

Washington State Cemetery Association

<http://www.rootsweb.com/~wapsgs/>

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P.O. Box 28815, Bellingham WA 98228, wscsa@verizon.net

Cemeteries: keepers of the creators of American history

by Cindy Amrhein, Historian/Abstractor

[Editor's note: This article shows what one might do to locate a cemetery deed. Do keep in mind, though, that the search was conducted in another state. For information pertaining to a Washington State deed search, see our Issue 2, Number 2 newsletter, page 7.]

A cemetery is not just a place to bury people. They are landmarks of original communities. Cemeteries reflect the times people were living in, their religious beliefs and customs, and important local events. Cemeteries are the keepers of the creators of American history. To better research a cemetery and what may have happened in the local community, one needs to put oneself in that place in time and think like their ancestors.

In the town of Alabama in Genesee County, NY, where I am the historian, there is a cemetery known in modern times as the Basom Plot. Alabama was created in 1826, and its hamlet of Basom in 1889. Residents remember back in the 1920's when the road was widened and the interments closest to the road were moved, stones and all, down to the larger, active, Alabama Center Cemetery. The rest of the tombstones and burials remained at the Basom Plot untouched. They recalled at least a couple dozen tombstones were left.

In the 1850's a man named Laverne Cooley went through and recorded all the tombstones left standing in the abandoned cemeteries in Genesee County. He published the inscriptions in a book. By then only five stones were left standing on the Basom Plot. Now there are none.

It has always been thought that the cemetery was part of another parcel of land and privately owned. Based on what I knew historically, I doubted this was true. I set out to discover if there was a deed recorded and to do something about it. The burials were from the 1840's and 1850's, so it would not be called the Basom Plot since



Storm, Zac, and Jody Amrhein adding the finishing touches to Basom Plot after erecting a new sign.

Basom did not yet exist. This was a new problem. How would I find the deed without knowing the cemetery's legal name or anything about it? The answer is that by knowing the history of the area around the cemetery a property search can be conducted.

Most of Western New York was Genesee County at one time, erected in 1802. As time went on it was split into other counties, the latest in 1842. Since I did not know the name of the cemetery, I started with a property search of the entire great lot around the cemetery from 1802 forward. (The original great lots were approximately 300 acres.) I also consulted old atlases and current property maps and plotted out the dimensions from the old deeds. This was to make sure I was right where I was suppose to be. At first I found nothing. Then I found that in 1836 Reverend Augustus Warren owned the land around the cemetery.

As I already knew from my local history, Augustus Warren was one of the town's first Baptist Ministers. There was a Baptist Church down the road to the north, and down the road to the east of the Basom Plot. Reverend Warren served both churches.

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*See, as the prettiest graves
will do in time,
Our poet's wants the
freshness of its prime;
Spite of the sexton's browsing
horse, the sods
Have struggled through its
binding osier rods;
Headstone and half-sunk
footstone lean awry,
Wanting the brick-work
promised by-and-by;
How the minute grey lichens,
plate o'er plate,
Have softened down the
crisp-cut name and date!*

--Robert Browning

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*Washington State Historical
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Tacoma, WA 98402
253-272-3500
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Down the road to the west is the northern border of the Tonawanda Indian Reservation. It was highly likely that the Basom Plot was one of the Baptists original burial grounds. Now I'm finally on to something!

Rev. Warren was also involved with the Baptist Church on the Tonawanda Indian Reservation, as was another Minister from this church, Ely Stone. Augustus Warren's son, Reuben, was good friends with Ely Parker, a famous Seneca Indian from the Tonawanda Reservation who was secretary to Ulysses S. Grant, named after Rev. Stone. Reuben Warren passed a petition through the town of Alabama in favor of them keeping their land on the Reservation. My little cemetery now takes on a very important meaning to local as well as American history.

I continued my search at the county clerk's office. I looked up Rev. Warren to find when he sold his land, and there it was! In 1842, (Rev.) Augustus Warren deeded 58 square rods of land (approx. 125' x 125') to the Trustees of the Burying Ground of School District #8 in the town of Alabama. In this deed there is a stipulation that (Rev.) Augustus Warren reserve a plot for himself next to where his first wife Patty Warren was buried, who died in 1838.

Up to this point there was no record of Patty Warren ever being buried there. She and the other Warrens are buried in the Alabama Center Cemetery and had obviously been moved down the road in 1920. I also now have a better establishment date for my cemetery.

So my next question is where were the Baptists burying their dead? I now must rely on my knowledge of the area, and what I know about the residents' early religious beliefs. The Baptist Church itself is still standing and in operation.

Many religions like the Universalists and the Baptists purposely did not follow typical catholic-type doctrine. For example, a typical Catholic Church has a cross and statues. You walk in the door and go to the back of the church where the altar is. Seats are facing the back of the church,

the alter is facing front, there is a cross behind the altar, and the cemetery is near or next to the church.

An early Baptist "meeting house" was set up purposely different than a catholic church. It had two doors in the front. As you walk in, the pulpit was in the center front, right there, facing the back of the church. People would come in and sit down facing the front of the church. No altar, cross or statues. The cemetery, I have always found, is a distance from the church. Today Baptist churches are more similar to standard church architecture. But go to a very old Baptist church and try to see through their remodeling, you can sometimes tell. Also, you can sometimes see hangers or holes for hangers along the sides inside the church/meeting house. This was for hanging garland. Lots of garland and flowers were hung on Children's Day, a very important day in the old Baptist faith of the 1800's. But I digress.....

As populations grew, common cemeteries with recorded incorporations of cemetery associations became standard. Less and less people were buried in some of these old religious cemeteries. (Of course some religions still have their own cemeteries.) I have found many instances where the cemetery is deeded to an association or town. Sometimes the associations disbanded as well, thus creating "abandoned" cemeteries. Then there is the problem of nonbelievers, which is why the common cemetery became a necessity. But old time Baptists bury their dead in a community cemetery? Certainly not! The Baptists would boot you out of the church for dancing and playing cards. There is no way they would offend God by burying someone in unhallowed ground.

Upon further searching in the deed books and the minutes of the meetings of the Baptist Church, I find my answer. The Alabama Baptists broke off from the Baptists in Elba and formed their own church.

They purchased land in South Alabama to build a church, glebe house and a school. In the few pages after the cemetery deed I find a deed for a new burying

ground down the road from the church land on land that was then still part of the town of Elba. The town of Oakfield was formed a few months after from the town of Elba, and the church then changed its name to the Oakfield Alabama Baptist Church.

By conducting a search of records pertaining to my community, based on the lives in that community, I learned many important things about two different cemeteries. Basom Plot was the town's first Baptist Cemetery. The second burying ground is what is now known as Reed Cemetery in the town of Oakfield. No one would have ever thought to look in Elba, let alone Baptist Church records, for an Oakfield Cemetery. I was able to find the beginnings of two cemeteries as well as their importance to the history of both towns. Eventually, by checking old diaries, history books, church records, probate files of the trustees, and obituaries, I hope to find more references to the people buried there.

I typed up my findings into a report and presented it to the Alabama councilmen at a monthly town board meeting. I was surprised to find they were quite pleased to discover it was a part of their history.

The condition of the site had always bothered the residents, who knew it was a cemetery and that the stones had disappeared. *It also resolved the problem of the stones being removed in the 1950's with the town's knowledge with two of them being placed in the town museum!*

The town supervisor and I approached the owner of the land around the Basom Plot. I approached it in a very positive light, explained my discovery, and gave him a copy of my presentation saying what a wonderful historical find this was! I also said we would like to clean it up and the town would put it on their mowing list. To my good fortune, the owner had no objections!

My husband Jody bought some pressure treated lumber and built a sign. My daughter, then age 5, and my 7 year-old-son painted it white. Since I used to be a sign painter, I did the lettering containing the text in the deed, and a bit of history.

My husband spent six hours on a Sunday mowing, weed whacking, chain-sawing and trimming. The next day the sign went up with the following inscription:

BASOM PLOT First known
Burial 1838 Deeded to the
"Trustees of the Burying
Ground in School District #8"
in the Town of Alabama by Rev.
Augustus Warren and his 2nd
wife Maria May 19, 1842 To all
those buried here - May You
Rest in Peace.

Sometimes you will not find a separate deed for a cemetery. It will be cited only as an exception on a deed for the land around it being sold. The wording usually says something like, "...conveying ten acres more or less, excepting the burying ground being 54 square rods of land." Hence the deed is really two deeds, one for the cemetery and one for the land around the cemetery.

I have since found out that a cemetery in my town was originally a Universalist Cemetery also established in the 1840's. Although the Universalist purchased land for a cemetery and to build a church, a church was never built. Most of their believers were either given the suggestion to leave town or converted by... you guessed it... the Baptists.

Cindy Amrhein is the Historian for the town of Alabama in Genesee County, NY, and an Abstractor by trade. Cindy has her own web site where she shares her town's history at <http://www2.pcom.net/cinjod/historian>. She is a member of the Association of Public Historians of New York State (APHNYS) and also maintains their website at <http://www.tier.net/aphnys/>. Cindy has co-authored a book titled "Bread & Butter: The Murders of Polly Frisch" based on a true crime from the 1850's. She is currently working on two other books, also historical true crimes. She is a member of the Genesee Area Genealogists and the Holland Purchase Historical Society. Cindy has always had an interest in cemetery preservation and has done several cemetery title searches in other towns for other groups. She can be contacted at her email address HistorianCindyA@netscape.net or by regular mail at Cindy Amrhein, Town of Alabama Historian, P.O. Box 766, Basom, NY 14013.

Snohomish Pioneer Cemetery--Opinion

by Andi MacDonald

Deeded in 1877, Mary Low Sinclair established the Snohomish Cemetery (also known as the Pilchuck Cemetery). Mary was the oldest daughter of John and Lydia Low, one of the first families to Seattle.

By 1902, the Snohomish Cemetery Association decided to cease accepting burials with the last known burial in 1923.

Snohomish Cemetery is located on the corner of 2nd & Pine in the City of Snohomish.

The cemetery has been desecrated by many self-proclaimed owners. One such owner went so far as to remove headstones to one corner of the cemetery, making a 'pioneer village' with an old building and 'fake' graveyard.

For more information:

http://seattletimes.nwsources.com/news/local/seattle_history/articles/misplaced_pioneers.html

<http://www.ci.snohomish.wa.us/pdfs/News102502.pdf>

<http://www.rootsweb.com/~wapsgs/buriallistings/snocemburiallist.html>

—The Snohomish Cemetery, aka Pilchuck Cemetery or Snohomish Pioneer Cemetery, made the news in 1997 when Wayne and Ruth Moore began their battle to save the cemetery. Over the last five years they have fought the City of Snohomish in an action to preserve the final resting place of those still buried on the property. The city wants to remove the remains from the property so they can use the outrageously priced property to make money. The Moores want to protect this property from hostile takeover by the city's greedy government and see the land continue to be used for the purpose in which it was intended. Their claim is that there are remains buried at the site even though the appearance of the site would suggest otherwise.

The case in Snohomish Superior Court is a model of how small town greed can close our eyes to our heritage and encourage disrespect of those who came before us. The City of Snohomish has claimed all the remains were removed and there are none at the site. However, because of the Moores, testing at the site was done by court order. The testing revealed remains are still in place at the cemetery.

As the Founder of the Washington State Cemetery Association, I have been fighting this same situation around the state. I have entered into a few court battles, representing the public's interest, and I have tried to educate the public about our disappearing cemeteries. Normally, they disappear quietly and no one is ever the wiser. It is estimated that at least 100 cemeteries in our state have been taken over by those who want to use the land for other purposes. Of these, only a few have done so legally.

The City of Snohomish had not done so legally. They claimed ownership when they knew there was no clear title to the property, and that is why they filed a quiet title action in the early 1990's. In the meantime, they allowed the cemetery to 'disappear' under brush and garbage until it no longer looked like a cemetery. Was their intent to ultimately lead people to believe there were no remains?

I was appalled in 1997, and I am more appalled today that an owner of a cemetery could be so disrespectful by neglecting a piece of property we should hold in the highest respect, no matter its appearance. I believe the City did so willfully, in an effort to develop the property, all the while

hoping no one would notice.

Even more appalling than the behavior on the part of the City, is that Judge French of Snohomish Superior Court, who made it clear in open court that, to paraphrase, if it doesn't look like a cemetery, it isn't a cemetery. I can understand a City Attorney with a large ego who is unwilling to compromise and trying to make a name for himself behaving in a disrespectful manner, but not a Judge, someone who should respect those who have gone before us. I feel the behavior on the part of the City and the Judge encourages disrespectful and morally repugnant behavior towards the remains buried at the site. Judge French can hide behind a typical cover of only knowing what is presented in court. I say Judge French needs to do more research on cemetery law and on the variety of court cases that have come before in order to make a more sound decision on cemetery desecration and who should really be rewarded.

Snohomish County, on the other hand, knows that to move a house and build a parking lot on top of a burial ground is wrong. Together, the County, a few others, and I have identified all known cemeteries and locked out all building permits up to a certain point outside of the property. Now, in order to build on a cemetery or within so many feet of one in Snohomish County, approval must be sought on a case-by-case basis. The City should take note.

Perhaps instead of spending money to fight the Moores in their attempt to protect the cemetery, the City should have taken the money and bought a new piece of property on which to build a senior center and parking lot. There is plenty of property in the area from which to choose and build to suit.

Few, if any, understand why the county, city, or our state has not taken a more proactive role in the protection of our cemeteries, especially ones that have clearly been desecrated and treated as though they do not exist. Owners such as the City of Snohomish are never prosecuted; they are instead rewarded for their poor behavior by poor judges. Judge French has rewarded the City for their behavior by agreeing to the removal of bodies, and to the use of the property as a playground for senior citizens and their cars.

There is still hope for the preservation of the cemetery. A trade-off of property would be the wisest choice now for the City. The Moore's have agreed to pay for moving the Senior Center. I'm fairly sure they might agree to purchase a site suitable to a senior center and trade that property for the cemetery. No one can figure out why the City won't agree to meet the Moores halfway other than conjecturing that it has to do with ego.

Please contact the legislators (listed below) local to the City and let them know how you feel.

Rep. KIRK PEARSON
Asst. Republican Whip
Olympia Office:
PO Box 40600 416
John L. O'Brien Bldg.
Olympia, WA 98504-0600
(360) 786-7816
District Office:
432 Ave. D, Suite D
Snohomish, WA 98290
Mail to: PO Box 965
Snohomish, WA 98291
(425)257-2168
pearson_ki@leg.wa.gov

Rep. HANS DUNSHEE
Olympia Office:
PO Box 40600 239
John L. O'Brien Bldg.
Olympia, WA 98504-0600
(360) 786-7804
dunshee_ha@leg.wa.gov

Senator VAL STEVENS
Legislative Office:
105 Irving R. Newhouse Building;
P.O. Box 40439;
Olympia, WA 98504-0439;
Telephone: (360) 786-7676; Fax: (360) 786-7819;
Toll-Free Legislative Hotline: 1-800-562-6000;
stevens_va@leg.wa.gov

Congressman RICK LARSEN
2930 Wetmore Ave, Ste. 9E
Everett, WA 98201
Phone: (425) 252-3188 Fax: (425) 252-6606
Toll-free: (800) 562-1385
Rick.Larsen@mail.house.gov

Sen PATTY MURRAY
2930 Wetmore Avenue, Suite 903,
Everett, Washington 98201
Phone: (425) 259-6515, Fax: (425) 259-7152
senator_murray@murray.senate.gov

Sen MARIA CANTWELL
915 Second Avenue, Suite 3206,
Seattle, WA 98174, 206-220-6400,
206-220-6404 - FAX , 1-888-648-7328
Visit <http://cantwell.senate.gov/contact/index.html> to send her an email

Gov GARY LOCKE
Office of the Governor,
PO Box 40002,
Olympia, WA 98504-0002
Visit <http://www.governor.wa.gov/contact/govemail.htm> to send him an email

Contact Us
Washington State Cemetery Association PO Box 28815 Bellingham, WA 98228-0815 Phone: Andi MacDonaold 360.312.1362 Email: wsc@verizon.net Web Site: http://www.rootsweb.com/~wapsqs/ To join our maillist: send a blank email to wa-cemeteries-l-request@rootsweb.com



Personal Health Toolbox

- First-Aid kit
- Lots of drinking water
 - (DO NOT DRINK WATER FROM THE CEMETERY!)
- Good leather gloves
- Rubber boots and rain gear
- Insect repellent
- Bee/Wasp spray (Snake bite kit?)
- Hand sanitizer
- IvyBlock
- Hat
- Sunscreen

Photography Toolbox

- Camera--35mm or digital
- Extra film or cartridge
- Yardstick
- Small white board with markers and cleaner
- Strong flashlight
- Long mirror--such as a long door mirror purchased for about \$5 at WalMart
- Easel or other device for holding mirror (if alone)

Cleaning Toolbox

- Grass clippers
- Lots of water--Preferably running
- Soft-bristled plastic brushes with WHITE nylon bristles and handles
- Hard toothbrushes with WHITE bristles and handles
- Non-ionic detergent (Photo-Flo or Orvus)
- Q-tips, wood skewers
- Playtex gloves to protect hands
- Buckets--2 to 5 gallon each

Rubbings Toolbox

- Newsprint Rubbings
 - **Blank newsprint**
 - **Charcoal sticks**
 - **Sealer**
 - **Artist's or drafting tape (never use other tapes)**
- Crayon and Pellon
 - **Lightweight pellon without iron-on adhesive**
 - **Homemade crayon muffin**
 - **Artist's or drafting tape (never use other tapes)**

Cemetery Preservation

California Historic Cemetery Alliance

WEB SITE:

<http://www.califhistcemeteries.org/>

EMAIL:

chca@inreach.com

CONTACT:

CHCA

P. O. Box 255345

Sacramento, CA 95865-5345

Oregon Historic Cemeteries Association

WEB SITE:

<http://www.oregoncemeteries.com>

EMAIL:

ohca@oregoncemeteries.org

CONTACT:

OHCA

P. O. Box 802

Boring, OR 97009-0802

Oregon Pioneer Cemetery Commission

WEB SITE:

none

EMAIL:

Mirra.Meyer@state.or.us

CONTACT:

OPCC

1115 Commercial St. NE, Ste 2

Salem, OR 97301-1012

Washington State Cemetery Association

WEB SITE:

<http://www.rootsweb.com/~wapsgs>

EMAIL:

wsc@verizon.net

CONTACT:

WSCA

P. O. Box 28815

Bellingham, WA 98228-0815

Old Cemeteries Society of Victoria

WEB SITE:

<http://www.oldcem.bc.ca>

EMAIL:

oldcem@pinc.com

CONTACT:

OCSV

Box 50004, #15-1594 Fairfield Rd.

Victoria, BC, V8S 1G1

Canada

The Law

RCW 68.60.010, Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandoned cemetery" means a burial ground of the human dead in [for] which the county assessor can find no record of an owner; or where the last known owner is deceased and lawful conveyance of the title has not been made; or in which a cemetery company, cemetery association, corporation, or other organization formed for the purposes of burying the human dead has either disbanded, been administratively dissolved by the secretary of state, or otherwise ceased to exist, and for which title has not been conveyed.

(2) "Historical cemetery" means any burial site or grounds which contain within them human remains buried prior to November 11, 1889; except that (a) cemeteries holding a valid certificate of authority to operate granted under RCW 68.05.115 and 68.05.215, (b) cemeteries owned or operated by any recognized religious denomination that qualifies for an exemption from real estate taxation under RCW 84.36.020 on any of its churches or the ground upon which any of its churches are or will be built, and (c) cemeteries controlled or operated by a coroner, county, city, town, or cemetery district shall not be considered historical cemeteries.

(3) "Historic grave" means a grave or graves that were placed outside a cemetery dedicated pursuant to this chapter and to chapter 68.24 RCW, prior to June 7, 1990, except Indian graves and burial cairns protected under chapter 27.44 RCW.

(4) "Cemetery" has the meaning provided in RCW 68.04.040(2).

[1990 c 92 § 1.]

RCW 68.60.040 Protection of cemeteries — Penalties.

(1) Every person who in a cemetery unlawfully or without right willfully destroys, cuts, mutilates, effaces, or otherwise injures, tears down or removes, any tomb, plot, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post, or railing, or any enclosure for the protection of a cemetery or any property in a cemetery is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) Every person who in a cemetery unlawfully or without right willfully destroys, cuts, breaks, removes, or injures any building, statuary, ornamentation, tree, shrub, flower, or plant within the limits of a cemetery is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(3) Every person who in a cemetery unlawfully or without right willfully opens a grave; removes personal effects of the decedent; removes all or portions of human remains; removes or damages caskets, surrounds, outer burial containers, or any other device used in making the original burial; transports unlawfully removed human remains from the cemetery; or knowingly receives unlawfully removed human remains from the cemetery is guilty of a class C felony punishable under chapter 9A.20 RCW.

[1990 c 92 § 4.]

To view this and other laws in their entirety, visit <http://www.leg.wa.gov/rcw/index.cfm>, then select 'RCW by Title', then select Title 68.

Washington State Cemetery Association
PO Box 28815
Bellingham WA 98228-0815

Mission Statement

The mission of the Washington State Cemetery Association (WSCA) is to research, protect, restore, and preserve old and abandoned cemeteries in Washington state, to maintain their history, and to provide education and awareness of old and abandoned cemeteries and their care to the public.

<http://www.rootsweb.com/~wapsgs/>

Washington State Cemetery Association

Membership Form

Name

Address

City, State, Zip

Home phone

email address

Membership Type Individual: \$12.00 per year

Student: \$6.00 per year

Cemetery(ies) you are interested in and their location:

Mail completed application and check or money order to
Treasurer
Washington State Cemetery Association
PO Box 28815
Bellingham WA 98228-0815