

Frequently Asked Questions: Cemeteries revised 7/24/2023

In Georgia, city and county governments are responsible for enforcing state laws and local regulations regarding historic regulations regarding historic cemeteries. The primary role of the Georgia Department of Community Affairs, Historic Preservation Division is to offer information to guide communities in researching, recognizing, and protecting cemeteries.

Access:

How do I gain access to a cemetery on private property?

If this is not your family's cemetery and it is not available to public access through an existing road, then we recommend getting permission from the landowner before crossing private property. Not only is this courteous but it also avoids trespassing. However, please be aware that landowners are not required under any state law to grant access to persons who are not heirs or descendants of the persons buried in the cemetery.

If you are a descendant or heir of someone buried in the cemetery, there is no specific statute that addresses right of entry to cemeteries on private property. However, case law in Georgia has been interpreted to mean that the heirs of those buried in the cemetery have an implied easement on the property. The easement gives the heirs the right to prevent disturbance to the graves and the right of ingress and egress for taking care of the burial plots. However, even descendants or heirs should ask the landowner for permission to come onto the property and discuss notification of intent to visit, the frequency of visitation, and passageway to be used.

Development:

What can I do about development encroaching on a cemetery?

If you have concerns, contact the local government office that would have control over the development, such as the development permitting office, board of planning and zoning, the code enforcement office, the county commission, city council, and/or the city or county attorney.

You may want to visit the government department in person and take along copies of the three state laws that protect burials from disturbance. The local government authorities may not be aware of these little-used laws and their responsibilities under them. No state laws prohibit development around a historic cemetery, nor do they set out required buffers between the development and the cemetery.

The laws primarily protect the burials from disturbance. A developer whose project will not impact the actual cemetery is not required by state law to do anything else with regard to it, including cleaning it up. A private landowner is likewise not required to clean up a cemetery on his or her land. Just like a developer, the private landowner is only required to not disturb the graves, in compliance with our state laws. Some counties and cities in Georgia have now enacted local ordinances setting out buffers and other requirements a developer must follow when the project area includes a cemetery. We recommend that you check with your local governing authorities, such as the Board of Commissioners, the planning or zoning department, the development permitting office, and/or the county or city attorney, regarding any local regulations and their enforcement. State laws and local regulations are enforced primarily by local law enforcement authorities.

Archaeology and Exhumation:

Moving graves?

Although Georgia laws favor leaving burials in place, there are provisions in Official Code of Georgia §36-72-1 for moving them when there is no alternative. This law is often referred to as the Abandoned Cemeteries Act. It states that if the use of cemetery land is to be changed for purposes of development, then the developer must get a permit from the local governing authority to do so. The extensive permit requirements set out in the law include hiring an archaeologist to delineate where all graves are, a land surveyor to map the cemetery, and a genealogist to prepare a plan for contacting descendants before any disinterment occurs.

Many people ask about equipment, or a machine, that can "see" underground and tell if graves are there. This usually means they have heard about ground penetrating radar (GPR). GPR is equipment that looks similar to a lawn mower with a laptop computer attached up on the handle. It is rolled across the surface of the ground, transmitting pulses of high frequency radio waves into the ground. A receiving antenna picks up variations in the reflected signals from anything under the surface, and those variations are the data recorded by the computer. The GPR machine works best when it makes solid, level, consistent contact with the surface of the ground. Therefore, GPR is not as effective in areas with rocks or stumps, for example, which create a bumpy, uneven surface. The computer may rely on satellites, so GPR also may not be useable when there is a thick canopy of trees that impede satellite signal reception. Considerable expertise is necessary to effectively design, conduct, and interpret GPR surveys. It is not operating the equipment that is difficult, but rather the proper interpretation of the data collected. This type of equipment is used for many purposes other than finding graves, such as locating utilities. However, a professional archaeologist with training in GPR is the best person to conduct a GPR survey in a cemetery because people trained to find other kinds of underground features likely will not be able to properly interpret the data correctly regarding cultural resources such as graves.



Can I tell if it's an Indian burial or a slave burial?

Archaeologists have documented that people have lived in the region now called the state of Georgia for more than 12,000 years. Just as trends in clothing and house styles change over time, burial practices have varied over the thousands of years people have lived here and buried their dead. There is no "one" way that all graves of Indians, slaves, or representatives of any other ethnic, social, or cultural group have always been marked. Many Indian burials were not marked at all and are indistinguishable on the landscape today. Other cultural groups have marked the graves of their loved ones in ways that have changed over time. It is best not to make any assumptions about who is buried in a grave, based on what the surface looks like. If a grave is unmarked, then archival research into records is likely the only possible way to find out who is buried there. The good news in Georgia is that all graves are protected from disturbance under law, regardless of how old the grave is, who is buried there, and their social status or racial affiliation. Please click to see a discussion of these State and Local Laws. If it is verified that Indian remains have been exposed, then the Georgia Council on American Indian Concerns will become involved.

What are the rock piles I've seen in Georgia?

Rock piles are found all over the state of Georgia and have provoked the curiosity of many people. What are they or what do they mark? Who put them there and why? What significance did they have when built? How old are they? Find out what professional archaeologists think about these interesting features on our Georgia landscape via this link: <https://www.archaeology.org/issues/476-2207/letter-from/10625-georgia-stone-mounds>

Research and Restoration:

How do I record a cemetery?

1. Mark the geographical location of a cemetery on public maps, such as U.S.G.S. topographical maps, DOT county maps, and the county tax maps. Donate a copy of your map to the local library and/or historical society and local governmental zoning or development office. Recording the location is important because it helps ensure the cemetery is known and protected when the land changes hands or is sold for development in the future.
2. Prepare a sketch or drawing of the layout of the landscape of the cemetery, noting the number of graves, other features in the graveyard, and where the boundaries are, along with an arrow showing North, and the approximate length of the boundaries.
3. Record in a systematic manner all readable genealogical information on the tombstones. This information can be submitted to online cemetery recording sites, the local historical or genealogical society, or as an addition to the county cemetery book, if one is in print. For inscriptions that are difficult



to read, professionals suggest the best technique is to use a mirror to reflect sunlight onto the stone or a flashlight, experimenting with the angle of the light until the inscription is more easily read. Avoid putting shaving cream, flour, or chalk on the lettering to see it better. Some experts say these materials will not easily come off and can attract dirt and other destructive material onto the stone, hastening the stone's deterioration.

Where can I get money to fund my cemetery project?

Unfortunately, there are usually no ongoing sources of money, such as grants, available for routine cleanup projects, nor is there a pool of trained, experienced volunteer labor ready to come to the aid of cemeteries across the state. Therefore, cemetery cleanup projects are best undertaken and financed by individuals or local groups. Community members best take responsibility for seeing that the cemeteries in their area receive respect and care. This may mean coordinating volunteer workdays, or it may mean raising money to hire the work done. Regardless, it is usually descendants and community members - not local or state government - who must make the effort, take the time, and raise the money to care for the many cemeteries around the state. Consider forming a cemetery "friends" group for your cemetery, to raise money and support for the work needed.

A few examples of cemetery "friends" groups:

- Friends of Coleman-Leigh-Warren Cemetery
- Historic Sylvester Cemetery Foundation
- East View Cemetery Association, Inc.
- Atlanta Cemetery Network, (Atlanta Department of City Planning)
<https://www.atlfutureplaces.com/atlantacemeterynetwork>

How do I clean up a cemetery and the tombstones?

The first two things to do when you believe an old cemetery needs cleaning up:

1. Determine who owns the land it is located on and ask their permission to come onto the property. Be aware that no law in Georgia requires a landowner to let people onto his property to access a cemetery so do not be surprised if permission is not granted. The Georgia courts have supported the rights of descendants to have access to graves on private property, so the landowner is more likely to allow a descendant access. Because the Georgia courts support the rights of descendants to access ancestors' graves and to tend to them as they see fit, it is recommended that anyone wishing to clean up a cemetery first try to identify and contact any living descendants to ask their permission for the proposed work. Do not assume that your idea of cleaning up is the same as the person whose family member is buried there. If the cemetery contains American Indian burials, it will be necessary to contact the Georgia Council on American Indian Concerns and request their guidance in any activities that may impact the Indian graves.



2. Next, it is important to become well-informed of the "best practices" regarding caring for historic cemeteries.

Once these points above have been addressed, please consider the following general suggestions. You can find more specific assistance in cemetery preservation books, such as *Grave Intentions: A Comprehensive Guide to Preserving Historic Cemeteries in Georgia*. Also investigate reputable cemetery preservation websites on the Internet, such as The Association for Gravestone Studies or the Chicora Foundation.

Before any actual work is done, the cemetery should first be visually evaluated, recorded, and photo-documented, after which a work plan can be developed. The plan will help you prioritize your work and determine what volunteers can do and what needs to be done by professionals.

Clearing overgrown vegetation should be done carefully in order not to impact fragile grave markers or destroy foliage that was purposefully planted to decorate a grave plot. Enlist assistance from someone, such as a master gardener, who is familiar with traditional plantings from the cemetery's era so that historic vegetation purposefully put there is not inadvertently removed during cleanup.

Cleaning tombstones is not always a necessity, as historic markers should be allowed to age gracefully and not subjected to attempts to make them look brand new. However, if dirt or organic growth is hastening the destruction of a stone or obscuring the inscription, then cleaning should be done carefully and with the gentlest method and materials possible. First, try gently brushing dirt or lichen off with a dry soft-bristled brush. If that isn't satisfactory, then thoroughly wet the stone with clear water. Using more clear water or a mixture of one part ammonia and four parts water, gently clean with a soft-bristled brush. **Do not use household bleach, Muriatic acid, or other cleaners available at retail outlets because they can harm the stone and hasten its destruction. It is never a good idea to use any abrasive materials or techniques on an old tombstone.**

Respect the historical burial practices that may be represented in the cemetery. Various cultural and religious groups, as well as individuals throughout time have had distinctly different ways of commemorating their dead. Items put on a grave in memory of a loved one may, years later, appear to be debris but should not be removed. There are reference sources obtainable in libraries and online to help guide you in what may have been used as decorative items by people in that period of history. Read about this in *Grave Intentions: A Comprehensive Guide to Preserving Historic Cemeteries in Georgia*.

Prepare instructions for volunteers to ensure respect for and protection of everything in the cemetery. Adult volunteers should be briefed about proper methods to be used in the cemetery. Younger volunteers, such as Boy Scouts or church youth groups, should be given specific instructions for jobs to be done and supervised by knowledgeable adults.



How do I research a cemetery or a specific cemetery-related topic?

Our office does not have records on every cemetery, or all persons buried in cemeteries in Georgia. There is no single list of all cemeteries in the state. The closest thing would be a county-wide cemetery book, published by an historical society for example, or an Internet site where cemeteries are listed, or a database that the county government may have compiled, usually for planning and zoning purposes. Please see our website under Links, for a bibliography of the cemetery books published, listed by county. Our office has information on cemeteries nominated to the National Register of Historic Places. Our National Register files are publicly accessible, and our staff is able to answer basic questions regarding these files. For more information contact nationalregister@dca.ga.gov

To research an individual cemetery or find where someone is buried:

Check the bibliography of county cemetery books on our website. If a book exists, try locating a copy at the local library, historical society, or the Georgia Archives, 5800 Jonesboro Road, Morrow, GA 30260, 678.364.3700. The Archives might also have other books on the history of this county, which could reference a cemetery.

Go to the county courthouse, usually the Superior Court Clerk's Office, and check the property deeds for the tract of land where the cemetery is located. Go back in time through the deeds to see if there's a reference to a cemetery; also check in the Tax Assessor's Office on the tax plats. Locate historic maps, aerial photos, and the like, for indications of a cemetery on this property. Consult the University of Georgia map collection, the Georgia Archives, and local historical societies, municipal libraries, and college and university libraries.

Check with the local historical society and/or genealogical group to see if they have any resources that would be helpful.

Try to learn who is buried in a specific cemetery, or if a particular person is buried in a specific cemetery. This will require more intensive research into church records, family records, census records, newspaper obituaries, etc. It may be worthwhile to consult with a genealogist about the best way to pursue this type of research.

If you are interested in marking the grave of a deceased person you have been researching, remember that unmarked graves may need to stay unmarked unless you can find indisputable historical, written evidence that a certain person was buried in a specific plot in a cemetery. That is not often possible so the alternative suggestion is to erect a small sign, perhaps at the entrance of the cemetery, commemorating the person and acknowledging the grave to be in the cemetery but unmarked.

Researching a specific cemetery-related topic:

Our office does not conduct research on specific topics, such as types of grave markers, cemetery iconography, or burial traditions, and therefore we do not have a readily accessible database or set of files to reference. However, along with the Internet, there are many good sources available, including *Stories in Stone: A Field Guide to Cemetery Symbolism and Iconography*, written and photographed by Douglas Keister, 2004.

Can I get a historical marker for my cemetery?

Georgia historical markers and National Register listing do not confer physical protection for the historic resources they mark. They are commemorative in nature only. The Georgia historical marker program is managed by The Georgia Historical Society. For more information about eligibility for a marker, contact the society at 501 Whitaker Street, Savannah, GA 31401; phone 912.651.2125.

<https://georgiahistory.com/education-outreach/historical-markers/>

How do I register my cemetery in Georgia?

In Georgia, cemeteries may be recorded or "registered" as follows:

Listing in the National Register of Historic Places: This program recognizes the significance of our historic heritage and the need to preserve it, but it confers no absolute power to protect or rescue any property from imminent destruction or damage. There are specific requirements for a cemetery to be listed in the National Register. These special requirements are spelled out in a *National Register Bulletin* Entitled "Guidelines for Evaluating and Registering Cemeteries and Birthplaces."

<https://www.nps.gov/subjects/nationalregister/upload/NRB41-Complete.pdf>

To assist in determining whether a cemetery has historic significance and integrity and might qualify for listing in the National Register, we encourage you to send preliminary information to our office. Our National Register staff will review the preliminary information and provide guidance on the next step in the process. The Preliminary Eligibility application for cemeteries can be found at:

<https://www.dca.ga.gov/node/7235> (or the full URL for all three preliminary forms is <https://www.dca.ga.gov/georgia-historic-preservation-division/national-register-research-survey/national-register-0>)

Listing in the Georgia Register of Historic Places. The Georgia Register uses the same criteria and documentation procedures as the National Register of Historic Places. Properties listed in the National Register are automatically listed in the Georgia Register.

Recording in a county-level cemetery survey. In many Georgia counties, volunteers have initiated projects to record all the cemeteries in their county and publish their findings either in a book or on an



Internet site, or both. A local historical society or genealogical group often coordinates this work. Some county governments have also completed county-level cemetery surveys. Check with your county commission or planning department to see if they have a list of known cemeteries, to which you can add yours. This actually is an excellent tool for protecting cemeteries because it is at this level of local government that land use decisions are made. If county planning officials know where cemeteries are located, they can be sure any development permitted on that land will avoid adversely impacting the graves. Historic cemeteries are considered to be archaeological sites and as such, are recorded in the Georgia Archaeological Site File database when they are identified during archaeological investigations. The database is managed by the Site File Office located at the University of Georgia, 110 Riverbend Road, Athens, GA 30602, (706) 542-8739. Please contact their office for more information about recording your cemetery as an archaeological site.

- While the Georgia Archaeological Site Files are very important sources, it is important also that a cemetery be clearly noted in the legal description on the warranty deed for the property where it is located, as well as on the county tax plats. When a cemetery is known about through recordation in a public document such as the deed, it stands a much better chance of being protected as land changes hands over time. Such an addition to the deed property description can be accomplished if you own the property yourself; however, another individual cannot file amendment(s) to a deed for property he or she does not own. If you are interested in protecting a cemetery on someone else's property, you can check the deed records to see if it is noted. If it is not, then you might consider discussing having this done with the landowner.

Publications

- *Grave Intentions: A Comprehensive Guide to Preserving Historic Cemeteries in Georgia* by Christine Van Voorhies, published by the Historic Preservation Division of the Georgia Department of Natural Resources in cooperation with the Historic Chattahoochee Commission, September 2003 (available in print only). This small, easy-to-read guidebook gives great information on cleaning up a graveyard and tombstones, getting access to gravesites, funding your project, handling threats to graves, and legal issues.
- *Preserving Georgia's Historic Cemeteries* - 16-page booklet printed in November 2007 by Historic Preservation Division of the Georgia Department of Natural Resources. This booklet compliments the book, *Grave Intentions* that was cosponsored by Historic Chattahoochee Commission.
- *Georgia Governors' Gravesites Field Guide, 1776-2003*. Published by the Historic Preservation Division of the Department of Natural Resources, June 2003.



- *Georgia Cemetery Bibliography*-2007 edition, produced by cemetery expert Ted O. Brooke and arranged alphabetically by county. See if your cemetery has been documented in the book for your county. These books may be found at your local library, historical society, or at the Georgia Archives.
- *A Graveyard Preservation Primer*. Lynette Strangstad, Stone Faces and Sacred Spaces, P.O. Box 59, Mineral Point, WI 53565; phone 608.987.3222. This excellent book is considered one of the best. Sponsored by The Association for Gravestone Studies. Nashville: American Association for State and Local History, 1988. Available from Alta Mira Press
- *Recording Historic Cemeteries: A Guide for Historical Societies and Genealogists*. 12 pp. Wire-stitched. This booklet focuses on why and how to record historic cemeteries and graveyards. It provides essential advice for those beginning cemetery preservation projects. ISBN 1-58317-045-6
- *Grave Matters: The Preservation of African American Cemeteries*. 16 pp. Wire-stitched. Explores how cemeteries can be easily damaged or destroyed by development or a lack of understanding. Suggests ways that this heritage can be preserved for future generations. ISBN 1-58317-008-1.

External links

- "Cemetery Preservation" on the *New Georgia Encyclopedia* Web site
- National Register Bulletin 41 "Guidelines for Evaluating and Registering Cemeteries and Burial Places, National Park Service, 1992 <https://www.nps.gov/subjects/nationalregister/upload/NRB41-Complete.pdf>
- Association for Gravestone Studies: This well-known and respected national organization is dedicated to cemetery protection and care. The website offers numerous resources including several small pamphlets on specific subjects, a "frequently asked questions" section, lending library, annual conferences, and membership.
- Chicora Foundation, Inc. Chicora is a Columbia, South Carolina public, non-profit heritage preservation organization founded in 1983. <https://chicora.org/cemetery-preservation.html>