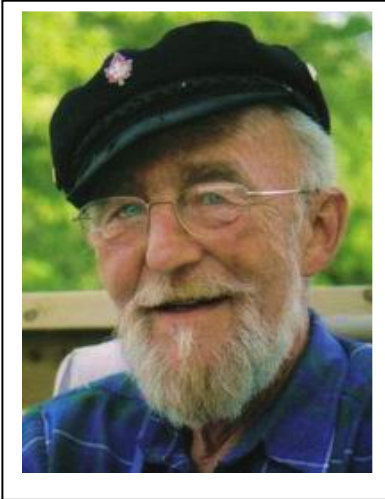


More Disappearing Tombstones



Most of us have the comfortable notion that a person's grave is theirs forever but this is not necessarily the case. Reader Bob Lemessurier had several of his family's stones disappear between his visits to Newfoundland and he wondered about the kinds of controls that might exist for this kind of thing.

Cemeteries are not even mentioned in the British North America Act, but they unquestionably come under provincial jurisdiction and most provinces have a Cemetery Act. In Newfoundland you will also find references to cemeteries in a variety of other Acts, including Leases of Lands Act (Sect. 9) and in several places in the various Municipal Acts.

Like many Acts, the Cemetery Act is not really policed but is brought into play when an individual or, more often, a group, has a major concern about a cemetery. The actual operation and management of each cemetery is usually a function of a municipality or religious organization.

This works as long as the cemetery is active; but what happens when it is abandoned because it is full or the church closes? There is no central authority that will take over the care and maintenance of the cemetery. In fact, if any maintenance is done, it is usually the work of volunteers.

Without maintenance it will eventually disappear, stones will topple, brush and trees will take over the site, and it will become a distant memory. Subsequent use of the land will not likely take into any account the fact that it was once a cemetery. In my naivete, I once thought that the fact that a piece of land had been a cemetery would constitute a lien on other use of the property. A check in various Land Registries showed that this is not the case.

There have been several cases recently of the sale of former cemeteries to developers. Historical and Genealogical Societies will then frequently challenge the alternative use until an acceptable compromise can be reached. This is where the Cemetery Act will be invoked. Sometimes the stones and the remains found on excavation will be relocated to another cemetery. Rarely can the cemetery be saved, primarily because there is no one dedicated to maintaining it.

I can remember, as a young lad, working at pulling bones from fill that had come from an old cemetery. It was to be returned for burial in a common grave somewhere (or so they said).

Kimsey Fowler undertook to photograph all the gravestones in Newfoundland and he has an interesting website at: <http://www.stonepics.com/>. On this site are several helpful little articles about such things as the disappearance of tombstones through deterioration and subsidence, and the disappearance of cemeteries. An actual list of names and years of death that he collected can be found at: <http://ngb.chebucto.org/stonepics/1stonepics-idk.shtml>.

One of the things that I have not seen anywhere in the literature but have actually encountered is the deliberate removal of grave markers by the cemetery management. Increasing populations, the rise in the cost of land, and the actual availability of land are putting severe pressures on many cemeteries. It is very tempting in these cases to remove old tombstones of families that are no longer resident in the area and reuse the gravesite. If there was no contract for perpetual care of the site, it is difficult to fault them for this.

Just to keep the whole thing in focus, it is quite common in Europe for grave sites to be rented for a twenty year period, after which they will be reused.

In Ontario we have a strong lobby for the protection of cemeteries in the Ontario Historical Society. They group together individuals and societies from across the province with similar interests to create a strong voice. You can see what they are achieving on their website at: www.ontariohistoricalsociety.ca/. Select <Cemetery Preservation> from the left hand menu. You might want to consider joining forces with them.