

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.

Annual production of Record, Auditing of Accounts, etc.

Annual Congregational Meeting.

CHAPTER 11

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 common 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 permanent 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.

(4) It seems to follow as matter of scriptural inference from these views, that, for the sake of unity and order, the judgments of Kirk-Sessions should be subject to review by the Court of Presbyters connected with the district,—the Court to which the name of *The Presbytery* is given in the Free Presbyterian Church of Scotland.

In the application of the principles now mentioned to the subject of the Constitution and Officials of Presbyteries in the Free Presbyterian Church of Scotland, the following rules of practice have arisen:—

1. A Presbytery consists (1) of all the Pastors of Congregations within the bounds, Colleagues and Successors being included; (2) of the Professors of Theology, whose appointed sphere of labour is within the bounds; (3) of such Ordained Ministers within the bounds, and not having Charges, as have been declared Members of the Presbytery by authority of the Synod, and (4) of a Representative Elder from each Kirk-Session within the bounds.

A Presbytery may associate with itself in its deliberations *pro tempore* any ordained Minister who is present, but he cannot vote upon any question before the Court. Ministers and Elders from other Presbyteries may be added as Assessors to a Presbytery for particular purposes by the Synod. For those purposes, and those alone, they have the rights of Members during their appointment.

2. The practice of the Free Presbyterian Church of Scotland is to devolve on the same man all the functions which the office of Pastor or Teaching Elder implies, in connexion with a single Congregation. He is expected to pray for and with his flock as the mouth of the people unto God; to read the Scriptures publicly; and to feed the flock, by preaching the word (in doing which he is called, according to circumstances, to teach, to persuade, to reprove, to exhort, or to comfort) It is his function to administer the Sacraments, and to fulfil whatever else is required for the edification of the young or the old, in the exercise of his gifts. It is regarded as part of his duty to visit the people of his charge from house to house, and to give particular attention, by special visitation, to the afflicted and the dying. He is also required to do the work of an evangelist, so far as he has opportunity, in proclaiming the message of salvation to the ungodly. It is held to be within his province that he take a reasonable share in the raising and application of congregational funds, in the congregational care of the poor, and in the arrangements of the Church at large for such an adjustment of pecuniary resources as may glorify the Redeemer, and minister to the salvation of souls. Finally, a great amount of importance is attached to the due exercise, by a Pastor, of his functions as a spiritual ruler, whether in his own Kirk-Session and Congregation, or in the Presbytery of which he is a Member.

3. The election and calling of a Pastor for any Congregation belong, in the Free Presbyterian Church of Scotland, to the Members of the Congregation in full communion; the mode of election and calling being subject to the regulation of the Church Courts. The General Assembly of the Free Church of Scotland in 1859 passed an Act, with consent of a majority of Presbyteries, which now regulates the order of procedure in every case of the election and

calling of a Pastor. (See Act IV., Assembly 1859; See also Chapter I. Part II. Section 9, and Chapter II. Part II.)

4. The following classes of persons are qualified to be elected, called, and admitted as Pastors of Congregations in the Free Presbyterian Church of Scotland:—

(1) All persons who have been admitted to the status of Ministers by Presbyteries of the Church, and have not lost that status, whether they hold any pastoral charge or not; provided no special limitation as to the acceptance of calls has been attached by the Synod to their ordination.

(2) Those who, without any special limitation attached by the Synod to their license, have been licensed to preach the Gospel by any Presbytery of the Church. Before any one of them can be ordained or admitted to a pastoral charge, the Presbytery of the bounds, or a superior Ecclesiastical Court, must be satisfied with the result of the trials, to which he is subjected after his election and call. These trials are of the same kind with those required from a Student before receiving license. The Presbytery may accept the results of the trials to which the Probationer submitted before license instead of prescribing new trials. (See Chap. II Part II.)

5. The election by a Kirk-Session of one of their number, concerning whom they can certify *bona fide* that he is an Acting Elder, besides being otherwise qualified, constitutes him a member of Presbytery and Synod for the current year. The Election must take place within two months from the ordinary Meeting of Synod, and the Commission must not bear a later date, except in the case of newly-sanctioned charges, as referred to in Chapter I., Section 14, p. 17. Neither the Election nor the Commission has any force after the close of the next ordinary Meeting of Synod. A Ruling Elder cannot be allowed to take his seal in the Presbytery without a Commission, which is given in the form of an extract from the Minutes of Kirk-Session. This Commission is the evidence to the Presbytery that the Ruling Elder named in it is *bona fide* an Acting Elder, is otherwise qualified, and has been duly elected. It may be received and sustained at a *pro re nata* or *in hunc effectum* meeting as well as at an ordinary one. In the event of a Ruling Elder thus commissioned being removed by death, or otherwise vacating his position as Representative Elder, a successor may be elected within one month thereafter.

6. The locality, the bounds, and the name of a Presbytery are fixed by the authority of the Synod. New Presbyteries may be erected, or new arrangements made regarding old ones, as the Synod may judge expedient. The Synod also fixes the locality of the Presbytery seat, or the place of its usual meetings.

7. When three or more ordained Missionaries are resident at any Foreign Station or in any Foreign District, it is competent for them, in subordination to the Synod, to form themselves into a Presbytery, there being always one Ruling Elder a member of any such Presbytery for every Missionary or Minister who belongs to it.

8. Presbyteries have the power of meeting when they judge it expedient. But, in the exercise of this power, it is necessary for

Persons qualified for Office of Pastor.

Ruling Elders representing Kirk-Sessions.

Locality, Name, Bounds.

Presbyteries of Foreign Missions.

Meetings of Presbyteries.

CHAPTER II.  
PART I.

Special method for Revival of a Presbytery. An Ordinary Meeting.

them, at each ordinary meeting, to resolve when the next ordinary meeting shall be held, to enter the resolution in their Minutes, and to cause public intimation of it to be made. If these requirements be neglected by a Presbytery, its power and functions are held to cease altogether until revived in a constitutional manner. A special method for this revival was agreed to by the General Assembly of the Free Church in 1866. (See Sect. 12.)

An *in hunc effectum* Meeting.

9. An ordinary Meeting of Presbytery may thus be described as one which takes place in consequence of an express adjournment for ordinary business from a previous ordinary meeting, or in consequence of an express appointment to the same effect by the Synod, or in consequence of the dormant power and functions of the Presbytery having been revived in a constitutional manner. (See Sect. 12.)

10. An *in hunc effectum* meeting of Presbytery is a meeting specially appointed by the Presbytery for the transaction of some particular business. This kind of meeting requires that the particular business, and the time and place of meeting, be specified in the minute of the immediately previous ordinary meeting, along with the resolution to meet *in hunc effectum*, and that public intimation thereof be made at that ordinary meeting. No other business can be transacted at an *in hunc effectum* meeting except that for which it has been specially appointed.

A *pro re nata* Meeting.

11. A *pro re nata* meeting is a meeting called during the interval between one ordinary meeting and another, in consequence of some unexpected business having arisen which requires to be immediately attended to. Such a meeting may be called by the Moderator, either on his own motion, or in consequence of a requisition addressed to him by some of the members. The specific object must be distinctly stated in the circular calling it, and no other business can be transacted at it. The circular must be sent to every member in reasonable time before the day fixed upon. When that day occurs between the meeting of Synod and the first ordinary meeting of Presbytery thereafter, the Moderator in sending the circular must request the Moderators of Kirk-Sessions to intimate it to their Kirk-Sessions, that they may have an opportunity of electing representatives. When the meeting takes place, the Moderator must explain his reasons for calling it, and the Presbytery must pronounce judgment upon his conduct in doing so. If the Moderator decline to call a *pro re nata* meeting after a requisition to do so has been addressed to him, the whole circumstances of the case may be brought before the Presbytery at its next ordinary meeting. Any member absent from a *pro re nata* meeting may, at the next ordinary meeting, raise the question as to the propriety of its having been called, or as to the manner in which it may have been called.

Revival of a Presbytery.

12. The following Overture and Interim Act were agreed to by the General Assembly of the Free Church of Scotland in 1865, and passed into a Standing Law by the General Assembly of 1866, viz. :—

That hereafter, when from any cause it shall happen that there is no day fixed for the next ordinary meeting of Presbytery, it shall be competent for any three or more of its members to address a requisition to the Moderator to call a meeting of the whole members of Presbytery, for the purpose of naming a day on which the Presbytery shall meet and proceed with ordinary business; that

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the Moderator shall be bound to comply with such a requisition, and to call a meeting to be held on a day not less than ten, nor more than fifteen, days from the date of the requisition, by circular letters addressed to every member on the roll of the Presbytery; and that the meeting when held shall be considered as a *pro re nata* meeting, at which no other business can be transacted except the naming of a day for the next ordinary meeting: Provided always, that at the next ensuing meeting of the Provincial Synod the Presbytery shall be bound to explain the causes that have necessitated their adopting the special procedure authorized by the Act, and shall be liable to censure if the explanation be unsatisfactory.

13. No meeting of Presbytery can be held while the Synod is sitting, except when special leave to that effect has been granted by the Synod.

14. Three Members of Presbytery form a quorum, provided two of the members have the status of ordained Ministers.

15. The General Assembly of the Free Church of 1865 found, that when at the time, and in the place appointed, for a meeting of Presbytery, two Ministers, and one or more Ruling Elders, duly elected to represent a Kirk-Session or Kirk-Sessions, have convened together, there is a valid meeting of Presbytery; and that the production of valid commissions by Elders in such circumstances is sufficient evidence of their election. A special Form of Minute has since been agreed to for enabling Presbyteries to carry this Finding into practical effect.

16. Commissions to Ruling Elders may be received at an *in hunc effectum* meeting, or a *pro re nata* meeting being called between the one, and in the case of a *pro re nata* meeting being called between the meeting of Synod and the next ordinary meeting of Presbytery, the Moderator must request the Moderators of Kirk-Sessions to intimate said meeting to their Sessions, that representatives may be elected.

Commissions to Elders receive the *in hunc effectum* and *pro re nata* Meetings.

17. It is the settled practice for every Presbytery to elect one of the Ministers included in it as their Moderator, at the first ordinary meeting which is held subsequently to any ordinary meeting of the Synod. The Presbytery has perfect freedom in the election of its Moderator from the list of its Ministers. But the course usually followed is to appoint each Minister in succession, as the names stand on a Roll, which is made up according to seniority of Ordination. In the absence of the Moderator, the Minister who previously held the office takes the chair *pro tempore*, and falling him the senior Minister present does so. It is always in the power of the Presbytery to appoint a Minister to act as Moderator *pro tempore*, on any particular occasion. If a Minister take the chair

Election of Moderator.

*pro tempore*, whether through ordinary rule or through special appointment, simply in consequence of the Moderator's absence, and the Moderator appear at any stage of the proceedings, he is required to take the chair immediately, and the *pro tempore* occupation of it ceases *ipso facto*.

18. The Moderator has no deliberative vote; but he has a casting vote in case of equality. He is not permitted to take part in any discussion while he occupies the chair, but he may ask leave to

Moderator has only a casting vote.

<sup>1</sup> App. X, I.

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PART I.

Minutes of  
Moderator.

vacate the chair for the purpose of expressing his opinion. When this request is granted, the chair is occupied in the meantime as it would be in his absence.

19. It is the duty of the Moderator to preside in the devotional exercises of the Presbytery, to pronounce the blessing at the close of each Meeting, and to act as the organ of the Presbytery in keeping order, in announcing decisions, in administering rebukes and admonitions, in instructing parties at the bar, and in calling upon Members to state their views, to give their votes, or to discharge any functions which have been assigned to them. At the ordination of a Minister, or at the licensing of a Probationer, the acting Moderator puts the appointed questions, offers up the appointed prayers, and delivers the appointed exhortations.

20. The Presbytery appoints one or more Clerks. The Clerk is usually a Member of Presbytery. He may be specially appointed *ad vitam aut calpam*: or he may be simply employed to act as Clerk during the pleasure of the Presbytery. On his appointment he solemnly promises to discharge the duties of the office with fidelity. It is the duty of the Clerk to write regular Minutes of the Presbytery's procedure, to engrave the same in a permanent record, after they have been approved of by the Presbytery as correct, to give such extracts to parties as the Presbytery have allowed, and to take charge of all the Presbytery's papers, books, and documents. In the absence of the Clerk some one is appointed by the Presbytery 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*. The Clerk of Presbytery has usually a salary drawn from contributions by the congregations within the bounds, and from fees paid for extracts. These contributions and fees are regulated by each Presbytery for itself.

21. Every meeting of Presbytery is both opened and closed with prayer. The usual and approved practice is to open every ordinary meeting with the full devotional exercises of praise, reading of the Scriptures, and prayer following. The Minute must always bear at the outset that the Presbytery was constituted (which expression is understood to imply that it was constituted with prayer, and that a sufficient sedentum has been ascertained), 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 can be received which does not bear that the Presbytery was constituted, and which is not certified by the Presbytery Clerk as having been extracted by him from the Records of the Presbytery.

22. After ascertaining that there is a sufficient quorum of attendance, and before proceeding to any other business, the Presbytery must, at each ordinary meeting, hear the Minutes of the last ordinary meeting, and the Minutes of any intervening *in hunc effectum* or *pro re nata* meeting, read by the Clerk. The Presbytery must then either approve of these Minutes as read, or correct them, and approve of them as corrected. They cannot afterwards be altered, except by the authority of a higher Court. The Minutes of any proceedings which have taken place when the Presbytery were alone are not of necessity read or approved of until the Presbytery are again alone at an ordinary meeting. The approval or correct-

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PART I.

Openness of  
the Court.

ing of the Minutes does not imply any power to alter the *res gesta* of the meeting. The only question is the correctness of the Minute as a true account of what was done. The Minute of each Meeting or Sedentum must, after it has been approved of and engrossed in the permanent Record, be signed by the Moderator and Clerk. Any person who has acted either as Moderator or Clerk during a portion of a sedentum, ought to sign the Minute of that Sedentum, as Moderator or Clerk *pro tempore*, in addition to the signature of the other person occupying either office. The Sedentum of every Meeting (that is, the names of all the Members present) must be accurately recorded in the Minute.

23. The Presbytery is, by long-established practice, an open Court. It is held desirable that this Court should be open with respect to all ordinary matters that occupy their attention. But they have the power of closing their doors, and declaring their wish to be alone, when they judge it more for edification. In case of their abusing this power, the abuse may be corrected by the Synod. They usually sit in private when dealing with cases of discipline that involve charges or proofs of scandal, if the publication of those charges or proofs might be injurious to justice or purity. They are bound by Act of Assembly to be alone when students are proposed for trial, and when the private trials of students are going on.

24. The Presbytery may appoint an Officer, who is in attendance at their meetings, and executes their orders. At his appointment he promises to perform the duties of the office with fidelity. He has a salary arising from contributions by the congregations, and regulated by the Presbytery.

25. It is needful that an accurate Roll of the Members of Presbytery be kept by the Clerk as authorized by the Presbytery, and that it be corrected regularly on the occurrence of changes. The names of the Ministers ought to be in the order of ordination, and the state of it ought to be carefully recorded in the Minutes.

PART II.—*Powers and Functions of the Presbytery*

From the introduction to Part I. (2) and (3), it may appear that while the Presbytery is a court of review, it is at the same time the original or radical court out of whose constitution the other Church Courts take their rise. For the idea of it, as derived from scriptural principle, is, that it might exist at first in any locality, simply as a meeting of Pastors and Ruling Elders connected with a single congregation, so as to render the separate existence of a Kirk-Session unnecessary; but that the enlargement of the Church in a locality, by creating a necessity for several congregations, leads to the institution of Kirk-Sessions, and to the representation of each of these in the Presbytery, only by its Moderator and a specially elected Ruling Elder, in consequence of the whole Eldership being too numerous a body for the convenience of Presbyterial business. This view of the *radical* character of the Presbytery would be literally applicable to a Presbytery which existed originally as the governing body of a Church consisting of a single congregation in a particular locality. The same *radical* character must attach to any ecclesiastical judicatory, which, whether larger or smaller, comprises *all* the

Scriptural and  
Constitutional  
position of the  
Presbytery.

Roll of Members.

Officer.

Facts of  
Presbyteries.

Opening and  
closing.

Minutes.

Approval of  
Minutes.

Ministers, Professors, or Ruling Elders of a Church. In proportion as any such judicatory becomes either merely representative or merely fractional, it loses something of its radical character. But the constitution of the Free Presbyterian Church of Scotland preserves a large portion of the radical character in the Presbyteries. That character connects itself scripturally with the institution of Kirk-Sessions. Scriptural considerations of a similar kind lead to the connexion of a Presbytery with the Courts having jurisdiction over it. The functions of a Presbytery may be thus comprehended under three Divisions, viz.: the Division embracing the department of original action; the Division embracing the department of review; and the Division embracing special relations to the Superior Courts. On the one hand, there are many proceedings which the Presbytery alone can originate. On the other hand, the Presbytery has an oversight of Kirk-Sessions, and every decision of a Kirk-Session may be brought before the Presbytery, either by appeal, or by dissent and complaint, or by reference, or by petition, or through inspection of the Session Records by the Presbytery itself, or through a Presbyterial visitation. And beyond these two lines of duty the Presbytery is called upon to perform its appropriate part toward the Synod. The following rules of practice in these three departments have arisen out of the principles already indicated:—

Free Divisions  
of 11 functions.

Power as to  
licensing,  
Ordaining, etc.

*Division I—Department of Original Action*

1. The Presbytery possesses inherently the function of deciding whether young men are qualified or not to be received into the number of enrolled students of theology, with a view to their being set apart as preachers of the Gospel, and as persons who may be called to the pastoral office. It has also the function of examining them as to their qualifications at any stage of their progress, of determining, in due time after examination, whether they may be licensed to preach the Gospel or not, and of licensing them if they be found qualified. In the Free Presbyterian Church of Scotland, the exercise of these functions by the Presbytery is very particularly regulated by rules of the Synod which are printed in the Appendix.

2. It may be seen from the Regulations that a Presbytery cannot proceed to the trials of a student for license without the leave of the Synod, after due notice shall have been given to the several Presbyteries.

3. It is the usual practice for the Presbytery to proceed toward the immediate licensing of a student to preach the Gospel at the same meeting at which they have been satisfied with his trials upon a conjunct view of them. After this final judgment in his favour has been arrived at, the Moderator proceeds, in the name of the Presbytery, to put the questions required by the Resolution of Synod; and satisfactory answers having been obtained, he, in the name and by authority of the Presbytery, solemnly licenses the student to preach the Gospel within the bounds of the Presbytery, and wherever else his lot may be cast in the course of God's Providence. Thereafter the Moderator addresses the newly-licensed preacher in suitable terms, and the Presbytery then engage in prayer, the Moderator conducting the devotions. At the conclusion of the procedure, the Moderator and other members give the right hand of fellowship to

the Licentiate, and he is required to subscribe the Formula in presence of the Presbytery.

4. Any Licentiate (or Probationer, as he is commonly called), on removing from the bounds of the Presbytery that has licensed him, ought to obtain an extract of his license, and to present it to the Presbytery under whose jurisdiction he has now come. In removing from one Presbytery to another, he ought always to obtain and carry with him a Presbyterial certificate of character, and to present it along with the extract of license.

5. It is the duty of the Presbytery to take a special oversight of congregations in which the pastoral office is vacant. It is more particularly incumbent upon them to take adequate steps for providing that the preaching of the Gospel be continued, the Sacraments duly administered, and discipline upheld in any such congregation; to appoint one of their number as interim Moderator of its Kirk-Session; and to carry out the laws of the Church as to filling up the vacancy.

Duties of Interim Moderator.

6. During a vacancy in the pastoral office, the interim Moderator of Session is entitled and called upon, so far as he can consistently with his duty to his own flock, to execute all the spiritual functions that would otherwise belong to the stated pastor.

7. It does not appear to be his duty to take any charge of convening the Deacons' Court during a vacancy in the pastoral office. (See Supplement to Chapter I, Part I, Section 7.) But the interim Moderator of Session, as representing the Presbytery, must be held to stand precisely in the place of the stated minister, as to the use of the church and other ecclesiastical buildings.

Declaration of Vacancy.

8. The old practice, in the case of a vacancy in the pastoral office by the death of the Minister, was for the brethren attending the funeral to assemble after it, and to appoint some one of their number to preach in the church on the next immediate Sabbath, and to declare the church vacant from the day of the Minister's death. It was also the practice of the brethren on such an occasion to settle among themselves how the vacant pulpit should be supplied till the next meeting of Presbytery, to make a minute of their proceedings, and to report them to the Presbytery. But this procedure required to be confirmed by the Presbytery, in order to render it valid. While, therefore, those parts of it which circumstances seem to render requisite may often be adhered to with advantage, it is the practice of the Free Presbyterian Church of Scotland to avoid any ecclesiastical action which has not the previous sanction of the Presbytery, in so far as it may be possible to do so. In particular, the Act IV. of the Free Church in 1859 seems to imply somewhat emphatically that a vacancy in the pastoral office ought not to be formally declared from the pulpit until a Minister shall have been regularly appointed by the Presbytery to discharge that duty. Of course, the vacancy, when thus declared, must be dated from the time of the death of the former minister.

Procedure in filling up Vacancy.

9. The procedure as to filling up the vacancy in the pastoral office is regulated in its chief particulars by Act IV. Free Church Assembly 1859, which will be found at length in the Appendix.\*

\* App. II. 4.

\* App. II. 4.

CIIAP. II.  
PART II.

Div. I.

Subject for Moderation of

Moderation of

10. When a congregation of a sanctioned charge are prepared, or think themselves prepared, to call a Minister, it is usual for them to appoint a Deputation to represent them at the bar of the Presbytery, and to convey their desire that the Presbytery would moderate in a Call. It is usual for the Interim Moderator of Session to make a report to the Presbytery respecting the condition of the congregation, the amount of their agreement as to the choice of a pastor, and their ripeness for calling one. If this report be unsatisfactory, or if the Presbytery have otherwise good reason to fear that a sufficiently harmonious call cannot be obtained, they are called upon to proceed in accordance with Section 7 of Act IV. Assembly 1859.

11. When a Presbytery are prepared to moderate in a Call, they fix a day and hour for doing so. Notice of the day and hour and intended procedure must be given from the pulpit of the vacant congregation by a Minister whom the Presbytery have appointed for the purpose, seven days intervening between the notice and the day appointed. The Presbytery must moderate in a Call at large, except in cases in which clear intimation is given of an harmonious desire for a person named. In such cases Presbyteries may appoint the moderation of a Call to that person only. (See Act VII. Free Church Assembly 1868; see Appendix, p. 194, for form of notice.) At the specified time the Presbytery meet in the church of the vacant charge, and after it has been ascertained that the notice was duly given, the Moderator (either ordinary or *ad interim*) conducts worship and preaches. At the close of worship he states the object of the meeting. The form of a Call is produced and read, sometimes with a space for the name of the person to be called left blank, and sometimes with the name of the person inserted upon whose election the congregation have already agreed. The congregation are then asked, in the one case, whose name they desire to have inserted in the Call; and in the other, whether they desire or not that the form of Call produced be acted on. When the Call has been agreed to, the persons present whose names are on the Communion Roll are invited to come forward and admit their signatures. Act III. Free Church Assembly 1879 declares and enacts that at any meeting of a Congregation for the election of a Minister, no vote shall be allowed or recorded unless the vote is given by a member of the Congregation who is personally present, and that when a Call at large is moderated in, it shall only be subscribed by those who personally admit their names; but that when a Call is moderated in to an individual whose name is in the edict announcing the moderation, the Call may be subscribed on behalf of members not present when a mandate authorising such subscription is produced. The Communion Roll, as specially adjusted by the Kirk-Session, with a view, and attested by the Presbytery previously, to the election, ought to be produced at the time of moderating in the Call, in order that no one may be permitted to subscribe the Call as a communicant whose name does not appear upon that roll. (See Act IV. Free Church Assembly 1859, section 9.) After the Call has been subscribed by all the communicants and adherents present who desire to subscribe it, or by mandates, the Moderator attests it as thus subscribed. Adherents are usually allowed to

subscribe who are over fourteen years of age. If it has been subscribed by a large number of members on the roll in proportion to the whole number, and if there be no dissent given in, the Presbytery sustain it in ordinary cases. If there be dissent implying a serious division in the congregation, the Call whether an open call or a closed call cannot be sustained or found sufficient unless it be signed by a majority of the whole members on the roll, whether present or absent. Even in that case the Presbytery may find it necessary to refer the matter to the Superior Courts.

12. If the Call be sustained at the time when it has been moderated in, and if the person called be a Probationer or a qualified Minister without any fixed charge, and if he be present, the Call is put into his hands, and he is asked whether he accepts of it or not. If he be absent, it is sent to him with all convenient speed. But previously to sending it, the Presbytery may entrust it to the Kirk-Session to procure additional signatures.

13. Dissents from a Call can be received only when they are tendered or given in immediately after the Call has been attested by the Moderator. If they be accompanied by specification of reasons, either against the suitability of the person called for filling the particular vacancy, or against the proposed settlement, they must be judged on by the Presbytery, either at that meeting or at a special adjourned meeting held for the purpose. The fullest opportunity must be given to the members on the roll for stating their objections of any kind. When the objections require special investigation, the consideration of them must be adjourned, and they must be considered at a subsequent meeting, to which all parties are summoned *apud acta*, that is, they are summoned through announcement made to them in open court by the Moderator or the Clerk before the business of moderating in the Call is closed.

14. If the objections do not affect the moral character or the orthodoxy of the Probationer or Minister to whom the Call is addressed, the Presbytery may judge of them, and come to a determination respecting their validity, after hearing all parties, and taking such evidence as they may procure or think needful, without adopting such formal procedure as is requisite when grave personal charges are brought forward. But when an objection made is seen to involve such a charge—that is, any charge affecting the orthodoxy or moral character of a Minister or Probationer, the Presbytery must insist upon the objectors either framing a libel and proceeding with it in the usual form, or abandoning the objection. Of course, if a *fama* were found by the Presbytery to prevail against the person called, it might be necessary to suspend procedure until they have disposed of it, even though no objectors should take the responsibility of framing a libel. (See Chapter IV., Part III.)

15. The Presbytery may decline to sustain the Call, either on the ground of the *number* of dissents without reasons, or on the ground of the *weight* due to the reasons or objections adduced. If any such judgment of the Presbytery be neither appealed from nor complained against in due form (see Div. III, Sect. 2), or if the judgment be affirmed by the Superior Court, the whole proceedings as to the particular Call in question fall to the ground, and a new election must take place.

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PART II.

Div. I.

Dissents from Call.

Acceptance of Call by Probationer, etc.

Opportunity for Reasons against Call.

Necessity of Libel as to some Objections.

Judgment against Call.

CHAP. II.  
PART II.  
DIV. I.

16. If the Presbytery sustain a Call to a Probationer, or to an ordained Minister not having a fixed pastoral charge, and if there be no appeal or complaint tendered in due form against their judgment, they proceed to take the necessary steps with a view to his induction to the pastoral charge.

17. If the Call be to a Probationer, the Presbytery take him on trials, as it is called. The Presbytery may accept the result of the trials to which the Probationer submitted before license instead of prescribing new trials or they may prescribe to him trials of precisely the same kind with the trials for License, prescribed in the Regulations. If the Presbytery sustain these trials without appeal or complaint, or if their judgment sustaining them be affirmed by the Superior Court, or if they do not sustain the trials, and their judgment be reversed by the Superior Court, the Presbytery are in circumstances for immediately fixing the day on which the induction and ordination shall take place. If, after these trials, the Probationer called be not found qualified, and the Presbytery decline to sustain the trials, they ought to frame their Minute so as to put the Superior Court in clear and full possession of the grounds on which their judgment proceeds, and to enable a person appealing or complaining to state with distinctness his reasons of appeal or complaint. These grounds must not involve any charge of heresy, because *that*, if alleged and maintained, can be proceeded with only by jibei. If the judgment of a Presbytery declining to sustain trials for ordination be not appealed or complained against in due form, or if it be not reversed by the Superior Court after appeal or complaint, intimation must be made to the Congregation that the Probationer called has not been found qualified, and that a new election must take place.

18. If the Call, which is sustained and accepted of, be to an ordained Minister not having a fixed pastoral charge, and not being a Professor of Theology, no trials being required, and there being no other ecclesiastical impediment, the Presbytery may proceed without delay to appoint the day for the induction.

19. If the sustained Call be to the ordained Pastor of a Congregation in another Presbytery of the Free Presbyterian Church of Scotland, the induction cannot be proceeded with until a judgment has been obtained in favour of the Translation, either from the Presbytery within whose bounds that Congregation is situated, or from the Superior Court which has jurisdiction over that Presbytery. In the case of every such Call, the Presbytery immediately after sustaining it, or immediately after knowing officially that their judgment sustaining it has been affirmed by the Superior Court, proceed to commission certain of their members to prosecute the Call. The Presbytery also draw up Reasons of Translation (to be signed by the Commissioners in name of the Presbytery), and instruct the Commissioners to transmit these in writing to the other Presbytery, along with all needful documents and minutes, of which the Clerk is instructed to furnish certified copies or extracts, with the exception of the Call, which must itself be transmitted to the other Presbytery. The Congregation calling also appoint certain persons as their Commissioners. The Commissioners of the Presbytery are expected to ascertain by correspondence when

immediate induction of ordained Ministers called.  
Commissioners to prosecute Translation.

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DIV. I.

the first ordinary meeting of the other Presbytery will take place. Act. IV. Free Church Assembly 1882 provides that, in the procedure in Calls from one Presbytery to another, the Commissioners from the Presbytery and Congregation calling shall be received and heard only at one meeting of the Presbytery to which the Minister called belongs; and that in the event of no ordinary meeting of a Presbytery being held within three weeks of the time when the Clerk receives official intimation that a Call to one of its members has been sustained by another Presbytery, he, along with the Moderator, shall be empowered to send intimation of the Call to the Minister's Congregation, and to summon them and all parties to the next ordinary meeting, that the Call may be disposed of then.

20. The Minister called, when belonging to a Presbytery of the Free Presbyterian Church of Scotland, is entitled to make a statement to his Presbytery at this stage, if he see cause. But most commonly, unless the Minister have already come to a very decided determination not to accept of the Call, nothing further is done by a Presbytery of the Free Presbyterian Church of Scotland at the time when such a case is thus brought before it, than to summon all parties to a future meeting. The Commissioners and the Minister called, if present, are summoned *apud acta*. The Minister, if absent, ought to be specially and duly summoned in writing, with intimation of the Call addressed to him. The Reasons of Translation, or a copy of them, certified by the Clerk of their own Presbytery, must be transmitted to the Congregation of which the Minister is Pastor, that they may reply to them, if they see cause. Either the Minister himself, or some other Minister, being a member of Presbytery, ought to be instructed to intimate to that Congregation that the Call from the other Congregation has been addressed to him, that it has been laid on the Table of his Presbytery with Reasons of Translation, which they will have an opportunity of considering, and that they are hereby summoned to appear by their Commissioners at the bar of the Presbytery to state any answers they may have to give to the Reasons for Translation.

21. On the day and at the hour appointed, the Presbytery having met, all the parties are called. The order of procedure in the hearing of parties and in the discussion of the case by the Presbytery is in accordance with general rules of order that have a more extended application; it being understood that the parties prosecuting the Translation hold the same position as to opening the case and the right of reply, which belongs to appellants and complainers in cases from Kirk-Sessions. (See Div. II. Sect. 4.)

The only peculiarities are that the Minister called is entitled to be heard at any stage of the proceedings whatever, if he express a wish to that effect; and that he must be asked to declare his mind immediately after the hearing of the other parties at the bar has been concluded. After engaging in prayer, the Presbytery decide, in the first instance, either that the Translation is expedient, and that the Call ought to be presented to the Minister; or that the Translation is not expedient, and that the Call ought not to be presented to him. If the decision be in the affirmative, and there be no appeal or complaint, and if thereafter the Minister, acquiescing in the decision, accept of the Call, the Presbytery then give formal

Proceeding in Translation before another Presbytery.

Minister called heard at any stage, etc.

Terms of Decision.

judgment to the effect that they agree to the Translation, and appoint the Minister to await in that matter the orders of the other Presbytery. (See Act VI. Assembly 1849.)

22. If there be an appeal or complaint intimated against a decision in favour of a Translation, the Presbytery who have come to that decision ought to instruct their Clerk to intimate to the other Presbytery, through their Clerk, whether Reasons of Appeal or Complaint have been lodged in due time or not, and also to intimate to them immediately the fact of the appeal or complaint being otherwise fallen from, if that should occur at any period after the Reasons have been duly lodged.

23. The Commissioners of a Presbytery for the prosecution of a Translation must report at the first ordinary meeting of their own Presbytery, subsequent to that meeting of the Presbytery having jurisdiction over the Minister proposed to be translated, at which a decision has been come to on the question of Translation, what the decision is, and whether it be appealed or complained against or not. If the decision has been in favour of the Translation, and there is an appeal or a complaint, with reasons, lodged in due time (of which the Presbytery prosecuting the Call must hear from the Clerk of the other Presbytery), no further step can be taken towards the induction until a judgment on the appeal or complaint shall have been given by the Superior Court. But if it be certified to the Presbytery prosecuting the Call by the Clerk of the other Presbytery, that reasons of appeal or complaint have not been lodged in due time, or that the appeal or complaint has been subsequently fallen from, or if the Superior Court shall, in due form, have intimated or caused to be intimated to the Presbytery prosecuting the Call, that they have dismissed the appeal or complaint, and affirmed the sentence in favour of the Translation, then the Presbytery prosecuting the Call are placed in circumstances to enable them to fix a day for the induction.

24. If the decision of the Presbytery having jurisdiction over the Minister proposed to be translated be adverse to the Translation, it is competent and usual for the Commissioners of the Presbytery prosecuting the Call to take an appeal against the decision, leaving it to their own Presbytery to determine whether the appeal shall be prosecuted or fallen from. The Commissioners in their report mention that they have done so, and also whether any appeal was taken by the Congregation calling, and whether any dissent and complaint were taken by any member of the other Presbytery. If the meeting at which the report can be made take place within ten days from the meeting of the other Presbytery at which the decision has been given, the Commissioners, usually leave it to their Presbytery to authorise them to lodge reasons of appeal or not, as the Presbytery may think fit. If there be no meeting in time for this purpose, the Commissioners ought to lodge reasons, it being always in the power of the Presbytery to fall from the appeal, and to intimate to the other Presbytery that they have done so. The Presbytery come to such judgment on the report of their Commissioners as they think most expedient. If they continue to prosecute that appeal, or if the Congregation calling

\* App. II. 4.

continue to prosecute an appeal on their own part, or if any member of the other Presbytery continues to prosecute his dissent or complaint, no further step toward the filling up of the vacancy can be taken until a decision be obtained from the Superior Court. But if the Presbytery fall from their appeal, and if no other appeal and no complaint be prosecuted, or if the Superior Court intimate that they have affirmed the adverse decision, the Presbytery must intimate to the Congregation in due form the necessity of steps being taken for a new election.

25. If a sustained Call be to an ordained Pastor of a charge within the bounds of the same Presbytery which has sustained the Call, the procedure is the same in principle with that adopted in the case already detailed. The complication of Commissioners from one Presbytery to another is avoided. In sustaining the Call, the Presbytery take care not to commit themselves to the propriety of the Translation. Due intimation is given to the Minister called, and to his present Congregation, as in the other case. Commissioners from both Congregations appear at the bar of the Presbytery on the appointed day. The Presbytery proceed in terms of the Act VI. Free Church Assembly 1849.<sup>1</sup>

26. When, all obstructions having been removed out of the way, a Presbytery are prepared to fix a day for the ordination and induction of a Probationer, or for the induction of a previously ordained Minister, it is their duty to appoint one of the Ministers included in their number to occupy the pulpit of the vacant charge on a particular Sabbath, and then and there to serve the edict.\* They at the same time fix the day and hour for the ordination and induction, or for the induction alone, as the case may be, so that it shall occur at an interval of not less than seven days from the serving of the edict. By the edict, public intimation is made that the day and hour named have been appointed for this purpose, and that the Presbytery will proceed in due form to the settlement, if no objection to the life or doctrine of the Probationer or Minister be previously brought forward and substantiated. It is also intimated that the Presbytery will meet at a specified time, and at the Church, for the purpose of ascertaining whether any such objections will be brought forward and substantiated, or not. The usual practice is to hold this meeting at an hour not long before that fixed upon for the settlement.

27. At the time named in the edict, the Presbytery, having been constituted, call for what is designated 'the return of the edict,' an expression which implies a report by the officiating Minister that it has been duly served. They then cause their officer to make proclamation at the most patent door of the Church, in terms of the edict, and to report that he has done so. Any objections at this last stage must be substantiated immediately to the satisfaction of the Presbytery. A formal libel is not required; substantiated objections would arrest procedure. The bringing forward of objections in connection with the edict is a rare occurrence. When no objections are given in, or when they cannot be proved *instantly*, it is the duty of the Presbytery to proceed with the ordination and induction, or with the induction alone, according to appointment.

\* App. II. 4.

\* App. X. 1.



CHAP. II.  
PART II.  
DIV. I.

ordinations and  
functions.

28. In proceeding to an ordination or induction, the Moderator conducts public worship in the usual manner. At the close of it he reads a narrative of the proceedings since the occurrence of the vacancy, with reference to the filling of it up. He then calls upon the Pastor-elect, who stands and answers the appointed questions (see Appendix II.3). He is then required to subscribe the Formula, in presence of the Congregation. The answers having been satisfactory and the Formula having been signed, the Pastor-elect, if a Probationer, kneels, and the Moderator, coming down from the pulpit, ordains him to the ministry with solemn prayer and imposition of hands. It is the practice for all Ministers present to stand around and lay their hands on his head. The ordination prayer having been concluded, the Moderator formally receives and admits the new Minister, in the name of the Presbytery, and by authority of the Divine Head of the Church, to the pastoral charge of the Congregation, and, along with the other members of Presbytery, gives him the right hand of fellowship. Thereafter the Moderator returns to the pulpit. In the case of a previously ordained Minister, the Moderator does not leave the pulpit, except to give the right hand of fellowship; but, immediately after obtaining satisfactory answers to the questions, and after the signature of the Formula, he receives and admits the Minister to the pastoral charge. It is usual for the admission, in this case, to be preceded or followed by prayer. In both cases, the Moderator in conclusion delivers a suitable address (1) to the newly-admitted Pastor, and (2) to the people. In some cases, these addresses have been delivered by other members of Presbytery, specially appointed for the purpose. But the old and most approved practice is for the Moderator to conduct the whole service. At the close of public worship the people have an opportunity of welcoming their Minister on retiring from the Church. Thereafter his name is added to the roll before the adjournment of the Presbytery.

29. It is the duty of a Presbytery, after inducing to a charge within their bounds the Minister of a charge under the jurisdiction of another Presbytery, to give immediate intimation through their Clerk to that Presbytery that the induction has taken place.

30. Ordination, without reference to a particular pastoral charge, or without reference, at least, to some position or function held to be equivalent to that of a particular pastoral charge, is contrary to the practice of the Church. But a Presbytery in Scotland may be called upon to ordain a Probationer who has been appointed to a pastoral charge in the Colonies, when there is no local Presbytery having jurisdiction over that charge; and, in similar circumstances, Missionaries to foreign parts are ordained before they proceed to their spheres of labour. In either of these cases, it is the duty of the Presbytery to satisfy themselves with respect to the nature of the appointment, the position of the parties making it, the sphere of action proposed to be entered on, and the provision arranged or in prospect for the due support of the Minister or Missionary, after he has entered on it. If they be satisfied regarding these points, it is competent for them to proceed. So far as trials and the act of ordination are concerned, they must take the same steps as in ordinary cases. The serving of an edict in the usual manner is of

ordination to  
other Presby-  
teries,  
missions, etc.

CHAP. II.  
PART II.  
DIV. I.

Function as to  
Applications for  
Colleagues and  
Successors, etc.

course dispensed with. But consistency of principle would seem to require public notice of the Presbytery's intention to be duly given, that any one may have sufficient opportunity to bring forward and substantiate an objection to the life or doctrine of the person proposed to be ordained.

31. It lies with the Presbytery within whose jurisdiction a pastoral charge is situated, to receive, in the first instance, any representation for the appointment of a Colleague and Successor to the Pastor of that charge. Such a representation may be based either upon the partial inability of the Pastor to discharge his functions, through age or infirmity, or both; or upon special considerations connected with the character and circumstances of the charge. It must proceed from the Congregation, with consent of the Pastor himself. It may be intimated by means of Minutes of Session, Deacons' Court, and congregational meetings. Competent evidence must accompany the representation, with respect to the alleged grounds of it. For example, if the ground be the state of the Minister's health and strength, sufficient medical testimony must be produced. If, in order to carry out the contemplated appointment, assistance be asked from the Aged and Infirm Ministers' Fund, this request, and the grounds of it, must be brought before the Presbytery, along with the representation on the subject of a Colleague and Successor. When all the materials for judgment in any such case have been fully set before the Presbytery, and parties have been regularly heard on the subject at the bar, the Presbytery are called to give a deliverance with respect to the suitability, practicality, and desirableness of the proposed appointment, viewed in connection with the pecuniary and other arrangements by which the Congregation and the Minister wish to have it accompanied. All these arrangements must be taken into very careful consideration in coming to a judgment.

32. The Presbytery cannot give effect to their own judgment with reference to allowing a Congregation the liberty of calling a Colleague and Successor to its Pastor; but that judgment must take the form of a recommendation and application to the Synod. On this account, it is needful that the representations and requests from the Congregation be brought to the Presbytery in time to enable them to dispose of the matter, with a view to having the application and all needful documents transmitted to the Clerk of Synod on or before the last Tuesday of April.

33. A Minister who wishes to resign his pastoral charge, from ill-health, old age, or other circumstances not affecting his ministerial character, must tender his resignation to the Presbytery under whose jurisdiction he is placed. The Presbytery, either when alone, or through a Committee, deal with him as to the reasons of the proposed resignation. It is also reasonable that due notice should be given to the Congregation of what is intended by their Pastor. If the Presbytery find the alleged reasons unsatisfactory, or if any circumstance or *fama* be made known to them which requires investigation, they cannot accept of the resignation until it be ascertained that there is no ground for bringing their brother under the censures of the Church. But if nothing objectionable appear with respect to his procedure, and they find him continuing to be conscientiously persuaded that it is his duty to follow out his intention, it is their duty

Time for bringing  
Application to  
Presbytery.

Resignation of  
Ministers.

to accept of his resignation, and to take immediate steps for declaring the pastoral charge of his Congregation vacant.

34. Ministers who have thus retired from their charges are accounted *emeriti*. They are not members of Presbytery unless expressly allowed to be so by a specific deliverance of the Synod; but they retain their *status*, and may be employed in any work belonging to that *status* which they are capable of performing.

All Ministers not having pastoral Charges are eligible as Ruling Elders in the Congregations to which they attach themselves as communicants.

35. It lies with the Presbytery to consider the merits of any case within their bounds, in which pecuniary aid is sought to enable a Congregation to provide an aged and infirm Minister with an Assistant. They are called upon to find either that the case ought, or that it ought not, to be entertained favourably. If their finding be in its favour, they are called upon to transmit an application on its behalf to the Synod. Such cases must be laid before the Presbytery in time to have the applications considered and transmitted to the Clerk of Synod on or before the last Tuesday of April.

36. The old law as to Privy Censures in Presbyteries was, that, twice a year, at a meeting of Presbytery, each Minister should be removed in succession, in order that his brethren might consult together as to whether or not there was occasion for admonishing or censuring him in a friendly manner. He was then called in, and the result communicated to him. Although the exactness of this practice has fallen into abeyance, the spirit of it still pervades the Presbyterianism of the Church. It is still held to be the duty of Presbyteries to deal with the members in a friendly manner with respect to their shortcomings; so as to avert, by timely admonition, the necessity of more formal procedure at a future date. It is still held to be the duty of the brethren to stir one another up in the common faith.

37. The solemn function belongs to the Presbytery, in the exercise of discipline, to pronounce sentence of suspension or deposition against a Minister or a Probationer under their jurisdiction, when they find it necessary to do so, in accordance with the Word of God, and with the Rules of the Church. It is also their province, when they find occasion, to make use of less severe censures, such as public or specially serious admonition or rebuke. Particulars as to Discipline will be found in Chapter IV.

38. Although the Free Church of Scotland gave no encouragement to any encroachment on the functions of the pastoral office by persons not set apart to that office, she permitted the employment of persons as Readers or Catechists, with the view of meeting the necessities occasioned by a pressing emergency, or by a deficiency in the number of ordained Ministers and licensed Probationers. The persons selected for this purpose have, for the most part, been Elders, Students of Theology, or Teachers. It was required that they be approved of by the Presbyteries, and associated with, or superintended by, particular Ministers; that the spheres of action be fixed by the General Assembly's Home Mission Committee, on the recommendation of Presbyteries; that, when obliged to conduct public worship on Sabbath, they be instructed to read a portion of

Scripture, together with some suitable discourse, or portion of a religious work; and that they be called upon, on week-days, to visit the families, catechise the young, and attend to the sick and dying. The General Assembly expressly declared that there was no intention, by the permission and requirements as to Readers or Catechists, of instituting a permanent or distinct office, but that the design was simply to regulate, in an orderly way, the needful provision for temporary difficulty. The Free Presbyterian Church recognises the propriety of asking Elders, in cases where need requires, to hold and address meetings for Christian Fellowship and she also employs Missionaries to do this regularly and to perform the duties of Catechists. The power to appoint a person as a Missionary belongs to the Synod but it usually acts on the recommendation of a Presbytery.

39. A Congregation for the regular worship of God, and the preaching of the Gospel, may be formed and kept up under the superintendence of the Presbytery, without its having been constituted as a pastoral charge. It may be maintained under the name of a Preaching Station until its condition shall appear sufficient for enabling it to call a Pastor. The setting up of Preaching Stations in suitable localities is considered by the Church to be one of the most important means for the advancement of the Home Mission cause. Where no Kirk-Session has been formed in connection with a Station, sealing ordinances can be dispensed in it only through express appointment by the Presbytery, unless the Congregation have been regularly placed under the jurisdiction of a neighbouring Kirk-Session. If the authority of the Presbytery be required, they appoint a Minister to preside, aided by certain elders, whom they name.

40. According to Free Church Assembly Act XIII. 1863, it remains with Presbyteries to arrange in regard to the appointment of Elders and the establishment of Kirk-Sessions for local discipline and management in Preaching Stations within their bounds, it being understood that a Minister of the Presbytery shall act as the Moderator of every such Kirk-Session. Whenever the Presbytery deem it expedient, the elders of such Stations may still be connected with regularly established Kirk-Sessions.

41. The recognition of a Congregation as entitled to the position of a Pastoral Charge, so as to be enabled to call a person to be their Pastor, belongs properly, and in its spiritual aspect, to the Presbytery of the bounds; their judgment, of course, on this, as well as on every other question, being subject to review by means of appeal or complaint. But the upholding of the Church, dependent in so many ways upon Central Funds, has made it requisite that in some matters general rules should be observed, which can be more efficiently and consistently maintained by the authority of the Synod than by the Presbyteries separately. The addition of pastoral charges in any part of the Church is one of these matters. Accordingly, after a Presbytery has formed an opinion in favour of the admission of a new Congregation as a pastoral charge, it shall record and transmit its opinion, along with a full statement of the case, for the consideration of the Synod, who alone shall have the power of sanctioning the Charge.

CHAP. II.  
PART II.

Div. I.  
Special Diets  
of Worship,  
collections, etc.

Eccelesiastical  
Buildings, etc.

Committees.

Review of Session  
Records.

42. The Presbytery has inherently the power of appointing special diets of worship to be held; special fast-days and special days of thanksgiving to be observed; and special collections for particular objects to be made, in all the Congregations under its jurisdiction. But this power requires to be exercised with great discretion and abstinence, partly for the sake of avoiding undue interference with the judgment of Kirk-Sessions, founded upon local knowledge, and partly from the relation of the Presbytery to the Superior Court, and the arrangements of the Synod. But the Presbytery is entitled, both by the inherent character of its relation to the several Congregations within its bounds, and by long-established practice, to require a reasonable amount of contribution from each of these Congregations, or from each Deacons' Court, toward the necessary presbyterial expenses.

43. Particular functions have been assigned to Presbyteries in relation to ecclesiastical buildings, including places of worship and manses. The consent of the Presbytery is required for the sale or transference of such property. The Presbytery is enjoined to examine carefully all plans of church buildings and manses and to refuse plans which are not satisfactory and this is particularly of importance when the Presbytery wishes to authorise an appeal for funds to the Church at large.

44. The Presbytery may appoint Committees of its number for the more careful and minute consideration of those portions of business which seem to require such appointment, it being understood that the Committees are to report to the Presbytery, who will record their own judgment upon the subjects of the several reports.

DIVISION II.—*Department of Review*

1. The Presbytery may be called to exercise the right of review, through its periodical examination of the Records of Kirk-Sessions and Deacons' Courts. According to the old law of the Church (see Act, Sess. 22, 1639), it was required that the Session Books be presented once a year to the Presbyteries, and the same requirement as to the Records of Deacons' Courts is made by Act VII. Assembly 1846. It has been already mentioned that a copy of the Communion Roll, revised by the Kirk-Session, and signed by the Moderator and Clerk, must be annually sent to the Presbytery. (See Chap. I. Part II., and Act XVIII. Assembly 1844.) It is the duty of the Presbytery to give instructions to the Kirk-Sessions and Deacons' Courts, with a view to compliance with these requirements. It is the usual practice, after receipt of the Books and Rolls, to appoint a Committee or Committees to examine and report upon them. When considering such reports, or when inspecting for itself the Books and Rolls, the Presbytery may exercise the right of review in several ways. For

(1) It must pronounce a judgment of approval or disapproval as to the correctness and accuracy with which each Record is kept, and with which each Communion Roll is drawn out, requiring serious errors to be rectified, and pointing out deficiencies or mistakes of a less important character, in order that they may be avoided for the future.

(2) It may intimate either to Sessions or Deacons' Courts any

improvement which ought to be adopted in their modes of conducting business.

(3) It may find that any deliverance of a Kirk-Session is erroneous, as exhibited in the Minute. It may reverse any such deliverance, on the ground of the erroneousness thus exhibited. Or it may declare a Sessional judgment to be null and void, because it was *ultra vires*, or in opposition to the laws of the Church. If it be too late for a simple reversal to redress any injustice, the Presbytery may give instructions to the Kirk-Session for affording such redress as the laws of the Church may still render practicable. The Presbytery may also order passages of the Session Record to be deleted. The deletion may be carried out either by the Session or by the Presbytery Clerk, under the orders of the Presbytery. The mode of deletion is either by having the deleted words crossed, so as to be unintelligible, and the crossings marked as deleted on the margin, with an alteration by the person deleting, or by having leaves cut out of the Record, and the number of pages so dealt with being formally entered on the Record. In either case, the Minute of Presbytery ordering the deletion must be inserted in the Record. Before pronouncing any judgment with respect to any deliverance of a Kirk-Session, or before ordering the Minutes of a Kirk-Session to be altered, the Presbytery must summon the Kirk-Session to the bar, and hear them as parties.

(4) The Presbytery, in considering the Record of a Deacons' Court, may find that the procedure of that Deacons' Court has been *ultra vires*, or contrary to the Rules of the Church, and may declare it to be null and void, or order Minutes to be altered, on either of these accounts. Before doing so, however, it must summon the Deacons' Court to the bar, and hear them as parties. The Presbytery have no power of judgment with respect to those details of practical procedure in the Deacons' Court which are within their province, and consistent with the Rules of the Church.

2. Particular matters may be brought under review of the Presbytery by means of Petition. The exact order of Presbyterian government requires that every case from an Inferior Court should be introduced to the Superior by a petition. This order is observed, in the Synod with reference to Appeals, Complaints, and References, which must all be brought under notice by an accompanying Petition to the Committee on Bills. But the same order is not enforced in the practice of Presbyteries. Petitions to a Presbytery are practically confined to those matters which can be introduced in no other way.

(1) The Presbytery ought not to receive a Petition with reference to any matter which ought to have been previously brought before the Kirk-Session, unless the Petition contain a statement that the Kirk-Session, having come to a decision regarding the matter referred to, have refused to receive and record an Appeal or Complaint tendered against their judgment. But a Petition to the Presbytery is the proper remedy for such refusal. Before proceeding to hear the Petitioners in such a case, the Presbytery must summon the Kirk-Session to the bar, that they may be heard for their interest.

(2) When disputes or difficulties have arisen in a Congregation,

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which do not involve any serious personal charge, but which cannot be constitutionally adjusted by the Kirk-Session, in consequence of the Minister being concerned in them, or from other causes, it is competent for any parties connected with the Congregation to petition the Presbytery on the subject. The Petition may ask for a Presbyterial visitation, or for any other method of interference by the Presbytery that may be competent and suitable. Before the Petition can be disposed of, all parties referred to in it, or affected by it, must be summoned, with due notice, to the bar, that they may be heard for their interests.

(3) The constitutional method of bringing before the Church any question seriously affecting the character or the orthodoxy of a Minister or a Probationer is by a Petition to the Presbytery, unless such question be originated in the Presbytery itself, or in the Synod; or unless the parties otherwise raising it take upon themselves the responsibility of preparing and labling a Libel for the consideration of the Presbytery. (See Chap. IV. Part III.)

(4) A Petition to the Presbytery is competent, either by the Kirk-Session, or by the Deacons' Court, or by any member of the Congregation, or by any person concerned about its prosperity, if the object aimed at be one which the Presbytery alone can accomplish, or which must be originated in the Presbytery. Under this head may be reckoned Petitions for the institution of Stations, for the sanctioning of Charges, for the creation of Kirk-Sessions, and for the erection of Churches or Manse.

(5) A Petition is competent which complains of any procedure in a Deacons' Court when the complaint is shown to be on the alleged ground that the procedure was *ultra vires*, or contrary to the Rules of the Church.

(6) A Presbytery may reject any Petition, without calling or hearing parties, on the ground that it is unsuitably or disrespectfully worded, or, without hearing parties *on the merits*, on the ground that its prayer cannot be competently granted by the Presbytery.

3. A Presbyterial Visitation may be appointed by the Presbytery, either of its own accord, or in consequence of a Petition from the Kirk-Session, the Deacons' Court, or other parties connected with a Congregation. According to the Church order maintained at the period of what is called the Second Reformation, Presbyteries were required to hold such visitations once a year in all the parishes. (See Act, Assembly 1638, September 23, 24.) At the commencement of the 18th century, Presbyteries were recommended and enjoined to hold them frequently. (See Act XVI. Assembly 1706.) Shortly before the Disruption, they had been revived. A report as to the method of carrying them out was approved by the Assemblies in 1845 and 1846, and appended to the Acts of those Assemblies. Presbyteries were recommended to be guided in their procedure by that Report.

(1) The object of Presbyterial Visitation, when prosecuted at the instance of the Presbytery itself, in accordance with the law of the Church and the recommendation of Assemblies, is not of an inquisitorial character. Its purpose is to strengthen the hands of the Minister, Elders, and Deacons, and to give the benefit of special

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advice and counsel to the Congregation as well as to the office-bearers. It has, therefore, been recommended that, when this work is entered on, all the Congregations within the bounds should be visited according to some fixed rotation.

(2) In following out the suggestions of the Report approved of in 1845, the Presbytery furnishes the Kirk-Session and Deacons' Court beforehand with a list of the queries intended to be put, gives at least ten days' public notice to the Congregation, meets first of all in private with the Session and Deacons' Court, receives written answers to the questions transmitted, and enters into friendly conference with them, accompanied by devotional exercises. The Presbytery then adjourns to the Church, where the Congregation is convened. A suitable sermon is preached by the Moderator. After public worship, the written answers to queries and the judgments of the Presbytery are read to the people, and suitable exhortations are addressed to them.

(3) The topics of information to be sought by the Presbytery relate (1) to the Statistics of the Congregation, regarding the Office-bearers, the Members, the Adherents, the Buildings, and the Finances; and (2) to its spiritual condition, as shown by the attendance upon Ordinances, at Prayer-meetings, and at Sabbath-schools; or by the general state of religion in connection with the absence or prevalence of particular sins, or with the manifestation of Divine grace in turning sinners from darkness to light.

(4) Even when the course thus indicated is not literally followed in particulars, the substance of what it embodies may be profitably carried out. Much must be left to the discretion of Presbyteries. Inquiries as to the spiritual state of Congregations and the general state of religion in their localities have sometimes been profitably pursued by Presbyterial Conferences, to which Elders and Deacons have been invited, and by corresponding Sessional Conferences, to which Deacons have been invited, without any actual visitations by the Presbytery.

(5) Apart from any general system of Presbyterial Visitation, it is competent, and may sometimes be extremely desirable, for a Presbytery to appoint a Special Visitation for a particular Congregation, when circumstances calling for such visitation have been forced upon their notice. But this course can be justified only when the circumstances are clearly such as to call for Presbyterial interference.

4. It is the duty of the Presbytery to take into their consideration, at the first convenient opportunity, any case of Reference, Complaint, or Appeal, which has been duly transmitted to the Presbytery Clerk, with respect to the procedure of any Kirk-Session within the bounds. The order of procedure is as follows, viz.:-

(1) The Clerk of Presbytery reads the documents that have been transmitted in the case.

(2) Parties are then called, and the names of the persons who severally appear for each of the parties are minuted as so appearing. If any party having been duly cited do not appear when called, and no adequate cause for non-appearance be assigned, that party is held as having given up the cause, and unless the Presbytery find

References, Complaints, and Appeals.

Order of Procedure.

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reason otherwise for an opposite course, a decision may be given against that party in absence.

(3) After the names of parties have been minuted, and if the Presbytery be satisfied that the documents are sufficient to bring the case before the Court, and that all parties have been duly cited, the next step is to hear their representatives at the bar.

(4) In the case of a Reference, the Kirk-Session are a party only with respect to the preliminary question whether or not the case ought to have been referred; or, in other words, whether the Reference ought now to be sustained or dismissed by the Presbytery. All the parties are entitled to be heard upon this question. If there be any Appeal or Complaint against the Reference, the Appellants or Complainers are heard *as such*. There are some cases of Reference in which the question of sustaining the Reference or not must depend entirely on the question whether the Reference procedure of the Kirk-Session has been regular or not, and whether their Minute brings up the matter in a correct form or not. These are special cases of Discipline which the law absolutely requires to be referred by the Kirk-Session to the Presbytery. (See Chap. IV, Part II.) In all other cases the Presbytery is called upon to judge freely, after hearing parties, whether there appear to have been good reasons for the Inferior Court referring the case, rather than deciding it themselves. The Presbytery either *sustains* or *dismisses* the Reference. If it dismiss the Reference, it may also censure the Kirk-Session for having referred the case without good cause; if it sustain the Reference, then the Kirk-Session cease to be parties; their representatives leave the Bar; and the Moderator and the duty-commissioned Elder are entitled to vote as Members of Presbytery upon the case, when it is taken up upon the merits.

References from Kirk-Sessions.

(5) The Presbytery determines for itself as to the number of speakers whom it will hear for each party at the bar. Having often more time at its disposal than the Synod, it does not always feel itself obliged to maintain such rigid rules upon this subject as are laid down in the Standing Orders of the Synod. But whatever rule it may adopt must be an impartial one.

(6) The Presbytery usually hears one or two speakers for each party concerned, *beginning* in the cases of Appeal or Complaint with the Appellants or Complainers; or, in cases of Reference, at the preliminary stage, when there is no Appeal or Complaint against the Reference, with the party supporting the Reference, who is called upon to state it; or in such cases on the merits, when there is a question in dispute, with the party who originated that question in the Inferior Court; and *ending*, in each of these several instances, by hearing one speaker from the same party in reply. As a Reference brings up all parties, the state of parties, when the merits are taken up by the Presbytery, must be the same as it was before the Kirk-Session.

(7) When the interests and pleas of two parties are seen, on the face of the case as presented, to be in substance the same, the Presbytery is entitled to deal with them as one party, with respect to the hearing of speakers.

(8) After the hearing of parties, an opportunity is given to

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Members of Presbytery for putting questions to the parties at the bar.

(9) Parties are then removed.

(10) The Presbytery proceeds to deliberate and to pronounce its own judgment, either unanimously, or after a vote has been taken. (See Supplement to Chapter II, Part II.)

(11) The judgment may be expressed in such terms as the Presbytery thinks most suitable; but in every case of Appeal or Complaint, in which a judgment on the merits is pronounced by the Presbytery, the judgment must expressly sustain or dismiss the Appeal or Complaint, and must expressly reverse or affirm the judgment of the Kirk-Session, whatever additional words or sentences the Presbyterial Deliberance may contain.

(12) Parties are called in, and the judgment of the Presbytery is intimated to them.

(13) If a party at the bar, after hearing the intimation, acquiesce in the judgment, it is usual for him to intimate his acquiescence, and to have it minuted. If he does so in due form, he is entitled to extracts. (See Div. III. (6) and Supplement to Chapter II, Part II.) (For what may otherwise follow upon the judgment, or upon the intimation of it, see Division III.)

(14) The statements here made as to the hearing of the parties at the bar apply to the hearing of parties in cases of translation, *mutatis mutandis*. (See Division I. p. 41.) They apply also to the hearing of parties in Petitions.

DIVISION III—Department of Special Relations to the Superior Courts

1. A Presbytery cannot make any change upon its name, the particular charges and localities under its jurisdiction, the constitution of its membership, or its chief place of meeting, which is called the Presbytery Seat. To obtain a change in any of these arrangements, it must present a special Petition to the Synod. With a view to holding any meeting during the sittings of the Synod, a Presbytery must petition the Synod for leave to do so.

2. Any part of a Presbytery's procedure is liable to review by the Superior Court.

(1) The Presbytery is responsible to the Synod for the correctness and accuracy of a permanent Record in which their Clerk is required to copy out their Minutes. And it is competent for the Synod, in their annual examination of the Presbytery Records, to take notice of any irregularity or error, not only in the language or form, but also in the substance of the Minutes, and to exercise their powers of review thereon. It is thus the duty of a Presbytery to watch carefully the condition of its own permanent Record, not only must the facts as to the constitution and regular closing of each meeting be exactly stated, as well as the approval of each preceding Minute, but the names of all the members present must be recorded, and a statement must appear as to whether the chair was taken by the Moderator, or by any other person as Interim Moderator. There must be no blottings or interlinings in the Record. If anything be deleted, it must be marked in the margin; and any word or words omitted must be written on the margin,

Petition as to Change of Name, etc.  
Responsibility to Synod as to Record.

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and attested there by the initials both of the Moderator and Clerk. Every Minute ought to be signed in the Record both by the Moderator and Clerk. Even when a Scroll Minute has been signed by a person acting as Clerk *ad interim*, the same Minute in the Permanent Record ought to have the signature attached to it of the permanent Clerk, in addition to that of the Clerk *ad interim*. In circumstances which, arising through a meeting being held at a very great distance from the Presbytery seat, make it difficult for a Clerk *ad interim* to have access to the Permanent Record, his signature in that Record may be exceptionally dispensed with, provided it be attached to the Scroll Minute, and provided the permanent Clerk, while signing in the Permanent Record, preserve at the same time the Scroll Minute *in rerolis*. No erasure of the Minutes can be made without the authority of the Synod. A Presbytery cannot reverse or rescind any of its decisions; but, in order to obtain any alteration, it must petition the Synod.

(2) When any judgment or resolution has been come to by a Presbytery, any member of the Court who is present and has objected to that judgment or resolution, may enter his dissent from it, provided he does so immediately after the decision has been announced, and before other business has been taken up. If the dissent be accompanied by reasons, they are recorded in the Minute along with the dissent. But if reasons are given in at a subsequent stage or meeting, they are not recorded, but are simply kept *in rerolis*; or, in other words, they are preserved by the Clerk among the Presbyterial documents. Other Members of Presbytery, who, being present, have joined in the objection to the decision, may adhere to the dissent at any subsequent stage or meeting. The effect of such a dissent, whether with or without reasons, is to save the member or members dissenting from all responsibility for what has been done, whether in the light of his or their own conscientious sense of duty to God, or in any view which may afterwards be taken of the matter by the Synod. For,

(3) Any member of Presbytery, when dissatisfied with a decision, may immediately after its announcement dissent, and protest for leave to complain against it to the Synod. In other respects, the same rules apply on the subject of dissents and complaints which have been already stated in reference to Kirk-Sessions (See Chapter I. Part II. Section 18); the Presbytery Clerk occupying the place in relation to them which belongs to the Session Clerk, and the Synod occupying that which belongs to the Presbytery Clerk in relation to dissents and complaints against judgments of a Kirk-Session.

(4) Appeals are competent against Presbyterial judgments, and are taken and carried out in the same way and according to the same rules which have been described in relation to appeals against judgments of Kirk-Sessions, the same substitution being made of the Presbytery Clerk for the Session Clerk, and the Synod Clerk for the Presbytery Clerk. (See Chapter I. Part II. Section 19.)

(5) A Presbytery may refer a matter for advice to the Synod. The rules in the case of Kirk-Sessions, with the substitution already mentioned, apply here also. (See Chapter I. Part II. Section 20, and also paragraphs (3) and (4) of Chapter II. Part II. Division III.)

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Section 2.) Presbyteries are positively required, before moderating in a call in any case of serious division in a congregation regarding the choice of a Pastor, to refer the matter to the Superior Courts for advice. (See Act IV. Assembly 1859, Section 7.) In cases of Libel against Ministers, two special grounds have been allowed by Acts of Free Church General Assembly, upon which it is held competent for Presbyteries to refer such cases at a particular stage to the Superior Courts. (See Acts IX. and X. Assembly 1854,<sup>2</sup> and also Chapter IV. Part III.)

(6) Complainers and Appellants are entitled to such extracts from the Minutes of Presbytery as they require to enable them to bring their Complaints or Appeals before the Superior Court. The same rules apply as in the case of extracts from the Minutes of Kirk-Sessions by parties complaining or appealing. (See Chap. I Part II. Section 24.)

(7) If a Presbytery refuse to receive or record any Complaint or Appeal, it is open to the party to petition the Synod with reference to such refusal.

(8) One Presbytery cannot interfere with or review the procedure of another Presbytery. As in the case of Kirk-Sessions (see Chapter I. Part II. Section 26), the only regular mode of redress for encroachment by one Presbytery on the province of another, is for the Presbytery which feels that its jurisdiction has been interfered with to petition the Synod.

3. It is competent for a Presbytery to petition the Synod with relation to any subject within the competency of the Court to whom the Petition is addressed, if the subject be not one which can come up to that Court by Reference, Complaint, Appeal, or Overture.

4. Any Minister or Probationer belonging to any other Denomination, who desires to be admitted as a Minister or Probationer of the Free Presbyterian Church, must apply, in the first instance, to the Presbytery within whose bounds he has taken up his residence. But the Presbytery has no power to admit him, but must fill up answers to certain questions regarding the Applicant, and transmit these answers to the Synod, along with any remarks or recommendations which it may seem fit to add. (See Act VIII. Assembly 1850.)

5. When a Presbytery has come to the conclusion that a Congregation ought to be allowed to call a Colleague and Successor to their Pastor, the Presbytery is required to draw up a Minute of recommendation and application to the Synod to that effect, or, at least, to prepare Extracts from its Minutes, which, while exhibiting its whole procedure in the case, may embrace such a recommendation and application. The Minute or Minutes ought to embody, as briefly as may be consistent with clearness, the essential points involved in the Minutes of the Kirk-Session, the Deacons' Court, or the Congregation. And with a view to bringing the application before the next Synod, the Presbyterial Minute or Minutes, with all other essential documents, including all those under view of the Presbytery, must be transmitted to the Clerk of Synod on or before the last Tuesday of April. It is the duty of the Presbytery to instruct its Clerk to this effect.

Petition against refusal to record Complaint or Appeal.

No interference with another Presbytery.

Petitions to Synod or Assembly.

Application of Ministers of other Denominations.

Procedure as to Colleague and Successor.

<sup>1</sup> App. II. 4.

<sup>2</sup> App. IX.

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4 for  
systems.

6. The rules as to a Presbytery's procedure with relation to the appointment of a Colleague and Successor apply also to any case in which pecuniary aid is sought to enable a Congregation to provide a Minister with an Assistant. In particular, the preparation and transmission of an Application to the Synod are required in the same way as in the other case. (See Chapter II. Part II. Division I. Sect. 35.)

actioning of  
larges.

7. The Minute of Presbytery recording its opinion in favour of an application for the sanctioning of a new Pastoral Charge within its bounds, must take the form of a Recommendation, and must be transmitted to the Clerk of Synod on or before the last Tuesday of April, as in the case of an application for a Colleague and Successor. It must embrace a full statement of the case, as presented by documents before the Presbytery, and as known to the Members through Presbyterial Superintendence or personal experience. The documents upon which the statement and opinion are founded must also be transmitted at the same time.

8. It is the duty of Presbyteries to observe carefully all those instructions of the Synod which are consistent with the constitution of the Church, respecting the various collections and operations appointed or instituted by the Synod, and carried out by means of its Committees or otherwise, for the furtherance of the Gospel at home and abroad, or for the welfare of the Church. With the view of adequately performing this duty, each Presbytery ought to give a respectful and earnest consideration to every recommendation or intimation made to it by any one of the Synod's Committees.

returns to  
nod.

9. It is competent for any Presbytery to transmit what is called an Overture to the Synod, with the view of inducing the Superior Court to adopt any measure within its legislative or executive functions. Such an Overture may embody a proposal, either to declare what the law of the Church is, or to enjoin the observance of existing laws or to alter or supersede an existing law, or to enact a new law, or to take any measures consistent with the Word of God, and with what is believed to be the scriptural constitution of the Church. All Overtures from Presbyteries must be sent to the Clerk of Synod at least seven days before the meeting of Synod. The right form for a Presbyterial Overture will be found in the Appendix, No. X. 1.

10. By the Barrier Act passed in 1697, the rule has been fixed, that no Acts can be passed by the Assembly of the Church of Scotland, so as to be binding rules and constitutions for the Church, until they have first been passed by the Assembly simply as Overtures, and transmitted in that form to the several Presbyteries for their opinions, and until the consent of a majority of Presbyteries has been obtained.

Previously to the consideration of any such Overture in a Presbytery, a particular day is fixed for the purpose, either by some member giving notice of motion thereat, or by an agreement that the subject shall be taken up at next ordinary meeting, or on some day specially named. If it be thought desirable, a Committee may in the first instance be appointed to consider the Overture, and to report. In declaring their opinion of an Overture transmitted by the Synod, a Presbytery must either expressly approve

approval, etc.  
Overtures  
transmitted  
y Assembly  
According to  
Barrier Act.

suggestions  
pointed by  
assembly.

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of it or reject it. A qualified approval, or a proposed amendment of it, is held equivalent to its rejection. If a Presbytery wish to suggest any important amendment, the best course is to do so by a new Overture to the Synod. Presbyterial returns to Overtures consist of certified extracts from the Minutes of Presbytery. A separate leaf of paper must be used for the return on each separate Overture, and all such returns must be made and transmitted to the Clerk of Synod at least a week before the meeting of the Synod.

Particular  
questions sub-  
mitted by  
Assembly.

11. Particular questions to which the rule of the Barrier Act does not strictly apply, may be submitted by the Synod to the several Presbyteries. This course is taken when it appears expedient that the opinions of the Presbyteries should be communicated to the Synod, or to any one of its Committees, with a view to assisting their counsels or guiding them in their procedure. A respectful attention is due by Presbyteries to the questions thus submitted to them.

Leave of Synod  
as to Students'  
Trials.

12. Before proceeding to the Trials of a Student for License, a Presbytery is required to give notice, in a specified manner, to the other Presbyteries. The leave of the Synod is an essential preliminary to the Presbytery's procedure with the trials. (See Act XI. Assembly 1860.)

Submission of  
Record of Synod

13. Presbytery Records are liable to be called up by the Synod for revision and attestation, according to the law of the Church. They are generally required to be submitted to the Synod once a year. (See Act IX. Assembly 1700.)

Supp.

*Supplement to Chapter II. Part II., containing particulars common to the Three Divisions*

1. The business at any ordinary Meeting of Presbytery is usually arranged as follows:—  
(1) Matters referred to in the Minutes of the last Ordinary Meeting as remaining to be disposed of are first of all taken up in the order of that Minute.

Order of  
Business.

(2) Any new case, in which parties are prepared to appear at the bar, is taken up at as early a stage of the procedure as the nature of the other business will allow, unless it be intimated that those parties are willing that it should be postponed. This course is followed simply on the ground of courtesy towards persons who may have been put to inconvenience in order to attend the Meeting, and may not wish to be detained.

(3) Periodical Reports of Committees on any subjects, which require to be regularly and statically attended to, are usually disposed of next in order to the matters suggested by the Minute, and the cases of immediate urgency, in which parties at the bar are concerned.

(4) The consideration of Overtures is allowed to take precedence of any business not included under the foregoing heads.

(5) If there be more than one piece of business appointed for a *pro re nata* or *in hunc effectum* Meeting, that first mentioned in the Circular calling, or in the Minute appointing the Meeting, comes naturally to be first disposed of.

(6) A Presbytery may break through the order here indicated as customary, and may arrange its business in any manner that

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seems suitable in its own view, provided it take care to provide that no duty shall be neglected by it, which is required by the constitution of the Church and the rules of the Church.

(7) It is the duty of the Clerk of Presbytery to bring forward the several matters of business in the order which he thinks the best and most approved. He may thus save much time, although the Presbytery may, in particular instances, overrule his judgment. It is a useful practice for him to put into the hands of the Moderator, at the outset, a list of the matters to be taken up, in the proposed order. For, strictly speaking, it is the part of the Moderator to intimate, at each stage of procedure, what ought next to be considered. But practically the Clerk, from his more minute knowledge of particulars regarding the business, is permitted to act as the Moderator's Assessor or Deputy in this department of duty.

Judgment of  
Meeting.

(8) When a matter of business has been disposed of, especially if it be of serious consequence, the Minute thereon ought to be exactly adjusted, and read before passing to the next business.

Motions and  
voting.

2. With a view to a Presbytery coming to a decision upon any question, a Member of Presbytery must make a Motion on the subject.

(1) When parties have been heard at the bar on any matter before a Presbytery, the Judgment must proceed, in part at least, upon the view taken by those who concur in it, of the statements made by these parties. Consequently there can be no previous Notice of Motion in such cases. But in matters which do not involve the hearing of parties, and especially in matters of legislation, the usual courtesy is to give notice at a previous Meeting of any Motion which is intended to be brought forward.

(2) Any Motion submitted to the Presbytery should be committed to writing and given in to the Clerk. If, after the Mover has addressed the Presbytery, the Motion be not seconded, it falls to the ground, without discussion. When it is duly seconded, it is open either for unanimous adoption, or for discussion. No alteration can be made upon it without the leave of the Presbytery, except in the shape of an Amendment, or Second or Third Motion, proposed and seconded by other Members who object to the First Motion as it stands. A Motion made, seconded, and recorded, cannot be withdrawn without the leave of the Presbytery.

(3) In the discussion on Motions, a Member can speak only once, unless he ask leave to explain something in what he has said which seems to be misunderstood. Leave is always granted to this effect, provided he confines himself strictly to explanation. An exception to the rule is allowed in favour of the Member who introduces the First Motion, who has a right to reply. But he is not permitted to introduce any new matter into his reply. After the reply, the discussion is held to be closed, and the Vote is taken.

(4) In the course of a discussion, any Member has a right to call another to order, and, when this is done, the person speaking should stop till the question of order is determined. Any Member (whether he has already spoken or not) can take part in the discussion of the point of order. It is convenient that the point of order be referred, in the first instance, to the Moderator, who may at once announce such an opinion thereon as may manifestly,

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Voting.

without any vote, command the general concurrence. But, if there be much division of opinion, the point must be determined by a vote.

3. In voting, a Presbytery usually follows the substance of the rules exhibited in the Standing Orders of the Synod, except that the result of any vote is ascertained simply by calling the Roll, and the Members present, each saying when called, First Motion, or Second Motion, or Amendment, or naming the Motion the votes for in the way agreed upon.

(1) When there are only Two Motions before a Presbytery on any subject, the state of the vote is *Motion* or *Amendment*, or *First* or *Second* Motion. The Roll is called by the Clerk or some one assisting him, and the votes are marked for the one Motion or the other. The one preferred by a Majority is announced and intimated as the Decision of the Presbytery.

(2) When there are Three Motions, the usual practice is to follow the rule of the Synod Standing Orders, and to put the Two *Amendments* or the *Second* and *Third* Motions against each other in the first instance. The one of these which is carried by a Majority is then put against the Original Motion, and the one which is carried, on this Second Vote, is announced and intimated as the Decision of the Presbytery.

(3) It is the duty of the Clerk to mark the votes, taking assistance from one of the Members.

(4) On the same principle, any number of Motions or Amendments may be disposed of by putting the last in the first instance, against the second last, and so determining which is to be put against the next in the reverse order. The question may thus always be reduced to a vote between the Original Motion and that Amendment or Motion, whether it be Second, Third, or Fourth, or Fifth, which has been preferred through successive votes, as the one to be placed in immediate competition with the Original Motion.

(5) During the taking of a vote, the doors ought to be closed, so as to avoid all confusion by Members going out or coming in.

4. The usual and approved means of communicating decisions of Presbytery to those whom they concern is by Extracts.

(1) Parties in cases before Presbyteries are entitled to Extracts from the Record, containing those parts of the Minutes in which they are concerned. Those parties who acquiesce in a Judgment are equally entitled, with those who appeal against it, to crave Extracts and take Instruments in the Clerk's hands. (See Chapter I. Part II. Section 24.)

(2) Members of Court are entitled to Extracts, when they desire to have them, whether they dissent and protest for leave to complain or not.

(3) Any person, who can show any reasonable ground for the request, may ask and obtain Extracts.

(4) The Clerk is not at liberty to give Extracts to any Member of Court, or to any other party, without the express leave of the Presbytery.

(5) The Presbytery cannot refuse Extracts to any one who requires them, to enable him to bring his case before the Superior Courts.



(6) The Presbytery is entitled to appoint fees to be paid to the Clerk for giving Extracts.

(7) There ought to be an agreement with the Clerk, in fixing his emoluments, as to the extent to which he is expected to give Extracts without fee.

(8) It is not usual to require any fees for Extracts, when they are manifestly requisite to enable those who ask for them to bring their Appeals or Complaints before the Superior Courts, or to enable those who acquiesce in decisions to have the means of showing that these decisions have been in their favour.

(9) Fees may be reasonably required when Extracts are given without any manifest necessity. But this point must be determined by each Presbytery for itself.

5. The mode of raising funds for necessary expenses may vary in different Presbyteries. Fees of greater or less amount may be charged to each Congregation within the bounds of the settlement of its Minister. Other charges may be instituted of a similar kind. And an annual allocation of the whole, or a portion of what is required, may be made to each Congregation. The Presbytery usually finds it advisable to arrange with its Clerk how this matter is to be adjusted, when it fixes the terms of his appointment, and the amount of his own and his Officer's salary.

### CHAPTER III

#### THE SYNOD—ITS CONSTITUTION, POWERS, AND FUNCTIONS

##### PART I—*The Constitution and Officials of the Synod*

The Constitution of a Synod in the Free Presbyterian Church of Scotland is founded on the same scriptural principles of unity, good order, and manifest expediency, which lead to the Constitution of a Presbytery as a representative body. The extension of the Church beyond the limits which admit of all the Congregations being under one Presbyterial government, or of all the Pastors meeting frequently together, renders a subdivision into two or more Presbyteries essential for the administration of Christ's laws in an effective manner. But the unity and harmonious action of the Church could not be preserved if there were not occasional meetings of a Court comprehending or representing all the Presbyteries produced by the subdivision. Even when it is inconvenient for all the Pastors of a widely extended territory to meet frequently together, it may not be inconvenient for them to meet at the interval of a year, or of six months. It has consequently been held in good accordance with the scriptural foundations of the Presbyterian system, that all the Pastors of such a territory, and all the Ruling Elders, with Commissions from Kirk-Sessions to sit in the respective Presbyteries, should form a Superior Court, for purposes of review and superintendence, and should meet as such either annually or once in six months. This Court has generally received the name of a Synod. It may be the Supreme Court of a Church, when the number and position of Presbyteries do not call for a subdivision into more than one Synod and for a higher representative Court, to which the Synods shall be subordinate and this is the present position of the Free Presbyterian Church of Scotland. On the other hand if a higher representative Court is required it is called the General Assembly and the functions of the Supreme Court, whether it be Synod or General Assembly are substantially the same. When there is more than one Synod the proper designation of any one of them is the Provincial Synod of whatever territory it comprises.

In the application of these general principles and arrangements to the Constitution and Officials of the Synod, the following rules of practice have arisen:—  
1. The Synod consists (1) of all the Pastors of congregations within the Church, Colleagues and Successors being included; except that