

A MANUAL OF THE PRACTICE
OF THE
FREE PRESBYTERIAN
CHURCH OF SCOTLAND
BASED ON
THE PRACTICE
OF THE
FREE CHURCH OF SCOTLAND
IN HER SEVERAL COURTS

4th edition, as revised in 1886

Prepared and Published by Authority of the Synod

PREFACE

THIS Manual has been prepared by a Committee appointed by the Synod of the Free Presbyterian Church of Scotland.

Since it took up a separate position in May 1893 the practice of the Free Presbyterian Church of Scotland in her courts has been guided by *The Practice of the Free Church of Scotland, Fourth Edition*, as revised in 1886 by a committee under the convenership of the late Sir Henry Moncreiff. This edition is now out of print, and rather than merely reprint it, the Synod instructed this manual to be prepared. Its object is to present such of the principles and rules of practice of the Free Church of Scotland of 1843 as are appropriate to the present situation of the Free Presbyterian Church of Scotland, together with the effect of resolutions passed by the Synod since 1893 which relate to practice.

It is to be clearly understood that the practice of the Free Presbyterian Church is still to be guided by the principles and rules set forth in *The Practice of the Free Church of Scotland of 1843* and that the Fourth edition of Moncreiff's Practice is therefore not superseded. For example, if a change of circumstances should require the Church to constitute a General Assembly the rules regulating the relationship between that Assembly and the Provincial Synods, and between them and the Presbyteries will still be found in Moncreiff's Practice Fourth edition.

The Committee hope that this manual will prove useful to the church and supply the want which has been felt, especially by office-bearers, since the Fourth edition of Moncreiff's Practice has become so difficult to obtain.

The Committee record their gratitude to the Church's Legal Adviser, James P. H. Mackay, Q.C., as a member of the Committee for his invaluable guidance and help throughout the Committee's work.

March 1969.

ROBERT R. SINCLAIR,
Convener.

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CHAPTER I

THE KIRK-SESSION—ITS CONSTITUTION, POWERS AND FUNCTIONS

PART I—*The Constitution and Officials of the Kirk-Session*

THE Constitution of a Kirk-Session in the Free Presbyterian Church of Scotland is founded on principles indicated in the Word of God. The two leading principles are—(1) That the Scriptures of the New Testament describe an office of government or ruling in each Church or Congregation as an office which may be exercised by parties who are not set apart as teachers or pastors; and (2) That the evidence of the Old Testament writings and of relative history as to the constitution of the Jewish synagogue, combines with the apostolic references in the New Testament, and with the practice of the early Christian Church, in giving divine sanction to the existence of a body of Elders in each Congregation who are called, along with the pastor or pastors, to administer the laws of Christ in that Congregation. These two principles are held in connexion with the fundamental Presbyterian doctrine, that, under the Christian dispensation, no servant of Christ is warranted to exercise lordly authority over God's heritage; but that all Church government in the hands of Church officers is strictly ministerial, and cannot supersede the direct authority of Christ's Word over the consciences of individual members in his body.

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Leading principles.

In the application of these principles to the case of Kirk-Sessions, the following rules of practice have arisen:—

1. The Pastor or Pastors of each Congregation, along with a suitable number of Elders, who are not pastors, constitute a governing body, which is called the Kirk-Session.

Members.
Pastor or Pastors.

2. Those Elders who do not exercise the pastoral Office are called Ruling Elders. This designation describes their function as that of exercising spiritual oversight in the Church of Christ according to his Word. The number of Ruling Elders for each Congregation has never been fixed in the history of the Church of Scotland. The principle announced in the Second Book of Discipline is still maintained in the Free Presbyterian Church of Scotland, that the number ought to be regulated by "the bounds and necessity of the people." These Elders are elected for life, or until they cease to be members of the Congregation, or their resignation be accepted of, or they be held and declared to have resigned through long absence

Ruling Elders.

CHAP. I.
PART I.

from sessional meetings, or they be deposed. They may be, and usually are, engaged in various departments of secular work or business. The principle has been acted on from the date of the adoption of the Second Book of Discipline to the present time, that, through the appointment of a sufficient number, the burden of the duties laid upon them should not be oppressive, or interfere with those of their ordinary callings.)

3. The election of Ruling Elders belongs, in the Free Presbyterian Church of Scotland, to the members of the Congregation in full communion.

It is held that the mode of election may be regulated specifically by the Church Courts, provided no arrangement be sanctioned that is inconsistent with the free choice by the communicants, or with the superintendence and judgment of the Kirk-Session.

No detailed Directory as to the procedure in election has been adopted since the Disruption in 1843. But the General Assembly of the Free Church of Scotland declared in 1864, that the Act XIV., Assembly 1846, is now the law on the subject, and supersedes all previous legislation that is inconsistent with its declarations and provisions. That Act itself declares, with consent of a majority of Presbyteries, that it is not necessary or expedient at present to frame a minute and detailed Directory for regulating the election of office bearers; that the Church should be satisfied with a recognition of general principles, and the adoption of one or two general rules; and that reliance should be placed, in the meantime, upon the spirit which seems generally to actuate both judicatories and congregations of the Church, for avoiding the necessity of judicially determining some points on which a diversity of opinion might exist, and yet securing general harmony in the appointment of office-bearers, and the peace and welfare of Congregations. The Act, while declaring that the election of Elders should be conducted upon the same general principles as the election of Ministers, declares also, that it is subject to such modifications as the nature of the case and the practice and circumstances of the Congregations may suggest.)

4. The qualifications required of Ruling Elders are the following:—

They must be in full communion with the Congregation.

Each of them must have attained the age of twenty-one years.

They must possess more or less of all the qualifications described in the New Testament, as needful for persons exercising spiritual oversight in the Church, whether such persons be designated in our translation by the term *bishop* or by the term *elder*.

They must be "tender and circumspect in their walk, punctual in their attendance upon ordinances, and strict in their observation of the Lord's day, and in regularly keeping up the worship of God in their families."

They must be "men of good life and godly conversation, without blame and all suspicion, careful for their flock, wise, and, above all things, fearing God."

An ordained Minister who, from any cause not involving Church censure, is without a pastoral charge, is eligible as a Ruling Elder in the Congregation to which he belongs.

App. II. 1.

5. A person formerly ordained to the office of the Eldership in a different Congregation from that to which he now belongs (or in the same Congregation at a previous period, having since ceased to belong to it, but having now returned to it), is regarded as retaining the status of an Elder in the Free Presbyterian Church of Scotland. But he can only become (or be restored as) an Elder of a particular Congregation, or a member of its Kirk-Session, when he has been elected as such by the members of that Congregation in full communion, either at a congregational meeting, or by voting papers or otherwise, according to the procedure adopted by the Kirk-Session in carrying out the general principle that it appertaineth to the people to elect their office-bearers.—See Appendix No. II. 1.

6. There is no law of the Church requiring a Kirk-Session to meet on any fixed days, or at any fixed intervals. The practice varies considerably. The practice of meeting on the Lord's day is, to a great extent, avoided as inexpedient, although in special or urgent cases meetings may be held on that day. No absolute rule can now be laid down on the subject; but the practice is for the Kirk-Session to meet after a week-day prayer-meeting.

7. The Kirk-Session is legally convened by authority of the Moderator, or by command of a superior Court, either through public intimation from the pulpit, or through personal citation to all the individual members. The citation is held sufficient, if a reasonable time be allowed by it for the attendance of the members. No meeting of Kirk-Session can be held at an hour when the Presbytery of the bounds or the Synod is sitting except by special leave of the superior court.

8. It is not usual for any adjournment to be made from one sederunt of Kirk-Session to another. No decision has been pronounced with respect to the power of the Session to adjourn in any circumstances. But the principle is clear, that no meeting can be held on any particular day, for the transaction of any new business not already commenced, without notice having been given to all the members, either personally *apud acta* or by personal citation individually, or by intimation from the pulpit.

9. The presence of a person invested with all the functions of the pastoral office is held essential to constitute a meeting of Kirk-Session. If there be only one Pastor or Minister in a Congregation he always presides at the Kirk-Session, and is called the Moderator. If there be more than one, it is determined by their mutual agreement who shall act as Moderator at any particular meeting; and any Pastor of a Congregation, when not acting as Moderator, sits in the Kirk-Session as a constituent member.

10. Two members of Kirk-Session, along with the Moderator, form a sufficient quorum to enable the meeting to proceed to business.

11. The Moderator may introduce any business to the Session, and may address them regarding it. He has also, in common with the other members, the right of dissent and complaint against any decision to the Presbytery or Synod. But he has no deliberative vote, although, in case of an equality, he has a casting vote.

12. It has been considered as established by practice that, in the absence of the Moderator, any other minister of the Church

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Election of an Elder formerly ordained.

Time of meeting.

Mode of convening the Kirk-Session.

Adjournment of Meetings unusual.

Necessity for presence of Pastor as Moderator.

Quorum.

Powers of Moderator.

Power of deputing a Minister to act for him.

Election of Ruling Elders.

Qualifications of Ruling Elders.

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PART I.

may preside in his room, if deputed by him to do so. But the General Assembly of 1835, without condemning the acknowledged practice of this substitution in cases of discipline, decided unanimously that a Commission by a Kirk-Session to a Representative Elder could not be sustained, if the person acting as Moderator had not been specially authorized by the Presbytery. A Minister acting in the room of the Moderator is designated Moderator *pro tempore*, and signs the minute as such.

Appointment of
Interim Modera-
tor and Assessors.

13. In the event of a vacancy in the pastoral office, a Minister, who is a Member of Presbytery, is appointed by the Presbytery to act as Moderator of Session; and in the event of there being no Ruling Elders, or only one through the death of those who held the office or otherwise, the Presbytery may appoint one or more assessors from within their bounds to act as Members of Session, until a new election of a Ruling Elder or of Ruling Elders shall have taken place.

Mode of consti-
tuting a Session
in a new Congre-
gation.

14. When a new Congregation has been formed, and when the charge of it has been duly sanctioned as a full ministerial charge with all congregational privileges, the right to have a separate Kirk-Session is thereby acquired. With a view to constituting one, it is the duty of the Presbytery to name certain members of their own body to act as a Kirk-Session in that Congregation, until at least two Elders shall have been elected by the communicants, and duly admitted to their office.

Mode in Preach-
ing Stations.

The General Assembly of the Free Church of Scotland of 1863 declared that it remains with the Presbyteries of the bounds to arrange in regard to the appointment of Elders, and the Establishment of Kirk-Sessions for local discipline and management in Preaching Stations, it being understood that a Minister of the Presbytery shall act as the Moderator of every such Kirk-Session. The Assembly also declared, that wherever the Presbytery deem it expedient the Elders of Preaching Stations may still be connected with regularly established Kirk-Sessions in sanctioned charges.¹ It is understood that this recognises that a Presbytery may appoint an Elder in a Preaching Station to be a member of a regularly established Kirk-Session of a sanctioned charge within its bounds.

The Session-
Clerkship.

15. The Kirk-Session appoint a Session-Clerk, who is usually one of their own number, and whose duty it is to write regular minutes of the Sessional procedure, to engross the same in a permanent record, and to take charge of all Sessional papers, books and documents. The Session-Clerk, when appointed, ought to make a solemn declaration that he will faithfully discharge the duties of his office. In the absence of the Session-Clerk, some one is appointed by the Session to act as Clerk *pro tempore*. The fact of his appointment should be entered in the minute, and the minute should be signed by him as Clerk *pro tempore*.

Opening and
Closing of
Session.

16. Every Meeting of Kirk-Session is both opened and closed with prayer. The minute must always bear at the outset that the Session was constituted (which expression is understood to imply that it was constituted with prayer), and at the end, that the meeting was closed with prayer. No minute can be sustained as valid, if it does not mention these two particulars. No extract from the minutes

¹ App. II. 1.

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can be received which does not bear that the Session was "constituted," and which is not certified by the Session-Clerk as having been extracted by him from the Records of the Kirk-Session.

Approval of
Minutes.

17. Before proceeding to any other business, the Session ought, at each meeting, to hear the minutes of last sederunt read; and the judgment of the Session—approving of said minutes or correcting them—ought to be recorded. The approval or correcting of the minutes does not imply any power to alter the *res gestæ* of the former meeting. The only question is the correctness of the minute, as a true account of what was done.

Power of opening
the Meeting to
the Public.

18. The meetings of Kirk-Session are not usually open to the public, or even to the Congregation. But the Session may hold open meetings, if they see special cause; and they are specially authorized to invite the Deacons to be present at any meeting, for the sake of their advice and assistance; although, in such a case, the Deacons have no vote.

The Session-
Officer.

19. The Session may appoint an officer, to be in attendance at their meetings and execute their orders. He is usually, but not necessarily, the Beadle of the Congregation, who takes charge of the place of worship, and is responsible for its condition and arrangements. The appointment of the Beadle belongs to the Deacons' Court.

PART II—*Powers and Functions of the Kirk-Session*

The Kirk-Session exercise rule ministerially under Christ according to his Word, and in prayerful consultation. They exercise this rule in spiritual matters over the Congregation. They are called upon to promote by their deliberations the religious interests of all connected with the Congregation, whether young or old, in every scriptural way. Everything affecting the religious concerns of the Congregation, whether as to worship or discipline, belongs to their sphere. While recognising the Pastor as their Moderator, they determine as to the admission of Ruling Elders and Deacons to office, and their exclusion from it.

Range of Kirk-
Session authority.

1. The Kirk-Session do not stand to the Pastor or Minister in the relation of his spiritual rulers. At the first meeting of Session, after his admission to office by the Presbytery, the fact of his admission, and its date, ought to be minuted. He is not responsible to the Kirk-Session for the discharge of his own functions, although, if he seem to neglect these, or to encroach upon the Session's functions, they can petition the Presbytery against his procedure. He is permitted to exercise a large discretion in his endeavours to advance the spiritual welfare of all classes and conditions of people within his reach. Hence it follows that the place of worship is at the disposal of the Minister for the spiritual purposes of his office. But he cannot use it, or allow it to be used, for any purpose which is not of a strictly religious, ecclesiastical, or charitable nature, without the consent of the Deacons' Court. On the other hand, neither the Kirk-Session nor the Deacons' Court can employ it for any purpose whatever without the Minister's consent.

Relation to the
Pastor.

Use of Church.

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possibility of
Minister for the
duct of Wor-

Authority of
Kirk-Session as
Congregational
Meetings.

Procedure as to
Election, Ordina-
tion, and
Mission of
Ruling Elders.

The Minister is specially responsible to the Presbytery for the mode in which all the parts of public worship are conducted. Hence it follows that no one can act as Precentor without the Minister being satisfied with his qualifications, and with his mode of conducting the psalmody. The nature of the Kirk-Session's functions may lead to the conclusion that they ought also to be satisfied on these points.

2. No Congregational meeting which can be recognised as valid for ecclesiastical acts can be held, except by the authority of the Kirk-Session, or of a superior Court; and at every such meeting the Minister of the Congregation, if present, must preside.

3. The Kirk-Session determine when it is expedient to have an election of Ruling Elders, and what number is required. Whether the Directory of 1842 be in force or not as to any of its clauses, the Kirk-Session must take such steps as will secure that the persons chosen shall be *bona fide* the choice of the majority of those communicants who take part in the election by voting, after due notice from the pulpit. When an election of Ruling Elders has taken place, either by open voting at a congregational meeting in presence of the Kirk-Session, or by signed lists given in and opened at such a meeting, or in any other scriptural and constitutional method, the Kirk-Session are called upon to judge of the qualifications of the persons chosen. No person can be admitted as a Ruling Elder if the Kirk-Session be dissatisfied with his qualifications, unless their judgment be reversed by the Presbytery or a higher Court, when brought under review in an orderly manner, according to the rules of the Church. If the Kirk-Session be satisfied with respect to the question of qualifications, they ascertain whether the person or persons elected are willing to accept of the office or not. It is the duty of the Session to deal in a scriptural manner with the parties chosen to office, in order to obtain their acceptance. This duty is discharged to a large extent through the Moderator, but it by no means belongs to him exclusively. If the consent of the person or persons elected be obtained, the Kirk-Session appoint a day and hour for the ordination or admission, as the case may be, and direct an Edict to be issued and served to that effect, on a convenient Sabbath, at least ten free days previously to a time specified as appointed for a meeting of Session thereanent. It is the duty of the Session-Clerk to prepare the Edict. It is the duty of the Minister to read it from the pulpit. The Edict contains a statement of the steps which have been taken and the result, and it adds an intimation, that if any person have any objection to the life or doctrine, and consequently to the ordination or admission of the party or parties mentioned, that objection must be given in to the Session at the meeting, of which the time and place are specified, with certification, that if no objection be then and there given in, the ordination or admission will be proceeded with on the day and at the hour appointed. At the time specified in the Edict, the Kirk-Session having met, ascertain from the Minister that the Edict has been duly issued and served. The Session then direct the Session Officer to intimate at the door, that if there be any objections, the Session are now prepared to hear them. If any objections are given in, the party making an objection is required to substantiate it

forthwith as an objection to life or doctrine. If the objection appear, in the judgment of the Session, to be substantiated, they must decline to proceed with the ordination or admission, and must take the party objected to upon discipline. But if the Session find that the objections are frivolous or unsupported by evidence, it is their duty to proceed with the ordination or admission as appointed. The ordination or admission usually takes place on Sabbath, in the presence of the Congregation, at the close of one of the diets of public worship. The Session having been previously constituted, the Moderator gives a narrative of the steps which have been taken and their result. Then he calls upon the elected person or persons to stand up, and puts certain questions required to be answered satisfactorily, in terms of a decision of Synod. (See Appendix, II. 3.) After satisfactory answers have been given, each elected person signs the formula in presence of the Congregation. (See Act II. 1874.) Then the Moderator, in the case of parties not previously ordained as Elders in any Congregation, sets them apart by special prayer to their office, and commends them to the grace of God. There is no imposition of hands, but, after offering up the ordination prayer, the Moderator formally admits them as members of the Kirk-Session, and to the spiritual rule of the Congregation. Thereafter, he gives to them the right hand of fellowship, in which he is followed by all the other members of Session present. In the case of parties formerly ordained as Elders, the Moderator puts the questions to them, and after receiving satisfactory answers, and after the signing of the Formula, admits them at once to office, without the ordination prayer. Of course this distinction, derived from the analogy of the long-established practice in the admission of Ministers, does not prevent the exercise of special prayer, in immediate connection with the admission to office in a particular Congregation of previously ordained Elders. The meeting of the Congregation is concluded by an exhortation from the Moderator, both to the newly admitted Elders and to the people. When the Congregation have retired, it is the duty of the Session to see that the newly admitted Elders take their seats as members of Session, and that their names are added to the roll.

4. The Kirk-Session ought to keep a roll of its Members, and on each occasion of change in its membership, this roll ought to be revised and inserted in the Minute.

5. The Kirk-Session determine when it is expedient to have an election of Deacons, and what number is required. The Kirk-Session exercise precisely the same functions, with reference to the election and ordination or admission of Deacons, as in the case of Elders. The regulating law is to be found in the Declaratory Act X., Free Church Assembly 1864, and the Act XIV., Free Church Assembly 1846; which last Act puts the procedure in the election and ordination of Deacons on precisely the same footing with that of Elders.

6. Each Ruling Elder is allowed to exercise a large measure of discretion in the discharge of his functions individually, with a view to the religious and moral interests of the people among whom he personally labours. But it is the duty and function of the Kirk-Session collectively to make arrangements for the division of the

Roll of Kirk-Session.

Election and Admission of Deacons.

Regulation of Action for Elders Individually.

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PART II.

Congregation into districts, and the assignment of these as fields of labour to the Ruling Elders individually. They are empowered to regulate the exercise of all the functions belonging to Ruling Elders, in so far as the orderly working of these may require subdivision or co-operation. It is the duty of Ruling Elders to assist, in so far as they can, in visiting the sick, in arousing the careless, in instructing the young, in encouraging inquirers, in edifying and comforting believers, and generally in seeking after the fruits of the ministry. In so far as the performance of these duties can be rendered more efficient by systematic and combined arrangements, it is the function of the Kirk-Session to make such arrangements. It also lies with them to hold and appoint such meetings for prayer and reading of the Scriptures, as they may judge fitted to advance the spiritual welfare of the people, or to promote the efficient execution of the office of Ruling Elder, provided they do not thereby interfere with the course of action adopted by the Pastor for the discharge of his peculiar functions.

2027
No Power to regulate duties of Deacons or to review decisions of Deacons' Court.

7. It does not lie with the Kirk-Session to arrange in detail the duties of the Deacons individually, or to control their judgment as to the manner of discharging these. It is no part of the Kirk-Session's function to review the decisions of the Deacons' Court. If the Kirk-Session consider that the Deacons' Court have violated the Acts of Assembly or the Laws of the Church, the only remedy, besides friendly remonstrance, to which the Kirk-Session can have recourse, is that of presenting a petition to the Presbytery.

Functions as to Resignations, etc., of Elders and Deacons.

8. It is the function of the Kirk-Session to receive the resignations both of Elders and Deacons. No resignation of office by a Deacon is valid, unless addressed to the Kirk-Session, who exercise the same power with reference to Deacons which they do as to Elders both in their admission to office, and in their removal from it. The Kirk-Session may find that an Elder has ceased to be one of their number, or that a Deacon has ceased to be a member of the Deacons' Court, because he has ceased to be a member of the Congregation. It was held competent by the General Assembly in 1806, for a Kirk-Session to find, that an Elder has ceased to be one of their number, because he was not resident in the parish, and had failed to return, within a period of twelve months, to discharge the duties of his office. The General Assembly, in 1850, declared that five Elders, having withdrawn from the Session of which they were members for more than a year, had ceased to be, and no longer were, members of the Session or Deacons' Court of the Congregation. The Kirk-Session have power, in the exercise of discipline, to pronounce sentence of suspension or deposition against either an Elder or a Deacon, when they find it necessary to do so, in accordance with the word of God, and with the rules of the Church.

what is competent

Roll of Communicants.

9. With a view to the spiritual oversight of a Congregation by a Kirk-Session, it is necessary that an accurate roll of the members in full communion be kept by the Session-Clerk among the Sessional documents. A copy of this roll, revised by the Kirk-Session, and signed by the Moderator and Clerk, must be sent to the Presbytery of the bounds every year for attestation. In this copy of the roll sent to the Presbytery, there ought to be no blanks, in which new

names could be added, and no names written on erasures, unless the same be duly noticed and attested by the Clerk's initials. The Kirk-Session may revise or purge the roll at any period; but it must be done before each dispensation of the Lord's Supper. It is absolutely necessary that the roll be so far revised or purged previously to every such dispensation, as to enable the Kirk-Session to ascertain with accuracy who are entitled to be admitted to communion, as being already members of the Congregation, or who may stand in need of admonition or other censure. It is frequently the practice, also, to re-adjust the roll immediately after the celebration of the communion, in order to make sure that the names of all persons are added to it, who, not having been members of the Congregation previously, have been allowed to communicate with it as members at that celebration, after satisfying the Minister and Session with respect to their qualifications. It is expressly required by Act IV., Free Church Assembly 1859, that, before any steps be taken in the election of a Minister, the Kirk-Session shall have a Roll of Communicants made up and attested, as containing the only list of those entitled to vote. (See Chap. II. Part II. p. 48.) The Synod in 1961 instructed Kirk-Sessions to purge the Communion Rolls of members who are absent for a year and no longer resident in the congregation and to warn the members in question so that they may have an opportunity to apply first for a disjunction certificate. When a disjunction certificate is thus granted it is to be recommended to these members to hand it in to the Kirk-Session of the congregation in which they reside. This instruction does not apply to members who have gone to reside in districts where the Free Presbyterian Church is not to be found.

Admission to Ordinances.

10. No one can be admitted to the privilege of Baptism or the Lord's Supper, in any congregation of the Free Presbyterian Church of Scotland, without satisfying the Kirk-Session of that congregation that he or she is qualified for admission to these privileges, in so far as man is called upon to judge, in the interpretation of scriptural rules. The Kirk-Session are entitled and called upon to insist upon five qualifications, viz.:—(1) A confession of faith in accordance with the word of God and the standards of the Church. (2) A life and conversation becoming the gospel, in so far as can be outwardly seen. (3) A competent knowledge of religious truth, and of the nature and meaning of Christian ordinances. (4) Such as are members of Societies requiring Secret oaths from their members, for example, Free Masons, are not entitled to privileges while they remain connected with such societies. (5) Privileges are not to be given to any who engage in Sabbath work (other than works of necessity and mercy), or who travel by trains or cars or any other form of transport run in systematic disregard of the Lord's Day.

Admission to Ordinances TABLE

The recognised methods by which the Kirk-Session satisfy themselves as to the possession of these qualifications are two,—that of certificate, and that of examination and observation.

Qualifications for Admission.

Persons who claim admission to the use of the ordinances of Baptism and the Lord's Supper, on the ground of their having been previously in communion with other congregations, must produce satisfactory certificates from the Kirk-Sessions of these congregations,

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to the effect that the parties named leave their respective congregations in full communion, and free from all ground of legitimate Church censure known to those Kirk-Sessions. Upon the receipt of any such certificate, it is the duty of the Kirk-Session to appoint the name of the party whom it concerns to be added to the roll. The Kirk-Session is bound, on the other hand, to grant such a certificate, when asked for by any person in full communion with their congregation, and against whom no legitimate ground of Church censure can be alleged. An authentic intimation from a Minister or Elder, that a person is in full membership with the congregation in which that Minister or Elder officiates, is allowed to stand as sufficient ground for the temporary or occasional admission of the person to communion in another congregation. But, in this case, the person's name is not added to the one roll, nor removed from the other. Persons who are not members in full communion with any congregation of the Church may be admitted on occasions to the privilege of communion if they are known to a majority of the Kirk-Session as God-fearing persons.

Persons who ask for admission to the privilege of Baptism or the Lord's Supper, without having been previously in full communion with any congregation, are subject to the examination and observation of the Kirk-Session with respect to their qualifications. Without any inquisitorial minuteness, their outward conduct may be judged of, through the observation of the Minister, or one or more of the Ruling Elders. If there be nothing in what is thus seen decidedly inconsistent with their profession, and fitted to subject the parties to Church censure, and if no charge against them be brought before the Session, it is not competent for the Session to reject them merely on account of what the Minister or any Elder may conceive to be the state of their minds, unless their profession or their knowledge be defective. It is usual for the Minister to take the principal charge of examining the applicants with respect to their profession and their knowledge. The Elders, however, are entitled and called upon to give their help in this department, in so far as their doing so may seem necessary or useful. If upon the recommendation of the Minister or otherwise, the Kirk-Session are satisfied with the qualifications of the applicants, in that case and in that case only, they are called upon to admit them to the use of sealing ordinances, and to appoint the addition of their names to the roll.

It is the approved practice for the Minister, in dealing with applicants for admission, in his character as Moderator of Session, not only to ascertain the existence of the qualifications of which the Session are entitled to judge, but to exhort the applicants with respect to all the more hidden qualifications which the word of God requires, and of which they themselves alone can judge. It is held to be his part, as a faithful minister, to leave nothing unsaid which may help the anxious and sincere, or may strike the conscience of the careless or the self-righteous. It is the part of the Ruling Elders also to help in this department, as they may see cause.

The Kirk-Session are entitled to regulate the mode for the distribution of Communion Cards and Tokens, according to their discretion.

11. A specially important function of the Kirk-Session, is the exercise of discipline. This function belongs to the Kirk-Session exclusively in the first instance, with respect to all members and adherents of their Congregation, except the Pastor, who is specially subject to the immediate jurisdiction of the Presbytery.

12. It is the function of the Kirk-Session, with concurrence of the Minister, to fix the times and hours of public worship on the Lord's Day, to appoint Fast-days, and to authorize the administration of the Sacraments. But it is usual in the case of baptism, where the parent is in full communion, to leave the matter in the hands of the Pastor.

13. The Kirk-Session are entitled to appoint special collections at the Church doors for local purposes affecting the cause of Christ or the interests of the Congregation, except for the temporal relief of poor members, or the education of the children of the poor, for which objects the Deacons' Court are expressly authorized by Act of Assembly to appoint collections.

14. Every Kirk-Session has a right and is bound to elect one of the Ruling Elders belonging to their number, as a Representative to the Presbytery of the bounds and the Synod, to sit and vote as a member of each of these bodies. The election is made after the rising of each ordinary meeting of the Synod, with which meeting the right conferred by the previous election ceases. It must take place within two calendar months after that date, unless the Kirk-Session can give the Presbytery of the bounds a satisfactory reason for not meeting during that period, except in the case of a newly-sanctioned charge, when the induction of the Minister and the constitution of the Session have taken place more than two months after the meeting of Synod, in which case the election may be within one month after the induction and constitution. The election must be regularly minuted. It must also be certified in the body of the minute, that the person elected is *bona fide* an Acting Elder in the Congregation. If the representative thus elected die or resign within the period for which his commission would otherwise last, a new election may be made within one month thereafter.

15. The usual and approved order of business in a Kirk-Session is as follows:—(1) The opening prayer, and constituting of the Session. (2) The taking down of the sederunt by the Clerk. (3) The reading and approval of minutes of last meeting. (4) Business of immediate and peculiar urgency. (5) Matters left over at former meetings, in the order of their appearance on the minutes. (6) New cases of discipline. (7) Other business brought before the meeting, or naturally suggesting itself to the Session's attention.

16. It is the duty of the Kirk-Session to see that their proceedings are accurately recorded by their Clerk. They are bound to watch over the permanent and approved Record of those proceedings. They are held responsible by the Presbytery for its being regularly and faithfully kept. Not only must the facts as to the constitution and regular closing of each meeting be correctly stated, as well as the approval of each preceding minute, but the names of all the members present must be recorded. There must be no

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blottings or interlinings in the Record. If anything be deleted, it must be marked on the margin, and any word or words omitted must be written on the margin, and attested there by the Clerk's initials. Any erasure of the minutes can be made only by authority of the Presbytery, who may call for the Record at any time. It is sent up from time to time for examination and attestation by that body. Every minute ought to be signed, both by the Moderator and the Clerk.

Power of Dissent.

17. Any member of a Kirk-Session may enter his dissent from any part of their procedure which he conceives to be contrary to the Word of God, the Acts of Assembly, the received order of the Church, or the interests of Christ's cause. He may require his dissent to be marked in the Record. In order to be received, the dissent must be given in immediately when the judgment dissented from is pronounced, and consequently can be given in by those only who were present at the pronouncing of it. Absent members are not entitled to dissent. It was decided, after careful deliberation by the General Assembly of 1828, that dissents could not be received even by the Assembly itself on any day subsequent to that on which the judgment dissented from was agreed to. If a dissent has been given in at the proper time by one or more members of Session, there is no rule to prevent other members of Session who were present from intimating at the next meeting their adherence to that dissent. If reasons for the dissent be given in along with it, both the dissent and the reasons ought to be engrossed in the Record. If the dissent itself be duly given in, intimation may be also given that reasons for it will be added at a subsequent meeting, in which case it is competent to receive the reasons when produced, and also to answer them if the Kirk-Session see cause. But the Kirk-Session are not bound to enter those reasons in the Record. The right course is to appoint them to be kept *in retentis*, that is, to be preserved among the Sessional documents. A simple dissent, as here described, whether with or without reasons, is not sufficient to enable the person dissenting to bring the matter under the review of a superior Court. The effect is only to save him from any censure that may arise out of the procedure, and from seeming to acquiesce in what he considers contrary to the mind of Christ.

Dissent and Complaint.

18. A member of Kirk-Session may not only enter his dissent from a judgment, but he may (as it is technically expressed) *dissent and protest for leave to complain* to the Presbytery. A dissent and complaint can be received only at the time when the judgment complained of is pronounced, and are incompetent at a subsequent meeting. Reasons of dissent and complaint must be lodged with the Session-Clerk within ten days from the date of the judgment and the protest. Copies of these reasons, with all the papers and extracts of minutes belonging to the case out of which the complaint has arisen, must be transmitted by the complainer or complainers to the Clerk of Presbytery. The copies, papers, and extracts must be all duly certified by the Session-Clerk.

The effect of a Dissent and Complaint, carried out in regular form, is to bring the proceedings of the Kirk-Session under the review of the Presbytery; and the complainer or complainers, and

all parties in the case, as well as the majority of the Kirk-Session, are thereby sisted at the bar of the Presbytery. The giving in of a dissent and complaint has the effect of sisting the procedure of the Kirk-Session in the matter to which the complaint relates, until either a final decision by the Presbytery, or Synod, be pronounced on the case, or the complaint be fallen from. A complaint may be fallen from at any time, but it is always held to be fallen from, if the reasons be not lodged with the Session-Clerk or Moderator within ten days.

Power of Appeal

19. A party in a case which has been under consideration by the Kirk-Session, may appeal against their judgment to the Presbytery. An appeal is taken at the meeting at which the judgment has been pronounced, and immediately on its being intimated to the party. Reasons of appeal are either stated by him at the time, and entered on the Record, or they must be lodged by him in writing with the Moderator, or with the Session-Clerk, within ten days from the date of the appeal. Copies of these reasons, with all papers and extracts of minutes, relating to the judgment appealed against, are transmitted by the appellant or appellants to the Clerk of the superior Court, after having been duly certified by the Session-Clerk. The effect of an appeal, duly prosecuted, is to bring the judgment under review of the superior Court. It sists at the bar of that Court the appellant or appellants, and all parties in the case, as well as all members of Session who do not dissent or complain. An appeal, which is not considered frivolous, sists procedure until a final judgment be pronounced regarding it by a superior Court, or until it be fallen from, except in special circumstances. See, for example, p. 90, para. 17. Such an appeal always prevents, during its dependence, the final execution of a sentence. Frivolous appeals may be disregarded, the right of the appellant to prosecute his appeal being always reserved. No member of Kirk-Session, who is not a party in a case, can take an appeal with relation to it. His appeal would be held incompetent, because he has the right of dissent and complaint. An appeal may be fallen from at any time, but is always held to be fallen from if the reasons for it be not lodged with the Session-Clerk or Moderator within ten days from its date.

Power of Reference.

20. The Kirk-Session may refer any case, or any branch of a case, to the Presbytery for advice; but they expose themselves to censure, if the Presbytery do not sustain the reference, and if they find that there was no occasion for it. The whole case may be referred *simpliciter*, without any remark being made upon it, or some special point of difficulty may be referred for solution. The subject referred, and the resolution to refer, ought to be transmitted to the Clerk of Presbytery, along with the whole particulars of the case, or so much of them as will make the reference thoroughly understood. Although a reference brings up all parties, care should be taken that they are all duly informed that the reference has been made. If the Synod meet before the next meeting of Presbytery, the reference may be made to the Synod. The Kirk-Session instruct their Clerk to prepare and transmit to the Clerk of Presbytery the

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papers, documents, and extracts which the case of reference requires.

26. One Kirk-Session cannot interfere with or review the procedure of another Kirk-Session. One Kirk-Session may remonstrate with another Kirk-Session in the spirit of the Gospel, or mutual explanations may be asked and given. But the only regular mode of redress for encroachment by one Kirk-Session on the province of another, is for the Kirk-Session who feel that their jurisdiction has been interfered with, to petition the Presbytery upon the subject. Such petition ought to be addressed to that Presbytery which has jurisdiction over the Kirk-Session whose procedure is complained of.

Citation.

21. A party may be cited either *apud acta* (that is, by intimating to him the summons openly at the meeting of Session), if he be present, or by personal notice given to him through the Session Officer or by registered letter. The personal citation of a party by the Officer ought to be in writing, according to a form furnished by the Session-Clerk; and the Officer ought to retain a copy of the written citation, in order that he may report upon the subject with accuracy, so as to give clear evidence to the Kirk-Session or the superior Court that the party has been duly summoned. Where citation is by registered letter the receipt should be retained as well as a copy of the citation itself.

Petition to a Kirk-Session.

22. Any member of the congregation, or any person connected with it, may present a petition to the Kirk-Session regarding any matter which affects his or her spiritual interests, or the spiritual interests of the congregation, or the interests of the gospel in the locality, and which asks for any procedure within the competency of the Kirk-Session. If such a petition be worded in a manner becoming the profession of the gospel, the Kirk-Session ought to consider it, and to come to such competent determination regarding it as they may judge for edification. By their petition, if competent, petitioners become parties at the bar of the Kirk-Session, and have consequently the right of appeal as parties to the Presbytery or Synod.

Power of petitioning the Presbytery.

23. It is competent for the Kirk-Session themselves to petition the Presbytery, or Synod, with relation to any subject within the competency of that superior Court to which the petition is addressed, if the subject be not one which can come up by reference, appeal, or complaint.

Right of parties to extracts.

24. Complainers and appellants are entitled to such extracts from the minutes of Kirk-Session, and to copies of such papers in the Kirk-Session's hands, as are necessary to enable them to bring the subjects of their complaints or appeals fully before the Presbytery. It is usual, at the time of taking the complaint or appeal, to call for such extracts and copies. The fact of this request being made and acceded to, is expressed in the minutes by the phrase, "took instruments in the Clerk's hands, and craved extracts, which were allowed." "To take instruments" implies the tendering of a piece of money to the Clerk. The Kirk-Session are not at liberty to refuse the requisite extracts and copies, in the case of a competent complaint or appeal, and the Session-Clerk is bound to furnish what the Kirk-Session have granted. The Kirk-Session, if they think fit, grant extracts to other parties besides complainers and appellants. But the Session-Clerk is not at liberty, in any instance whatever, to give extracts without the sanction of the Kirk-Session.

Explanation to parties.

25. It is the duty of the Kirk-Session to explain to parties the rules and forms of Church procedure, so that no injury may be done to any cause, through ignorance of those rules and forms.