

### SUPPLEMENT TO CHAPTER I

## THE DEACONS' COURT—ITS CONSTITUTION, POWERS AND FUNCTIONS

### PART I—*The Constitution and Officials of the Deacons' Court*

THE Constitution, in the Free Presbyterian Church of Scotland, of the meeting of Minister, Elders and Deacons, which, according to the Act VII., of the Free Church General Assembly 1846, may be called "The Deacons' Court," is connected in some measure with the position in which that Church found herself in 1843. This Constitution was, however, carefully based upon principles indicated in the Word of God and upon the views and practice originally maintained in the Reformed Church of Scotland. The chief scriptural principles held on the subject are—(1) That, according to Acts vi., Philipians i. 1, and 1 Tim. iii. 8, 9, 10, there is, in addition to the office of Bishop or Elder, a spiritual office in the Church, the duties of which relate to the temporal concerns of the Church; and (2) That this office is one of relief or assistance to the Pastor and Ruling Elders, with a view to their greater freedom in their prosecution of their higher functions, and that, consequently, it ought to be discharged in consultation with the Pastor and Elders.

Meeting of Pastor, Elders, and Deacons.

Specialty of Deacons' Office.

In the application of these principles, the following rules of practice have arisen:—

1. The Pastor or Pastors of each Congregation, along with the Ruling Elders and the Deacons, constitute a distinct and separate meeting, which has come in practice to be called the Deacons' Court.

2. The name of Deacon is understood to describe exclusively the function of administering the temporal affairs of a Congregation. The Presbyterian doctrine is, that the higher office scripturally includes the lower. The Pastor and Ruling Elders are, therefore, not excluded from the exercise of that function. The specialty of the Deacon's office is, that it embraces of itself no other function, and that it binds its possessor to do what he can to prevent the ministry of the Word, or the work of the Eldership, from being hindered by the burden of temporal matters. No other rule can be laid down as to the number of Deacons in each Congregation than that it ought to be in proportion to the size and position of the Congregation. Deacons are elected for life, or until they cease to be members of the

Duration of Office etc.

Congregation, or their resignation be accepted of, or they be held and declared to have resigned through long absence from meetings of Deacons' Courts, or they be deposed.

3. The election of Deacons belongs to the members of the Congregation in full communion.

There is no detailed Directory as to the order of procedure, except in so far as some may consider the Act X., 1842, passed previously to the Disruption to have force in some of its clauses. But the only Acts of the Free Assembly on the subject, are the Act X., 1864, and the Act XIV., 1846, which state general principles, and appear, in the view of some, to supersede the obligations of any detailed Directory.

4. The case of a person having formerly held the office of Deacon in another Congregation (or even in the same Congregation) is dealt with in the same manner as that followed in the corresponding case of a Ruling Elder.

5. The qualifications required of Deacons are the following:—

They must be in full communion with the Congregation.

They must be of "honest report," having an outward walk and conversation consistent with the profession of spiritual enlightenment and spiritual feeling. They must be "grave, not double-tongued, not given to much wine, not greedy of filthy lucre, holding the mystery of the faith in a pure conscience." They must be "proved" by reasonable trial in the ordinary membership of the Church.

They must be exemplary in their domestic relationships, "ruling their children and their own houses well," if they be parents or heads of families.

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," showing signs of scriptural wisdom and discretion, and careful for the interests of Christ's cause.

6. The Deacons' Court meet regularly as occasion requires with a view to the adequate oversight of the organization for the ingathering of the funds. The question as to the frequency of meetings must depend, in some measure, on the peculiar circumstances of a Congregation. The ordinary business of the Deacons' Court cannot be transacted on the Lord's day.

7. The Deacons' Court is convened by citation from the pulpit, or by personal notice to the members. It is called by authority of the Minister, or at the requisition of any three members,—said requisition being addressed to the Minister, or in time of a vacancy in the pastoral charge, to the Clerk of the Court.

The citation is held sufficient if a reasonable time be allowed by it for the attendance of the members.

No meeting of Deacons' Court can be held at an hour when the Presbytery of the bounds or Synod is sitting.

8. With reference to the question of an adjournment from one sederunt to another, the same principle applies which has been stated respecting the adjournment of a meeting of Kirk-Session.

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for the objects sanctioned or allowed by the Synod; to make such arrangements for the ingathering of these contributions as they are required or permitted to make by the instructions of the Synod; and to dispose of the funds raised in accordance with those instructions. The distribution of all the congregational funds is subject to the regulation of the Deacons' Court, in the exercise of their allowed discretion, or in obedience to the Presbytery or Synod. The duty of attending to the temporal wants of poor persons connected with the Congregation, and to the education of their children, is specially assigned to the Deacons' Court.

The powers and functions thus generally described are exemplified in detail as follows:—

1. Although the Deacons' Court are called to apply spiritual principles to the management of secular matters, they are not authorized to exercise any kind of spiritual rule. The Court has, therefore, no power of discipline even over its own members. It can neither admit to the office of Deaconship, nor depose from it. Nor can the resignation of a Deacon be competently received by the Deacons' Court, nor dealt with by them in any way. But the Deacons' Court is entitled to certified extracts from the Minutes of Kirk-Session in so far as by the admission, removal, suspension, or deposition of office-bearers, these Minutes affect its membership; and any change, of which the Court thus obtain evidence, ought to be recorded.

2. After each change in the membership of the Court, a revised Roll of the members ought to be recorded in the Minute.

3. The members of the Deacons' Court are not necessarily themselves the Local Trustees in whom the congregational property is vested, but the Synod approve only of such Title-Deeds as require the Trustees to leave the management in the hands of the Deacons' Court. It is competent and not unusual for the members of the Deacons' Court to be named as the Trustees.

4. The Deacons' Court are not entitled to give the use of the place of worship, or of the other ecclesiastical buildings belonging to the Congregation, for any purpose whatever, without the consent of the Minister. They are not entitled to withhold the use of those buildings for meetings of a strictly religious, ecclesiastical, or charitable nature, which have the sanction of the Minister. But no one of those buildings can be made use of, either by the Minister or by any other party, for any meeting which is not strictly of a religious, ecclesiastical, or charitable nature, without the consent of the Deacons' Court.

5. It is the duty of the Deacons' Court to see that the place of worship and other ecclesiastical buildings are kept in good condition and repair, and to take steps for raising the funds that are needful for this purpose.

6. In the discharge of their responsibility, it belongs to the Deacons' Court to appoint and dismiss the Church Officer or Beadle, to whom is entrusted the immediate care of the place of worship. It lies with them also to appoint and dismiss the Doorkeepers and any other parties employed in ministering to the comfort of the Congregation when assembled. It is also the function of the Deacons' Court to fix the Salaries of all these officials.

9. If there be only one Pastor or Minister in a Congregation, he always presides in the Deacons' Court when he is present. In his absence any other member of the Court may be chosen to preside. If there be more than one Pastor, it is determined by mutual agreement who shall preside, when they are both present. The other Pastor sits as a constituent member of the Court.

10. The quorum of Deacons' Court is the same as that of the Kirk-Session, except that the presence of a Pastor as one of the quorum is not necessary.

11. The Chairman may introduce any business to the Deacons' Court, and may address them regarding it. He has no deliberative vote. In case of an equality, he has a casting vote.

12. The Deacons' Court are required to appoint one or more Treasurers and a Clerk.

13. It is expected that the Treasurer keep a Register embodying the contents of the Deacons' and Collectors' books, so as to enable him to judge at all times with respect to the condition and working of the arrangements in the Congregation for obtaining contributions.

14. The Clerk of the Deacons' Court is required to keep a separate Record for the Minutes of its procedure, and to take charge of such of its papers, books, and documents as are not entrusted to the custody of a Treasurer.

15. Every meeting of Deacons' Court is both opened and closed with prayer. The Minute must always bear at the outset that the Deacons' Court was constituted, and at the end that the meeting was closed with prayer. No Minute is valid without the mention of these particulars. No extract can be received which does not bear that the Deacons' Court was constituted, and which is not certified by the Clerk as having been extracted by him from the Records of the Court.

16. Before proceeding to other business, the Deacons' Court ought, at each meeting, to hear the Minutes of last sediturunt read; and the judgment of the Deacons' Court—approving of the Minutes or correcting them—ought to be recorded. That judgment refers only to the correctness of the Minutes as a true account, and not to the merits of the *res gestæ*.

17. The meetings of Deacons' Court are not usually open to the public, or even to the Congregation; but the Deacons' Court may hold open meetings if they see special cause.

18. The Church officer or Beadle who takes charge of the place of worship, and is responsible for its condition and arrangements, is an Officer of the Deacons' Court, and bound to be in attendance at the time of their meetings.

PART II—The Powers and Functions of the Deacons' Court

The Deacons' Court have the management and charge of the whole property belonging to the Congregation, or held for the Congregation's use by Trustees appointed in terms of deeds which the Synod has sanctioned. They have also the management and charge of all the Congregation's secular affairs. They are called to receive the contributions of the Congregation or its Members



against the Deacons' Court's procedure, when the Presbytery reject their Petition.

26. The Deacons' Court are bound to furnish Extracts to parties concerned in their procedure, in the same manner as the Kirk-Session is.

27. It is required that the Record of the Court, with the Treasurer's account of receipt and expenditure, after said account shall have been duly audited by appointment of the Court, shall be annually exhibited to the Presbytery of the bounds, by a date to be fixed by that Presbytery, to fall after the close of the financial year, for the purpose of being examined and attested by the Presbytery at said meeting. A copy of the account is also to be sent to the General Treasurer as Clerk to the Finance Committee at the same time, and in any case not later than 31st March of the year following the year to which the account relates.

As soon as convenient thereafter a congregational meeting shall be held and the annual financial statement read to the congregation. The Deacons' Court shall present a report of their proceedings for the preceding year, give such information and explanation as may be asked for, and receive any suggestions which may be offered by the persons connected with the Congregation for the consideration of the Court, with reference to the future distribution of the funds; and that the Congregational Meeting shall be convened by intimation from the pulpit, and the Minister, if present, shall preside in it.

28. All titles of church property should be lodged either with the General Treasurer or with the bank with which the Congregation deals and a note of their whereabouts inserted in the Deacons' Court records.  
All congregational property should be held upon a duly recorded title deed embodying the Church's Model Trust Clause, if this is possible.

CHAPTER II  
THE PRESBYTERY—ITS CONSTITUTION, POWERS AND FUNCTIONS

PART I—*The Constitution and Officials of the Presbytery*

The Constitution of a Presbytery in the Free-~~Presbyterian~~ Church of Scotland is based upon scriptural principles. The foundation of it appears to be laid in the following views of what the Divine word indicates:—

(1) The New Testament recognises no permanent office in the Church above that of a teaching elder or presbyter. That office is distinguished from what is called the office of Ruling Elder, simply by the special gifts that are required for the fulfilment of its functions, and not by the possession of superior power or authority in the Church. The variety of those gifts may be associated with variety of occupation. Whether a man be required to act officially in the Church as Pastor of a flock, or as Minister of the Word, or as Christ's Ambassador, or as Steward of the mysteries of God, or as Doctor, or as Ordained Professor of Theology, he, in the view of the Free Presbyterian Church of Scotland holds the same scriptural office, above which there is no other. In communion with the Ruling Elder, the Teaching Elder is both a Bishop and a Presbyter; while the obligations of the spiritual oversight, implied by the term Bishop, are laid more specially and fully upon him than upon the Ruling Elder.

(2) The scriptural equality of spiritual rulers appears, both by the nature of the case and by scriptural precept and example, to involve the obligation and privilege of meeting together for consultation, determination, and united action respecting the affairs of the Church. There seems also good warrant in Scripture for the principle that when the number either of Teaching Elders or Ruling Elders, or any other important circumstance of a permanent kind, renders it inexpedient that they should be all convened in one meeting, provision should be made for their being all represented at one meeting by some of their number chosen by them in fair proportion for that purpose.

(3) The New Testament appears to sanction very distinctly the system of several Congregations, which are sufficiently contiguous in point of locality, being united under one presbyterial government, conducted by all the Teaching Elders or Pastors of the district, assisted by representatives of the whole Ruling Eldership.