

Customaries Governing St. James-Santee Churchyard at Brick or Wambaw Church

St. James-Santee Episcopal Church, McClellanville, South Carolina

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Introduction

St. James-Santee's Churchyard is located on the grounds of St. James-Santee Episcopal Church on Old Georgetown Highway, McClellanville, SC. This Church building is also known as the Brick or Wambaw Church. As there is no burial ground at St. James' Chapel of Ease located in McClellanville proper, these customaries apply to interment at the Old Georgetown Highway location only.

The first church building was located in Jamestown on the banks of the Santee River in early 1687 when French Protestant refugees settled there. Another church was built near Echaw Creek where a brick foundation and some tombstones still stand, with traces of other gravesites around them. When the population shifted and changed, Wambaw Church was built on the King's Highway in 1768 and served the melded congregation of French, English and African descendants in the area. Even after Wambaw Church was built, many parishioners were still buried at Echaw or on their own plantations. Today, Wambaw Church is used for baptisms, weddings and funerals, as well as for an annual service and picnic held the Sunday after Easter. The graveyard surrounding the building includes a few graves moved from nearby plantations and from Echaw Chapel, as well as more recent graves.

Since 1768, the graveyard of St. James Santee Episcopal Church has been used by members of the congregation or those with strong ties to the church. All plots are allotted at the discretion of the Vestry and ownership of said plots is not transferable. No plots may be transferred, sold, re-sold or given away and all plots remain the property of St. James Santee and are not deeded to or owned by the plot holder of record. The payment of fees is strictly for the use of the land as a place of burial and all burials must be conducted in a seemly, respectful and dignified manner.

Please help us maintain the churchyard as a dignified and beautiful place by observing these *Customaries*. The Vestry of St. James-Santee Church has adopted them in order to preserve

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the appearance of the churchyard and to safeguard the sanctity of each grave. They are intended as a reference for plot holders and a guide for everyone toward maintaining the high standards set for our churchyard.

The Vestry reserves for itself, the Graveyard Committee and their successors the right to make all rules, regulations, limitations, and restrictions necessary to protect the future welfare of the churchyard and the rights of all plot holders. Full consideration will be given to plot holders at all times, so long as the Vestry and the Graveyard Committee feel that there is no conflict with the overall plan for the grounds and no adverse effect to the beauty of the property or the rights of other plot holders. Every plot holder or prospective holder of burial space in St. James-Santee Churchyard should become familiar with these *Customaries* and retain this booklet for future reference. Particular attention is called to the following rules:

1. No burial may be made in a plot until it has been paid for in full.
2. No artificial flowers are permitted in the churchyard.
3. All permanent grave markers must be approved by the Graveyard Committee before installation.

Definitions

- a. Churchyard: the grounds around the church building that have been set aside for burial plots.
- b. Lot, plot, or burial space: used interchangeably to mean one grave or two or more adjoining graves.
- c. Lot or plot holder: the person whose name is registered in the church office as the holder of record.
- d. Family plot: up to four adjoining graves.
- e. Tablet, monument, or memorial: a permanent marker placed upon a grave.
- f. Graveyard Committee (hereafter, the Committee): the appointed members of the parish who supervise operations of the churchyard, assisting the Junior Warden in his capacity as Chairman of Buildings and Grounds.

Who may Request Burial Plots?

- a. All request for plots must be made in writing and submitted to the Graveyard Committee and Vestry for approval.
- b. Requests for burial plots are restricted to the following:

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- (1) Any member of the parish in good standing as defined in the By-Laws.
- (2) A person who has at some time been a member in good standing of this parish for at least five years.
- (3) The spouse/partner, and unmarried children of a member in good standing who are not members themselves.
- (4) Non-members with long-time connection to the Church and any others at the discretion of the Committee and the Vestry with especial concern being given to cases of charity.

c. The granting of a right of burial by the church and the acceptance of these *Customaries* by the purchaser constitute the sole agreement between the church and the plot owner. **The statement of any employee or agent of the church, unless confirmed in writing by the Committee, shall in no way bind St. James-Santee Church.**

Costs

- a. Members in good standing, as defined by the By Laws, for a period of five years or more, may request one burial plot for themselves at no charge. This may only be used by the requester and/or the immediate family of the requester. If available, up to a maximum of three adjoining plots may be purchased to create a family plot. Only one family plot per family is permitted. These may only be used by the requester and his/her immediate family.
- b. Members in good standing for less than five years may request one burial plot for themselves at a reduced cost. Said plot may only be used by the requester and/or his immediate family.
- c. Members, or former members, of the Brick Church Foundation may request one burial plot for themselves or an immediate family member at a reduced cost.
- d. The price for a standard, 4 by 8 foot plot is \$800 for members in good standing for less than five years and \$1600 for inactive or non-members. The price for a 4 by 4 foot plot for the burial of ashes is \$400.00 for members and \$800 for inactive or non-members. This price is subject to review and change by the Vestry as deemed appropriate.
- e. Prospective buyers should make an appointment through the church office to meet with a member of the Committee and visit the churchyard.
- f. When a plot has been agreed upon, payment in full must be received before plot assignment is completed and prior to any burial or monument installation.
- g. All agreements regarding plots are solely at the discretion of the Graveyard Committee and the Vestry. The determinations of the Vestry are considered final.

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Ownership and Burial Rights

- a. The Committee and Vestry will decide any questions arising about rights of burial.
- b. No lot may be transferred or resold except back to St. James-Santee Church. The Church has discretion to decide whether or not to refund any purchase price.
- c. The Church will take all responsible precautions to protect plot holders and their property rights from loss or damage within the churchyard, but disclaims all responsibility for loss or damage from causes beyond its control. By accepting the plot assignment, the plot holder agrees that the church shall not be held liable for any costs arising from such loss or damage.
- d. It is the duty of every plot owner to notify the church office of any change in mailing address. Notice from the church sent to a plot holder at the last known address shall be considered proper legal notification.
- e. Reserved plots which are unused by a plot holder may revert to the church with no return of fees. If a plot was purchased or reserved and the plot holder of record was buried elsewhere, the Church is released from its obligation to keep said plot in the name of the deceased. Written notification will be sent to the last known address of the plot holder.

Rights and Obligations of Plot Holders

Each plot holder is required to observe these *Customaries* and any future amendments to them.

Tombstones and Memorials:

- a. All tombstones and other permanent markers should be made of a material deemed suitable (such as stone, slate, marble, granite or wood) by the Graveyard Committee and Vestry. Before any permanent marker is installed, it must be approved by the Committee which has the right to reject any proposed memorial not meeting its standards.
- b. No new coping or fencing may be erected around new or existing plots and any such items placed in the graveyard will be removed at the expense of the person/s who placed them.
- c. No permanent markers or tombstones should be erected or placed until after a plot has been used and any such item must be approved by the Vestry before it can be placed in the church yard. A member of the Graveyard Committee must be present when a grave is dug and when any markers or tombstones are placed. Any unauthorized items will be removed at the expense of whomever placed said items.
- d. No markers or memorials are to be taller than half the height of the Horry obelisk and all markers and memorials must be contained within the limits of a plot. Horizontal slabs may not exceed 3 feet by 6 feet, 6 inches.

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Markers placed without Committee permission are subject to removal.

- f. In the area set aside for scattering or burial of ashes, markers should be set at ground level and be no larger than 12 inches by 14 inches.
- g. No pictures or portraits are permitted on tombstones.
- h. It is expected that a permanent marker will be in place within two years of burial.

Use and Care of Burial Plots

- a. No lot shall be used for any purpose other than burial of a deceased human being (including cremated remains).
- b. No artificial flowers, plants, or arrangements of any kind that are artificial are permitted and will be removed and discarded. Empty vases should not be left on plots and will be removed.
- e. No trees or shrubs may be planted in the churchyard without the written permission of the Committee. Any plantings become the property of the Church.
- e. Burial may not be made in any road, driveway, alley, or walkway of the churchyard.
- f. No plot or grave may be changed or improved without the consent of the Committee.
- g. Plot holders and visitors are expected to show proper respect for the sacred nature of the churchyard. They are forbidden to litter, pick any flowers or injure or deface any shrubbery, trees, plants, monuments, or structures in the churchyard. No one is allowed to sit or stand on any tombstones.
- h. Firearms are allowed on the grounds only at military funerals

Burials and Dis-interments

Simple burials with or without caskets, urns or containers are permitted and the use of liners is not required by St. James-Santee or by state regulations.

In the case of natural burials without liners, all dirt removed from a burial site must be mounded on the site and not removed. Family members or friends of the deceased may choose to dig the grave themselves, but any grave opening should only be done in the presence of a member of the Graveyard Committee. This requirement may be waived in some instances.

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- a. Burial plots remain subject to regulations and standards as set by the legal owner of the land, St. James Santee Episcopal Church, and said regulations may be revised from time to time. Plot owners should inform the Church of any changes in contact information and should notify the Church if they no longer want to hold a reserved plot.
- b. The time and location of all funerals must be arranged with the church office. At least 48 hours notice is required before a burial and at least a week's notice before a disinterment.
- c. Funeral directors are required to notify the Church prior to any interment and/or service in the graveyard. A member of the Graveyard Committee must be present when a grave is dug to ensure the proper location of the burial plot.
- d. Funeral or burial services held in either of the church building or in the graveyard must be conducted by the clergy of St James Santee unless otherwise approved by the Vestry or the Vicar. If such approval is given, the Graveyard Committee and Vestry must be notified and all protocols followed.
- e. All burials and dis-interments are subject not only to these *Customaries*, but also to the laws of Charleston County and the State of South Carolina.
- f. Not more than one body or remains of one body shall be interred in one grave, except in the case of a parent and infant or infants.

Rights and Responsibilities of the Graveyard Committee

- a. There is no permanent or long-term maintenance of the graveyard, but the Church does mow the grounds as it deems necessary.
- b. There is no fund for the repair of damaged or broken tombstones and family members of the deceased are expected to see that stones are kept in good repair.
- c. The Committee controls all grading, landscape work and improvements in the churchyard and all routine maintenance is under its direction.
- d. The Church in no way is obligated to replace or repair damaged or stolen monuments due to circumstances beyond its control. The Committee may take any necessary action when a safety hazard is posed by tree or shrubbery roots or branches or memorials in disrepair.
- e. The Committee will maintain records of plot holders and grave locations.
- f. The Committee will locate all lots and graves and map the churchyard for future identification of all known graves to the best of its ability.

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- g. The Committee has the right to correct any errors that it may make, either in making interments or dis-interments or in the description, transfer or conveyance of any interment property. It may make correction by substituting another property of equal value, or at its discretion, by refunding the purchase money.
- h. The Committee or its representative has the right to remove from the church grounds anyone whose behavior is improper and to refuse admission to the grounds to anyone who may act with impropriety.
- i. The Committee reserves the right to make exception to any of these rules when it appears advisable, but any temporary suspension of rules shall in no way affect the general application of them.
- j. The Committee may adopt new rules and regulations and may amend all or any part of a rule.

Approved by the Vestry - October 11, 2015