

CHAP. II.  
PART II.  
SUPP.  
es.

(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.

codes of raising  
unds.

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 at 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 its 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.

CHAP. III.  
PART I.  
Principles of  
Constitution.

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

Membership.

CHAP. III.  
PART I.

in present circumstances Ministers who are members of a Foreign Mission Presbytery are not all members of Synod but the Foreign Mission Presbytery has a right to appoint representatives to the Synod annually. (2) of such Ordained Ministers not having charges, as have been declared members of a Presbytery, by authority of the Synod; and (3) of the same representative Elder from each Kirk-Session, who represents it in the Presbytery to which it belongs except that the same rule applies to Elders belonging to a Foreign Mission Presbytery as applies in the case of Ministers.

2. The same Commission from a Kirk-Session which constitutes a Ruling Elder a member of Presbytery, constitutes him also a member of Synod during the year which is terminated at the close of the first ordinary meeting of Synod after his election. He cannot be allowed to take his seat in the Synod, unless either his Commission be produced, as in the case of the Presbytery, or his name appear in the Roll of his Presbytery, as certified to the Synod by the Clerk of Presbytery. The form of Commission must, of course, bear that he is elected to represent the Session in the Synod as well as in the Presbytery. (See Appendix No. X. 1.)

3. An Ordinary Meeting of Synod may thus be described as one which takes place in accordance with a resolution of the Synod itself, fixing its place and time, but without restriction of any particular business.

4. It is not usual for the Synod to appoint any meeting *in hunc effectum*. But if the nature of any business before it at an Ordinary Meeting require a postponement, it is competent for it to adjourn, to meet again on a day more or less distant.

5. A *pro re nata* meeting of Synod may be called by the Moderator, either of his own motion, or on a requisition addressed to him by some of the members, three of whom at least should be Ministers. In former times such a meeting was seldom called, except when the Synod, at the previous ordinary meeting, had foreseen the probable expediency of calling it, and had specially authorized the Moderator to do so. But the Act 1647 asserts the right of the Synod to assemble *pro re nata* as well as at ordinary times. The grounds that will justify the Moderator in calling a *pro re nata* meeting when he has no special instructions to that effect, are the unexpected intervention of matters which seem to demand the Synod's attention, as affecting those interests over which it is called to watch. The meeting may be convened by advertisement in the newspapers. The particular business to be transacted must be specified, and no other business can be taken up. The conduct of the Moderator in calling the meeting must be considered and approved or disapproved of at the outset, before the Synod proceeds to deal with the subject for which it has been summoned. If the Moderator decline to call a *pro re nata* meeting, after receiving a requisition to do so, the whole circumstances of the case may be brought before the Synod at the next ordinary meeting.

6. Three Members of Synod form a Quorum, provided two of the Members have the Status of Ordained Ministers although, of course, its business is never conducted with so small a number.

7. It may be assumed that the principle involved in the Finding of Act II. Assembly 1865, on the subject of the validity attaching

to a Meeting of Presbytery when two Ministers and one or more Ruling Elders, duly elected and producing valid Commissions, have convened together, applies equally to the case of the Synod. Upon this assumption, it may be stated that a Meeting of Synod may be duly constituted in such circumstances, and that the Form contained in Act VII. Assembly 1866, may be adopted *mutatis mutandis*. (See Chap. II. Part I. Sect. 12.)

8. It seems to follow that Commissions to Ruling Elders may be received at any Meeting of Synod, whether it be Ordinary or Adjourned, or *pro re nata*. (See Chap. II. Part I. Sect. 16.)

9. Each Ordinary Meeting of Synod is opened by the Moderator elected at the last Ordinary Meeting, who preaches a Sermon in one of the places of worship belonging to the Free Presbyterian Church in the locality. At the close of public worship he, if the meeting of Synod is to be held elsewhere, intimates this, mentioning at the same time in what room or building the Meeting will be held.

10. A quorum of Members being assembled, the Moderator constitutes the Meeting with prayer.

11. The first act of the Synod, at an Ordinary Meeting, is to adjust its Roll, or, in other words, to determine who are its Members. The Presbyteries are called in a certain order. When a Presbytery is thus called, a certified Roll of its existing membership is produced, and its Moderator or Clerk makes any additional intimation that may be necessary as to changes that have taken place on the Rolls of their clerical members since the last Meeting of Synod. Commissions to any Ruling Elders, whose names may not be in the certified Roll of a Presbytery, are then read, and if these be found valid, and are sustained, the names of the Ruling Elders referred to in them are added to the Roll. No Ruling Elder, whose name is not in the certified Roll of a Presbytery, can act as a Member of Synod, unless he produce a Commission appointing him to represent his Kirk-Session in the Synod as well as in the Presbytery, and unless that Commission be in due form, and bear that he is *bona fide* an acting Elder in the Congregation.

12. After the Roll has been made up, the Synod proceeds to elect a new Moderator. They may appoint any Ordained Minister who is a Member of Synod to fill the office. Consultations are commonly held beforehand in order that the person to be elected may have the opportunity of preparing himself for his duties. When once elected, he remains in office till he has performed the duty of opening the next Ordinary Meeting, and till his successor has been chosen. It is his duty to preside at the diets of Synod, besides taking the lead in devotional exercises at the opening of each diet. In other respects his functions correspond to those exercised by a Moderator of Presbytery.

13. The Synod appoints one or more Clerks. The Clerk is usually a Member of Synod. He may be specially appointed *ad vitam aut culpam*; or he may be simply employed to act as Clerk during the pleasure of the Synod. On his appointment he solemnly promises to discharge the duties of the office with fidelity. It is his duty to write regular Minutes of the Synod's procedure, to engross the same in a permanent Record, after they have been approved of by the Synod as correct; to give such Extracts to parties as the Synod have allowed,

CHAP. III.  
PART I.

Validity of Meeting when Elders have been duly elected.

Commissions to Elders receivable at any Meeting.

Opening of Synod.

Adjustment of Roll, etc.

Election of Moderator.

Clerk or Clerks.

Ordinary Meeting.

Adjourned Meeting.

Pro re nata Meetings.

Quorum.

and to take charge of all the Synod's papers, books, and documents. In the absence of the Clerk, some one is appointed by the Synod 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 regular Clerks of Synod have a Salary drawn from the Church Organisation Fund and from any fees which may be paid for Extracts. These fees are regulated by the Synod for itself. The Clerks of the Synod have the same kind of functions and responsibilities which the Clerks of other Church Courts have. But the peculiarity of the Court, as the Supreme Court of the Church, occasions practically no small amount of peculiarity in their duties. The particulars which create this peculiarity are not defined by any written law or rules, nor can they be easily stated. They are determined by the strong pressure of necessity and convenience, in the preparation, the conducting, and the carrying out of the Synod's business. It is usual for one of the Clerks to take the whole charge of expediting the several parts of the arranged business in its order, of minuting the whole proceedings and of publicly announcing the determinations. The other Clerk is called upon to watch the procedure so as to be ready for the reading of necessary documents, for the calling of parties to the bar and for giving due attention to anything needful which, under the pressure of business, might otherwise be overlooked. The duties of the two Clerks may be mutually interchanged according to their pleasure. In the Inferior Church Courts it is a good rule to make sure, as far as possible, that the Minute respecting any subject is matured and written out before the Court pass from that subject to another, but this rule cannot possibly be observed in the Synod. The business is often so multifarious and varied, even while it is easily and rapidly disposed of, that the Clerk cannot, at the time, do more than take such a note as will enable him to write out the Minute afterwards. Great responsibility is thus made to rest upon the Clerk.

14. Every diet of a Synod's sittings is both opened and closed with prayer. The Minute must always bear, at the outset, that the Synod was constituted, which expression implies that it was constituted with prayer, and that a sufficient Sederunt 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 Extracts from the Minutes can be received which does not bear that the Synod was constituted, and which is not certified by the Synod Clerk as having been extracted by him from the Records of the Synod.

15. After the Roll has been adjusted and the Moderator has been elected, the old course of procedure required that the Standing Orders should be read over. These Standing Orders are rules adopted by the Synod for regulating its own procedure and such procedure of its Committees, its Clerks, its Officers, and the Inferior Courts as is dependent or essentially connected with its own procedure. But as these Standing Orders are now printed it is usual to supersede the reading of them, and simply to intimate and minute that they are held as read. They are given in the Appendix as they exist at the present date, and a copy of them ought to be in the hands of every Minister and of every Kirk-Session and Deacons' Court.

16. After the Standing Orders have been held as read, it has been customary to fill up any vacancy which may exist in any office of importance to the conduct of the business, such as that of Clerks of Synod or the Officer of the Court.

17. Then or after the Synod has been constituted at its second diet, either the Minutes of the last Meeting of Synod, or the topics of them, are read over, to remind or inform the members of what was transacted. But, having been before approved of and revised, they are not submitted for the judgment of the Synod. The Minutes of each diet are read over and approved of, or corrected, at the commencement of the next diet, excepting those of the last diet, which are read over and approved of, or corrected, at the close of that diet. A Committee may be appointed to revise the whole Minutes of the Meeting in its several diets before they are written out *in mundo*. The Synod usually agrees to hold over their approval of all the minutes of its ordinary meeting till the following ordinary meeting, but if it does not do so, the foregoing rules would apply.

The Minutes of any *pro re nata* Meeting of Synod must be read over and approved of or corrected at the first diet of the first ordinary meeting thereafter. After the minutes of any Meeting have been approved of by the Synod, they cannot afterwards be altered. The approval or correction of the Minutes does not imply any power to alter the *res gestæ* of the Meeting. The only question is the correctness of the Minute as a true account of what was done. The Minutes of each meeting of Synod in the several diets, after they have been approved of and engrossed in the permanent Record, must be signed by the Moderator and Clerk. Any person who has acted either as Moderator or Clerk during a portion of a Sederunt, ought to sign the Minute of that Sederunt, as Moderator or Clerk *pro tempore*, in addition to the signature of the other person occupying either office.

18. The Synod is an open court; but it may, like the Presbytery, close its doors when edification seems to require that course. (See Chap. II. Part I. Sect. 23).

19. The Synod appoints an Officer, who is in attendance at its meetings and executes its orders. At his appointment he promises to perform the duties of his office with fidelity. He has a salary from the Organisation Fund, and regulated by the Synod.

20. The Officer of Court is instructed from time to time in his duties by the Moderator or the Clerks, or by any Committee of Synod authorised to that effect, or by the Synod itself in open Court.

21. The Synod appoints a member of the Scottish Bar as Legal Adviser to the Church and a Writer to Her Majesty's Signet as Agent for the Church; both being Ruling Elders of the Church, if possible.

#### PART II—Powers and Functions of the Synod

The Scriptural principle, in accordance with which the Synod has any power or discharges any functions is precisely the same with that whereby a Kirk-Session exists and performs the part already set forth in this Manual. Like the Kirk-Session, the Synod exercises rule ministerially under Christ, according to His Word, and in

Approval of  
Minutes of each  
Diet.Committee to  
revise Minutes.Openness of  
Court.

Synod Officer.

Opening and  
closing of each  
Diet.Minutes of last  
Meeting read  
over.

CHAP. III.  
PART II.

prayerful consultation. It exercises this rule in spiritual matters over all the Congregations, all the Kirk-Sessions, and all the Presbyteries of the Church. It is called upon to promote by its deliberations the religious interests of the people throughout the bounds of its Communion. Anything affecting these interests may require to be considered by it, and authoritatively judged of, when brought in due order before it. Its decisions are without appeal or complaint to any human tribunal. But it must be borne in mind—(1) That the Free Presbyterian Church does not claim this power of final judgment for her Synod except in *spiritual* things, and that by the term *spiritual* she refers exclusively to what concerns the proclamation of Christ's Word, the dispensation of His ordinances, and the fulfilment of His commands relative thereto, and not at all to any kind of command over temporal resources; (2) that the Free Presbyterian Church maintains most emphatically that no authority in the hands of fallible men, such as the authority of the Synod has any absolute rule over the consciences of believers, and that every one of her members may appeal to the Great Head of the Church against any such merely ministerial authority; and (3) that what is in some respects the supreme power of the Synod, is very much restrained by more than one arrangement that has been devised for the purpose of keeping in continual view the nature of its origin and position as a representative body.

From the position thus occupied by the Synod, the following rules of practice have arisen:—

1. At each ordinary or fixed meeting, there must be at least two diets or sessions to enable the Synod to ascertain its business in due order, by the appointment of a Committee or Committees, whose report or reports may be submitted, before any subject is taken up for judgment or discussion. The expediency, if not the absolute necessity, of two diets or sessions, appears also from the duty of examining the Records of Presbyteries, which can be accomplished only through the appointment of Committees and the receipt of their Reports.

2. Immediately after the Minutes, or the Heads of the Minutes, of last ordinary meeting have been read over, or taken as read, the subjects which they show to require renewed consideration at the existing meeting are taken up in succession.

3. At the first diet, either two Committees are appointed, one for Overtures and the other for Bills, or one Committee, which is called the Committee for Bills and Overtures.

4. The Records of Presbyteries are then called for. If any one of them be not laid on the table, the Clerk of the Presbytery, if present, is asked to explain the reason. Any Member of Presbytery present may give the explanation. If it be not satisfactory, the Presbytery is liable to censure. A small Committee is appointed to examine each of the Records laid on the table, with an instruction to report at a subsequent diet.

5. Other Committees are appointed at this diet, if the Synod see cause, in order to expedite the business, with an instruction to report, either at the next diet, or at a future diet of the same ordinary meeting.

6. If any Reports have been received from Presbyteries as to

Two Diets at least.

Subjects taken up in succession.

Committees or Committee for Bills and Overtures.

Records called for.

Appointment of other Committees.

Reports as to Students.

CHAP. III.  
PART II.

their intention of taking Students upon probationary trials, the Convener of the Training of the Ministry Committee gives notice of these at this diet, mentioning the names of the Presbyteries and the Students, and laying the Extracts from the Minutes of Presbyteries, and the Certificates of the Students, upon the table. If the Clerk of any Presbytery have failed to forward a Student's Certificate, or the Presbytery's abstract of them, it is competent for the Student himself, or for any Member of Synod, to lay them on the table, provided this be done at some diet which is not the last. The cases of Students, when reported at the first diet, are considered at a subsequent diet.

7. Intimation is publicly made of the time at which the second diet will commence, before the adjournment taking place at the first diet.

8. (1) Between the close of the first diet and the commencement of the second diet, the Committee or Committees on Overtures and Bills meet for the purpose of dealing with Bills and Overtures and the whole Members of Synod as a Business Committee for the purpose of preparing the business of the Synod, in so far as it is not merely of a routine character. The Moderator and Clerk of the Synod are, *ex officio*, Moderator and Clerk of the Committee on Overtures. Where there is a separate Committee on Bills, that Committee elects its own Moderator and Clerk.

(2) An Overture is a proposal made to the Synod for an alteration in ecclesiastical rules and arrangements, or for some course of action in other matters competent to the Synod. Every Overture must be subscribed by one or more members prepared to support it, and must be presented to the Committee, with the view of its being transmitted by them to the Synod. The Committee are called upon to judge whether the Overture be in due form and competent, and to transmit it or not to the Synod, in accordance with their judgment. An appeal may be taken to the Synod against the judgment by any one of the parties concerned. And a dissent and complaint may be entered against it by any Member of Committee.

(3) Under the head of Bills are included all References from Presbyteries, all Appeals, and Dissents, and Complaints against their decisions, and all Petitions to the Synod. The papers in such cases must be accompanied by a Petition to the Committee to transmit them, signed by some party concerned, or by some one acting for a party concerned. The Committee must judge as to the formality and competency of all such papers, and must resolve to transmit them, or not to transmit them accordingly. Any of the parties may appeal to the Synod against this judgment. And any Member of Committee may enter a Dissent and Complaint.

(4) The Minutes of Committees on Bills and Overtures constitute their Reports, and in those Minutes they narrate their proceedings, give a list of all the papers brought before them, and thus bring those transmitted by them before the Synod.

9. At the second diet of Synod the first business transacted after the approval of the Minutes is the consideration of the cases of Students which have been transmitted from Presbyteries. If the certificates and extracts are found to be satisfactory, either at the second diet or at any subsequent diet, the Synod grants leave to the

Intimation of second Diet.

Meeting of Committee for Bills and Overtures.

Overtures.

Bills.

Reports on Overtures and Bills.

Cases of Students.

CHAP. III.  
PART II.  
Reports of  
Committees.

Rules of Dis-  
cussion, etc. etc.

Privy Censures,  
Trial of  
Presbyteries, etc.

several Presbyteries to take the Students on public probationary trials, and to license them if found qualified.

10. The Synod then calls for the Reports on Overtures and Bills which are given in and read, and any Appeals or Complaints against the judgments of the Committee or the Committees are disposed of. Thereafter the Synod, having now its whole business before it, proceeds to make such arrangements for the order of its business as seems most suitable. This order includes the fixing of the time for receiving the Report of certain Committees appointed by the Synod. The Committee or Committees on Overtures and Bills may meet again at the interval between any diet and the next diet, provided the special leave of the Synod be granted to that effect.

11. The rules for the discussion of Overtures to the Synod; for dealing with References from Presbyteries, Appeals, and Complaints against their judgments, and Petitions; for the putting of motions against one another; for the taking of the vote, are the same, *mutatis mutandis*, with those mentioned in Chapter II. Part II. with reference to the business of Presbyteries.

12. There ought to be, by the original and unaltered laws of the Church, a diet for Privy Censures at every stated meeting. This diet should be in private, and is sometimes made use of for receiving and discussing the Reports on the Books of Presbyteries. The recommendation of the Report on Presbyterial Visitations already adverted to (see Chap. II Part II. Div. II. Sect. 3), is that the diet for Privy Censures, or for the Trial of Presbyteries, as it used to be called, should be the second diet of the Synod's meeting, or, at least, that part of that diet should be occupied with this business. In the trial, the Synod should proceed to examine as many Presbyteries at each periodical meeting as it can conveniently overtake. The Presbytery examined ought to appear at the bar by at least its Moderator and Clerk, and as many other Members as convenience will allow. A brotherly inquiry ought then to take place into the procedure of the Presbytery, and the state of matters within its bounds. The subjects of inquiry suggested in the Report so far as applicable now are:—

The attendance of Members at meetings, the setting apart of any meeting or meetings for Prayer, the observance of Presbyterial exercises and the carrying out of Presbyterial Visitations, the reading of the resolutions of the last Synod, the consideration of Overtures transmitted by the Synod, the revisal and attestation of the Records of Kirk-Sessions, and of the Records and Accounts of Deacons' Courts, the attestation of Communion-Rolls, the residences of Ministers, the number of Elders and Deacons, their signing of the Formula, Vacancies within the bounds, Preaching-Stations within the bounds, lecturing and preaching, frequency of the dispensation of the Lord's Supper, Ministerial Visitation of Families, Collections, Reports from Kirk-Sessions on the state of Religion, the Sustentation Fund, observation of Fast and Thanksgiving Days, means taken for checking Profaneness and Error, and for preaching the Gospel where no congregation is formed, and meetings of the brethren for Prayer and Conference to strengthen one another's hands.

13. (1) No question which belongs to the jurisdiction of any one of the inferior Courts can be determined by the Synod until it has

first been dealt with, to some extent at least, in that inferior Court, and unless it has been duly brought up by Reference, Complaint, Appeal, or Petition. The Synod may, indeed, originate any question which might have been originated in a Presbytery or Kirk-Session. But, if it do so, the first step taken must be to remit it to that Presbytery or Kirk-Session, unless, on account of some extraordinary emergency, there be sufficient ground for assisting or specially instructing the Presbytery or Kirk-Session, or on account of the Presbytery or Kirk-Session being under discipline, for superseding it, and appointing either Assessors or a Special Commission to act in its room.

(2) It is undoubtedly in the power of the Synod, when it sees sufficient cause, to summon any Member or any Court of the Church to appear at its bar. It may also send precise orders to particular Presbyteries, and Kirk-Sessions, prescribing the exact course of their procedure in special cases, and giving instructions or prohibitions at its pleasure, provided it keep within the ecclesiastical laws and constitution. But the spirit of those laws and of that constitution evidently requires that such exercise of supreme authority be entered upon with great caution, and only when a clear necessity has arisen.

14. The Synod has the power of constituting new Presbyteries, and of dividing or altering old ones, and the Synod also determines at what places Presbyteries shall meet in ordinary circumstances, and without special reason to the contrary. Any such special reason ought to be carefully minuted.

15. The Synod receives, considers, and takes action upon Overtures from Presbyteries, or Members of the Synod. It sometimes, of its own accord, appoints a Committee to prepare and present an Overture.

(1) Overtures, not originating in the Synod itself, must be presented to the Committee on Overtures, and by them transmitted to the Synod, before they can be considered.

(2) Overtures may contain suggestions as to procedure which the Synod has entirely in its own power, such as the appointment of Committees, and the instructions to be given to them; representations to be made to Government or to other parties; deputations to be sent on Commissions for visiting parts of the Church; Pastoral Addresses; communications to be made to other churches; or special steps competent to the Synod to be taken with reference to any matter of interest. In considering Overtures of this kind, the Synod acts entirely by its own authority, and comes to such judgment or determination on the subject of them as it deems suitable. When an Overture has been taken up and read by one of the Clerks, it is usual to hear, in the first instance, some Member of Synod who has been concerned in introducing it, whether in a Presbytery or otherwise. But no one is called as a party, and all Members of Synod are equally entitled to vote upon the question raised.

(3) Overtures may suggest the enactment of some new law, or the alteration of an existing law. In that case, they must be dealt with on the principle of the Barrier Act, by which the legislative functions of the Synod are limited and regulated.

16. Although the Synod is invested with the power of regulating

First step when  
Synod originates  
what belongs to  
inferior Courts

Power of  
summoning any  
Member or Court  
of Church.

Power of Synod  
constituting  
Presbyteries,  
etc. etc.

Action upon  
Overtures.

Transmission of  
Overtures by  
Committee.

Procedure as to  
Ordinary Overtures.

Overtures for  
new Law, etc.

Barrier Act

CHAP. III.  
PART II.

the whole action of the Church in its Presbyteries and Kirk-Sessions, still it is not regarded as having any lordly or absolutely binding authority. It is expected to act ministerially under Christ, and to carry out such rules as appear to harmonize with His own instructions in His Word. Consistently with the principles of Presbyterian Government, all reasonable means ought to be taken for keeping the action of the Synod in accordance with the general mind of the Church, inasmuch as all the Ministers and Ruling Elders are entitled and called upon to judge for themselves as to the mind of the Great Head of the Church. Still it is held that, as Christ requires good order to be maintained in His Church, it is needful for the Synod to act legislatively as well as judicially. But a particular course of procedure has been devised for preventing any innovation being hastily introduced by a single Synod, and for securing due deliberation and harmony in the enactment of new laws, and in the alteration of old ones. An Act (commonly called the *Barrier Act*) was passed in 1697 (See Act ix. 1697) through which the course of procedure referred to has arisen.

action under it.

(1) When the Synod approves of a proposal for fresh legislation made in an Overture or Overtures transmitted to it through the Committee on Overtures, or prepared by another Committee, according to the Synod's instructions, it is not permitted to pass the proposal at once into a law that shall have permanent effect. It can only agree to transmit the same in the form of an Overture to the several Presbyteries of the Church for their opinion.

(2) Each Presbytery, in giving its opinion, must either approve of the Overture *simpliciter*, and without alteration, or it will be held as disapproving of it. (See Chapter II. Part II. Division III. Section 10.)

(3) The next Synod appoints a Committee for the purpose of classing the returns to the Overtures transmitted, and reporting to that Synod what the result appears to be.

(4) If it appear that a majority of the Presbyteries have not approved *simpliciter* of any Overture transmitted, the Synod may either pass from the subject or re-transmit the Overture either in the same form as before, or with alterations. But the Synod has no power to pass it into a permanent law.

(5) When it appears that a majority of Presbyteries have approved *simpliciter* of any Overture transmitted, the Synod, if it be of the same mind as the preceding Synod, may pass that Overture into a Standing Law of the Church. But it is a mistake to suppose that there is any obligation upon the Synod to do so, or that the matter is absolutely settled through the approval by a majority of Presbyteries. That approval is simply the necessary preliminary to make it competent for the Synod to pass such a law. But the new legislation is effected only by a resolution of the Synod passed through its own free and independent voice.

Interim Acts.

(6) If the object of an Overture transmitted to Presbyteries appear to any Synod as of urgent practical importance, it is competent for that Assembly, while transmitting the Overture to Presbyteries, to pass it, at the same time, into what is called an Interim Act. Such an Act has force only till the meeting of the next Synod.

CHAP. III.  
PART II.

Remit not under  
Barrier Act.  
Declaratory  
Resolutions.

(7) The General Assembly may remit any subject to Presbyteries for their opinion apart from the terms of the Barrier Act, when it is not proposed to found any legislative change or declaration upon the returns.

17. It is competent for the Synod to pass Declaratory Resolutions. These are Resolutions which declare what the Synod understands the law of the Church to be. Such a resolution may be passed, without transmission to Presbyteries in terms of the Barrier Act, when it is generally agreed that the declaration is in accordance with the old law. But if there be much difference of opinion on the subject, and if the point enforced be new, in any considerable measure, to the existing Ministers and Ruling Elders, it has been held that, before the passing of such a resolution, an Overture on the subject ought to be transmitted to Presbyteries, in terms of the Barrier Act.

Committees, two  
classes:

18. The Synod has inherently the same power of appointing Committees, which belongs to a Presbytery. There is a difference in the case of the Synod, arising from the circumstances in which it meets, and its peculiar functions. This difference appears in the appointment of two entirely different classes of Committees.

(1) Assembly's  
Business during  
Sittings.

(1) The first class consists of those which are intended exclusively for the purpose of expediting the business of the Synod during its sittings. In this class are included the Committees on Bills, Overtures, and Commissions; the Committee for arranging the business; the Committee for examining the Records of Presbyteries, and other Committees, the appointment of which springs out of the business, and whose final reports must be given in and considered before the close of the Synod's sittings.

(2) Prosecution  
of objects during  
year.

(2) The second class of Committees embraces all those which are appointed to carry out the operations undertaken by the Synod, and to prosecute the Synod's objects during the year that intervenes between the close of one Synod and the opening of another. This class of Committees admits of large subdivision, in consequence of the very great variety and extent of the operations and objects referred to. It includes the Church Interests Committee, Religion and Morals Committee, Finance Committee, Dominions and Overseas Committee, Jewish and Foreign Missions Committee, Training of the Ministry Committee, Sabbath Observance Committee, Church Magazine Committee, Publications Committee and several others. Some of the various Committees in this second class have acquired a permanent character, in consequence of the permanent importance of their objects. Others of them, being called into existence only by special and temporary circumstances, are speedily discontinued. Hence arises the division which has been made of them into Standing Committees and Special Committees, or otherwise.

Appointment of  
Collections.

19. The Synod has the power of appointing Collections to be made at the Church-doors of all the congregations, in support of the objects for which the second class of Committees are appointed.

Dissents.

20. After any judgment has been come to by the Synod, which has not been unanimous, a member who dissents from it has the same right of entering his dissent against it which he has in an inferior Court. This dissent, in order to be received, must be tendered immediately after the decision has been pronounced, and