential use, cemeteries are prime candidates for eviction. Through the use of eminent domain, many cemeteries are being stripped of their interred and replaced with modern amenities such as residential buildings, shopping centers, and transportation routes. Having resilient legislation that can ensure the landscapes receive fair consideration and due respect to remain intact is essential for their existence.

An occurrence of the use of eminent domain is the Metro Rail Expansion project of the Bi-State Development Agency (BSDA). Known today as Metro, the company was established in 1949 as a transportation coalition between the states of Illinois and Missouri. In 1993, Bi-State planned to expand a light-rail system from East St. Louis to Lambert-St. Louis International Airport, known as the present Metro Link system.<sup>107</sup> The expansion required the seizure of eleven of approximately ninety-nine acres of the northern sections of Washington Park Cemetery in Berkeley, Missouri. Washington Park Cemetery was established in 1920 for the burial of African Americans. The burial site resided on the outskirts of what was formally rural St. Louis. Abandoned for many years

due to mismanagement, a portion of the cemetery was granted to Bi-State through court proceedings, which included an original easement of 1,500'x 100' through the northern section of the burial grounds and the excavation and immediate reinterment of approximately 2,500 graves in its initial phase of the expansion.<sup>108</sup> A total of 12,000 reinterments were planned in additional project phases. Many guidelines were imposed on Bi-State, including a requirement that the disinterment be completed at the company's expense, attempted notification of living family members of those to be removed through public notice and by letter, and the compensation of families requiring legal consultations and psychological counseling for those requesting services. The Lambert Airport portion of the project spanned numerous years (1990-1994) and multiple phases with several instances of ill treatment of the remains. The cemetery has changed management several times over the years and remains in a dire state which may have contributed to the seizure of its northern section for the project. Its present owner, Kevin Bailey, hopes to give the cemetery and those interred the respect and attention they deserve.

Successful cases of accommodating cemeteries during development projects do exist. The Calaveras County Board of Supervisors in Sonora, California planned their development project without imposing eminent domain or disturbing the nearby Calaveras County Hospital Cemetery, established in circa 1890.<sup>109</sup> The development project, which proposed to build a sheriff's office and county jail, was revised to alleviate encroachment on the cemetery and nearly 100 mature oak trees. Signage near the cemetery notes its historic past as a burial ground for approximately 600 of the former hospital's deceased through the 1910s. The protection of the cemetery and its

surrounding landscape is a prime example of how municipalities can choose redevelopment options that make little to no impact on its local resources yet continue to fulfill their progressive needs. The proposed sheriff's office opened for county business in January 2014, and its jail facility, currently under construction, is planned to open in November 2014.<sup>110</sup>

Another cemetery saved from relocation is the Panasoffkee Cemetery in Lake Panasoffkee, Florida. The cemetery, established during slavery by African Americans and Seminole Native Americans when slavery was legal, was to be cleared of its approximately fifty marked and approximately seventy unmarked graves to make way for a redevelopment project.<sup>111</sup> The county planned for the disinterment of the cemetery to the nearby Sumterville Cemetery but was met with public objection. The redevelopment, dubbed Project Fire, offered seventy-five acres of land to the Daniel Crapps Agency (DCA) for industrial use at no charge.<sup>112</sup> DCA later declined the offer but the County Commission aimed to continue with the disinterment to claim the land for possible future industrial projects. With the growing protests to relocate the cemetery and the costs associated with disinterment, the county abandoned the project. While the city owns the parcel of land the cemetery occupies, the public assisted in bringing the cemetery's importance to the forefront. By preventing the burial ground's disappearance through eminent domain, the significance of the cemetery may be recognized by being included in the state's cemetery registry and considered for its historic past.



## Legislative Enforcement

Local jurisdictions in each of the states studied have state approval to enact legislation to protect and assist burial grounds in their communities. The most common laws enacted allow for the care, enforcement, and management of neglected and abandoned cemeteries as shown in Table 12. Often abandoned and neglected, pioneer cemeteries can be adopted or legally acquired by local governments. Maintained through budgeted tax dollars, governments vary in their efforts from groundskeeping to a full restoration to preserve and protect the burial grounds within their communities.

State Legislation Contains:	Illinois Statutes	Iowa Statutes	Kansas Statutes	Missouri Statutes	Nebraska Statutes
An act that permits local jurisdictions to care for abandoned and/or pioneer cemeteries	760 ILCS 100; 50, ILCS 610	331.325.2	80-916	214.15	12-805 to 807, 12-808.1 to 12.810
An allowance for local jurisdictions to create an oversight board for financing and managing an abandoned and/or pioneer cemetery	760 ILCS 100; 50, ILCS 610	331.325.3	80-936	214.150-80	12-401
An allowance for local jurisdictions to present a tax levy for the preservation & maintenance of abandoned and/or pioneer cemeteries	55 ILCS 70; 60 ILCS 1/130-5; 65, ILCS 5/11-49 & 11-50	331.424B	19-3105 to 3107, 80-938	214.02	12-805 to 807

Table 12: Listing of legislation regarding local jurisdiction management of cemeteries.

Even when cemeteries are in the care of government entities, due diligence is required to ensure the burial sites are protected from potential redevelopment. A mishap by Lake County officials in Lowell, Indiana almost cost the West Creek Township the Fuller Cemetery.<sup>113</sup> The cemetery, established in circa 1884, was the burial ground for the city's indigent and was accidentally posted for sale because the county's computer system noted the property for unpaid taxes. Although grandfathered as untaxable land owned by the West Creek Township, the property was sold to John Kramer, a neighbor and self-appointed caretaker of the cemetery. Kramer became aware of the cemetery's public

notice of sale and purchased the 1.2 acre lot to prevent its possible redevelopment. The township has repurchased the cemetery and reimbursed Kramer for his expenses. Stronger efforts in notifying the public of potential sales of pioneer cemeteries, be it accidental or intentional, will provide the opportunity for citizens to realize their cultural resources can be lost for the sake of monetary gain.

Whatever the extent of the laws, the majority of state and local legislations do not address the numerous pertinent issues plaguing pioneer cemeteries. Legislation reform is necessary and inevitable if these cultural resources are to be protected from theft, mismanagement, and needless disinterment. Future legislation will also need to be innovative to establish protective measures and funding for improving the oversight and management of these forgotten cemeteries.

### Conclusion

Currently, commercial enterprises and municipalities are mandated by statute to maintain the cemeteries under their management and provide for their perpetual care. This mandate was not always the case and has been established over time and adjusted with the public sentiment over the years. The strengthening of legislation like those enacted in curbing scrap metal thefts, also one of public reaction, is increasing the identification and prosecution of those committing crimes against cemeteries.

With innovation, a structure that provides resources and regulatory oversight of abandoned pioneer cemeteries can be established. Is the care for pioneer cemeteries realistic? It is a perplexing question to ask during this time of economic struggle, but if

we wish enough to protect our historic commodities, action needs to be taken before no action is needed after their attrition.

## CHAPTER V

### FINDINGS, RECOMMENDATIONS, AND CONCLUSION

This thesis sought to explore three questions: What are the activities groups undertake when preserving a pioneer cemetery? What resources are accessible for groups to restore and maintain pioneer cemeteries? Does Midwestern state legislation assist or hinder pioneer cemeteries from abandonment and destructive practices? The following highlights the findings, recommendations, and further study suggestions in an attempt to answer the hypothesis questions.

#### Findings

##### Understanding Preservation Activities

The first research question, “What are the activities groups undertake when preserving a pioneer cemetery?,” sought to understand what activities non-professional volunteer and preservation groups have taken in an effort to preserve pioneer cemeteries. To determine this, observation of five pioneer cemeteries in the Midwest were used as case studies. Exploration of the efforts in these five cemeteries showed that groups offered a variety of activities. While some cemeteries completed similar efforts, the levels of work completed frequently varied. To determine an answer to this research question, each cemetery in the case study was compared to others.

The Winans-Jackson Cemetery in Hamilton, Illinois, has existed since 1854; it now lies on private property. Volunteers have managed to clear growth in the cemetery,

have surveyed the area, and identified nearly thirty unmarked graves. Further, the preservation volunteers researched and documented the cemetery's history for use by future historians, genealogists, and the public. No preservation plan had been created for restoring any of the site's elements, such as headstone repair.

At the South Jordan Cemetery in Moorhead, Iowa, similar activities can be found. After volunteers adopted the cemetery for an initial cleanup, regular upkeep has been provided for the cemetery. Like the Winans-Jackson Cemetery, site research was completed and archived for future use. Similarly, beyond initial cleanup and ongoing maintenance, no preservation plan or effort to restore headstones and site elements was put into place.

In Valley Falls, Kansas, at the Cemetery of the Lone Tree, group activities are similar to the top two case studies in terms of initial debris removal, but differ when creating a preservation plan. The cemetery was first cleared of major vegetation, and analyzed for damage. Because the site had extensive wear and vandalism damage, many headstones were removed with a plan to create a marker map for visitor reference. There is no plan for research of the cemetery's history

Two initial cleanups were required for the Mount Zion Cemetery, though both years apart. Cleanups in 1993 and 1999 were similar in action to those of the previous case studies in that they removed large brush, trash, and debris. Volunteer activities differed for Mount Zion, as a nonprofit board was created to manage the direction and future of this pioneer cemetery. Like the prior three cemeteries in this study, a maintenance plan for regular upkeep has been put into place. And, similar to Winans-Jackson, South Jordan, and Valley Falls cemeteries, research on the cemetery's history

was a priority put into action. Unlike any of the other cemeteries, headstone repair has become a priority at this site.

The last case study cemetery, Old Log Church Cemetery in Waterbury, Nebraska, has had a similar first step in volunteer activities – initial cleanup. Surveying of the cemetery’s boundaries has taken place, and volunteers have begun to research the cemetery’s history. As the cemetery’s preservation began in 2012, volunteer activities are further behind than those at other cemeteries in this sample. But, volunteers at Old Log are exploring the creation of a preservation plan.

Upon comparing all five study cemeteries, it is easy to determine that initial cleanup, regular upkeep, site research, and some preservation planning has been instated across the sample sites. But the levels of these activities have varied. Volunteers at all five sites have completed an initial cleanup with a plan for regular upkeep (or interest in a plan to do so, as is the case for Old Log Cemetery). Beyond initial efforts and upkeep, the cemetery efforts begin to differ. While completed or in progress at some cemeteries, not all sites have research about the region in progress. All five cemeteries had some level of historical research conducted at the time of the study; only three had any genealogical information available. Further, only one of the five cemeteries had pushed past simply regular upkeep to restoration of the cemetery’s elements, such as headstone repair. And the caretaking of these cemeteries also differed. While four of the cemeteries in the study were managed by volunteers, only one cemetery – Mount Zion – had gone through the process of creating a volunteer board which had obtained nonprofit status. The site continues to be maintained through volunteer manpower.

These findings regarding the activities groups undertake suggests there are no standards in organizing cemetery preservation projects. They also highlight the majority of the work is attempted and completed by volunteers without professional experience or guidance.

### Accessible Resources

The research question, “What resources are accessible for groups to restore and maintain pioneer cemeteries?”, looked to understand what resources are available to the volunteers who are working to preserve pioneer cemeteries. To determine this, I observed the activities –in depth – that volunteers were performing. To do so, I explored activities in areas of intervention: restoration, maintenance, conservation, and planning.

In the restoration phase, the focus of groups is to remove overgrowth and debris. All five cemeteries are either in progress or have completed this step. Three cemeteries secured private sponsorship from businesses in the area beyond volunteer support. These sponsorships assisted and hastened the projects, benefiting the cemeteries and the groups. Three cemeteries have financed their projects with township assistance. The findings suggest the resources for restoration are financially taxing but are accessible.

The maintenance phase focuses primarily on grasskeeping, landscaping, and tree trimming. Grasskeeping suggests the task is more affordable to manage and execute as each of the five cemetery projects has done so. This activity is the cheapest option to manage cemetery grounds. Landscaping was undertaken by two projects, Mount Zion and Cemetery of the Lone Tree, to level the burial grounds; however, its labor intensive nature may be deemed unnecessary by groups with minimal resources. Tree trimming at

the cemetery was undertaken by three of the volunteer groups. Tree trimming is a costly venture. Hired professionals are required for branch pruning and tree removal, insuring the safety of volunteers, headstones, and other cemetery fixtures.

Conservation is not necessarily a task taken into consideration by voluntary cemetery projects. The resource is limited due to the costs to repair headstones, iron fencing, and other fixtures require. Resources are also limited in use, as is the access to professionals who can conduct repairs. These findings imply the resources for conservation are inaccessible to the average cemetery preservation project requiring professional services.

Preservation planning tasks have been implemented in differing capacities by each group. Historical and property research has been accomplished for each of the cemeteries. Genealogical research has been implemented by three of the groups, while only two groups had completed property and site surveys. The variations of activities between the groups suggest the tasks chosen for projects are based on costs. Preservation planning for cemetery restoration projects will assist in the prioritization of tasks and the resources available. The process can vary but preservation plans can require minimal professional assistance and dollars to assist project goals.

#### Government Assistance

The concluding research question, “Does Midwestern state legislation assist or hinder pioneer cemeteries from abandonment and destructive practices?” The answer is both yes and no. The current observations demonstrate a disproportion between the states.



While some states are seen as leaders in preservation, numerous states remain overdue to make an impact in approaching the decline of the cemeteries within their boundaries.

To answer the question, four areas of state interests were considered: definitions, enforcement, protections, and registration. The most common areas where states assisted cemeteries among the case study group regarded statutes that allowed for the creation and enforcement of legislation that protects cemeteries from neglect, criminal mischief, and abandonment.

The least common resources the states within the case study group offered through statute were defining abandoned or pioneer cemeteries and a requirement for registering all known burial grounds. The findings suggest that state legislation needs to be standardized to offer cemeteries adequate legal precedence, meanwhile creating commonly known rules and regulations for cemetery volunteers.

### Recommendations

The thesis questions suggest that pioneer cemeteries as valuable cultural resources can be reintroduced into the community with additional resources and planning. The information gathered and analyzed brings several immediate recommendations that can make a drastic change in pioneer cemetery preservation in the areas of planning, public awareness, state advocacy, and program implementation.

### Planning and Public Awareness

The goals outlined by the National Park Service are relatable to the effort to raise public awareness for pioneer cemetery preservation. Their “Goals of Public

Participation” outlines four points that are valuable in enlisting volunteers and supporters.<sup>114</sup> In summary, these goals are to “provide the public with information,” “provide full opportunities for the public to share their views,” “build consensus and public support,” and to “ensure that the planning effort addresses issues of importance to those affected.” States would benefit greatly by incorporating these goals into their SHPO’s mission and adhering to these advisements to reach out to citizens.

### State Advocacy

Perhaps the best recourse for protecting pioneer cemeteries is through the active pursuit of state advocacy. As stated in *Successful State Advocacy* published by the National Trust for Historic Preservation, “Whether or not these laws affect preservation positively or negatively often depends on whether preservationists maintain a presence in their state legislature....”<sup>115</sup> With a partnership between state departments and active citizens that provides resources, programs, and adequate legislation, the burial sites of our beginnings will be preserved for posterity.

Active lobbying by each state’s SHPO can further push the movement to protect these burial grounds, bringing the issue of their neglect and need for preservation to the forefront of legislator’s minds. One example of lobbying that has been successful is the Massachusetts Cemetery Preservation Initiative. A project of the Department of Environmental Management (DEM), the Initiative provided twenty-nine communities with cemetery preservation guidelines and workshops since the project’s beginnings in 1999.<sup>116</sup> Funded by the state’s Historic Landscape Preservation Grant Program, the project surveyed thirty-two cemeteries established within the state from 1642 to 1890 and

documented their preservation concerns. The project went further by outlining the goals and tasks required of each burial ground's management through preservation planning. Each plan tackled specific areas of concern in detail that was garnered from site surveys and consolidated into the following categories: landscape character, lawns, and vegetation; access and security, vandalism, circulation systems and materials, grave markers, structural elements, fence and gates, site amenities, utilities, priorities, and prioritized costs. The continued publication of the Initiative in written and electronic format has attracted the attention of citizens and local governments. The project overwhelmingly spread awareness by informing legislators of the need to preserve these cultural sites while aiding willing volunteers beyond the grant's emphasis on conservation.

#### Programs for Preservation

Opportunities for citizens to learn management procedures and gain restoration experience for pioneer cemeteries are scarce in Midwest states. Although each state has legislation that provides protection against property damage, only a few have enacted programs for government and citizens to work jointly to thwart the loss of pioneer cemeteries. At a minimum, a state could provide informative brochures, training, or funding options which are available within its jurisdiction regarding preservation projects.

Implementing cemetery preservation resources can be an extension of each state's historic preservation office. Organized through this government department, several Midwest states have provided summaries of their cemetery regulations and links to

additional resources. Of the case study states, Illinois, Indiana, and Michigan have posted guides pertaining to cemetery preservation that are readily available for online viewing and printing. They have also included directional links to materials beyond their resources, such as pamphlets and cemetery specific organizations that can provide activists cemetery preservation advice and guidance. As for hands-on programs, Indiana and Illinois are leading the way in the region as sponsors of cemetery restoration workshops aimed for grassroots groups. Illinois and Indiana both host bi-annual workshops for restorative techniques in headstone repair. Often co-hosted with additional state departments and historical societies, the workshops have promoted positively in cemetery awareness for their states.

Of the dozen Midwest states, the growth in requests for assistance in cemetery information and issues of encroachment has led to the active registration of pioneer cemeteries. Wisconsin, Illinois, and Indiana are prime examples of states with government-housed electronic registry systems that record the location and conditions of rediscovered burial grounds within their borders. A registry of this kind placed into each state will take time, funding, and personnel but citizens can participate, acting much as field representatives and assisting the effort to locate and record pioneer cemeteries more efficiently.

Volunteers with little to no experience in preservative procedures, such as beginning the intimidating task of restoring fragile headstones or removal of overgrown trees and brush, require resources to be the cemetery's most valuable lobbyists. Guidance can be increased throughout the Midwest with the expansion of state educational

programs as seen in the other state initiatives. The scarcity of volunteer labor with adequate equipment is another area that could be assisted by increased public awareness for the plight of pioneer cemeteries.

### Theft Prevention

Putting in a system of tracking stolen artifacts from cemeteries should be examined. As an aid to the retrieval of stolen artifacts, perhaps to even slow or prevent the practice, a modest avenue of tracking the provenance of items in antique shops to museums may be the solution. A proposed system can be instituted by the enactment of a reporting program that collaborates with antique shop owners, dealers, and buyers to record merchandise transactions and the participants involved.<sup>117</sup> Such a system is already in place; since 2009 many states have adopted legislation to track the transactions of stolen metals to scrap dealers.<sup>118</sup>

To aid today's growing problems of embezzlement and closures of commercial cemeteries, each U.S. state has established laws and procedures to create perpetual care funds also known as endowment care funds for all cemeteries. Exempt are the thousands of cemeteries established as church or family cemeteries. One of the foremost issues governments currently face regarding cemetery drafting new legislation is mismanagement. Embezzlement and misappropriation of cemetery funds has stricken many commercial cemeteries, leaving them vulnerable as the pioneer cemeteries, leaving them as vulnerable as abandoned pioneer cemeteries. Without stronger oversight adopted into state, the crimes against pioneer cemeteries are less likely to be enforced or even prosecuted due to their neglect and their stolen artifacts unrecoverable.

## Establishing Funding

Many municipalities take on the task of providing annual maintenance for abandoned or neglected cemeteries from their county budgets. With many areas in the rural Midwest low in population, the financial burden is often overwhelming on the minuscule budgets set aside from annual collections of property tax income.

To provide funds for the care of pioneer cemeteries many townships and counties adopt a specific tax levy or bonds in their jurisdiction. While the legislation research revealed most states have this option at their disposal, it is unclear how many jurisdictions in the Midwest utilize the allowance for preserving cultural resources. The tax is commonly employed against a percentage of real estate property and is often refused by voters who are already under tight budgets of their own.

One example of imposing a tax levy to care for cemeteries is the proposed tax levy for Sweet Home Cemetery in Albany, Oregon.<sup>119</sup> Although proposed for an active, public cemetery, the premise is the same: raising funds for cemetery maintenance. In 2011, the Sweet Home Cemetery Maintenance District requested citizens vote for an eight-cent tax increase during the November election. The tax was estimated to draw the eight-cent tax per each \$1,000 of property assessed for a five-year period. The revenues raised would provide the Sweet Home Cemetery \$53,466 of income by the year 2016. The cemetery does have a perpetual care fund in place, amounting to \$400,000 at the time of the ballot, but the decline in burial sales in favor of lower cost cremations was likely slowing its interest growth (the interest used for its maintenance costs). The tax levy went unapproved by voters, necessitating the need for increased burial services at

the site.<sup>120</sup> Burial services increased two-fold for the following year with traditional burial plots costing \$600 to \$800, cremation burials costing \$150, and headstones costing \$400 to \$800. The loss of the potential revenue urged the cemetery district to institute a perpetual care fee of \$150 for headstones purchased from other sellers. Would an increase in public awareness assist voters like in Albany in approving such a tax for preserving the burial grounds of its early settlers? I believe so. While the Sweet Home Cemetery had other options for raising funds for its continued maintenance, pioneer cemeteries are not as fortunate. With their higher degree of historic importance to the community as a whole, nostalgia can often bring about welcome change and support.

Unlike the Sweet Home, the Pine River Cemetery District in Bayfield, Durango, Colorado received residential approval in 2013 for a cemetery tax levy.<sup>121</sup> The Pine River Cemetery, established in 1861, required an increase in funding to ensure its maintenance needs were met as costs for its upkeep rose. The district requested the increase in taxes from 0.075 per tax mill to 0.15. The increase allotted \$1.50 from each property assessed, which doubled the funds collected annually to \$3.00.<sup>122</sup> Fifty-eight percent, or 1,476 voters, approved the amendment, showing the community supported the preservation of its local cemetery.

There are options for funding pioneer cemeteries that do not impact personal property rates. Instituting a Community Preservation Act that includes a surcharge in addition to standard fees for filing property documents and municipal liens is a tax-free option worth further investigation. Imposing an entertainment tax on items such as sporting events or tavern sales can be prosperous for the purpose of community

improvements deemed for cemeteries. Fines against littering and vandalism can be increased to provide proceeds towards cemetery upkeep. Tax levies can play a crucial role for pioneer cemetery preservation with minimal impact on citizen's pockets and without jeopardizing priority projects such as road maintenance if items and events in high demand are sought out for the increase.

Another option to imposing local property tax levies is to mandate a fee derived from funeral and memorial services. Many if not all states require active, commercial cemeteries to set aside a portion of their earnings from services as a perpetual care fund for the cemetery's future management. Instituting the tax could therefore be an additional fee amount set as a fixed or percentage of the funeral and memorial service sales. The state or local municipalities can collect the proceeds to generate income and maintain a cemetery preservation fund to be distributed as annual project grants.

Alternative possibilities for funding the preservation of pioneer cemeteries beyond the public and private sectors are not avenues being fully investigated. Two opportunities have potential: reopening as a commercial burial ground or promoting the site as a tourist attraction. Having the ability to reopen or include tourism would provide the site with fresh funding for its upkeep and future monies to procure a perpetual care fund.

The option to return the closed pioneer cemetery to an active one is a probable choice. Although the site would have to be assessed for its available land use and affordability, the idea is not farfetched. Over the past few years, several communities have pursued the option of resurrecting a past cemetery. The reopening of the Owens



Grove Cemetery near Mason City, Iowa allowed for the cemetery to once again receive an income. The cemetery, established circa 1872, was returned to an active cemetery by the Owens Township of Cerro Gordo County in 2009. New burials are restricted to its use as a scatter garden for cremated remains and urns.<sup>123</sup>

The reopening of old burial grounds as scatter gardens is growing in popularity. The Old City Cemetery in Lynchburg, Virginia was reopened for cremated remains in 1996. The cemetery established in 1806 was closed in 1965 to traditional burials. The Southern Memorial Association, which manages the burial ground, charges a fee of \$100 for the scattering to take place in a designated area of the cemetery. Unmarked by funeral markers, the deceased are memorialized by scripted benches and natural plantings upon the request of the family for an additional fee. These types of options for returning an inactive cemetery to the community are an alternative in areas where burial land is scarce and minimal maintenance available.

Recently the city council of Avon, New York listened to the pleas of local citizens who requested to be buried within the town's South Avon Cemetery. Established in 1813, the site was closed for burials in 1992.<sup>124</sup> The council has taken the matter into consideration by having the property surveyed for existing graves and is considering the conditions necessary to reopen for cremations.<sup>125</sup>

Reopening a cemetery in a commercial capacity would offer site managers more flexibility for preservation planning. Currently active cemeteries are always looking for alternative options to remain economically viable and in business. Mount Auburn Cemetery in Cambridge, Massachusetts and Riverside Memorial Cemetery in Elizabeth,

Maine, for instance, have instituted master planning and continual review processes that consider funding through land conservation.<sup>126</sup> Allocating portions of the landscape for alternative burial practices like cremation and green burials can extend the income for additional years through conservative use.

An additional avenue of consideration for the defunct pioneer cemetery is to evaluate its use as a recreational park or tourist destination. While many buildings are restored and operated as museums, the cemetery's best chance at a successful revitalization is to envision its green space useful for today's social community. A vast area of undeveloped green space can be reallocated as an addition to a city's recreational parks. The residents of Wildomar, California, have used the Wildomar Cemetery's green space for a youth baseball field named Welch Field.<sup>127</sup>

Traveling tourists enjoy visiting historic cemeteries for their educational entertainment purposes. Bus and walking tours like those implemented by Bellefontaine in St. Louis, Missouri, organized between organizations and travel agencies, are gaining popularity for their itineraries of historic homes, famous landmarks, and historic cemeteries. Special events like the 5K run and walk held annually at the Metairie Cemetery in New Orleans offer opportunities for both the athlete and non-athlete. Incorporating programs that provide a bridge to historic sites and today's social activities will increase support from many avenues and bring awareness to the needs of the aging pioneer cemetery.

### Further Study

During the course of this case study, I identified a few topics of interest that warrant further investigation, as there is much to be considered beyond the scope of this research. This thesis project specifically sought to understand how Midwestern pioneer cemeteries were being cared for and preserved. A major limitation to this project was the difficulty comparing and contrasting findings within the extremely limited sphere of similar research. Few researchers have explored the preservation and use of pioneer cemeteries, making the present study rather exploratory in nature. Much available literature discusses historical cemeteries and those owned by municipalities.

Because of the limited scope of literature on pioneer cemetery preservation, future researchers have a wide array of related topics to explore. Researchers should specifically observe tax credit programs, case studies of regional pioneer cemeteries, and further scenarios (both positive and negative in outcome) where preservation groups worked to fund these abandoned resting places. Can the federal and state governments implement a historic tax credit program that is geared specifically for historic landscapes? Is it economical? Is it realistic? If these programs were implemented, how would they impact the existence and preservation of pioneer cemeteries? These are research questions in need of further development.

With additional research, these cemeteries, organizations, legislation, and future scholars would benefit be able to both compare findings for stronger analysis and determine changes over periods of time.

## Conclusion

During the investigation of each pioneer cemetery, I gained an insight into the difficulties preservation groups likely encounter at each phase of cemetery restoration. Unearthing common factors and identifying impediments will be beneficial in further cemetery preservation. The most compelling items gleaned from the research concern the adoption of cemeteries by volunteers securing financing to initiate and continue restorative projects, and having strong, legal avenues for their protections. The adopting of pioneer cemeteries by nearby communities can assist public awareness and the securing of preservation project provisions. Enacting sturdy legislation to protect the burial grounds will increase their importance and assist in preventing their destruction.

It is worth noting the need for volunteer resources specific to pioneer cemeteries. Resources during the onset of preservation projects and training opportunities regarding cemetery management and conservation of monuments will provide volunteers with the tools to provide perpetual care. Overall, the research into preserving pioneer cemeteries suggests the optimum success for a cemetery's longevity is through the foundation of an organized network of volunteer citizens, private sponsors, and engaged state and local governments. Such networks will greatly influence the achievement of the desired goal, the preservation of an irreplaceable cultural resource.

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