



State Historic Preservation Office
Oklahoma Historical Society
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<http://www.okhistory.org/shpo/shpom.htm>

CEMETERIES

Cemeteries, or places for burying the dead, reflect and represent the cultural values and practices of the past that help us learn about our history. Cemeteries can include individual or collective burial places dating from both prehistoric and historic periods. A cemetery may or may not possess above-ground features. If there are no above-ground features, the cemetery should be verifiable by archaeological testing or by visual traces, such as natural markers like a solitary stand of trees preserved in a cultivated field.

CEMETERIES AND THE NATIONAL REGISTER OF HISTORIC PLACES

A cemetery is eligible for the National Register of Historic Places if it derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, from association with historic events or if it has the potential to yield important information if that information is not available in extant documentary evidence.



Middle Boggy Battlefield, Atoka County

As with all properties listed on the National Register, cemeteries must retain their historic integrity. All seven characteristics of integrity (location, design, setting, materials, workmanship, feeling and association) must be considered in determining whether a burial place retains enough of its characteristic features to represent the associations, function and appearance it had during its period of significance.

CEMETERY MAINTENANCE

Maintenance of cemeteries rests primarily with interested, local persons. However, many cemeteries in Oklahoma are governed by a local cemetery association, which is usually responsible for maintenance.

Although a cemetery can be listed on the National Register of Historic Places, as with all properties, this does not guarantee perpetual maintenance of the resource. The Oklahoma SHPO does not have any legal authority concerning the preservation of cemeteries. There are no grants available for cemetery restoration or maintenance.



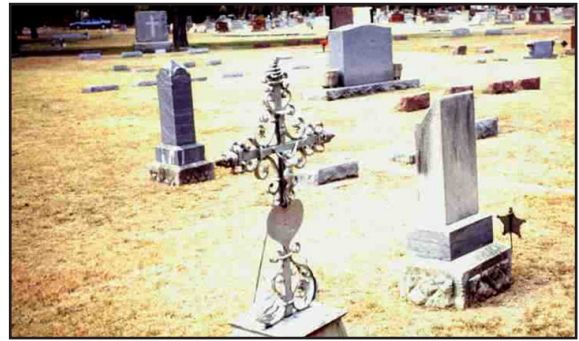
Rose Hill Plantation Cemetery,
Choctaw County

WHO TO CONTACT CONCERNING VANDALISM AND OTHER INAPPROPRIATE ACTIVITIES

Contact the local law enforcement agency which has the jurisdiction over that property (for a rural cemetery contact the county sheriff's department).

OKLAHOMA STATE LAWS RELATED TO CEMETERIES

Overall, cemeteries in Oklahoma are not regulated; however, Title 8 of the Oklahoma State Statutes addresses cemetery corporations and associations, as well as related issues. There are other state laws related to human skeletal remains and associated burial furniture in Oklahoma State Statute Title 21 § 1168.1-7. The Oklahoma State Statutes can be accessed via the Internet through the Oklahoma Supreme Court Network (www.oscn.net).



Enid Cemetery, Garfield County

In regards to historic cemeteries, two statutes which are of particular interest are:

Title: Injury to Cemetery or Tomb (Title 21 § 1167)

Summary: Declares that a person is guilty of a misdemeanor who shall willfully or with malicious intent destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure placed in any cemetery or private burying ground, or any fence, railing or other work for the protection or ornament of any such cemetery or place of burial of any human being, or of any lot within a cemetery, or who shall willfully or with malicious intent destroy, cut, break or injure any tree, shrub or plant within the limits thereof. Directs that persons found guilty of such violations shall be punished by a fine of not less than \$50 nor more than \$5,000, or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment.

Title: Abandoned Cemetery on Privately Owned Land -- Visitation Rights (Title 8 § 187)

Summary: Declares that any person who wishes to visit an abandoned cemetery which is completely surrounded by privately owned land, for which no public access is available, shall have the right to reasonable access for the purpose of visiting the grave of a deceased relative. Extends the right of public access only to visitation during reasonable hours and only for the purposes usually associated with cemetery visits. Defines an "abandoned cemetery" as any place where human skeletal remains are buried and in which no body has been interred for at least twenty-five years and where such a site is readily identifiable as a cemetery by an inspection of the property. Requires any relative of the deceased who wishes to visit such a cemetery to make a good faith effort to notify the owners and tenants, if any, of the property prior to visiting the cemetery. Prohibits this section from being interpreted to allow the creation of an easement or claim of easement or a right of ownership or claim of right of ownership to an abandoned cemetery.

RESOURCE MATERIAL FOR CEMETERY PRESERVATION

Here We Rest: Historic Cemeteries of Oklahoma. Kent Ruth and Jim Argo. Oklahoma City: Oklahoma Historical Society, 1986.

"Guidelines for Evaluating and Registering Cemeteries and Burial Places," National Register Bulletin 41. Available upon request from the SHPO.

"Preservation of Historic Burial Grounds" Lynette Strangstad. Preservation Information Booklet, National Trust for Historic Preservation. Contact: Information, National Trust for Historic Preservation, 1785 Massachusetts Avenue, N.W., Washington, D.C. 20036, 202/673-4189. Cost: \$6.00.

Copies of the above publication, as well as other related publications, are located in the SHPO Resource Library, which is open to the public on a non-lending basis. The hours of the SHPO Library are Monday through Friday, 10 a.m. to 5 p.m.

The Association for Gravestone Studies, 278 Main Street, Suite 207, Greenfield, Massachusetts, 01301, 413/772-0836. A non-profit organization founded in 1978 for the purpose of furthering the study and preservation of grave-markers of all periods and styles.