

Place of Burial

The dead have to be buried in cemeteries which for this purpose¹ are outside cities² and settlements (Svod Zakonov [Code of Laws], vol. XIII, Ustav Vrachebnii [Physician's Charter (Ustav)], art. 712, publ. 1892).

The Kherson Theological Consistory in 1881 prescribed to clergy of the diocese that through its pastoral word it influenced the people to eliminate the illegal and sanitary harmful custom to bury the dead near premises.

The Don Theological Consistory prescribed to the deans of the diocese to strictly confirm to the clergy of the churches subordinated to them, that they read the burial service over the bodies of the dead during their burial, but not to postpone the burial service until another time, and would not permit their parishioners to bury the dead without clergy and thus not in the cemeteries which allotted this, but in gardens and kitchen gardens and others places prohibited by law; in case of the non-execution of this by any of the parishioners, they would immediately inform the subject administration on those³ (Donskiiia Eparkhial'niia Vedomosti [Don Diocesan News] 1877, 6; see the same decision of the Kurskago eparkh. authority in the Tserkovnyi Viestnik [Church Messenger] 1889, 1). - See pp. 1204 - 1206 above.

The burial of bodies is not permitted **in city churches** (Ukaz Sv. Sinoda [Decrees of the Holy Synod] 12 Apr. 1833, No. 2580). The priest who will bury a dead body in the church, but not in the cemetery which is set aside for this purpose, is subjected to corrective punishment for this according to the order of the theological authority⁴ (Ulozheniie o Nakazaniem [Code of Laws on Punishment], Art. 859, publ. in 1885).

Near settlement churches, but not in the church itself⁵, it is permitted to bury bodies of local archpriests and priests, honorably and irreproachably passing through the service and who died a Christian⁶, without special permission from the diocesan authority to do this⁷; as for other persons, their burial at churches in settlements is allowed as much as possible less often and not other than by special permission of the diocesan bishop and for special good reasons⁸, somehow in gratitude created his temple for the dependence or maintenance of the clergy⁹ and besides having a good lawful life and a shameless death¹⁰ (Ukaz Sv. Sinoda [Decrees of the Holy Synod], Apr. 12, 1833, No. 2580; Opr. Sv. Sin. [Decrees of the Holy Synod], Aug. 25.-Sept. 22, 1882, No. 1690).

The Perm Theological Consistory declared to the clergy of the diocese not to dare self-willingly, without the special permission in each case, bury the dead near churches and in old, closed cemeteries, although it was promised a contribution to the church for this (Permskiiia Eparkhial'niia Vedomosti [Perm Diocesan News] 1889, 3).

The Poltava Theological Consistory declared to the diocese that clergy are legally responsible for personal permission to bury the dead in country churchyards; in the case of petitions of passers-by on this, priests have to testify on it: how far country churchyards are from residential buildings, the good way of life of the applicants, in what their care for the welfare of the temple or the clergy and similar to this was expressed; without such data their request will not be considered (see *Rukovodstvo dlia Sel'skikh Pastyrei* [Manual for Village Pastors] 1887, 52).

The Kaluga Spiritual Consistory ordered the clergy that at convenient opportunities they explain to parishioners that at requests for burial of relatives at churches, at settlements in which they are found, they have to present the certificate of the local clergy to the Consistory that the dead built the temple or provided the clergy with support, had a law-abiding life and a shameless death (*Kaluzhskiiia Eparkhial'niiia Vedomosti* [Kaluga Diocesan News] 1881, 12).

Owing to frequent requests for permission of the burial of persons in church enclosures, in attention only to the single, but sometimes also insignificant, from the latter for a donation or for their service in positions of the church, e.g., head, and so forth, and in view of the elimination in the future time of similar illegal petitions, it is almost exclusively by the arrival of a telegraph and on the brevity of their statement extremely complicating their satisfaction.

The Nizhegorod Theological Consistory declared in general information to the diocese that all requests of this sort are not in agreement with the requirements of the above-stated resolutions of the Holy Synod, will be dropped without consequences, but the church clergy besides will be responsible for the non-compliance and inattention to the present order¹¹ (*Nizhegorodskiiia Eparkhial'niiia Vedomosti* [Nizhegorod Diocesan News]. 1891, 4; see also the *Tul'skiiia Eparkhial'niiia Vedomosti* [Tula Diocesan News] 1896, 16).

For city **cemeteries** allotted places outside the city, on pasture land, in convenient places, at a certain distance from the latter, city housing of not less than a hundred sazhen [100 ft.] (*Svod Zakonov* [Code of Laws], vol. XIII, *Ustav Vrachebnii* [Physician's Charter (Ustav)], art. 693, publ. in 1892). Village cemeteries are organized not closer than a half verst [0.33 mi.] from settlements¹², at the founding of new churches¹³ (*ibid.*, art. 694). The local civil administration assigns the places of cemeteries and the founding of churches on it, with the interchange with the diocesan administration¹⁴ (*ibid.*, art. 695). The establishment of city cemeteries at a distance less than hundred sazhen [100 ft.] from the last city housing, but rural cemeteries are closer than a half verst from the settlement, in case of need in that, governor certified under the agreement with the diocesan administration, can be resolved by the Minister of Internal Affairs, after preliminary consideration of the matter by the Medical Council (*ibid.*, art. 697). City cemeteries are surrounded with either hedges or wattle fences, or with earth shafts become embankments, which are dug round more deeply and more widely by ditches (*ibid.*, art. 698). In

city cemeteries are built churches¹⁵ or chapels; with the permission of the administration can be transferred to its old churches from the city (ibid.). Generally a city cemetery in each city is established by the general dependence of its inhabitants¹⁶ (ibid., art. 698).

A depopulated cemetery, found among occupied places¹⁷, are fenced by the owners of that land on which they were established, but in treeless places are surrounded by a ditch; it is not permitted¹⁸ to build any structure in these cemeteries (ibid., art. 701). It is forbidden and in the case of the establishment of a new cemetery to turn the former cemetery into arable land or others that was not in a way to exterminate the remaining graves in it (ibid., art. 717).

Church and cemetery enclosures, gravestone monuments¹⁹ and the very places in and out of the enclosures have to **be cleanly maintained**²⁰ (Ust. Dukh. Con. [Ustav of the Theological Consistory], art. 42).

The instruction to church elders assigns to them the next supervision over the serviceable maintenance of enclosures, country churchyards, cemeteries and monuments (art. 22, items 6). Parish guardians are also obliged to care for the maintenance of cemeteries (Svod Zakonov [Code of Laws], vol. XIII, Ustav obshchenie prizrenie [Ustav of general supervision], art. 568, items 5, publ. 1892).

According to the decree of the Holy Synod in 1897, the clergy is obliged:

a) to have careful supervision over that which is standing in its direct maintenance department of the cemetery consists in the well-planned, neat and beautiful view, quite corresponding to the Christian duty of the respectful relation of those who continue to live for the memory of those who died in the faith, applying all dependent measures²¹ to this;

b) in these views to care about the urgent arrangement and improvement of the cemeteries, which are for any reason and relation in an unsatisfactory state i.e. about the correction of fallen graves²², to also repair old constructions where it will be necessary, new enclosures, fences and wattle fences, strengthening of embankments, and also planting, in compliance with local conditions, perhaps a large number of trees, which, serving to external beauty of cemeteries, is revealed at the same time as it is recognized as medical science, the best means for neutralizing the air in the cemetery²³,

and c) for the covering of expenses on the production of those works, to invite individuals and the city and village society, relatives and general activists who repose in the cemetery²⁴, inducing them for this pastoral admonition and remembrance of the moral duty of relatives to care for the graves of the dead lying in them, but where there will be an opportunity to give, on this part to the church or cemetery income also²⁵ (Ukaz Sv. Sinoda [Decrees of the Holy Synod] 30 Apr. 1897, No. 4). The dean has to observe, that cemetery enclosures, gravestone

monuments and the very places in the enclosures were improved and clean²⁶ (In. Bl. [Instructions to Deans], § 2).

It follows to bury corpses as deeply as possible²⁷, so that the **depth of the hole**²⁸ was not less than two and a half arshins [5.83 ft.]²⁹ (Svod Zakonov [Code of Laws], vol. XIII. Ustav Vrachebnii [Physician's Charter (Ustav)], art. 713, publ. 1892). Graves should be filled up to the earth level with the area³⁰ (with location) (ibid., art. 714). Cemetery priests constantly observe, that certain grave-diggers also sent for the burial of the dead from the military command and other places, attendants executed with accuracy the rule found in art. 712-714 of the Ustav Vrachebnii [Physician's Charter (Ustav)]³¹. In case of disobedience, they let know about this to both their administration and the local police, and the guilty are exposed to punishment³² (art. 715).

¹ Parishioners of rural churches have to be buried in their **parish cemeteries** (Tserkovniia Vedomosti [Church News] 1898, 39); in case of death in other rural parishes they usually are buried in the cemetery of this parish; but if the death is followed in the city, then they, who are taken away for burial, are buried in the cemetery of the city dwellers; but it is also permitted to bury the dead not in local cemeteries (i.e. not in those, which are intended for inhabitants of that district where the death occurred), but in other cemeteries which are set aside for burial, at whatever distance the latter is from the place of death of this person, and on transfer of the dead body, permission established by the law is surely required (see below, about the transfer of dead bodies).

If employees in a factory are considered as part of a certain rural parish, then they must also be buried in the cemetery of the latter; the claim of peasants of the specified parish for the collection from the employees at the factory of a special payment for burial in the specified cemetery has no legal basis (Tserkovniia Vedomosti [Church News] 1898, 39; see note 1 on p. 1205).

Places for burial in villages and the cities (except the capitals) have to be granted free of charge (see Resh. Grazhd. Kacc. Dep. [Resolutions of the Civil Treasury Department] 10 Apr. 1896 in official section of the Tserkovniia Vedomosti [Church News] 1897, 10); besides free places in the city cemeteries there usually are also places, for which the established payment is raised.

² Legislation **about non-burial of the dead in the cities** also belongs to the monasteries, in the cities which are found only except for the kind of burial of the dead long since continued with the consent of the government itself, and entered into the custom on which pious vows and wills of persons and families were based; in these monasteries it is still permitted to bury dead bodies, but so that they were not missed by the legal medical precautions and that again in the cities where cemeteries were not established where they were not before (Svod Zakonov [Code of Laws], vol. XIII, the Ustav Vrachebnii [Physician's Charter (Ustav)], note 1 to art. 712, publ. 1892).

³ **To bury in the fields**, in haystacks and in gardens is a Tatar custom (Trebn. of P. Mogila).

For the burial of the dead not in the places appointed for this purpose or without observance of the established rules, the **guilty are exposed** to arrest for not more than 15 days or to a monetary fine of not over 50 rubles (Svod. Zakonov [Code of Laws], vol. XV, Ustav o nakazaniiax [Ustav about the punishment], imposed by the Mirovoi Sudia [World Court], art. 107, publ. 1885).

⁴ In former times we were buried in city and rural churches; during the reign of Peter I it was forbidden to bury in the cities (Ukaz Sv. Sinoda [Decrees of the Holy Synod] Oct. 10, 1723); then it was enjoined to bury everywhere in one of the cemeteries, but not in other places (Ukaz Sv. Sinoda [Decrees of the Holy Synod], Jul. 2, 1748; Nov. 17, 1771; Dec. 24, 1772; May 15, 1803 15; Svod Zakonov [Code of Laws], vol. XIII, Ustav Vrachebnii [Physician's Charter (Ustav)], Art. 712, publ. 1892). At the present time, only in very rare exceptions, there are cases of burial of the deceased also in some **city churches**, but, of course, for especially good reasons and only with special permission of the highest authority; according to the general rule, the burial of the deceased in the city churches is not permitted (see Tserkovniia Vedomosti [Church News] 1898, 50).

⁵ To bury bodies of the dead in **temples** was not permitted in ancient times after that especially, that holy relics of martyrs were placed in them (see chapter 29 of the Bol. Trebn. [Great Trebnik]). Subsequently entered the custom to bury bishops in the church and other well-known persons (for more information see the Novaia Skrizhalj [New Stone Tablets], ch. 20, § 2-3).

At the present time we sometimes, during the construction of churches with the permission of the diocesan administration, do special type of crypts in limited quantity for the burial of the deceased (see, e.g., Smolenskii Gub. Vedomosti [Smolensk Government News] 1888, 44).

According to an explanation of the "Tserkovnyi Vestnik [Church Messenger]", burial in the temple are persons, who built the temple, and during construction was authorized to build them under only under the family crypt, needs the permission of the Holy Synod, which needs to be asked through the local diocesan authority (Tserkovnyi Vestnik [Church Messenger] 1894, 17; see also 1895, 1); but, according to the sense of the decree of the Holy Synod of Oct. 7, 1867 to leave (having followed the permission given to one individual to transfer his wife's body buried in the general cemetery under a constructed church), that permission may be granted for burial under the church directly by the local diocesan power.

In the case of burial in churches in the Trebnik of Metr. P. Mogila is given the ruling that anybody, except babies, be neither buried in the altar, nor between the altar and the ambo, but that places for burial were appointed from the ambo and behind the kliros to the entrance (to western doors) in the church and on church porches.

Having in view that Orthodox temples are buildings, dedicated for prayerful meeting of believers, but meanwhile in them, during of the dead, is quite often allowed on places under which there are graves, the building of monuments and fences constraining pilgrims by their lattices, the Holy Synod recognized the necessity to everywhere prohibit from now on the building of those monuments and fences (Opr. Sv. Sin. [Decrees of the Holy Synod], May 18-22, 1899, No. 1866).

⁶ City priests are usually buried in city cemeteries. According to the Trebnik of Metr. P. Mogila, for the **burial of church servers assigned to better cemetery places** and if there possible, are buried separate from laymen who are buried **in the cemetery**. If in the cemetery there are churches then for the most decent place for the burial of sacred church attendants are considered places around the churches - close to and around the altar (see Prakticheskoe Rukovodstvo dlia Sviashchenno Sluzhitelei [Practical Manual for Church Servers], p. 283).

In Odessa is founded the special "Fraternal Cemetery of Odessa Orthodox Priests" for the burial of clergy in one of the city cemeteries (for more information see the Tserkovniia Vedomosti [Church News] 1891, 19).

⁷ For the burial of those designated priests and archpriests **in church enclosures** at rural churches no permission is required, but for laymen each occasion requires permission, but only from the diocesan bishop; the law requires the consent of the governor for only the transfer of a dead body from one district to another (see Opr. Sv. Sin. [Decrees of the Holy Synod], 1889 25 Aug.-22 Sept.).

It is not required, agreeing with this decree of the Holy Synod, in the specified case as this was explained in the "Tserkovnyi Vestnik [Church Messenger]", permission also from the local police and if it began to interfere with burial of such persons (i.e. the designated archpriests and priests, but also, in the case of permission of the local bishop, other persons), then its actions are wrong about the diocesan authority and must be reported to the governor (Tserkovnyi Vestnik [Church Messenger] 1897, 43; refer to the decisions of the Don. Dukh. Kons. [Don Theological Consistory], in Tserkovniia Vedomosti [Church News] 1889, 49, and below the decisions Kostr. Eparkh. Nachal'stva [Kostroma Diocesan Authority] in note 4 on p. 1234). However, thus, it must have in view that the above-stated explanation cannot attach administrative significance in relation to burial cases in rural church enclosures of designated persons if their death followed any kind of general illness; as, by the existence in this place of a general or contagious illness, the local civil authorities have to be received for the termination and against distribution of this illness by special measures, the observance of which is obligatory for all (see p. 1217 above). According to the same "Tserkovnyi Vestnik [Church Messenger]", during, e.g., cholera, in view of the establishment by the civil authority, on the occasion of this illness, special precautionary rules, which vary in different districts, - question of burial in the church enclosure and such persons in which burial in the specified place in the usual time does not require any permission (i.e. for the burial of local archpriests and priests), cannot be resolved even by the very diocesan authority differently, as by the agreement between this and the police - medical authority (Tserkovnyi Vestnik [Church Messenger] 1893, 17); but rather died of the plague, in view of the existence of general legislation concerning the place of their burial (see p. 1240 below), without any doubt, even out of the question about the burial of such dead in a rural church enclosure.

⁸ To bury someone of the **family clergy** in a rural church enclosure the priest can only do (agrees with the Ukaz Sv. Sinoda [Ukase of the Holy Synod] Apr. 12, 1833 and Opr. Sv. Sin. [Decisions of the Holy Synod], Sept. 22-25, 1889) with the permission of the local bishop (Tserkovnyi Vestnik [Church Messenger] 1893, 25).

⁹ **The size of a contribution** to the advantage of the church or clergy depends on local bishop's discretion, and in any case it has to be considerable (Ukaz Sv. Sinoda [Decrees of the Holy Synod], Apr. 13, 1833).

¹⁰ It is forbidden to build some kind of stand **over the buried at churches** for the reading the Psalter; but it is permitted to read it in churches, either within or on the porches of the church (Svod Zakonov [Code of Laws], vol. XIII; Ustav Vrachebnii [Physician's Charter (Ustav)], note to art. 699, publ. 1892).

¹¹ In view of this, that for the bishop of Tambov quite often received from parishioners of rural churches of the diocese **baseless and illegal requests** for the burial of the dead at rural churches, the Tambov Theological Consistory, by the way, declared to the diocese, for general information, that restrictions on the burial of the dead at parish churches, which for the most part are surrounded by population and in which quite often there is a considerable crowd of people, are placed, undoubtedly, for the sanitary reasons, for the purpose of protection of national health, and in any case have to be strictly observed. That to satisfy the permission of burial of the dead in the church enclosure petitions, appears, for the most part, without any foundation specified in the law and depends only by one desire or the dead, expressed by them before death, or by their relatives, although even with some monetary contribution for the advantage of the church, would also be illegally and harmful for the sanitary conditions, as, eventually, places in church enclosures, on number of the bodies of the dead buried in them, could be turned into cemeteries. That, in the elimination of the above written, all petitions for the burial of the dead in church enclosures, without the bases specified by the law, will be left without consequences. Together with this a duty to parish priests of the diocese was imputed, that they, from their side, inspire parishioners not to trouble the diocesan administration with requests that are not deserving respect according to this subject, with the addition that the response to telegrams on petitions for this have to be paid for good reasons not for ten words as this ordinarily is done, but in the extreme measure for twenty, as the answers are always required with reservations and conditions from a much large number of words (Tambovskiiia Eparkhial'niia Vedomosti [Tambov Diocesan News]. 1891, 8).

The Perm Theological Consistory in 1892 declared to the clergy of the diocese, for due management and indispensable execution in the future, the following:

1) if any of the parishioners wishes to bury the departed in a church enclosure, then parish priests have to decline this, telling them that the law does not permit this, but if sometimes it does allow, then it is exclusively only in view of some special merits of the departed in favor of the parish church or its clergy;

2) if the full bases are really represented in this, to apply to the bishop for his permission by telegram with an explanation of the bases in it, granting legitimate right for receiving petition permissions; this telegram has to be signed by the parish priest and as replacing the petition, it has to be paid with the stamp duty in number of two 80 kopeck stamps;

and 3) the answer telegrams have to be paid in sufficient words (not less than 20 words) for the standing detailed answer; by non-compliance with these conditions, receipt of the telegram in the specified case will be left without consequences, but the parish clergy, who allowed such burial without permission or contrary to the prohibition of the diocesan administration, will be subjected to legal responsibility (Permskiiia Eparkhial'niia Vedomosti [Perm Diocesan News] 1892, 5).

Suitable orders were also made in other dioceses, as e.g.: in the Don (see Khersonskiiia Eparkhial'niia Vedomosti [Kherson Diocesan News] 1879, 14), Stavropol (see Tserkovnyi Viestnik [Church Messenger] 1888, 11).

Kostroma Diocesan Authority declared to the clergy of the diocese that requests for permission of burial in closed church cemeteries have to be:

1) petitions addressed to the Consistory, but not the Bishop;

2) are testified by local clergy about its consent, and the local police about no impediments from its side,

and 3) are paid with stamps, collecting about 1 ruble 60 kopeks; thus it was inspired in the clergy not to abuse the trust of the diocesan administration at all and testified memorial petitions only for such dead, who after their offerings and way of life quite answers the requirements of the decree of the Holy Synod, Apr. 12, 1833 (see Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1897, 8).

¹² **In the Don army province** every village has to have a special place for its cemetery some distance from the settlement, an elevated place safe from water, a decent enclosure around it and surrounded by trees, and should the people wish, then it also may construct on that cemetery a special church with the permission of the diocesan administration (Svod Zakonov [Code of Laws], vol. XIII; Ustav Vrachebnii [Physician's Charter (Ustav)], note 1 to art. 694, publ. 1892). In 1835 it was ordered not to have villages or village churches in Don army cemeteries in the middle of settlements and where such exists, not to bury there any more (ibid., note 2).

¹³ In the **expansion of a cemetery**, but also equally in **establishing a new** cemetery, in exchange for the existing, recognized inconvenient sanitary condition, the consent of parishioners is necessary, as the establishment of cemeteries leads to the general

dependence of inhabitants; when parishioners express consent, it is necessary to inform the dean and tell the territorial chief on this (Tserkovniia Vedomosti [Church News] 1895, 35, 42; 1896, 21).

¹⁴ **Allotment of land for cemeteries** depends on the local civil government; the interchange with this authority is done by the diocesan administration (Tserkovniia Vedomosti [Church News] 1893, 48; 1898, 38).

Cemeteries are established on high places (Ukaz Sv. Sinoda [Decrees of the Holy Synod] 9 Apr. 1756), near roads (In. Bl. [Instructions to Deans], § 2), on sovereign lands (Tserkovniia Vedomosti [Church News] 1898, 38).

The Saratov Theological Consistory declared to the clergy of rural churches of the diocese and through them to parishioners that the latter, in the case of the petition for the allotment of new places in cemeteries, public judgments presented to the Consistory, with the appendix of district plans appointed for cemeteries with the indication on the plans of the distance from inhabited buildings (see Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1889, 17).

It is necessary for the establishment of cemetery grounds, not allotments; its voluntary owned lands are expropriated for this purpose by Nominal Royal Decrees (see, e.g., Sobranie Uzakonenii i Rasporiazhenii Pravitel'stva [Collection of Ordinances and Orders of Administration], 1891, 68, No. 76; 1892, No. 8).

Each rural cemetery is under the direct administration of the clergy of the local church; a city cemetery in most cases has its standing churches and clergy who (sometimes with the assistance of the city self-government) are also managed (Tserkovnyi Vestnik [Church Messenger], 1893, 31; see also 1896, 41).

The land of the cemeteries, owing to the decision of the Grazhdanskii Kassatsionnii Departament [Civil Cassation Department] of the Pravitelstvuyushchago Senat [Government Senate], (about the Plakhtiansky Cemetery) of April 10, 1896 (see the official part of the Tserkovniia Vedomosti [Church News] 1897, 10), belongs to the theological department, and about the transfer of the cemetery for the maintenance of the local church clergy it is necessary to turn to the diocesan administration for initiation of the petition, corresponding to this subject (Tserkovniia Vedomosti [Church News] 1898, 50).

The allotted cemetery cannot be cut off; in the case of a change of its borders he has to inform the diocesan administration and ask its orders for the restoration of the borders of the cemetery (Tserkovniia Vedomosti [Church News] 1898, 38).

According to the explanation of the Grazhdanskii Kassatsionnii Departament [Civil Cassation Department] of the Pravitelstvuyushchago Senat, Apr. 10, 1896, and on the basis of the decision of the same Department on 1883, for No. 24, everything growing in the cemetery can be turned to the advantage of the church to which this cemetery belongs (Tserkovniia Vedomosti [Church News] 1898, 41).

The wood growing on the cemetery also is the property of the churches; neither clergy and no one else has any right to cut it down for one's own use; therefore receiving firewood from a cemetery has to be turned into the advantage of the church (Tserkovniia Vedomosti [Church News] 1895, 32, 42).

In view of this, that land, which is taken away from the cemetery under the existing statutes, stands under the authority of the clergy, there are no obstacles to this that the earth, free from graves, was given for crops but the income was turned over for the need of the cemetery, e.g., on the fencing around it, and generally in favor of the church and that in case of need for burials on this land plowing and crops were stopped (Tserkovniia Vedomosti [Church News] 1898, 31, 41).

¹⁵ By an explanation of the "Tserkovnyi Vestnik [Church Messenger]", there is no law, which would interfere to make the necessary **expansion of the temple, with the violation of graves** near it; for the calm of relatives of persons whose graves will be affected by the new building, it is necessary to make some kind of marks, inscriptions, and so forth, on the corresponding places of the new walls of the temple or on its floors (Tserkovnyi Vestnik [Church Messenger] 1893, 14); but all this has to be stated in the petition submitted to local bishop, agreeing with the 47th article of the Ustav [Charter] of the Theological Consistory, on whom depends the permission for the reorganization and expansion of the temple. See p. 1215 above.

¹⁶ Everywhere for the lower military ranks are established special **military cemeteries**, which are under the supervision of the special commission of military persons and are maintained for the troops. If in the military cemetery lower ranks from different regiments become buried, then in this cemetery sites are divided according to regiments, and the maintenance over the long view as graves and grave crosses is assigned to those regiments. They (regiments) undertake to prepare and install a decent cross over the grave of each departed colleague with an inscription: where the reposed served before death, when he died and where he is buried (and each of these crosses is painted in the color of the cover cloth of that regiment in which the deceased served). Each regiment has the

detailed plan of its cemetery or site, with designation of the No. No. graves in it and the list of the persons buried in them (Vestnik Voennago Dukhovenstva [Messenger of Military Clergy] 1890, 14).

As there is no provision in military cemeteries of any division of the religions buried, then in the opinion of the "Tserkovnyi Vestnik [Church Messenger]", in these cemeteries it is possible to also bury military persons of non-Orthodox religions (Tserkovnyi Vestnik [Church Messenger] 1893, 13).

¹⁷ In 1817, it was ordered **old cemeteries** to be gradually transferred from there among settlements to the main roads of the existing (Svod Zakonov [Code of Laws], vol. XIII; Ustav Vrachebnii [Physician's Charter (Ustav)], note 2 to art. 694, publ. 1892).

Having existed in the cities and suburbs former cemeteries have to remain squares for the grandeur of churches and be kept clean, enclosed with fencing and planted round with trees (Ukaz Sv. Sinoda [Decrees of the Holy Synod] 15 Jul. 1775).

¹⁸ According to the decision of the Grazhdanskii Kassatsionnii Departament [Civil Cassation Department] of the Privitel. Senate [Government Senate] (10 Apr. 1896), this law, assigning to **owners of the land on which cemeteries were established**, only the duty of a known sort duty (to fence, dig round), does not grant them any right of possession, nor behind them to keep using the earth and does not provide for them; this land has to be regarded aloof of their possession, and they have no right of use and extraction of any benefits from this land; as the land of cemeteries consists the property of churches by which they exist (refer to note 3 for p. 1235 above).

¹⁹ The Christian **custom to put crosses on the graves** of the dead goes back to extreme antiquity. In the east it appeared for the first time about the 3rd century, in Palestine, and with special power came after the celebration of the Christian faith during the reign of Constantine the Great, having put on the grave of the Holy Apostle Peter a cross of pure gold weighing 150 pounds. From Greece the custom to adorn graves with a cross passed together with the holy faith also to us Russians. The charter of St. Vladimir already subjects to church judgment those, who "drunkards take away, the cross will whip" (Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1897, 16).

The practice concerning the cross raising place on a grave is various as the exact rule concerning this is not available (Tserkovnyi Vestnik [Church Messenger] 1895, 22; 1896, 45). Some having, by the way, in view of the legend about raising the Lord's cross on Golgotha, in that place where the head of our ancestor Adam was reposed, think that the cross over a grave should be put at the head of the buried (for more information see Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1897, 16). But, according to the instruction of the "Tserkovniia Vedomosti [Church News]", the cross on a grave should be placed at the feet of the buried, with the turn of a crucifixion to the person departed (Tserkovniia Vedomosti [Church News] 1897, 5).

On the crosses and other monuments placed over graves is extracted the **inscriptions** "for data about the buried" (see Ukaz Sv. Sinoda [Decrees of the Holy Synod] 12 Apr. 1722); concerning the censorship of these inscriptions of the general orders is not available (Tserkovnyi Vestnik [Church Messenger] 1895, 16); but also the natural feeling of respect for the memory of the departed, both Christian love and the voice of conscience demand that these inscriptions be generally quite expedient and appropriate according to its internal contents and external form; the property of the departed in Christ's Church morally obliges that the inscription on its monument carried a strictly Christian character.

Though prohibitions to insert **portraits** into gravestone monuments are also not available is why such monuments with portraits not only on provincial, but also in capital cemeteries are quite often placed (see (Tserkovnyi Vestnik [Church Messenger], 1895, 16); but priests should tell their flock about the indecorum to put portraits of deceased persons on grave monuments (see Tserkovniia Vedomosti [Church News] 1895, 34). In some dioceses due consideration of the local diocesan administration is already paid to this.

So, the Podolsk Theological Consistory ordered the diocese that the clergy did not place family portraits on grave monuments, under fear of punishment for this, and also to keep parishioners from this non-Christian custom, in which the human vanity is expressed; instead of portraits it is possible to advise to put icons of patron saints of those buried under the known monument.

²⁰ **It is forbidden to build** tents for the sale of edibles and drinks in church enclosures and in the cemetery (Svod Zakonov [Code of Laws], vol. XIV, Ustav o p. i p. prest. [Ustav on the Prevention and Suppression of Crime], note for art. 13, publ. 1890).

It is not allowed to open a building for the retail sale of hard liquor closer than 40 sazhen [280 ft.] from cemeteries (Svod Zakonov [Code of Laws], vol. V, Ustav o piteinikh sborakh [Ustav about Drinking Collections], art. 447, publ. 1893).

²¹ In view of this, the **pasturage of cattle** should not be allowed in a cemetery at all and about the protection of cemeteries from this pasturage has to be turned over to the local police administration, which will bring the guilty of that to lawful responsibility (Tserkovniia Vedomosti [Church News] 1898, 34).

²² The Iaroslavskiiia Dukhovnoi Konsistorii [Yaroslavl Theological Consistory] ordered the diocese that **embankments on graves**, especially those that have settled and started failing, be renewed (Iaroslavskiiia Eparkhial'niia Vedomosti [Yaroslavl Diocesan News] 1879, 16).

²³ In some places the clergy, when opening new cemeteries, considers it their duty, besides building decent fencing, **to plant fruit trees around cemeteries** through the students of the parish and national schools under the leadership of teachers, having in view through that, besides the improvement of the cemetery, to accustom pupils from childhood to useful physical work, to develop in them a Christian feeling of respect for graves, where persons repose is good for them, but the same time to also give their parents the lesson, reminding them of the holy duty in relation to the departed, for which they are obligated for as much prayerful memory of them, as also much respect for their graves (see Podol'skiiia Eparkhial'niia Vedomosti [Podolsk Diocesan News] 1894, 5).

²⁴ Concerning the preservation in a decent view **of graves of sacred church attendants**, buried at the local temple, should have the care for local clergy and starosti (for more information see the Tserkovniia Vedomosti [Church News] 1891, 52).

²⁵ Care **for the maintenance of cemeteries in a magnificent view** is a natural expression of that, not only pertinent, but also obligatory in Christians, feelings of respect for the remains of ancestors and generally neighbors, having died in the faith, which, resulting from the debt of the respectful relation to their memory caused by related and Christian comprehensive mutual love, at the same time is based on our faith in the indisputable truth of immortality and the future general resurrection and in the communication of the living with those who died before. Such relation for the remains of those reposed is fixed for Orthodox Christians by sacred custom, sacredly kept by the Church throughout many centuries of its existence, from initial times up to now, and for this they learn the examples of many pious men narrated in the Sacred Books of the Old and New Testaments, as that: Abraham, having acquired a cave "especially strong" from Ephron the Hittite for four hundred drachmas of silver for the burial of Sarah, in which then he and the subsequent Patriarchs were buried (Gen. 23; 25:9-10; 35:29; 50:13); Tobit, rewarded with the favor of the Lord for deeds of mercy and piety, one of which was the dedicated care for burying bodies of the fellow countrymen who were thrown out for destruction by the Nineveh pagans (Tb. 1:17-20; 2:3-9); Joseph and Nicodemus, praised in the hymns of the church as secret disciples of our Savior and Lord Jesus Christ who reverentially buried His All Pure Body, the memory of their act is immortalized on the pages of the Holy Gospel, also the "pious men" who turned over to honest burial the body of the Holy Protomartyr Archdeacon Stephan murdered by his persecutors (Dt. 8:2), and many others. Owing to this and taking into consideration, owing to the decision of the Grazhdanskago Kassatsionnago Departamenta [of the Civil Cassation Department] of the Pravitelstvuyushchago Senat [Governmental Senate] of April 10, 1896 (see note 3 above for p. 1235), cemeteries are recognized as standing under the authority of the theological administration, which has the obligation for the care of their improvement and contents as it should be (Ukaz Sv. Sinoda [Decrees of the Holy Synod] 30 Apr. 1897, No. 4).

The Chernigov diocesan administration, for what fulfillment must follow according to contents of the decree of the Holy Synod of 30 Apr. 1897, decided to send circular decrees to the deans of the diocese, with instructions - in case where parishioners or city management refuse due assistance to Synod's reduction of the order in execution, to inform the Consistories on this (Chernigovskiiia Eparkhial'niia Vedomosti [Chernigov Diocesan News] 1897, 17).

The Samara diocesan administration in 1893 decided as a special duty to the deans of the diocese, rectors of churches, starosti and parish guardianship to oversee the cleanliness and neatness in Orthodox cemeteries (for more information see the Samarskiiia Eparkhial'niia Vedomosti [Samara Diocesan News] 1893, 6); in 1897 the same administration imputed a duty for the deans of the diocese semi-annually to attentively examine cemeteries and to inform the local bishop on the situation (see *ibid.*, 1897, 16).

In the Tver diocese, in view of the pitiful state of cemeteries and the indifferent attitude towards them of local inhabitants, the Most Eminent Archbishop Dimitri offered the Brotherhood of the Holy Blessed Prince Mikhail Yaroslavich to receive in his administration Orthodox cemeteries of the diocese and whenever possible to promote the opening of cemetery parish trustees for this (for more information see the Tverskiiia Eparkhial'niia Vedomosti [Tver Diocesan Consistory] 1898, 4).

²⁶ "There cannot be a sadder view, wrote the departed Archpriest John Naumovich, as the **view of our rural cemeteries...** The cattle graze and pigs rummage in the cemeteries, and what is worse, sometimes even after the graves decay in the summer they fall, so it is unbearable to go there. Parishioners do not take care of the cemetery, and all the admonitions to help the matter remain without consequences for this, that peasants value that piece of land for the pasture of cattle and swine... This evil comes from ignorance. Perhaps, and we have to hope that school education will eliminate everything over time, what to bear on itself a stamp of former slavery and ignorance. As it may be that in the district, where a magnificent church and school, not wishing anything better, there was such cemetery which so disturbs Christian feeling. Only where they bury the dead man, swine now are, only will give up as a bad job, how some days later he is already in askance, but what it would take to put cemeteries in appropriate order? Once society decides, and the rural starosta will one day order, when also no work is present, to dig around, make a gate, but from spring to plant acacia seeds in the entrenchments or to plant other trees and bushes, and after some years the cemetery will assume a well-planned view. Then all the crosses will be straightened, to stand on their places, and then relatives will set any bushes at the graves and will arrange flower beds on them. The empty place, where there are no graves, can be still used for a nursery in which it is convenient to part seedlings and grafts for fruit trees. All this will be, by all means will be, when more light is included into our urban society, but it is desirable that this happen somewhat sooner" (Tserkovniia Vedomosti [Church News] 1891, 32).

By the power of the above-stated decree of the Holy Synod on 30 Apr. 1897, the clergy is obligated "to attend to the urgent arrangement and improvement of cemeteries".

About the laying out of a cemetery and planting its trees, for more information see in the Tserkovniia Vedomosti [Church News] 1896, 46; for more information generally see also about the improvement of cemeteries: Kostromskiiia Eparkhial'niia Vedomosti [Kostroma Diocesan News] 1893, 5; Simbirskiiia Eparkhial'niia Vedomosti [Simbirsk Diocesan News] 1896, 18; Penzenskiiia Eparkhial'niia Vedomosti [Penza Diocesan News] 1897, 9; Ufimskiiia Eparkhial'niia Vedomosti [Ufa Diocesan News] 1897, 15; Tambovskiiia Eparkhial'niia Vedomosti [Tambov Diocesan News] 1898, 49; Rukovodstvo dlia Sel'skikh Pastyrei [Manual for Village Pastors] 1896, 1; 1898, 9; Tserkovnyi Viestnik [Church Messenger] 1893, 21; Tserkovniia Vedomosti [Church News] 1890, 50; 1898, 9, 21; about respect for places of Christian burial see the fine words of His Eminence Dimitri, Archbishop of Kherson, in the Tserkovniia Vedomosti [Church News] 1890, 47.

²⁷ For **thawing of the earth when digging graves** in winter it is necessary to fill in that place the day before with quick lime between the snow layers. Lime with water heats the earth so strongly that it can even be dug at 20° intensely cold weather (Tekhnich. Obozr. [Technical Review]).

²⁸ In some places peasants usually do **burrowing** in the side of a grave **for the room of a coffin** in order that it was easier for the dead man; as the earth with which the grave is filled up, at the specified room in the last coffin, does not lay down on it all its weight. Besides its superstitious meaning, the specified custom sometimes, owing to the collapse of the earth from burrowing in a grave side, leads to accidents for those who do the specified burrowing. It imposes on priests, a duty to eradicate the specified custom with needed measures (for more information, see the Tambovskiiia Eparkhial'niia Vedomosti [Tambov Diocesan News] 1893, 50).

²⁹ According to "Instruction to Deans of Parish Churches", **graves have to be dug** 3 arshins [6.99 ft.] in depth, and dead bodies are buried with appropriate care (In. Bl.[Instructions to Deans], § 2).

³⁰ In St.-Petersburg it is necessary **to fill the graves** with earth or sand not less than a half arshin [1.16 ft.] and to firmly finish this embankment (Svod Zakonov [Code of Laws], vol. XIII; Ustav Vrachebnii [Physician's Charter (Ustav)], note for art. 714, publ. 1892).

The same embankment is even done at burial in other cemeteries; the earth serves as material for it, remained after filling up the grave; during this filling and during the building of the embankment over the grave follows as is possible, more densely to tamp down the earth for the prevention of the failure of a grave (refer above, to note 4 on p. 1237).

³¹ In villages the lower ranks of district police, i.e. the hundreds [company] and the tens [squad], the district police guards and horse guards where it is (Svod Zakonov [Code of Laws], vol. II, Obshch. Uchr. Gub. [General Establishment of Provinces], art. 798, publ. 1892), **observe that coffins were earthed** more deeply as possible and the graves are filled up to the equal basis with the earth surface (ibid., art. 822, item 3); but also each parish priest should watch the legal depth of graves in the local cemetery (Tserkovnyi Viestnik [Church Messenger] 1895, 17; refer to Permskiiia Eparkhial'niia Vedomosti [Perm Diocesan News] 1883, 18).

³² At burials the calculation of graves by the brick and **the building of crypts** in the cemetery are not forbidden (Tserkovniia Vedomosti [Church News] 1898, 50; refer to Ukaz Sv. Sinoda [Decrees of the Holy Synod] 20 Jul. 1808).

In view of the future elimination of the possibility of the unsanitary custom to build family crypts with the general chamber in the cemetery, at the present time it is recognized expedient to stop the burial of several dead men in the same chamber of a family crypt. owing to this, it agrees with the Government Oberprocurator of the Holy Synod response, of the 24th of the past February, for No. 1101, the Minister of Internal Affairs recognized as necessary to establish the obligatory rule, that family crypts were built with several sections and in order that the occupied place was not opened once under any circumstances, without the request for preliminary permission of the appropriate authority, which can be given only in important cases and not otherwise, as during the observance of sanitary precautions against harm for the health of the workers and other persons who are taking part in the destruction of old crypts (Mogilevskiiia Eparkhial'niia Vedomosti [Mogilev Diocesan News] 1894, 18).

*S. V. Bulgakov, "Handbook for Church Servers", 2nd ed., 1274 pp. (Kharkov, 1900) pp. 1232-1240.
Translated by Archpriest Eugene D. Tarris on February 4, 2015© All rights reserved.*