

MANUAL
OF
PRACTICE AND PROCEDURE
IN THE
United Free Church of Scotland

GLASGOW
OFFICES OF THE UNITED FREE CHURCH
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GLOSSARY OF LATIN TERMS USED IN THE *MANUAL*

<i>apud acta</i>	in the course of business; while a meeting is in session
<i>bona fide</i>	in good faith; genuinely so described.
<i>cum nota</i>	with accompanying comment or remark.
<i>emeritus, emeriti</i>	retired; having resigned from a charge.
<i>ex officio (officiis)</i>	holding a position in virtue of his (their) office(s).
<i>fama</i>	a rumour or vague allegation affecting a person's character.
<i>in hunc effectum:</i>	(a meeting) specially appointed for the transaction of specified business (see page 32).
<i>in retentis</i>	<i>reserved.</i>
<i>inter alia</i>	<i>among</i> other matters.
<i>interim</i>	holding office till a regular appointment is made; (of legislation) valid pending decision on a permanent Act.
<i>nobile officium</i>	<i>the</i> power of the General Assembly, as Supreme Court to act in special circumstances beyond or even against its own rules or forms of procedure (see page 65).
<i>prima facie</i>	on first impression.
<i>pro re nata</i>	(a meeting) called between one ordinary meeting and another to deal with urgent business which has unexpectedly arisen (see page 32).
<i>pro tempore</i>	<i>for</i> a particular occasion.
<i>simpliciter</i>	<i>without</i> comment or remark.
<i>sine die</i>	<i>without</i> a fixed date; without specification of the end of the period.
<i>ultra vires</i>	beyond the powers lawfully permitted.

Note

To avoid being cumbersome the pronoun 'he' is used. All references to 'he' should be read to be inclusive of 'she.'

CHAPTER I.

THE KIRK SESSION.

SECTION I

Constitution and Officials.

1. The Kirk Session of a congregation (hereinafter designated the "Session") consists of its minister or ministers and ruling elders.

Admission to Office

2. The ruling elders are elected by the members of the congregation who are in full communion, and they are ordained and admitted by the Session: the minister is ordained and inducted by the Presbytery, and he is directly accountable to it for the discharge of all the duties of his office.

Tenure of Office

3. The elders are elected for life, and hold office till they cease to be a member of the congregation or their resignation is accepted, or they are deposed or otherwise removed from office. If an elder has absented himself from the meetings of the Session for a year without due cause, the Session may, after giving him notice for his interest, find that he has ceased to be one of its members. Elders are, as all other members of the congregation, under the jurisdiction of the Session.

Number of Elders

4. It belongs to the Session to determine the number of elders required by the circumstances of the congregation, and when it is expedient to call upon the congregation to elect additional elders. (See Sect. iv. page 9.)

Moderator

5. The, minister is the moderator of the Session. At the first meeting of Session after the date of his admission to office by the Presbytery a certified intimation of his admission forwarded by the Presbytery Clerk is read and entered in the minutes. If there are two ministers in a congregation they preside alternately, or as agreed between them, or as appointed by the Presbytery. The minister not presiding sits and-votes as an ordinary member unless it is otherwise authoritatively regulated.

Moderator pro tempore

6. In the absence of the moderator or a minister of the Church at a legally convened meeting of the Kirk Session, the Session shall elect a chairman for that meeting who shall be empowered to do all things which a minister as moderator of Session may do, including, the adjournment thereof.

Duties of Moderator.

7. The duties of the moderator are, to convene the meetings of Session; to preside thereat; to constitute and close each meeting with prayer; to see that the business is properly ordered and recorded; to take the vote and announce the decisions of the Session. Though responsible to the Presbytery and not to the Session, the moderator acts for the Session in administering censure and in carrying out its decisions in such matters as properly belong to the, pastoral office. The moderator has a casting vote, but no deliberative vote; he may, however, introduce any business to the Session and address it thereanent. In common with other members he has the right of dissent and complaint against any decision. (See Chap. VII.,

Sect. iv. page 95.) Where such dissent has been made the minister shall not be under obligation to act for the Session in administering censure or to carry out decisions against which he has entered his dissent. He is not responsible to the Session for the discharge of his ministerial functions; but if he seems to neglect these, or to encroach upon the functions of the Session, the Presbytery may be petitioned to intervene.

Clerk

8. The Session appoints a clerk, whose duty is to take regular minutes of the Session's procedure and engross the same in a permanent record, to take charge of all sessional documents, and to prepare and issue all extracts of minutes and papers authorised by the Session. In his absence from any meeting the Session appoints a clerk pro tempore, whose appointment must be recorded in the minute. Each minute, when approved, must be signed in the permanent record by the clerk, as "clerk" or "clerk pro tempore". Failing the appointment of a clerk, it devolves on the moderator to perform the duties, and he signs as "moderator and clerk".

Treasurer

9. If necessary, the Session appoints a treasurer to take charge of funds at its disposal.

Officer

10. The Session appoints an officer or beadle who waits upon its meetings and executes its orders. He must be a member of the congregation in full communion, or be one whom the Session is prepared to admit to membership. Suspension from membership carries with it suspension from office. The same person may also be in charge of the place of worship. (See Chap. II., Part I., Sect. i. 8, page 16, and Part II., Sect. III. 2, page 22.)

Provisional Session

11. In the case of preaching stations and new congregations the Presbytery appoints a suitable number of elders, with a moderator who must be a member of Presbytery, to act as a Session. When a congregation has been duly sanctioned as a full ministerial charge, it is the duty of such provisional Session to take steps for the election of a Session by the congregation. In the event of there not being, from any cause, a sufficient number of ruling elders in a duly sanctioned congregation available to, form a quorum, the Presbytery appoints one or more of its own number as assessors to act as members of the Session till a new election has taken place and a Session has been regularly constituted.

Assessors

12. Where a minister from overseas is inducted or appointed to a congregation the Presbytery of the bounds appoints an assessor to the Kirk Session for such a period as is necessary

SECTION II. Meetings and Procedure.

Quorum

1. Unless the Session is legally convened, no meeting of Session can be held. Three form a quorum.

Mode of Convening

2. The Session is legally convened under the authority of the moderator, or the order of a superior Court, either by public intimation from the pulpit, or by personal notice given to each member. Such notice is held sufficient if a reasonable time be allowed by it for the attendance of all the members. The moderator is bound to call a meeting when requested by any two members of the Session. No meeting of Session can be held, except in connection with the administration of the sacraments or for urgent business, at the time of an ordinary meeting of a superior Court without the leave of that Court.

Adjournment

3. The Session may, if it see cause, adjourn to complete unfinished business to a time which must be fixed when the adjournment is made. In that case, unless the adjournment is to a later hour of the same day, care should be taken that intimation is given to all the members either apud acta or in one or other of the prescribed ways of calling a meeting. When intimation has been thus given the Session may take up any business with which it is competent to deal.

Opening and Closing

4. Meetings of Session are opened and closed with prayer, and both facts must be minuted. No extract from the minutes can be regarded as sufficient which does not bear that the Session was constituted, and which is not certified by the Session-clerk as having been extracted by him from the records of the Session.

Minutes

5. Immediately after the Session has been constituted the minutes of the previous meeting (or meetings) should be read and the judgement of the Session, approving or correcting them, ought to be recorded. The approval or correction of the minutes does not imply any power to alter the acts or decisions of the meeting: the only question is the correctness of the minutes, as a true account of what was done.

If the minute of a former meeting has been engrossed in the permanent record, it should be signed, when approved, by the moderator and the clerk in presence Of the Court; if in the form of a draft minute it should, when approved, be initialed by the moderator and the clerk in presence of the Court, and afterwards engrossed in the permanent record, and signed by the moderator and the clerk.

If in engrossing a minute in the permanent record the clerk finds it necessary to correct any mistake made inadvertently, he shall make the correction on the margin, and attest it by his initials. If words have to be added, these are placed in the margin with a caret (^). If words have to be deleted, the pen is drawn through them, and the marginal entry states in words (not figures) the number deleted. When the minute is engrossed - before being approved, the rule as to corrections made by the Court is the same as that regarding such corrections made by the Presbytery on its minutes. (See Chap. IV., Sect. ii. 10, page 34.)

When from any cause a moderator or clerk cannot sign a minute which requires his signature, the Court shall appoint such minute to be signed by its authority; and the person appointed to sign such minute shall append to his signature the competent authority.

Sederunt/ Extracts

6. Besides recording the constituting and closing of the Session, and approval of the minutes of the previous meeting (or meetings), the minutes must record the names of all members present, and the several decisions come to, with any dissent or protest (For directions as to dissent and protest see Chap. VII., Sects. iv-and vi.) The record of the Session is in the custody of the clerk, and no one other than a member of the Court is entitled to see it. The Session is bound to furnish extracts from its minutes to parties in causes before it; but extracts cannot be given by the clerk without the leave of the Court.

Relations to other Sessions

7. No Session is entitled to interfere with, or review the action of, another Session. It may make friendly communication to another Session regarding any action of which it thinks it has cause to complain; but if not satisfied, it can proceed further only by referring the matter to its own Presbytery.

Meetings usually private

8. The meetings of Session are not usually open to the congregation. In many of the matters which come before the Session, it is necessary to proceed with great circumspection, especially in handling matters of discipline affecting the good name of members; and in dealing with such matters strict privacy ought to be observed. The Session may hold open meetings when it sees cause. It may also invite the presence of the deacons or managers for their advice and assistance; but in all such cases the Session must determine its action by the vote of its own members.

9. In any matter of procedure not provided for by these directions a discretionary power is left to Sessions, which may find guidance in the corresponding procedure applicable to superior Courts.

SECTION III. Powers and Functions.

1. The Session exercises rule ministerially under Christ in all matters affecting the spiritual well-being and order of the congregation.

Administration of Ordinances.**Conduct of Public Worship/ Administration of the Sacraments/ Collections**

2. It belongs to the Session in concurrence with the minister to regulate the hours and the forms or modes of public worship, while for the proper conduct thereof the minister is responsible to the Presbytery. The Session also appoints and provides for the administration of baptism and the observance of the Lord's Supper. In addition to the stated church services the Session may appoint such occasional or special services as it judges desirable. It is the duty of the minister to see that such appointments by the Session are suitably carried out. The Session may appoint collections for special religious or charitable objects other than those appointed by the General Assembly or other competent authority. The Session also regulates the time and mode of taking collections in connection with public worship.

Leader of Praise

3. The leader of praise must be, or become, a member of the Church in full communion, or be one whom the Session is prepared to admit to membership; and in every case is subject to the discipline of the Session. The formal appointment rests with the Session, which must be satisfied as to the Christian character of any applicant before he is recognised as a candidate. The Session may dismiss the leader of praise if dissatisfied with his character, or conduct, or with his behaviour or efficiency in the discharge of his duties. Suspension from church privileges vacates the office. Resignation of office is given in to the Session. In the conduct of public worship the leader of praise is under the direction of the minister. Diversity of practice prevails in the mode of electing a praise leader, and it belongs to the Session to determine the mode of election, and also the mode in which the appointment may be terminated.

Baptism

4. The ordinance of baptism should be administered during public worship; and parents ought to bring their children to the house of God for this purpose; but the Session may, where it sees cause, authorise the administration of baptism elsewhere than in the church. It is the duty of the Session to see that all the children of church members are baptised without unnecessary delay; and in this matter a special obligation lies on each elder to have a watchful oversight of the families in his district.

5. Baptism is to be administered to adults upon their profession of faith in Christ and obedience to Him, and to the children of parents, one or both of whom are members of the Church. Baptism may also be administered to orphans, and to such children as have been received into Christian households or whose upbringing has been undertaken by members of the Church, when the Session is satisfied that those desiring baptism for them are in a position to fulfill their baptismal vows.

Lord's Supper

6. The Session appoints and intimates the time and place for the observance of the Lord's Supper, and makes provision for it. A quorum of Session must always be present at the dispensation of the ordinance; and this applies also to cases where the communion is dispensed in the homes of sick and aged members of the Church. Only members in full communion are entitled to participate; but the Session may grant occasional communion to members of other churches who desire to join in it, when nothing is known concerning them inconsistent with their profession as members of the Church of Christ. In special circumstances discretion is given to Kirk Sessions to allow adults not in membership with a church but who love the Lord to participate in the Lord's Supper.

Elder's Presiding

7. Except in exceptional circumstances, it is only those who have been set apart and ordained to the ministry of Word and Sacrament who are authorised to conduct the Sacraments. Where there is difficulty in providing sufficiently those so set apart and ordained, a Presbytery may also nominate an elder appointed to serve as an interim-moderator of the congregation to preside at the Lord's Supper. Before being so authorised these elders must satisfactorily complete a course of instruction provided by the Ministry Committee. Such authorisation must be granted annually and the names of such elders intimated to the Ministry Committee which shall

include the names in the report of the Committee to the General Assembly. Any elder who ceases to be a bona-fide elder within his own congregation, or whose appointment to serve is cancelled or not renewed by the Presbytery, shall not be permitted to preside.

Oversight of Church Members.

Roll of Members

9. With a view to the spiritual oversight of a congregation by its Session, it is necessary that an accurate roll be kept of the members in full communion, which must be corrected from time to time as changes in the membership occur, so as at any time to show who are entitled to be on it. The roll ought to be carefully revised at least once each year. The communion roll, or a certified copy thereof, revised by the Session, and signed by the moderator and clerk, must be sent to the Presbytery of the bounds each year for attestation. Before any meeting for the election of a minister, the Session is required to make up a roll of those in full communion, such alone being entitled to vote. Due intimation should be given at a diet of public worship when this has been done, that members may have the opportunity of ascertaining that their own names are duly inserted. This roll, as finally adjusted and attested by the Session, must be laid before the Presbytery. (See Chap. IV., Sect. iii., Div. i. 15, page 41.)

Elders' District

10. The Session should arrange for the division of the congregation-into convenient districts, and appoint one or more of its members to have special spiritual oversight of each district. Each elder ought to have a correct list of all those thus entrusted to his charge, members and adherents, and to report to the Session regarding them; it is his duty to visit the families in his district as their spiritual overseer, specially the aged and those in affliction, to care for the young, and to deal privately tenderly with any who are neglecting public worship, or are under discipline

Admission of Members

11. The admission of members to the congregation belongs to the Session. They are admitted by certificate if already members of the Church, or upon profession of their faith. In the case of those bringing regular certificates from other congregations, it is usual, where no good reason for acting otherwise is known to the Session, to add their names at once to the roll of communicants. Persons who have been in church fellowship but whose certificates have not been granted recently, or who have lost them, or who have fallen out of church membership, may be received into full communion by the Session on its being satisfied with their profession and character. In the case of those desiring admission into the fellowship of the Church, it is the duty of the Session to satisfy itself as to their profession of faith in Christ, their knowledge of the cardinal doctrines of Christian belief and the nature and significance of church ordinances; also to make proper inquiry to ascertain that, so far as known, their outward life is consistent with their

profession. Instruction and preparation of communicants is the special duty of the minister. The Session must take care that such as are ignorant or scandalous be not admitted to church membership till it is satisfied as to their knowledge and repentance. It is necessary to ascertain whether

applicants for admission to church membership have been baptised, and if they have not been baptised, admission to the fellowship of the Church must be by baptism. (For suggested questions to applicants see, Appendix 6 No. 1, page 153.)

Certificate of Disjunction

12. A member desiring to leave one congregation and to connect himself with another is entitled, on application, to a certificate of disjunction from the Session, unless he is under discipline, or unless there are matters connected with his conduct as a member of the church which seem to the Session to call for inquiry. In this latter case he has a right to demand that inquiry be immediately entered upon, and brought to a conclusion without unnecessary delay. (For Form of Disjunction Certificate see Appendix 7. No. 1, page 160.)

13. It is the duty of the Session to see that members leaving the congregation are furnished with disjunction certificates. Letters of introduction should also be granted to adherents leaving. When members or adherents leave without such certificates or letters of introduction, it is the duty of the Session to intimate their removal to a minister in the district in the district to which they have gone. It is strongly recommended also that similar intimation be given of the granting of disjunction certificates and letters of introduction. Those receiving such certificates, letters of introduction, or intimations, should acknowledge receipt of them to the Session from which they have come.

Supervision of Societies

14. All societies or associations of members or adherents in Supervision of connection with the congregation are under the supervision of the Session and no society or association can be sanctioned as congregational without first receiving the approval of the Session.

Care of the Young.

Roll of Young

15. All baptised young persons in the congregation, being members of the Church not in full communion, have special claims to supervision and care. Their names should be entered in a roll kept by the Session; and each elder should endeavour to make himself acquainted with the young in his district, and to promote their spiritual welfare.'

Young Persons Leaving

16. Young persons not in full communion on removing to another locality should be furnished with an introduction to the minister or Session-clerk of a congregation there, and when young persons leave without such introduction, the Session, so far as practicable, is to send notice regarding them to a minister or Session-clerk there. Those to whom such introductions are delivered should be careful to acknowledge receipt of them to the Session that has furnished them.

Sunday Schools

17. It is the duty of the Session to see that parents attend to the godly upbringing of their children, and to aid them in this work by instituting a Sunday school. These schools are not intended to relieve parents of the duty of themselves instructing their children in the Scriptures and in Christian truth. All Sunday schools are under the supervision of the Session, which should take a particular interest in them, and use means to

promote their efficiency by visitation and otherwise. Teachers should be persons of intelligence and piety, and, if possible, members of the Church, and their appointment should have the concurrence of the minister and Session. For the benefit of those more advanced there should also be Bible classes under the charge of the minister or other qualified persons.

Care and Supervision

18. In the appointment of all those who work with Children, Kirk Sessions must insure that all the requirements of the regulations relating to the Care and Supervision of Children and Young People are met (Information may be obtained from the Church Office)

Mission Work.

Oversight by Session

19. It is the duty of the Session to take oversight of the mission work undertaken by the congregation within its own district, or such district as may be assigned to it by the Presbytery, and to encourage and direct the members of the congregation in all suitable methods for the in gathering of the ignorant and careless around them. Where any special agents are employed, these are subject to the authority of the Session. Where there is no Deacons' Court the Session may provide the funds needed for such mission purposes by special collection, or otherwise as it may arrange.

Sealing Ordinances in Mission Stations

20. The Session of a congregation which conducts a mission station is empowered, on obtaining the sanction of the Presbytery, to dispense sealing ordinances to such persons worshipping in the station as may on examination be found qualified. These persons are under the spiritual oversight of the Session of the parent congregation, their names being kept on a separate communion roll. On leaving, they are entitled to a certificate of standing as in full communion with the United Free Church.

Contributions for Missions

21. Every congregation, being an association of Christ's servants enjoined to spread His Gospel, is on that account a missionary society, and it is the duty of the Session to see that it is contributing, according to its ability, to the mission funds of the Church. For this purpose there ought to be in each congregation an organisation to take up regular contributions from the members for missionary purposes. Collections and contributions for the various mission funds, and for congregational purposes, should be kept distinct. Contributions to the schemes of the Church should, as far as possible, be remitted monthly to the Church Office. It is the duty of the Session to see that the members of the congregation are fully informed, through circulation of publications and otherwise, of the work of the Church, and of its claims upon them.

Other Rights and Duties.

Schemes of the Church and Care of the Poor

22. Where there is no Deacons' Court or Congregational Board, the duties of the Deacons' Court in connection with the schemes of the Church, the care of the poor, and the preservation of Minute Books, Acts of Assembly, and Blue Books devolve on the Session. (See Chap. II.,Part I., Sect. iii. 1, 6 and 12 page 18.)

Use of Church Buildings

23. As the minister is allowed, subject to his Presbytery, a large discretion in the methods of his ministry, the place of Buildings. Worship and other ecclesiastical buildings belonging to the congregation are at his disposal for the purposes of his office. He can use them, and grant permission to use them, for all purposes connected with the congregation or any of its organisations; and for purposes which are of a religious, ecclesiastical, or charitable nature, though not connected with the congregation. But he cannot use them, or grant permission to use them, for any other purpose not connected with the congregation, without the acquiescence both of the Session and of the Deacons' Court or Committee of Management, or Congregational Board. Neither the Session, the Deacons' Court, nor the Congregational Board can use them, or grant permission to use them, for any purpose whatever without the minister's consent. Nor can the managers use or grant the use of such buildings for any purpose, without the acquiescence of the minister and the Session. Provided always -that in congregations where provisions are made, either in a constitution approved by the Presbytery or in the title-deeds of the church or meeting house of the congregation, with regard to the use of the church buildings which differ from what is here stated, the provisions of such constitution or title-deeds shall remain in force to the exclusion of this rule in so far as it differs from these provisions, unless these provisions shall be competently altered by the congregation.

Session Committees

24. Members other than elders may be associated with the Session for consultative purposes, and may be members of committees appointed by the Session for special purposes.

Charity Trustees Report

25. In congregations where temporal affairs are administered by a Committee of Management the Annual Report of the Congregational Charity Trustees, who are the Members of the Kirk Session and the Committee of Management, shall be presented for approval to a joint meeting of the Kirk Session and Committee of Management before being presented to the Congregation. This meeting will be called by the Kirk Session. The moderator of Session presides, and the Session clerk acts as clerk. In the absence of the moderator, any Congregational Charity Trustee present shall be appointed to preside.

SECTION IV. Election and Admission of Elders and Deacons.

Election of Elders

1. The Session determines the number of elders required for the oversight of the congregation, and the time when a new election is to take place. The right of voting in the election of office-bearers is vested exclusively in the members of the congregation in full communion.

Intimation of Election

2. When the Session has resolved that it is expedient to have an election of elders, and has fixed the number to be elected, and the date of election, due intimation thereof must be made at the time of public worship, on the two successive Sundays preceding the date of election. It is desirable to give the congregation even earlier intimation of an intended election so that

the members may have time to inquire regarding persons suitable for the office, who must be members of the congregation in full communion and have attained the age of twenty-one years. Opportunity should be taken to direct the attention of the congregation to the Scriptural qualifications required for the office of the eldership.

Mode of Election

3. The election of elders may be made in any one of the three following modes, viz. (a) At a congregational meeting held in presence of the Session for the purpose of making an election (b) At a similar meeting held for the purpose of nominating persons for the office, to be voted upon if necessary by voting papers (c) By sealed lists. The Session determines in which of these ways the election shall be made; and gives directions to the members accordingly when intimating that the election is to be made.

(a) When mode (a) is followed, intimation is made on at least two Sundays immediately preceding the meeting, that a congregational meeting will be held for the purpose of making an election of elders. The moderator of Session, or in his absence a minister of the Church or any member of the congregation present appointed to preside, opens the meeting with devotional exercises. The names proposed and seconded are taken down. After full opportunity has been given for proposing names, the moderator asks three times whether any additional names are to be proposed, and none being proposed he declares the leet closed. If the number on the leet does not exceed the number of elders required, the moderator thereupon declares them elected to the office of the eldership. If the number on the leet exceeds the number required, the moderator engages in prayer for guidance in the election; and the names are submitted successively to the meeting in the order in which they have been nominated, and are voted upon by the meeting. No member can vote for more than the number for which the congregation is asked by the Session to vote. Those to the number required, having the highest number of votes, are declared to be elected.

(b) When mode (b) is followed, intimation is made on at least two Sundays immediately preceding the meeting, that a congregational meeting will be held for the purpose of nominating persons for the office of the eldership ; with certification that if the number nominated does not exceed the number required, those nominated will be declared to be elected, and that if the number nominated exceeds the number required, vote of the congregation on those nominated will be taken by means of voting papers. The moderator of Session, or in his absence a minister of the Church or any member of the congregation present appointed to preside, opens the meeting with devotional exercises. The procedure at the meeting is the same as under mode (a) down to the point of declaring the leet closed. If the number on the leet does not exceed the number of elders required, the moderator thereupon declares them elected to the office of the eldership, as under mode (a). If the number on the leet exceeds the number of elders required, the moderator engages in prayer for guidance in the election, and the meeting is closed. The Session thereafter causes voting papers to be prepared and distributed to the members of the congregation, containing the names of those on the leet, arranged in alphabetical order, together with full instructions as to marking, signing, and returning the voting papers on or before a time appointed by the Session. The voting papers are examined, and the votes are counted by the Session; and those to the

number required who have the largest number of votes are declared to be elected, and the result is 'initialed to the congregation.

(c) When mode (c) is followed, the Session by intimation made from the pulpit requests the members to give in sealed or closed lists containing the names, to a number not exceeding that which the congregation is asked to vote for, of members of the congregation in full communion whom they desire to be elected; each list being duly signed by the member or members voting by it, and being given in at the place and by the time fixed by the Session. The lists are opened and examined, and the votes counted by the Session; and those to the number required who have the largest number of votes are declared to be elected.

Election by sealed lists is the method recommended by the General Assembly

The Session, when intimating the number of elders required, may call upon the congregation to vote for a number as nearly as may be one-half more than the number required; as six when four or eight when five are required. If this is done, those to the number required who have the highest number of votes, whatever mode of voting is followed, shall be held to be elected; but should the election of any of them not be sustained, or should any decline to accept office, the next highest shall be held to be elected, provided the Session judges that a sufficient number of votes has been given for him ; and so on, if necessary, until the whole number for which the congregation has been asked to vote is exhausted. Or should the Session judge it advisable, it may, when the result of the vote is ascertained, at once declare to be elected those for whom most votes are given, up to the number for which the congregation was asked to vote.

Qualifications of Elders Elect

4. The Session judges of the qualifications of those elected before sustaining their election. No one can be admitted as a ruling elder if the Session be not satisfied with his qualifications, unless its judgement is reversed by a higher Court. When the Session is satisfied as to the fitness of the persons elected and has sustained their election, it deals with them in regard to their acceptance of office; and on obtaining their acceptance appoints the time of their ordination or admission and the result is intimated to the congregation.

Edict

5. The Session-clerk prepares an edict to be read from the Pulpit on two Sundays giving intimation that if any person have objection to the life or doctrine of any of those proposed to be ordained or admitted, such objection must be given in to the Session at a meeting duly intimated in the edict, to be held not less than seven free days after the edict is first served, with certification that if no objection be given in and substantiated at the time and place of which notice is given, the Session proceed with the ordination or admission at the time appointed for it. (For Form of Edict see Appendix 7, No. 3, page 160.)

Objections

6. At the time and place intimated in the edict the Session meets to receive any objection which may be offered. The edict having been returned, certified as having been duly served, the Session intimates that it is prepared to hear objections. Any objection made must refer to the life or

doctrine of the elder elect. If any objection is made, and forthwith substantiated, if the Session judges that further inquiry is necessary, the Session does not proceed to the ordination or admission of the person objected to, but deals with the charge. Objections which in the judgement of the Session are frivolous or unsupported by evidence are to be set aside, and the ordination, or admission to office, proceeded with.

Ordination

7. The ordination and admission to office take place in presence of the congregation, at a diet of public worship. The Session having been constituted, the moderator narrates the steps that have been taken, and puts the prescribed Questions. On receiving satisfactory answers, he admits to office in the congregation any who have already been ordained to the eldership, and ordains by prayer and admits to the office of ruling elder in the congregation those not previously ordained, commanding them to the grace of God for the work to which they are appointed ; the right hand of fellowship is given by the moderator and other members of Session to the newly admitted elders, and the service is concluded with suitable exhortations to them and to the congregation. After the close of public worship, the newly ordained and admitted elders having signed the Formula, have their names added to the roll, and take their seats in the Session. (For Questions and Formula see Appendix 2, page 108.)

Co-option excluded

8. All elders must be elected by the congregation. Where a member of the congregation has previously been ordained as an elder admission to the Kirk Session can only take place if elected as above by the congregation.

Election of Deacons

9. The Session determines when it is expedient to have an election of deacons, and what number is required. The Session exercises precisely the same functions with reference to the election and ordination or admission of deacons as in the case of elders. The procedure is also the same; but for elders and deacons the Questions and Formula are different. When an election is in view, an early opportunity should be taken to direct the attention of the congregation to the Scriptural qualifications necessary for the office of deacon. It is not desirable that a vote for election of elders and deacons be taken at the same time. (For Questions and Formula see Appendix 2. page 110.)

10. Minutes of all proceedings in connection with the election, ordination, and induction of elders and deacons must be recorded in the minute-book of the Session.

Alternative Method of Deacons' Court.

11. In place of the above method of electing deacons, congregations are permitted to resolve that the office of deacons shall be held by persons, being male or female, members of the congregation in full communion and twenty-one years of age, who shall, without ordination, be appointed thereto for a term of years.

Such terminable appointment to the office of deacon shall be for a period of three years, and the regulations governing the election and appointment of managers and members of a Congregational Board shall apply to the election and appointment of deacons after this method.

Resolutions involving changes in the constitution of a Deacons' Court shall be adopted either at a congregational meeting duly, appointed by the Kirk Session and held for that express purpose, of which full intimation has been

previously given on at least two Sundays; or by voting papers, the issue of which shall be similarly authorised and intimated by the Kirk Session.

When a proposal for changing the method of administering its temporal affairs is before a congregation, no step shall be taken by the Kirk Session towards the election of persons to any such office until the proposal for change has been disposed of.

In the event of a congregation making the above change as regards the persons eligible for the deaconship and the tenure of their office, such change shall be duly notified to the Presbytery.

SECTION V. Relation of Session to Superior Courts.

Review by Superior Courts. Access to Superior Courts

1. The Session is subject in all its proceedings to the review by and directions of the Presbytery and superior Courts of the Church, and the minute-book of the Session is to be submitted to the Presbytery, or Assembly when called for. The Session is charged with carrying out the decisions of the superior Courts in matters within its province, and furnishing to them such information as they may call for. It has direct access to the Presbytery by memorials, petitions, and references, and through the Presbytery to the higher Courts. The Session is the only channel through which members have right of access to the higher Courts of the Church. (See Chap. 7., Sect.I. 2, page 91.)

Representation in Presbytery

2. Immediately after each General Assembly the Session elects two of its members to represent it in the Presbytery of the bounds for one year; or, where the congregation is ministered to by an ordained pastor, ordained by the authority of the General Assembly three ruling elders, one of whom may be the ordained pastor. This election must take place within two calendar months after the close of the Assembly. It is the duty of the Presbytery Clerk to remind Session-clerks of the need of an election in cases where it has not been made within one month after the Assembly. In the event of a representative elder ceasing to be a member of Presbytery before his commission expires, a successor may be elected within one month thereafter. The former representative of the Session remains a member of Presbytery, but for not more than two months, till his successor has been elected. The Session-clerk must furnish a representative elder with an extract minute of his commission, without which he cannot take his seat in Presbytery.

3. When a Session entitled to elect an elder has not in its own number one who can conveniently attend the meetings of Presbytery it may elect as its representative a member of any other Session within the same Presbytery. The Presbytery may appoint a member of any other Session within the Presbytery where no appointment has been made. Besides his commission from the Session electing him as its representative, such member must also be furnished with a certificate from the Session of which he is a member that he is a bona fide acting elder.

4. An elder elected by a Presbytery as one of its representatives to the General Assembly requires a certificate in the form appointed by the Assembly from the Session to which he belongs. (For Form of Certificate see Appendix 7, No. 4, page 161.)

Overtures

5. When an Overture is transmitted to Presbyteries under the Barrier Act they are required to give Sessions within their bounds an opportunity of reporting their opinion thereon, as provided in the Plan of Union (1900).

Chapter 2

ADMINISTRATION OF TEMPORAL AFFAIRS.

INTRODUCTORY.

In some congregations, chiefly those which were formerly Free Church, the temporal affairs are administered by the Deacons' Court. In others, chiefly those which were formerly United Presbyterian, the temporal affairs are administered by a Committee of Management, the members of which are usually termed managers. In others the temporal affairs are administered by a body consisting of the minister or ministers and the elders of the congregation, together with a certain number of members elected to hold office for a specified period. This form of administration is recommended by the General Assembly. Regulations for each of these three methods are given in this chapter. Some congregations have constitutions adopted prior to 1929 containing provisions for the administration of their temporal affairs varying from those contained in this chapter; and provision is made for their case.

PART 1. THE DEACONS' COURT.

SECTION 1. Constitution and Officials.

Constitution

1. The Deacons' Court of a congregation consists of its minister or ministers, its elders, and deacons -the deacons being men and women elected and ordained to office for the purpose of administering the temporal affairs of the congregation.

Election and Admission

2. The Session determines when it is expedient to have an election of deacons, and the number required. They are elected by the members of the congregation in full communion, and are ordained and admitted by the Session. The number of deacons ought to be suitable to the size and circumstances of the congregation.

Tenure of Office/ Alternative Method

3. A deacon is elected for life, and holds office till he ceases to be a member of the congregation, or his resignation is accepted, or he be deposed or be otherwise removed from office. If a deacon has been absent from the meetings of the Court for a year without due cause, the Session may, after giving him notice for his interest, declare that he has ceased to be a member of the Deacons' Court. Deacons are, as all other members of the congregation, under the jurisdiction of the Session

In place of deacons elected as above, congregations may resolve that the office of deacon shall be held by persons, being male or female members of the congregation, in full communion and twenty-one years of age, who shall, without ordination, be appointed thereto for a term of years. Such terminable appointment to the office of deacon shall be for a period of three years, and the regulations governing the election and appointment of managers and members of a Congregational Board shall apply to the election and appointment of deacons after this method. Where a congregation, whose Deacons' Court has hitherto been constituted

according to use and wont, has duly resolved to adopt the system of a three years' tenure of office, the names of deacons thus elected who accept office shall be read over to the congregation on the first convenient Sunday after their election, and the minister shall then commend them in prayer to the grace of God for the work to which they have been appointed. (See Part III., pars. 2 and 3, page 23.) Deacons who have been ordained on the basis of a life-tenure may, if they so desire, continue to hold office on the terms on which they were appointed.

Chairman

4. The minister, or the interim moderator of Session, presides in the Deacons' Court when he is present. In his absence any other member of the Court may be chosen to preside. If there are two ministers they preside alternately, or as agreed between them, or as appointed by a superior Court. The minister not presiding sits and votes as a constituent member of the Court, unless it is otherwise authoritatively regulated.

Duties of Chairman

5. It is the duty of the chairman to see that each meeting is opened and closed with prayer, and that the business is properly ordered and recorded; and to take the vote and announce the decisions of the Court. The chairman may introduce any business at the Deacons' Court, and may address the members regarding it. He has a casting vote, but no deliberative vote.

Clerk

6. The Deacons' Court appoints a clerk, whose duty it is to take regular minutes of the proceedings and engross the same in a permanent record accessible to the members of the Court at all reasonable times, to take charge of such of its papers, books, and documents as are not entrusted to the custody of a treasurer, and to prepare and issue all extracts of minutes and papers authorised by the Court.. In his absence from any meeting, the Court appoints a clerk pro tempore, whose appointment must be recorded in the minute. Each minute, when approved, must be signed in the permanent record by the clerk or the clerk pro tempore.

Treasurers

7. The Court appoints one or more treasurers of the various funds under its charge. The Court also appoints a treasurer of the congregational fund, who keeps a congregational cash-book, in which he enters all monies received and payments made. All money received by this treasurer is to be lodged by him in a public bank of known credit, in a separate account identifying it as belonging to the congregation. The Deacons' Court may require the bank pass-book to be exhibited to it at any meeting. All funds of the Church are held for charitable purposes and can only be used as such.

Church Officer

8. An officer is appointed by the Deacons' Court to be in Church attendance at the time of it's meetings. He also takes charge of the place of worship in accordance with instructions given him. Usually the same person is appointed by the Session as its officer.

SECTION II. Meetings and Procedure.

Meetings

1. The Deacons' Court ought to meet at least once a month. The number of meetings, however, must depend, in some measure on the circumstances of the congregation.

Quorum

2. Three members of the Court form a quorum. The presence of the minister is not necessary for this purpose.

Mode of Convening

3. The Deacons' Court is convened by intimation from the pulpit, or by personal notice to the members. Such notice is held sufficient if a reasonable time is allowed by it for the attendance of the members. It is called by authority of the minister, or at the requisition of any three members - said requisition being addressed to the minister. When there is a vacancy in the pastoral charge, it is called by the clerk of the Court, to whom any requisition must be addressed. No meeting of the Deacons' Court can be held at an hour when the Session is sitting, nor, except for urgent business, at the time of an ordinary meeting of any superior Court of the Church without the leave of that Court.

Opening and Closing

4. Meetings of the Deacons' Court are opened and closed with prayer, and both facts must be minuted. No extract minute can be received which does not bear that the Deacons' Court was constituted, and which is not certified by the clerk as having been extracted by him from the records of the Court.

Minutes

5. Immediately after the Deacons' Court has been constituted, the minutes of the previous meeting should be read, and the judgement of the Court, approving or correcting them, ought to be recorded. That judgement refers only to the correctness of the minutes as a true account of what was done. The provisions for correction and authentication of the minutes are the same as for the Session. (See Chap. I., Sect. ii. 5, page 3.)

6. Besides recording the constituting and closing of the Deacons' Court, and the judgement on the minutes of the previous meeting, the minutes must record the names of all members present, and the several decisions come to, with any dissent or complaint.

Adjournment

7. With reference to the question of an adjournment from one sederunt of the Deacons' Court to another, the same principle applies that regulates adjournment of a meeting of Session. (See Chap. I., Sect. ii. 3, page 3.)

Meetings usually private

8. The meetings of the Deacons' Court are not usually open to the congregation; but the Deacons' Court may hold open court if it see cause.

SECTION III. Powers and Functions.

Management of Property and Temporal Affairs/ Care of Poor

1. The Deacons' Court has the management and charge of the whole property belonging to the congregation or held for the congregation's use by trustees appointed in terms of deeds which the General Assembly has sanctioned. It has also the management and charge of all the

congregation's temporal affairs receives the contributions of the congregation for the objects appointed or allowed by the General Assembly; and disposes of them in accordance with the instructions of the Assembly. The duty of attending to the temporal wants of poor persons connected with the congregation is specially assigned to the Deacons' Court.

No Spiritual Rule

2. The Deacons' Court has no jurisdiction over the conduct of public worship in any of its parts. While it is required to apply Spiritual principles to the management of temporal matters, it is not authorised to exercise any kind of spiritual rule, nor to review the action of the moderator or of the Session.

No Power of Discipline

It has, therefore, no power of discipline, and cannot admit to the office of deaconship, or depose from it; nor can the resignation of a deacon be received by the Deacons' Court, or dealt with by it in any way. (See Chap. I., Sect. iv. 9, page 12.)

Extracts

3. The Deacons' Court is entitled to certified extracts from the minutes of the Session, in so far as these may affect its membership, officials, or duties, and such extracts must be engrossed in the record of the Deacons' Court.

Care of Church Buildings

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

Use of Church Buildings

5. The Deacons' Court is not entitled to give the use of the place of worship, or of the other ecclesiastical buildings belonging to the congregation, for any purpose whatever, without the consent of the minister. It is not entitled to withhold the use of these buildings for meetings which are connected with the congregation or any of its organisations, and which have the sanction of the minister, or for meetings of a religious, ecclesiastical, or charitable nature, which have the same sanction. But none of these buildings can be made use of, either by the minister or by others, for any meeting which is not of the character above specified, without the acquiescence of the Deacons' Court.

Care of Records

6. It is the duty of the Deacons' Court to preserve carefully all Minute Books, Acts of Assembly, Blue Books, and other volumes Record under their charge. Kirk Sessions with the permission of Presbytery may deposit minutes and records with an archive approved by the National Archives of Scotland. Such minutes and records less than 75 years old should not be accessed except with the permission of the Kirk Session.

Charge and payment of officials

7. It belongs to the Deacons' Court to appoint and dismiss the officer to whom is entrusted the immediate care of the place of worship. It also appoints and dismisses the doorkeepers and any other parties employed in attending to the convenience of the congregation. The Deacons' Court fixes the salaries of all these officials. It also fixes the salary of the leader of praise.

Sunday Collections

8. Ruling elders and deacons receive the Sunday Collections of the people according to such arrangements as may be made. (See Chap. I., Sect. iii. 2, page 4.)

Assembly Collections

9. It is the duty of the Deacons' Court to see that the proceeds of all collections appointed by the General Assembly are duly transmitted to the Church Office of the Church.

Association for Support of Foreign Missions

10. When a congregational association for the support of foreign missions has been formed, with the sanction of the Session and Deacons' Court, it is usual and proper for the Deacons' Court to appoint a separate treasurer for that fund, who shall be responsible to it for the receipt and due transmission of the contributions.

Supplement of Stipend

11. It is required that the Deacons' Court, after providing for feu-duty, the cost of insurance, the salaries of the church-officer and the leader of praise, Presbyterial, and Assembly charges, the current yearly expenses for the maintenance of public worship and the due administration of Gospel ordinances, and the adequate support of the Central and other Assembly Funds, provide a suitable supplement to the minister's stipend out of the congregational funds, before these funds are held applicable to any other purpose whatsoever.

Collections for Poor

12. As the Deacons' Court is charged with the care of the poor of the church, it appoints special collections as often as may be necessary for that purpose.

Dissent

13. Any member of a Deacons' Court may enter his dissent from any part of its procedure of which he disapproves. His dissent must be dealt with in the same manner as a simple dissent is dealt with by the Session. (See Chap. I., Sect. II. 6, page 4.)

Review by Presbytery

14 While it is inexpedient to sustain complaints or appeals against the ordinary administration of the Deacons' Court in temporal and financial affairs, the said Court is nevertheless subject to the review of the Presbytery, in so far as it may take any step, or adopt any resolution, which the Presbytery can pronounce to be of a censurable nature, or in violation of any enactment of the General Assembly.

Extracts

15. The Deacons' Court is bound to furnish extracts to parties concerned in its procedure in the same manner as the Session. (See Chap. I., Sect. ii. 6, page 4.)

Examination of Record and Treasurer's Account.

16. The record of the Court, with the treasurer's account of income and expenditure for the year, after said account has been duly independently examined, is required to be annually exhibited to the Presbytery of the bounds, as soon as possible after 31st December; for the purpose of being examined and attested by the Presbytery.

Annual Congregational Meeting

17. A congregational meeting must be called by the Deacons' Court as soon as convenient after the independent examination of the accounts at which the Deacons' Court presents a report of its proceedings for the preceding year, gives such information and explanations may be asked for, and receives any suggestion which may be offered by the members of the congregation for the consideration of the Court, with reference to the future administration of the funds. Annual financial accounts produced by the Deacons Court shall be examined by an Independent Examiner who shall not be a member of the congregation. The Congregation must be satisfied that any Independent Examiner appointed has the appropriate ability to carry out the task. . This congregational meeting is convened by intimation from the pulpit, and the minister, if present, presides, or in his absence any office-bearer elected by the meeting. The minute of this meeting is taken by the clerk of the Deacons' Court, and inserted in the record of that Court.

PART II. THE COMMITTEE OF MANAGEMENT.

SECTION 1. Constitution and Officials.

Managers

1. The Committee of Management consists of a definite number of managers elected by the congregation for the purpose of administering its temporal affairs, who must be members of the congregation in full communion.

Number of Managers and election

2. The congregation determines the number of managers, which should never be less than six. Nine, twelve, and fifteen are suitable numbers. The minister and the elders are eligible as well as ordinary members of the congregation. The election is made at the annual meeting of the congregation; or by means of voting papers, filled up and returned previous to that meeting, and in accordance with a plan adopted by the congregation.

One-third annually retire

3. One-third of the managers annually retire by rotation, and their places, with the places of any who may die or vacate office annually during the year, are filled up at the annual meeting, as in par. 2 above. The retiring managers are eligible for re-election. A manager elected in room of one who has died or vacated office retires at the expiry of the period for which the person in whose room he is elected was appointed. When it is considered necessary to fill up a vacancy or vacancies in the number of managers during the year, a special meeting of the congregation is called for the purpose. It is recommended that the names of the managers who accept office be read over to the congregation on the first convenient Sunday after their election, and that the minister then commend them in prayer to the grace of God for the work to which they have been appointed.

4. Should any manager be suspended from membership or cease to be a member of the congregation, he thereby ceases to be a manager.

Preses, clerk and treasurer

5. The congregation either elects annually a chairman or preses, or clerk, and a treasurer, from among the managers or empowers the managers to appoint them from their own number. The congregation also appoints an independent examiner, who shall not be a member of the congregation, to examine the accounts, in accordance with statutory requirements, and report on them to said meeting.

Duties of the chairman

6. It is the duty of the chairman to have each meeting opened and closed with prayer; to see that the business is properly ordered and recorded; to take the vote; and to announce the decisions come to. He may introduce any business to the managers, and may address them regarding it. He has a deliberative vote, and also a casting vote in case of an equality of votes. In the absence of the chairman from any meeting of the managers, one of the other managers may be chosen to preside.

Minute book

7. The clerk keeps a regular minute-book, accessible to the managers at all reasonable times, wherein the minutes of the meetings of the managers, and of all meetings of the congregation for temporal purposes, are fully entered.

Cash book

8. The treasurer keeps a congregational cash-book in which Cash-book he enters all monies received and payments made, and produces it at the annual meetings, independently examined and docqueted by the independent examiner appointed by the congregation. All money received by the treasurer is to be lodged by him without delay in a public bank of known credit in a separate account identifying it as belonging to the congregation. The managers may require the bank pass-book to be exhibited to them at any meeting. All funds of the Church are held for charitable purposes and can only be used as such.

SECTION II. Meetings and Procedure.

Meetings

1. The managers hold regular meetings at least once a quarter, and oftener when necessary. These meetings are called by authority from the chairman, or in his absence from the clerk, either by intimation from the pulpit, or by written notice to the individual managers. The chairman is bound to convene a meeting whenever required to do so by one-third of the managers. Where the quorum of managers is not fixed by the existing constitution of the congregation, it should be not less than three, nor less than one-third of the managers when there are more than nine.

Opening closing etc.

2. The rules relating to the opening and closing of meetings, etc. and the recording, reading, approving, correcting, and signing of minutes, are the same as for the Deacons' Court. (See Part I., Sect. i. 5, page 16, and Sect. ii. 5, 6, and 7, page 17.)

SECTION III. Powers and Functions.

Charge of Managers

1. The management of the temporal affairs of the congregation including the care of the church property, the ordering of repairs and alterations thereon, the charge of all contributions for the support of ordinances, the payment of the minister's stipend, salaries of leader of praise or organist, church-officer, and other expenses is committed to the managers, and they are bound to regulate their administration of the matters committed to their charge by the rules here stated ; and also to observe any special directions which may from time to time be given to them by the congregation.

Church-officer

2. The church-officer is appointed and dismissed by the Session and managers jointly. His resignation is given in to the Session, and all questions relating to his continuance in office are decided by the Session and managers. At such meetings the moderator of Session presides and the Session-clerk acts as clerk. The officer gives attendance at the managers' meetings, and takes charge of the place of worship in accordance with the instructions given him. (See also Chap. I.' Sect. i. 10, page 2.) Doorkeepers and other subordinate officials are appointed and dismissed by the managers.

Use of buildings

3. The managers are not entitled to give the use of the place of worship, or of the other ecclesiastical buildings belonging to the congregation, for any purpose whatever, without the consent of the minister and Session. They are not entitled to withhold the use of these buildings for meetings which are connected with the congregation or any of its organisations, and which have the sanction of the minister, or for meetings of a religious, ecclesiastical, or charitable nature, which have the same sanction. But none of these buildings can be made use of, either by the minister or by others, for any meeting which is not of the character above specified, without the acquiescence of the managers. Provided always that the consent or acquiescence of the managers shall not be required for any use which may be made or given -of any hall or premises apart from the church or place of worship and halls or buildings connected therewith, which are used by the congregation or any missionary association or society of the congregation for carrying on mission or Sunday school or other congregational work, and which have not been placed under the charge of the managers, and for the care of which they are not responsible. (See also proviso appended to Chap. I., Sect. III. 23 page 9.)

Managers report

4. The managers report their proceedings and management during the year at the annual meeting of the congregation. (See Chap. III., Sect. ii. 12, page 27.)(See Chap 1 Sect iii page 9 para 25)

Special meetings

5. The managers, on obtaining the concurrence of the Session, have power to call special meetings of the congregation for temporal purposes when they deem it necessary, which meetings must be duly intimated on the two

preceding Sundays, the purpose of the meeting being at the same time notified.

limitation of power

6. The managers have no power to contract debt on the security of the property belonging to the congregation, or for which it may be attached, without having received the special authority of the congregation, given at a special meeting called for the purpose, and also the authority of the Presbytery where that is required. They are not to expend in any one year, on repairs or alterations, more than a sum fixed by the congregation, without its express authority.

no spiritual jurisdiction

7. The managers have no jurisdiction over the conduct of public worship in any of its parts. While they are required to apply spiritual principles to the management of temporal matters, they are not authorised to exercise any kind of spiritual rule, or to review the action of the moderator or Session.

right of the Session reserved

8. The constitutional right of the Session to watch over all the interests of the congregation, and to interpose whenever, in its opinion, the welfare of the congregation calls on it to do so, by convening meetings for any purpose connected with congregational affairs, or in any other competent manner, is expressly reserved.

PART III. THE CONGREGATIONAL BOARD.

Definition

1. The Congregational Board consists of the minister or ministers, and the ruling elders, together with a definite number of other members elected to the board by the congregation for a fixed period.

number of members

2. The congregation determines the number of members to be elected by it, which ought to be suitable to the size and circumstances of the congregation. This number is not to be altered except at a congregational meeting summoned with due notice of the proposal to make such alteration.

Retiral and election

3. One-third of the elected members retire annually by rotation, and their places, with the places of any who may die or vacate office during the year, are filled up at the annual meeting in the same way as in the case of managers. (See pars. 2 and 3, pages 20.)

The retiring members are eligible for re-election. A member elected in room of one who has died or vacated office retires at the expiry of the period for which the person in whose room he is elected was appointed. When it is considered necessary to fill up a vacancy or vacancies in the number of elected members during the year, a special meeting of the congregation is called for the purpose. It is recommended that the names of the elected members who accept office be read over to the congregation on the first, convenient Sunday after their election, and that the minister then commend them in prayer to the grace of God for the work to which they have been appointed.

Rules to be observed

4. The rules relating to officials, meetings and procedure, powers and functions, are the same as those for the Deacons' Court.

PART IV. CONGREGATIONS WITH A CONSTITUTION APPROVED BY A SUPERIOR COURT.

For details of such situations see the 1952 Manual

PART V. CHANGE OF METHOD OF ADMINISTRATION.**Requirement of title deeds**

1. A congregation may, in place of the method of administration of its temporal affairs in existence at the time, adopt any one of the methods detailed in Parts I, II, and III. Before adopting a method of administration, or changing from one method to another, congregations should see that their doing so is not repugnant to nor inconsistent with the terms on and purposes for which the congregation's heritable property is held; and unless it is clear that these are not repugnant to nor inconsistent with the method proposed, it should not be adopted unless new titles can be obtained.

Congregational procedure

2. A change from one to another of the three methods of administering temporal affairs above described can be adopted only at a congregational meeting held after intimation from the pulpit, specifying the object of the meeting, made on the two immediately preceding Sundays; and the resolution to that effect must be confirmed either at the annual congregational meeting, or at a special meeting held at an interval of not less than three weeks after the resolution was adopted, and in either case after similar intimation thereof.

Report to Presbytery and Assembly

3. Such resolution shall forthwith be reported to the Presbytery which may ask for and require further information from the congregation; and the Presbytery shall report the matter to the General Assembly, stating whether it approves or disapproves thereof; and the General Assembly shall either approve or disapprove of the change, or dispose of the matter in such way as it shall deem right. No such change shall take effect until sanctioned by the General Assembly.

4. In all applications by congregations for sanctioning the change from one method of administering the temporal affairs to another, the titles of the congregation to their heritable properties shall be transmitted along with the application, at least one month before the meeting of the General Assembly, to the Clerks of Assembly, who shall forward them to the Law Agent of the Church in order that he may be prepared to advise the Assembly in reference to the application.

5. In order to facilitate the adoption of Congregational Boards by congregations, the Assembly has appointed that all petitions for leave to adopt the same shall be sent through the Presbytery to the Administration and finance committee, which shall report on them to the General Assembly

CHAPTER 3

THE CONGREGATION

SECTION 1. Members

1. A congregation is a company of persons, together with their children, associated in a particular locality for Christian worship, instruction, fellowship, and work.

Members

2. The members of a congregation in full communion are the persons who have been admitted as such by the Session.

Baptised Persons

3. Baptised persons connected with the congregation, who have not been thus admitted, are members, though not in full communion, and are under the care and oversight of the Session.

Duties of Members

4. It is the duty of members to give faithful attendance on Gospel ordinances; to give their minister all dutiful respect, encouragement and obedience in the Lord; to submit to the Session as over them in the Lord; to cherish a brotherly spirit among themselves; and to promote the peace and prosperity of the congregation. It is also their duty to take a lively interest in all that concerns the welfare of the whole Church; to contribute heartily, as the Lord shall enable them, for the maintenance of the Christian ministry, and the furtherance of the Gospel at home and abroad; and to manifest a Christian spirit in all the relationships of life

Rights of Members

5. Members in full communion, and they only, have a right to take part in the business of congregational meetings. A member desiring to bring any matter before the Session must do so by petition or memorial. For right of access to the Superior Courts see Chap. 7, Sect. i. 2, page 91

6. Any member of the Church in full communion shall be eligible to hold any office within the Church.

SECTION 2 Congregational Meetings

A. Meetings for Ecclesiastical Purposes.

1. Congregational meetings are held either for ecclesiastical or for temporal purposes.

Definition

2. All matters other than those which concern the ordinary financial-affairs of the congregation and the care of the church property are dealt with at meetings for ecclesiastical purposes. The erection of church buildings, manse, or organ is a matter of ecclesiastical business, and if it is to be dealt with at a congregational meeting, that meeting must be regarded as held for ecclesiastical purposes. It is an approved practice for congregations to remit the erection of church buildings to a committee consisting of the Deacons' Court, Congregational Board, or of the Session and managers, together with a number of other members of the congregation. When the election of a leader of praise or organist is made at a congregational

meeting, the meeting must be regarded as one held for ecclesiastical purposes.

By whom called and conducted

3. Meetings for ecclesiastical purposes are called by the Session; and the moderator of Session presides, and the Session-clerk acts as clerk. In the absence of the moderator or a minister of the Church, a member of the congregation present shall be appointed to preside.

Meetings called by Superior Court

4. The Presbytery or other superior Court may, when it sees cause, summon a meeting of the congregation, and appoint one of its own members to preside.

How called

5. All congregational meetings must be called by intimation from the pulpit on the Lord's Day. With the exception of the first meeting after the intimation of a vacancy, or of a special meeting in connection with a call to the minister of the congregation (see Chap. IV., Sect. iii., Div. i. 24, page 42), all meetings must be intimated on the two preceding Sundays. The business to be considered must be specified in the notice calling the meeting.

Opening, Closing/Minutes

6. All congregational meetings are opened with prayer, after which the object of the meeting is stated by the chairman, the intimation calling it read. Draft minutes of the proceedings are taken, and if approved of, are initiated by the chairman and clerk, before the close of the meeting, and afterwards engrossed in the permanent record of the Session, and signed by the chairman and clerk. The meeting is closed with prayer.

Dissent/ Access to Presbytery

7. Any member present at a congregational meeting may enter his dissent from any part of the proceedings of which he disapproves. Members have also the right to bring any decision or resolution of a congregational meeting, from which they have dissented, under the review of the Presbytery by petition transmitted through the Session.

B. Meetings for Temporal Purposes.

(a)

In Congregations which have a. Deacons' Court or a Congregational Board

Annual Meeting

8. An annual congregational meeting appointed by Act of Assembly (VII. 1846), must be called by the Deacons' Court or Board as soon as possible after the close of the financial year. (See Chap. II. Part I, Sect. iii. 17, page 19.)

Special Meetings

9. Special meetings of the congregation are called by the Session when necessary. The moderator of Session presides and the minutes of these meetings are engrossed in the minute-book of the Session. In the absence of the moderator or a minister of the Church, a member of the congregation present shall be appointed to preside.

(b) In Congregations which have a Committee of Management.

Definition

10. Meetings for temporal purposes deal with the ordinary financial affairs of the congregation, and the care of the church property.

Ordinary Meetings

11. Ordinary meetings for temporal purposes-that is, those which are held periodically as provided for in the constitution of the congregation-are called by the Committee of Management; and the preses of the managers presides, when he is present. In his absence, or when he requests that another chairman be appointed, the minister, or one of the elders or other members, may be chosen to act as chairman. The clerk of the Committee acts as clerk.

Annual Congregational Meeting

12. The congregation holds an annual meeting as soon as convenient after the close of the financial year, of which meeting due notice is given from the pulpit before the congregation is dismissed on at least one Sunday immediately preceding. At this meeting the managers report their proceedings and management during the year, and lay before the congregation an abstract of the income and expenditure during the year, with a statement of the congregation's pecuniary affairs as they then stand; and afford all information which may be required thereanent. Annual financial accounts produced by the Managers shall be examined by an Independent Examiner who shall not be a member of the congregation. The Congregation must be satisfied that any Independent Examiner appointed has the appropriate ability to carry out the task. The congregation then proceeds to the election of the managers for the next year, unless they have previously been elected by means of voting papers, in which case the result of the vote is reported to the meeting. It is not competent for the congregation to transact any special business at the annual meeting; but a special meeting may be held on the same day, if it has been regularly called as provided for in next par. The General Assembly recommends that the financial year should close at 31st December.

Special Meetings

13. Special meetings for temporal purposes are called by the Committee of Management, with the concurrence of the Session. At these a chairman chosen for the time presides, who may be the minister, or preses, or one of the elders or members, and the clerk of the Committee of Management acts as clerk. The business to be considered at a special congregational meeting must be distinctly specified in the notice calling the meeting and be intimated on the two Sundays preceding. The minutes of these meetings are engrossed in the minute-book of the Committee of Management.

Opening and closing

14. All meetings for temporal purposes are opened, closed, and conducted in the same manner as meetings for ecclesiastical purposes, and members present at them have likewise the right of dissent and petition.

Property Trustees

15. Congregational meetings are held from time to time as provided in the constitution of the congregation for the purpose of electing trustees to hold the property of the congregation and other matters connected therewith. Congregations should be careful to see that there is always a sufficient number of trustees surviving and acting.

SECTION III. New Congregations.

Title-deeds and Trustees

1. When a new congregation is being erected, and property acquired for a church, manse, or other church buildings, title deeds should be prepared and trustees appointed according to the Model Trust Deed of the Church. (See Appendix 5 I, page 143.) The title-deeds when drafted should be submitted to the Law Agent of the Church for revision and to the Presbytery for approval before being adopted.

Mode of Administration

2. At a special meeting duly called for the purpose, the Congregation decides which of the following methods of administration of its temporal affairs, as detailed in Chap II it will adopt, namely:- (1) The Deacons' Court; or (2) The Committee of Management; or (3) The Congregational Board. The General Assembly recommends the Congregational Board as the method of administration of temporal affairs.

CHAPTER 4.

THE PRESBYTERY.

SECTION 1. Constitution and Officials.

Formation of Presbytery.

1. A Presbytery is formed by the General Assembly, and in the Act forming it the bounds thereof are defined, the designation fixed, and the place and time of the first meeting appointed. The senior minister present presides at that meeting until the Presbytery has been duly constituted, the roll of members made up, and a moderator elected.

Membership.

2. A Presbytery consists of (1) all the ministers of congregations within the bounds fixed, (2) all ministers emeriti of its congregations, whose membership has been retained at the time of their retirement; (3) such ordained ministers, within the bounds and not having charges, as have been constituted members by authority of the General Assembly. Where a minister demits his charge to take up a General Assembly appointment, he will have a seat in the Presbytery within whose bounds he resides for the duration of the appointment. A retired minister may obtain a seat in the Presbytery in which he now resides when the Clerk of that Presbytery receives a letter of commendation from the Clerk of the Presbytery in which the retired minister last served. (4) Ruling Elders who have served as Moderator of the General Assembly who reside within the bounds (5) representative elders from the Sessions; (6) such other members as may be appointed to a Presbytery by authority of the General Assembly.

(7) From the rising of the General Assembly each year those ministers with seats in Presbytery by appointment of the General Assembly, with the exception of those in General Assembly appointments or beyond normal retirement age, shall apply to the Presbytery where they have a seat, to retain their seat. In granting such a seat the Presbytery shall satisfy itself on the continued involvement in the life of the United Free Church of Scotland of the applicant. In the event no seat is requested or is refused the minister shall no longer have a seat in Presbytery until such time as an application is made and a seat granted. No minister may exercise any ministerial functions as a minister of the United Free Church of Scotland without a seat in a Presbytery of the Church.

Ruling Elders

3. Each Session shall annually elect two elders to represent them in Presbytery. Congregations ministered to by a Pastor ordained by the authority of the General Assembly may nominate three ruling elders as their representatives in Presbytery, one of whom may be the ordained Pastor. Representative elders receive commissions from the Sessions by which they are appointed, constituting them members of Presbytery till the close of next General Assembly. The commissions, which must be in the form of an extract minute, besides intimating the fact of their election, must certify that the persons named are bona fide acting elders in the congregation, or

in some other congregation within the bounds of the Presbytery, or be accompanied by a certificate to that effect from the Session of which they are members. The election must take place within two months after the close of the Assembly, and commissions must not bear a later date, except in the case of newly sanctioned charges, or of appointments to fill up subsequently emerging vacancies. A previous representative cannot continue to sit beyond those two months unless re-appointed. A ruling elder cannot be allowed to take his seat in the Presbytery without a commission. Commissions may be received and sustained at a meeting *pro re nata*, or in *hunc effectum*, as well as at an ordinary meeting. In the event of a representative elder ceasing to be a member of Presbytery before his commission expires, a successor may be elected within one month thereafter.

Assessors

4. In order to strengthen Presbyteries, ministers and elders from other Presbyteries may be appointed by the Administration and Finance committee to act as Assessors in special circumstances.

Corresponding Member

5. A Presbytery may invite any member of another Presbytery present at its meeting to be a corresponding member. A corresponding member has a right to speak, but not to vote, on any question before the court. All Pastors appointed by the Ministry committee may sit as corresponding members of Presbytery where they have not been commissioned as Presbyters by their Kirk Session. Where a minister of another denomination is appointed to a local ecumenical project involving a congregation of the United Free Church, a seat is granted to the minister as a corresponding member of the Presbytery of the bounds. Adult trainers not members otherwise may also sit as corresponding members.

Election of Moderator

6. The Presbytery elects one of the members on its roll to be moderator. The moderator holds office for such time as the Presbytery may determine, but it is recommended that the appointment should never be for a longer time than twelve months.

Duties of Moderator

7. The duties of the moderator are, to constitute and conclude each meeting with prayer; to preserve order; to take the vote; to announce the decisions; to instruct parties at the bar; to administer rebukes and admonitions; to call on members to state their views, or to discharge any function which may have been assigned to them; to see that the business done has been duly recorded; to sign the minutes; and in general to speak and act officially in name of the Presbytery as it authorises.

Moderator only a casting vote

8. The moderator has no deliberative vote, but in cases of equality he has a casting vote. He is not permitted to take part in any discussion while he

occupies the chair, but he may ask leave to vacate the chair for the purpose of expressing his Opinion. When this request is granted, an interim moderator is appointed. The moderator vacates the chair when he is a party in a cause before the Court.

9. In the absence of the moderator a previous moderator, and failing such the senior member present, takes the chair and constitutes the meeting. Thereafter the Presbytery may appoint any other member present as moderator pro tempore, if it see cause. But if the moderator appears at any stage of the preceding, he takes the chair, and the fact is recorded

10. The Presbytery has power to appoint a member to act as moderator pro tempore on any particular occasion.

Clerks of Presbytery

11. The Presbytery appoints one or more clerks, who hold office during the pleasure of the Presbytery. Every clerk on his appointment solemnly promises to discharge the duties of his office with fidelity. It is his duty to keep an accurate roll of the members of the Presbytery; to write regular minutes of the Presbytery's proceedings, and to engross the same in a permanent record; to bring before the Court matters of business; to give intimation of the Presbytery's decisions, -and to furnish such extracts to all parties interested as the Presbytery may have allowed; to take charge of all the Presbytery's papers, books, and documents; and to carry out the instructions of the Presbytery. The clerk receives a salary fixed by the Presbytery.

12. In the absence of the clerk the Presbytery appoints one of its members to act as clerk pro tempore. The fact of the appointment is entered in the minutes.

Officer

13. The Presbytery appoints an officer to wait on its meetings and to execute its orders. At his appointment he promises to perform the duties of his office with fidelity. He receives a salary fixed by the Presbytery.

Presbytery Fund

14. The Presbytery has the right to assess the congregations under its jurisdiction, so as to obtain such funds as may be necessary for carrying on its business, and a treasurer is appointed to take charge of the Presbytery's funds.

Pastoral Care

Each Presbytery shall appoint a suitable person to be available in a pastoral capacity to offer help or support to Ministers and Pastors when necessary.

Section II Meetings and Procedure,

Quorum

1. Three members of Presbytery form a quorum.

Meetings

2. The election of representatives to the General Assembly renders two

meetings of Presbytery indispensable in the course of the year. Apart from the special limitations imposed on Presbyteries with regard to those two meetings they have the power of meeting when they judge it expedient. In the exercise of this power it is necessary for 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 are neglected by a Presbytery, its powers and functions lapse altogether until revived in a constitutional manner.

Restriction on time of Meeting.

3. No meeting of Presbytery can be held while the General Assembly is sitting, except when special leave to that effect has been granted by the Assembly. Presbyteries within a radius of fifty miles of Edinburgh and Glasgow are prohibited from meeting on the days appointed for the meetings of the Commission of the Assembly.

An ordinary meeting

4 All ordinary meeting of Presbytery is 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 by the General Assembly or in consequence of the lapsed powers and functions of the Presbytery having been revived in a constitutional manner. Every Presbytery fixes one or more places at which ordinary meetings are held. If it is resolved to hold a meeting for ordinary business at any other place, or to transact ordinary business at a meeting appointed on account of special business, care must be taken that sufficient notice of the time and place of meeting be given to all the members. When a Presbytery adopts a motion, of which due notice has been given, that it is desirable that it should name a place outwith its bounds at which its ordinary 'meetings may be held, it shall appoint a meeting to be held for the deciding thereon, of which a month's notice shall be given to all members of Presbytery. Should the Presbytery at such meeting resolve to petition the Assembly to sanction its decision, or to refer the matter for decision to the Assembly, it shall give notice of its purpose to contiguous Presbyteries, and to the Presbytery within whose bounds it desires to have liberty of meeting. The petition or reference to the Assembly must state the reason for such request, with the minute of meeting showing the state of the vote. Members of Presbyteries dissenting from its decision shall be entitled to be heard when a petition is dealt with by the Assembly.

An in hunc effectum meeting

5. An in hunc effectum meeting of Presbytery is a Meeting specially appointed by the Presbytery for the transaction of specified business. This kind of meeting requires that the particular business and the time and place of meeting be specified in the minute of the meeting which appointed it, along, with the resolution to meet in hunc effectum, and that public intimation thereof be made at that meeting. No business can be transacted

at, an in hunc effectum meeting except that for which it has been appointed.

A pro re nata meeting

6. 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 at least three of the members. It is required that due notice of the meeting be given to every member, and that the specific business for which it is called be distinctly stated in the circular calling it, and no other business can be transacted at it. 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. The Presbytery may adjourn, if necessary, to a date previous to next ordinary meeting to complete the business. 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. In the event of the death of the moderator, and until a successor is appointed, his rights and duties in connection with the calling of pro re nata meetings devolve upon the clerk.

Death of a minister

7. On the occasion of the death of a minister the Presbytery may meet without formal summons on the day of the funeral, and make arrangements for supply of the pulpit and for other necessary matters.

Presbytery lapsed

8. When from any cause the powers and functions of a Presbytery have lapsed, it shall be competent for any three or more of its members to address a requisition to the moderator, failing whom to the clerk, to call a meeting of the members of Presbytery for the purpose of appointing a day on which the Presbytery shall meet and proceed with ordinary business; and the moderator or clerk 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 letter addressed to every member on the roll of the Presbytery. This meeting when held shall be considered a pro re nata meeting, at which no business can be transacted except the appointment of a day for an ordinary meeting. At the next ensuing meeting of the Assembly or its Commission, the Presbytery shall report the causes that have necessitated its adopting this special procedure, and shall be liable to censure if the explanation is unsatisfactory.

Opening and Closing

9. Every meeting of Presbytery is both opened and closed with prayer. The usual and approved practice is to open every ordinary meeting with praise, reading of the Scriptures, and prayer. The minute must 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 sederunt had 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. The names of all the members present must be recorded. Apologies for absence, sustained for adequate reasons given, are recorded. 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.

Approval of Minutes

10. At each ordinary meeting, after it is ascertained that there is a quorum in attendance, and before the Presbytery proceeds to any other business, the minutes of the previous ordinary meeting and] of any in hunc effectum or pro re nata meeting are submitted. The Presbytery must either approve of these, minutes as submitted, 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 was alone are not of necessity submitted for approval until the Presbytery is again alone at an ordinary meeting. The approval or correcting of the minutes does not imply any power to alter the transactions or decisions of the meeting. The only question is the correctness, of the minutes as a true account of what was done.

Signing

If the minute of a former meeting has been engrossed in the permanent record before being submitted for approval, it should when approved be signed in presence of the Court by the moderator and the clerk. If the minute of a former meeting is submitted in draft, the moderator and the clerk initial the draft when approved, and afterwards sign the minute when engrossed in the permanent record. The moderator and clerk who sign may be either those who officiated at the meeting of which the minute is the record, or those who officiated at the meeting at which it was approved; but the practice of a Presbytery in this, respect must be uniform.

Correction

If in engrossing a minute in the permanent record the clerk finds it necessary to correct any mistake made inadvertently, he shall make the correction on the margin and attest it by his initials. If words have to be added, they are placed in the margin with a caret (^). If words have to be deleted, the pen is drawn through them, and the marginal entry states in words (not figures) the number deleted. When a minute engrossed in the minute-book is submitted for approval at a subsequent meeting of the Court, and the Court considers that the minute is incorrect or incomplete., it shall specify in the minute of such subsequent meeting the correction required; and a note shall be put on the margin, of the minute corrected

referring to the subsequent minute, correcting it, and shall be signed by the clerk. For alteration and correction of minutes by a Court of review see Sect. iii., Div. 11. 2, page 52. When from any cause a moderator or clerk cannot sign a minute which requires his signature, the Presbytery shall appoint such minute to be signed by its authority; and the person appointed to sign such minute shall append to his signature the date of the minute authorising him to do so

Order of Business

11. After the minutes are signed and the roll adjusted, all petitions, references, and papers of any kind to be submitted to the Presbytery, which have been previously put into the hands of the clerk, are laid on the table. The clerk intimates all causes and business to be brought before the Court, and the Presbytery determines the order in which they are to be taken up. Business left over from a previous meeting has ordinarily precedence over new matters. Business appointed for a specified hour must be taken up at the time fixed.

Commissions of Elders called for.

12. At the first ordinary meeting of Presbytery after the close of the General Assembly the commissions of representative elders are called for. If any Session has failed to send one, the Clerk of Presbytery shall within one month after the close of the Assembly call upon such Session to make the necessary election forthwith with intimation that if no appointment is made within two months after the close of the Assembly, none can be made till the close of next Assembly.

Presbytery in Conference.

13. For greater freedom in the discussion of important questions the Presbytery may resolve to meet in conference, and the conference may appoint the moderator or any other of its members to preside. No resolutions framed nor decisions adopted at such a conference are recorded in the minutes of the Presbytery; the object being to ripen opinion for subsequent decision, or to influence public opinion and action.

Committee of whole House.

14. For the consideration of any matter involving a variety of details, or for other reasons, the Presbytery may resolve to meet in committee of the whole House and appoint a chairman, who may be the moderator or any other member. When this is done the ordinary rules of debate are understood to be suspended. When resolutions are framed or decisions adopted in are reported to the Presbytery when it usually adopted by the Presbytery without further discussion the right of dissent, or of dissent and complaint, being reserved.

Committees.

15. 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 these committees

keep regular minutes and are to report to the Presbytery, which will record its own judgment upon the subjects of the several reports. Each committee has a convener who has a casting vote, but unless otherwise appointed by the Presbytery no deliberative vote. Committees cannot meet when the Presbytery is sitting except by leave of the Court. Presbyteries may enhance the work of their committees by drawing upon the expertise of persons outwith the membership of Presbytery, provided their appointment is approved by Presbytery, and the convener and a majority of those constituting the committee are members of the court.

Motions and Speaking.

16. 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) In cases in which parties are heard at the bar no previous notice of motion bearing on the merits of the case can be given. But in matters which do not involve the hearing of parties, and especially in matters of legislation, it is usual to give notice at a previous meeting of any motion which is to be brought forward.

Rules of Debate.

(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 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 and seconded cannot be withdrawn without the leave of the Presbytery. (3) In the discussion on motions a member is entitled to speak only once, but he may ask leave to explain something he has said which seems to be misunderstood. Leave is usually granted. The member who introduces the first motion, however, has a right to reply, but 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.

Call to order

(4) Any member has a right to call a speaker to order; and immediately on his doing so the speaker stops until the question of order is determined. The member calling to order is then allowed to state briefly the grounds on which the call has been made ; but no other member is entitled to speak to the point of order unless at the request of the moderator, with whom the decision rests. Members calling to order unnecessarily are liable to the censure of the Court. When the moderator has announced his decision with regard to a point of order, or to the competency of a motion submitted, the Court in all ordinary circumstances accepts that decision as final. When a member intimates that he cannot acquiesce in the ruling of the moderator, tile point on which the ruling was given is submitted, without discussion, to the judgment of the Court.

Voting.

17. In voting a Presbytery is guided mainly by the principles exhibited in the standing orders of the Assembly, except that the result of any vote is ascertained simply by a show of hands or by calling the roll, each of the members present saying, when called, first motion, or second motion, or amendment; or naming the motion he votes for in the way agreed upon.(1) When there are only two motions before a Presbytery on any subject, the statement of the vote is motion or amendment, or first or second motion, the amendment or second motion being put first. When the vote is taken by calling the roll, it 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 two amendments or the second and third motions should be put against each other in the first instance, the third motion being put first. 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) The same principle is followed with a larger number of motions or amendments. They are all disposed of by being, put against each other in the reverse order to that in which the motions were made. The question may thus always be reduced to a vote between the original motion and that amendment or motion, whether it be second, third, fourth, or fifth, which has been preferred through successive votes, as the one to be placed in immediate competition with the original motion.

(4) 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.

Intimation of Decisions

18. Decisions of Presbytery are communicated to those whom they concern either apud acta, that is, verbally to parties present, or by extracts.

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. The parties who acquiesce in a judgment are equally entitled, with those who appeal against it, to crave extracts. Other parties desiring extracts crave the Presbytery for them. But the clerk is not at liberty to give extracts without the express leave of the Presbytery.

(2) In all cases where extracts are craved, the clerk is entitled, before furnishing them, to such remuneration as the Presbytery may fix.

Dissents.

19. When a cause has been concluded, the minute adjusted, and the decision arrived at announced by the moderator, it is competent for any member who has voted to crave leave to enter his dissent. (As to right of dissent see further Chap. VI., Sect. vi., page 98.)

An Open Court.

20. The Presbytery is an open court, but it may sit in private when it judges it necessary or expedient, and must do so when required by the law of the Church, or by instruction of a superior Court.

SECTION III. Powers and Functions.

Three Divisions of Functions.

The functions of a Presbytery may be comprehended under three divisions, embracing respectively the department of original action; the department of review; and the special relations of the Presbytery to the superior Courts.

Division 1. Department of Original Action.

Training of the Ministry.

Power as to Admission and Licensing.

1. The Presbytery possesses the function of deciding whether applicants are qualified or not to be received into the number of students, with a view to their becoming preachers of the Gospel, who may be called to the pastoral office. It has also the function 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. The Presbytery in the exercise of these functions is regulated by Acts of the Supreme Court of the Church. Of the regulations for students the following affect the action of Presbyteries

(1) Students recognised by the Ministry Committee as preparing for the ministry of the Church must be attached to one of the Presbyteries of the Church, and be under its supervision throughout their course of training. Any such student, however, may arrange to be transferred from one Presbytery to another by applying to the clerk of the original Presbytery.

Presbyteries examination

(2) Presbyteries shall confer with all applicants who have been duly nominated to them regarding their piety and motives and on being satisfied as to these, and their fitness to go forward to the office of the ministry, shall certify them to the Ministry Committee.

Application for Licence

(3) In the month of June, preceding, the penultimate year of a student's preparation for the ministry, the student must intimate to the Ministry Committee the Presbytery to which he or she, intends to apply for Trials for Licence.

(4) In the October of the penultimate student's preparation for the student be asked by Presbytery to conduct a service of worship and preach Presbytery should be represented at the service and the representatives should confer with the student to commend and advise the student. Having received a report from it's Students and Probationers Committee, Presbytery should send a report to the Ministry Committee.

(5) Towards the close of the penultimate year of a student's preparation the Ministry Committee should prescribe a subject for an essay of approximately 2500 words. This work to be completed and returned to the Committee by the end of August

(6) During the first term of a student's final year the Presbytery should arrange for the student to conduct a service of worship and preach the

sermon. Presbytery should be represented at service and the representatives should confer with the student and commend and advise the student. Having received a report from its Students and Probationers Committee, Presbytery should send a report to the Ministry Committee.

(7)Where a student has satisfactorily completed the prescribed course of study and the work required of him, or her, by Presbytery and the Ministry Committee, the Ministry Committee should ask the Presbytery to arrange a Service of Licence.

(8)Where a student has not satisfactorily completed the work required of him, or her, by Presbytery and the Ministry Committee, representatives of Presbytery and the Committee should confer to consider how the best interests of the Church and student can be served.

(9)In the event of circumstances arising which are not covered by the above procedures the Ministry Committee will confer with Presbytery to determine an appropriate course of action.

Transference.

10) At the request of a student it shall be competent to any Presbytery to transfer him to another Presbytery at any time, during his curriculum. The transference may also be made at the close of his curriculum, or after he has entered on trials for licence. In this case the certificate of transference must state whether the student has been regularly received for trials, and what part (if any) of his trials has already been sustained.

Procedure at Licence.

11) Besides passing a judgement, sustaining or not sustaining each part of the trials separately, the Presbytery shall also, after all have been sustained separately, pass a judgement on the whole by a regular vote, "Sustain or not sustain these trials." The trials having been sustained, the student shall be required to answer the prescribed Questions, and to sign the relative Formula. Thereupon the moderator, after prayer, shall put to the Presbytery the question "License or not?" If it is resolved to proceed to license, the moderator shall address the student as follows: "In the Name of the Lord Jesus Christ, the King and Head of the Church, and in the exercise of the authority with which He has invested its office-bearers, we the Presbytery of do now license you, A. B., to preach the Gospel of Christ, and to exercise your gifts as a probationer for the holy ministry in this Church; and we commend you to the grace of God in the discharge of all your duties as a preacher of the Gospel." The moderator shall then address suitable counsels to the licentiate, and conclude with prayer. The Clerk of Presbytery shall furnish the licentiate with an extract of his licence. He shall also within a week after the student has been licensed send the name and address of the licentiate, with the date of his licence, to the, Secretary of the Ministry committee.'

Oversight of Licentiates and Ministers without Charges.

Licentiates

2. Licentiates remain under the supervision and subject to the authority of the Presbytery which licensed them, till they are regularly transferred to another Presbytery. A licentiate removing from the bounds of the Presbytery that licensed him, or within which he has been residing, and fixing his residence within the bounds of another Presbytery, shall present

to that Presbytery an extract of his licence, and a presbyterial certificate of character from the Presbytery which he has left.

Ministers.

Ministers who are not members of any Presbytery are subject to the jurisdiction of the Presbytery within whose bounds they reside.

Vacant Congregations.

Vacant Congregations.

3. It is the duty of the Presbytery to take a special oversight of congregation in which the pastoral charge is vacant; to see ordinances are duly administered and discipline maintained; to appoint one of its members as interim moderator of the Session, and to carry out the laws of the Church as to filling up the vacancy.

Procedure in filling up a Vacancy.

4. During a vacancy in the pastoral office the interim moderator of Session, if an ordained minister, is entitled and called upon, so far as he can do so consistently with his duty to his own flock, to execute all the spiritual function that would otherwise belong to the stated pastor.

5. It is not his duty to take charge of convening the Deacons' Court, that duty being expressly assigned to the clerk of the Deacons' Court during a vacancy in the pastoral office; but, as representing the Presbytery, the interim moderator of Session stands in the same position as the stated minister in regard to the use of the church and other ecclesiastical buildings.

6. A vacancy in the pastoral office can be formally declared from the pulpit only by a minister regularly appointed by the Presbytery or a superior Court to discharge that duty.

7. The following classes of persons are qualified to be elected, called, and admitted as ministers of congregations in the United Free Church of Scotland :-

Who are eligible for Election.

(1) All ministers of the United Free Church of Scotland who have been admitted to and retain the status of ministers of the Church, and all probationers of the Church.

(2) Ministers settled in charges in the following Churches: all Presbyterian Churches in Great Britain and Ireland and in Canada, Australia, New Zealand, and South Africa; The United Congregational Church of Southern Africa and also all probationers of the Church of Scotland. In all cases the Ministry committee shall be consulted and a certificate of eligibility obtained from the Committee before ministers of these Churches can be considered. Where a minister from overseas seeks a certificate of eligibility, the Ministry Committee only issue such a certificate after consultation with the Overseas Committee.

Ministers and probationers not included in the above classes are not eligible for election until they have been admitted by authority of the General Assembly to the status of ministers or probationers of the United Free Church of Scotland.

Ordination Recognised

The previous ordination of any minister applying for admission to the

Ministry of our Church should be accepted without question of further ordination, provided the following conditions are met:-
the ordination has been to the Ministry of the Universal Church of Christ and not exclusively to a denomination; the ordination has been carried through by an authority representing a recognised branch of the Universal Church; at the time of application the applicant continues to hold the status of an ordained minister within such a branch of the Church.

Election and Calling Ministers

8. When a vacancy takes place in a congregation, the Presbytery of the bounds shall, without delay, appoint one of its members to preach in said congregation, and to intimate the vacancy, and shall also appoint one of its members to be interim moderator of the Session, and to preside at all congregational meetings that may be held during the vacancy. The name of the interim moderator shall be sent by the Presbytery Clerk to the Secretary of the Ministry committee.

Congregational Meeting.

9. Unless special grounds exist for delaying to fill up the vacancy, the member of Presbytery intimating it shall by authority of the Presbytery call a meeting of the congregation to be held on an early day.

Exhortation

10. At this meeting the congregation shall be instructed regarding the duties and responsibilities in the election of a minister pertaining to all the parties concerned, namely, to the congregation, to the Presbytery, and to the person or persons put in nomination.

Congregational Committee.

11. Unless the congregation is prepared at this meeting to elect a minister, it may nominate certain of its members, who' along with the elders, shall be a committee for bringing before the congregation one or more eligible persons with a view to the election of a pastor.

Candidates.

12. In providing for the supply of the pulpit by candidates, with a view to the selection of a minister, regard must be had to any Act of Assembly or Regulations sanctioned by the Assembly as to the distribution and employment of probationers.'

Financial Arrangements.

13. As soon as convenient after a vacancy has taken place and when steps are being taken to procure a minister, the proposed financial arrangements are submitted to the Presbytery and to the Ministry committee for their approval. In every case the Presbytery satisfies itself that the congregational organisation for the Central Fund is effective, reports concerning it to the Ministry Committee, and receives the Committee's Judgement upon the report. This procedure being repeated on an annual basis until such time the vacancy is filled

Appointments

14. Where a Presbytery does not support the induction of a minister to a vacant charge Presbytery may allow the congregation to call a minister on the basis of an appointment. Such appointments will normally be for five years.

Who may vote.

15. The election and calling of a minister for any congregation belong to the members of the congregation in full communion the mode of election and

calling being subject to the regulation of the Church Courts. No vote shall be allowed or recorded at any meeting for considering as to an election, unless the vote is given by a member of the congregation who is personally present and whose name is on the attested roll.

Attested Roll.

16. Before any meeting is held to consider the question of electing a minister, the Session shall make up, attest, and lay on the table of the Presbytery a roll of communicants, which the Presbytery shall also attest. The roll of communicants so made up and attested previously to the first congregational meeting at which a minister may be elected, shall, previously to any subsequent meeting for the election of a minister, be purged of all those who in the meantime have died, or have been disjoined from the congregation, and the names of those who in the meantime have been admitted as communicants in the congregation shall be added to the roll; and the roll thus made up must be duly attested by the Session.

Meeting for election

17. When a committee on the election of a minister has been appointed and is prepared to report, or when there is reason to believe that the congregation is prepared to proceed to an election, a congregational meeting is to be held on an early day. This meeting must be intimated on the two Sundays immediately preceding. If it appears that the congregation is not prepared at that meeting to elect a minister, the congregation takes such further competent action as may seem advisable. It may appoint a committee, if one has not previously been appointed, and give it such instructions as it may think right; and if there is an existing committee, may add to its number and may give it such instructions as are thought advisable; or it may resolve to proceed without a committee.

Regularity of Meetings.

18. When a meeting is held to consider as to the election of a minister, the moderator first of all ascertains that the meeting has been duly called on the two Sundays immediately preceding by an intimation specifying its purpose. He then intimates to the meeting that only members whose names are on the attested roll are entitled to take part in it.

Procedure

19. At every such meeting, if a committee has been appointed the first business is the consideration of any report that committee may submit. Where there is no committee the meeting confers as to whether it is prepared to proceed to an election. When it is resolved to proceed to an election nominations are called for. These are not restricted to names submitted in a committee's report. Any member of the congregation may nominate any person who is eligible by the laws of the Church. The names of those who have been duly proposed and seconded are taken down; and after the moderator has ascertained that no other name is to be proposed the meeting is declared closed. Before the vote is taken the moderator leads the congregation in prayer for divine direction. After the vote is taken the congregation determines whether it will apply for a moderation or not.

Voting

20. When only one person has been nominated the question voting. Is put, "Elect Mr._ or not." When more names than one have been proposed, they are put successively in the order in which they have been proposed; the name having fewest votes is dropped, and the vote is again taken on the

remaining names, and so on till only one name remains. But if at any stage in the voting more votes are given for one person than for all the others collectively, the names of these others are dropped without further voting. The question is then put, "Proceed to moderation in a call or not." Before putting this question the moderator explains that his putting it enables the minority to acquiesce, if so minded, in the decision of the majority.

Commissioners

21. If it is resolved to apply to the Presbytery to moderate in a call, the congregation appoints commissioners to support the application before the Presbytery.

Minute of Meeting.

22. The minute of the congregational meeting must be transmitted to the Presbytery by the Session.

Moderation in a Call.

Action of interim Moderator

23. It has become usual for Presbyteries to authorise the moderator in a vacancy himself to moderate in a call, under interim certain conditions, and this is commonly done immediately after an election has been made. The former custom whereby the Presbytery itself meets for moderation on the application of the congregation is rarely practised. For the rules governing the procedure of Presbytery in such a case see the Manual of 1927

Rules for Moderation.

24. The following rules apply where the moderator in a vacancy has authority from his Presbytery to moderate in a call. This authority may be given either at the meeting of the Presbytery at which the moderator in the vacancy is appointed, or at a subsequent meeting of the Presbytery; and it shall be exercised by him as the delegate of the Presbytery.

(1) Where moderation in a call as well as election is in view, this must be stated in the intimation of a special congregational meeting given on the two Sundays immediately preceding.

(2) When the election of a minister to a vacant charge has, taken place, and is unanimous or shows a clear majority of those voting for a call, the moderator in the vacancy shall, provided: the financial arrangements have been approved in terms of paragraph 13, page 40, forthwith proceed to moderate in a call to the minister or probationer elected. When a minority acquiesces in the choice of the majority the election shall be held to be unanimous.

(3) The communion roll, as specially adjusted and attested by the Session and the Presbytery, 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.

(4) At the meeting at which moderation takes place the call may be signed by members present, and a form of concurrence by adherents over fourteen years of age, and the signatures are attested by the moderator.

(5) The call and form of concurrence are left in the hands of the Session for further signatures within the Church premises at times of which public intimation is made to the congregation. On each such occasion of signing two elders shall be present, who, shall attest the signatures, specifying the number who have signed at that time.

(6) The call may be subscribed on behalf of members not present at any such occasion of signing, when mandates, which may be signed by one or more persons, authorising such subscription are produced.

(7) Dissents from a call can be received only when they are tendered at the meeting immediately after the call has been attested by the moderator. (For procedure in the case of such dissent see the Manual of 1927 or 1936, page 47.)

(8) The congregation shall appoint commissioners to support the call before the Presbytery.

(9) The moderator shall lay the call and relative documents on the table of the Presbytery at its first ordinary meeting, or at a special meeting to be called for the purpose, in order that the Presbytery may consider the question of sustaining it. These documents must include the minute of the congregational meeting.

(10) In all other cases the moderator shall not moderate in a call, but shall report the election to the Presbytery. Further procedure shall in that case be according to the rules for moderation by the Presbytery.

Calls to Ministers in Charges.

Commissioners to prosecute a call

25. If the sustained call be to the ordained minister of a congregation of another Presbytery of the Church, the induction cannot be proceeded with until a judgement has been obtained in favour of the translation, either from the Presbytery which has jurisdiction over the minister called, 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 being officially informed that its judgement sustaining it has been affirmed by the superior Court, commissions certain of its members to prosecute the call. The congregation calling also appoints certain persons as its commissioners. The clerk sends the call, and along with it certified copies of all needful documents and minutes, to the clerk of the Presbytery of which the minister called is a member, who shall acknowledge receipt of these documents, and intimate the time and place of the meeting of his Presbytery at which commissioners require to be present. The clerk of the latter Presbytery shall also intimate the call to the minister called and to the clerk of his Session. On the next or first suitable Sunday the clerk of the Presbytery shall, either personally or by a substitute, intimate the call to the congregation and summon a congregational meeting, which can be held after one Sunday's intimation, to consider the matter, and to appoint commissioners to appear for the interests of the congregation at the meeting of Presbytery at which the call is to be considered; and he shall either personally or by a substitute preside at that meeting. The commissioners prosecuting the call ascertain from the clerk of their own Presbytery the time and place of the meeting at which they require to appear.

Procedure.

26. 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 the general rules of order ; it being understood that the parties prosecuting the

translation hold the position as to opening the case and right of reply, which belongs to appellants. (See Chap. VII., Sect. v., page 96.)

Minister called heard at any stage etc.

27. At this meeting the minister called is first asked if he is prepared to make a statement at this stage. If he make a, statement the commissioners are heard if desired. If he is not prepared at this stage to make a statement, commissioners are heard, but not more than two on behalf of each congregation; and thereafter a declaration of his mind is required. The Presbytery decides, in the first instance, whether or not the call ought to be presented to the minister. If the decision be in the affirmative, and there be no appeal or complaint, and if thereafter the Decision. minister acquiescing in the decision accept the call, the Presbytery gives formal judgement to the effect that it agrees to the translation, and appoints the minister to await in that matter the orders of the Presbytery prosecuting the call, and instructs its clerk to send an extract of the finding to that Presbytery.

Proceedings in case of Complaint.

28. If there be an appeal or complaint taken against a decision favour of a translation, the Presbytery which has come to that decision instructs its clerk to intimate to the other Presbytery through its clerk, whether or not reasons of appeal or complaint have been lodged in due time; and also to intimate to them immediately the fact of the appeal or complaint being otherwise fallen from, if this should occur at any period after reasons have been duly lodged. If reasons are duly lodged, the commissioners of the Presbytery and of the congregation are entitled to lodge answers, and to appear as parties before the superior Courts.

Duties of Commissioners.

29. The commissioners of a Presbytery for the prosecution of a translation shall report the decision in the case and any appeal or complaint, at the first ordinary meeting of their own Presbytery thereafter. If the decision has been in favour of the translation, and there is an appeal or a complaint, with reasons lodged in due time, no further step can be taken towards the induction until the appeal or complaint has been dismissed by the superior Court. But if it be duly certified to the Presbytery prosecuting the call 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 that the superior Court has dismissed the appeal or complaint and affirmed the sentence in favour of the translation, then the Presbytery prosecuting the call fixes a day for the induction.

30. If the decision of the Presbytery having jurisdiction over the minister proposed to be translated be adverse to the translation, it is usual for the commissioners of the Presbytery prosecuting the call to take all 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 whether they have done so, and also whether any appeal was taken by the congregation calling, or any dissent and complaint taken by ally member of the other Presbytery. If the meeting at which the report can be made take place within ten days front 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

ill the power of the Presbytery to fall from the appeal and to intimate to the other Presbytery that it has done so. The Presbytery comes to such judgement on the report of its commissioners as it thinks most expedient. If it resolves to prosecute that appeal, or if any appeal or complaint in connection with the case is proceeded with, no further step toward the filling up of the vacancy can be taken until a decision has been obtained from the superior Court. But if the Presbytery falls from its appeal, and if no other appeal and no complaint be prosecuted, of if the superior Court intimates that it has affirmed the adverse decision, the Presbytery must intimate to the congregation in due form the necessity of steps being taken for a new election.

Call to Minister of Charge in same, Presbytery.

31. 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. In sustaining the call, the Presbytery takes care not to commit itself to the propriety of the translation. Due intimation is given to the minister called and to his congregation. Commissioners from both congregations appear at the bar of the Presbytery on the appointed day, and the Presbytery proceeds according to the preceding directions.

Call to Minister outwith of Scotland

32. When a call is sustained to a minister in a charge outwith of Scotland, it shall not be necessary for parties to appoint commissioners to prosecute the call. In that case the call may be duly prosecuted by forwarding it, with relative documents, to the Presbytery of which the minister called is a member.

Call accepted by Minister in a charge

33. When the minister of a congregation accepts a call to another congregation in the United Kingdom, he is not loosed from his charge till he is inducted to his new charge. Until then he remains responsible for the due administration of ordinances; and the congregation continues to be responsible for the amount of stipend promised. When the call is to a congregation outwith the United Kingdom, the minister is loosed from his charge when the call is accepted.

34. The Presbytery may, if it see cause, at the same meeting at which the minister has accepted a call, appoint an interim moderator of session, who shall be associated with the minister until he is loosed from his charge, with a view to acting in all matters connected with the approaching vacancy, and shall subsequently take full charge. If this procedure be adopted, a congregational meeting shall be called as soon as possible after a minister has accepted a call, at which the interim moderator shall preside, for the purpose of taking the usual initial steps towards choosing a minister. By arrangement with the outgoing minister, the congregation may then proceed at once to hear candidates under the ordinary regulations but, no election shall take place until after the outgoing minister is loosed from his charge and the vacancy intimated to the congregation.

Disposal of Appeals and Complaints.

35. The Commission of Assembly is empowered, at any of its stated diets, to take up and dispose of all references, appeals or complaints from Presbyteries in matters connected with calls, translations, or settlement of ministers, which may be brought before it and which it is found desirable in

the interest of congregations concerned to dispose of without delay. In such cases the decision of the Commission is final

Calls to Probationers or Ministers not in Charges.

36. If the Presbytery has sustained a call to a probationer or a qualified minister without a fixed charge, and if he be present, the call is put into his hands, and he is asked whether he accepts it. 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 Session to procure additional signatures, which shall be reported to the Presbytery.

37. If the Presbytery sustains a call to a probationer, or to an ordained minister not having a fixed charge, and if there be no appeal nor complaint tendered in due form against its Judgement, it proceeds to take the necessary steps with a view to his induction to the pastoral charge.

Ordination and Induction.

Serving of Edict.

38. When the Presbytery fixes a day for the ordination and induction of a probationer, or for the induction of an ordained minister, it appoints an edict to be read to the congregation on the two Sundays immediately preceding the day fixed for the induction, which must be attested each Sunday by the officiating minister or preacher. By the edict, public intimation is made that the day and hour named have been appointed for the ordination and induction, or for the induction, as the case may be, 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 time and place appointed for the purpose of receiving and dealing with objections, if any. The usual practice is to hold this meeting at an hour not long before that fixed upon for the settlement. (For Forms of Edict and Attestation see Appendix 7, No. 6, pages 161)

Objections at last Stage.

39. At the time and place named in the edict, the Presbytery, having been constituted, calls for "the return of the edict," with attestation that it has been duly served. It then causes intimation to be made to the assembled congregation that the Presbytery is met to receive and deal with objections. Any objections at this last stage must be substantiated immediately to the satisfaction of the Presbytery, and substantiated objections arrest procedure. When no objections are given in, or when they cannot be substantiated immediately, it is the duty of the Presbytery to proceed with the ordination and induction, or with the, induction alone, according to appointment.

Proceedings at Ordination

40. The Presbytery then proceeds to the place of worship, where the minister appointed conducts devotional exercises and preaches a discourse suitable to the occasion. The moderator then briefly narrates the steps that have been taken in order to the settlement, and puts to the minister-elect the prescribed Questions.' These having been satisfactorily answered, and the Formula having been signed, the minister-elect kneels, and the moderator by prayer, with the imposition of hands in which all present join, ordains him to the office of the holy Ministry, and inducts him to the pastoral

charge of the congregation. Prayer being ended, the moderator, addressing the minister-elect, says, "In the name of the Lord Jesus Christ, the King and Head of the Church, we do hereby declare you to be ordained to the office of the Holy Ministry, and induct you into the pastoral charge of this congregation, and we commend you to the grace of God in the discharge of all your duties as a minister of the Gospel." The moderator and other members of Presbytery present give to him the right hand of fellowship. Suitable exhortations are then addressed to him and afterwards to his people. The congregation is then dismissed, and as they retire the members have an opportunity of welcoming him as their minister. His name is then added to the roll of the Presbytery; the Session is constituted, and he is introduced and takes his seat as its moderator. Certified intimation of the ordination and induction is sent to the Session-clerk to be engrossed in the minutes of the first meeting of Session thereafter.

Induction Service.

41. When one who has been already ordained to the ministry is to be inducted to the pastoral charge of a congregation, the act or ordination is not repeated, and the words "declare you to be ordained to the office of the Holy Ministry, and" in the declaration are omitted. In other respects the procedure is the same as that in an ordination.

Intimation to other Presbyteries

42. It is the duty of a Presbytery, after inducting to a charge within its bounds the minister of a charge under the jurisdiction of another Presbytery, either of this Church or of any other from which he has been duly translated, to give immediate intimation through its clerk to that Presbytery that the induction has taken place.

Introductory Period

For all ministers inducted or appointed to their first charge there is an introductory period. The introductory period should normally last for one year but, may be extended at the discretion of the Ministry Committee. The Ministry Committee shall appoint an Advisor for each Minister during the introductory period.

Ordination other than to a charge

43. Ordination which has no reference to a particular pastoral charge, or to some position or function held to be equivalent to that of a particular pastoral charge, though competent, is unusual, etc. and should be conferred only when expressly authorised by the General Assembly. The serving of an edict is dispensed with. But public notice of the Presbytery's intention is to be given, that there may be sufficient opportunity to bring forward and substantiate any objection to the life or doctrine of the person proposed to be ordained.

Certificate of eligibility

44. As soon as a minister has been accepted by another Church, or has received his Certificate of Eligibility from another Church, he shall accordingly notify his Presbytery which shall confer with him and his congregation and he shall be obliged to demit his charge within a period of six months.

Other employment

45. No minister in a charge shall undertake any remunerative employment or office without obtaining approval of the Presbytery of the Bounds.

Resignation of Ministers

46. A minister who wishes to resign his pastoral charge on the ground of ill-health, old age, or other circumstances not affecting his ministerial character, tenders his resignation to the Presbytery under whose jurisdiction he is. The Presbytery, either when alone, or through a committee, confers with him as to the reasons of the proposed resignation. Due notice must be given to the congregation that it may be heard for its interest. If the Presbytery finds the alleged reasons unsatisfactory, or if any circumstances or fama be made known to it which require investigation, it cannot accept 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 he continues to be persuaded that it is his duty to follow out his intention the Presbytery may accept his resignation, and take immediate steps for declaring the pastoral charge of his congregation vacant.

Ministers emeriti.

47. When a minister on account of old age, infirmity or sickness is relieved of his pastoral duties, he shall retain his seat and vote in Presbytery and shall have his name enrolled as minister emeritus of his congregation. When for other reasons a minister is relieved of the work of the pastorate and the pastoral tie is dissolved, he shall not retain his seat and vote in Presbytery without the sanction of the General Assembly, but he retains his status, provided he annually satisfies the Presbytery as to his work and Church connection, and may be employed in any work belonging to that status which he is capable of performing. Ministers emeriti who are not continued as members of Presbytery are eligible as ruling elders in the congregations to which they attach themselves as communicants. Ministers who are not members of any Presbytery are subject to the jurisdiction of the Presbytery within whose bounds they served at the time of their resignation.

Appointments, Part Time Pastorates, Pastors and Readers

Appointments and Part time Pastorates

48. Where a Presbytery does not give a congregation permission to call a minister it may give permission for an appointment to be made in conjunction with the Ministry Committee. Such an appointment may be for whichever number of days per week the Presbytery deems appropriate. Congregations should have full opportunity of approving the minister or pastor to be appointed; and the provision of candidates should be arranged by the interim moderator and the appropriate Assembly Committee. Presbyteries should not moderate in a call in the case of such appointments, nor should they induct the pastor or minister appointed. It is suitable that an appropriate introductory service should be arranged by the Presbytery. Presbyteries should be careful to see that a precise record of the appointment made, including the financial terms, is engrossed in the minutes of the Presbytery.

Pastors

49. The Church recognises the appointment of Pastors, who shall be appointed by the Ministry Committee and be under its superintendence. Their spheres of labour shall be fixed by the Ministry committee in consultation with the Presbytery. Unordained Pastors cannot conduct

Communion or Baptism. The Ministry Committee however, in consultation with the Presbytery, may decide under some circumstances to permit Pastors who have served the Church for a period of at least five years and who have completed a course of instruction on behalf of the Committee, to conduct Communion. Where a Pastor has experience in Christian Ministry which the Ministry Committee in consultation with the Presbytery agree is satisfactory and which is commensurate with serving the Church for a period of five years, the Ministry Committee may authorise the Pastor to conduct communion following completion of a course of instruction.

50. In congregations served by Pastors, the Presbytery shall continue to appoint a moderator of Session. An ordained Pastor may administer ordinances by arrangement with his interim moderator, in cases where a minister is appointed, he shall become moderator of Session in virtue of his appointment as a member of Presbytery. Congregations so served are not to be regarded as having their status thereby affected. They remain congregations with all the rights and privileges of congregations except that of a life appointment to the ministry. They are entitled to representation in Presbytery by an elder or elders, and are liable for Assembly and Presbytery dues.

Readers

51. The function of Readers is to conduct worship and preach. The selection and training of Readers is the responsibility of the Ministry Committee and that the Presbytery of the Bounds will be responsible for their deployment. Matters of discipline relating to the work of Readers will be dealt with by the Presbytery of the Bounds.

Formation of Preaching Stations and Charges

Formation and Agencies

52. A preaching station for the regular worship of God may be formed under the superintendence of a Presbytery without being constituted as a pastoral charge. This may be done either on petition of residents in the district or at the instance of the Presbytery itself. When the proposal is originated by petition of residents in the district, those petitioners who are members of the Church are required to append to their signatures the names of the congregations of which they are members; but they are not required to disjoin themselves from these congregations till the prayer of the petition is granted. When aid is received from the funds under the charge of the Ministry committee, the station must be conducted under the direction of such committee, but so as not to interfere with the constitutional jurisdiction of the Presbytery.

Sessions in Preaching Stations.

53. Preaching stations are established under the authority of the Presbytery of the bounds; and it belongs to the Presbytery to arrange in regard to the appointment of elders and the establishment of Sessions in them, a member of the Presbytery being appointed the moderator of every such Session. When the Presbytery deems it expedient such Sessions may consist of elders in fully constituted congregations of the Presbytery. In this case the Session cannot send a representative to the Presbytery. Where the station has not congregational status this course must be followed. Where a station has congregational status, to the extent that an

arrangement has been sanctioned for the regular dispensation of the Sacraments, and that it has its own communion roll, the Presbytery may, if it think proper, authorise the appointment in that station of a Session, the elders of which may be elected from among the membership on the roll, and are ordained and admitted as elders of the station. In this case the Session is entitled to send a representative to the Presbytery of the bounds. The members of such Sessions are eligible to be appointed representative elders to the General Assembly, but their certificates of being bona fide acting elders must be given by authority of the Presbytery.

Notice to neighbouring Sessions.

54. When a petition or a proposal is before a Presbytery to form a congregation or to open a station with a view to the erection of a congregation, notice must be given to the neighbouring Sessions of the Presbytery, that they may be heard for their interests.

Scaling Ordinances in Stations.

55. Where no Session has been formed in connection with a station, sealing ordinances can be dispensed in it only by appointment of the Presbytery, unless the station has been placed under the jurisdiction of a neighbouring Session. When the Presbytery authorises the dispensation of sealing ordinances it appoints a minister for this purpose.

Formation of Sanctioned Charge.

56. When a Presbytery considers it desirable to form a fully sanctioned charge it forwards a statement of its opinion to that effect, together with all documents in the case, to the General Assembly.

Dissolution.

57. When a Presbytery finds after full inquiry, that from depopulation of the district where a sanctioned charge is situated, or from any other cause, it is not advisable to maintain it as a pastoral charge, the Presbytery shall consider whether it should be continued as a station or should be discontinued or otherwise dealt with. Presbyteries have Powers, subject to appeal to the General Assembly, to expedite the closure of congregations which have come to the end of their useful life. The names of all new congregations started or congregations closed down shall be included in the report of the Administration and Finance committee to the General Assembly. Presbyteries are instructed to consult with the Assembly Clerks in all matters concerning dissolution of congregations. Where a congregation dissolves all funds and assets of the congregation are to be entrusted to the General Trustees to disburse on behalf of the congregation in accordance with the Trust conditions and where applicable the directions of the congregation for the work of the United Free Church of Scotland. Before a congregation is dissolved an extract minute of a meeting of the congregation held for the purpose of agreeing the intention of the congregation regarding the funds and assets of the congregation be presented to Presbytery and forwarded to the General Trustees.

Action by Congregation.

58. Should the question be raised in a congregation as to its continuance or otherwise, the only competent procedure is to report the matter forthwith to the Presbytery through the Session. The Presbytery shall without delay inquire into the whole circumstances of the congregation, meeting with the minister, the office-bearers, and the congregation.

Other Powers and Functions.

Building a New Place of Worship

59. When it is proposed to build a new place of worship With a view to church extension or to rebuild a place of worship' .whether on its present or on a new site, the Presbytery is to be consulted before the site of the proposed church is finally fixed upon. Plans and an estimate of the probable cost of every new place of worship are also submitted to the Presbytery, together with a statement of the provision made for defraying the cost, or of the means by which it is expected that the liabilities incurred will be met; and the Presbytery shall not give its sanction to the commencement of building operations until it is satisfied as to the prospect of the obligations undertaken being met. In dealing with building operations regard must be paid to the conditions which the Assembly has laid down.

Admission of a Congregation from another Church.

60. If a congregation connected with another Church petitions for admission as a congregation already constituted, the Presbytery appoints a committee to meet with the congregation; to make full inquiries into its position; to see that its proceedings in reference to the petition have been regular, and that it has full freedom to seek admission; and that it approves of the constitution and distinctive principles of this Church. A certified copy of the roll of membership must be laid on the table along with the petition.

60. If the Presbytery is satisfied with the report of the committee on these points, the procedure detailed in par. 55 is then followed. If the admission of the congregation is sanctioned, the Presbytery meets with the congregation, and, after public worship, declares it, to be a congregation of the United Free Church, and the elders of its Session who satisfactorily answer the prescribed Questions and sign the Formula to be the Session of the congregation. Where there are no elders the Presbytery appoints a provisional Session.

Admission of a Congregation with the Minister.

61. If a minister of another Church petitions for admission along with his congregation, and as its minister, the Presbytery regulates its procedure in regard to the minister by the rules for admission of ministers and preachers. It appoints a committee to meet with him and obtain information as to all the circumstances which have led to the petition, and to meet with the congregation for the purpose stated in par. 63. After hearing the report of the committee, the Presbytery, in view of all the circumstances of the case, decides whether it will recommend the Assembly to grant the petition. If the petition is granted by the Assembly, the Presbytery admits the minister and congregation according to the procedure described in the latter part of par. For the rule as to admission of a minister or probationer of another Church see Division 111. 4, page 58.

Special Services and Collections.

62. The Presbytery has the power of appointing special diets of worship, and special fast-days and days of thanksgiving. It can also appoint special collections for particular objects to be made in all the congregations under its jurisdiction. This power, however, requires to be exercised with great discretion.

No interference with another Presbytery

63. A Presbytery cannot interfere with or review the procedure of another Presbytery. It may make a remonstrance there anent, and endeavour by frank and friendly representation to have the matter put right. Where this is ineffectual the Presbytery which feels aggrieved can bring the matter by petition for redress before the General Assembly.

64. Presbyteries have, subject always to the laws of the Church, a duty of supervision in all matters affecting the spiritual welfare of the Church and of its members within their respective bounds, and may give counsel and admonition, and make public declarations of opinion on such matters, as they may see cause. In doing so they must be careful of the rights of Sessions and of individual members of the Church.

Solemnising of Marriage

65. Marriages may be solemnised in accordance with the provisions of the Marriage (Scotland) Act 1977, by ministers, and pastors who have received ministerial ordination. No marriage may be solemnised for profit or gain. When a minister furth of Scotland or from a non-prescribed Church giving continuous supply is asked to solemnise a marriage in one of our churches, that minister should first obtain recognition by Presbytery. Having been recognised by Presbytery the Registrar General should be informed in order that all legal requirements be complete to allow that minister to proceed with the marriage. When a minister furth of Scotland (or a minister from a non-prescribed Church), not giving continuous supply, is asked to solemnise a marriage that minister must be recognised not by Presbytery but by the Registrar General.

66. No minister, or anyone whose ministerial ordination is recognised by a Presbytery of the Church to solemnise a marriage, may solemnise, bless or in any other exercise of ministry participate in any way in marking any other form of marriage other than that of the union of one man and one woman.

Division II. Department of Review.

Right of review

1. The Presbytery's right of review extends not only to decisions and resolution of congregational meetings, and the disposal of matters brought before it by reference, protest and appeal, or dissent and complaint, but also to various other matters. As to the right of review of decisions of congregational meetings see Chap. III., Sect. 11., 7 and 14, pages 27 and 28; and as to references, protests and appeals, and dissents and complaints, see Chap. VII.

Records to be examined

2. The Presbytery exercises the right of review through the periodical examination of the records of Session, Deacons' Courts, and Congregational Boards. Presbyteries are instructed to see that the communion rolls of all congregations are attested annually by Kirk Sessions and produced to the Presbytery for attestation by the Presbytery or by a committee or committees appointed for this purpose. It is also recommended that the Session records should be produced annually for attestation, and that the records of Deacons' Courts, Committees of Management and Congregational Boards be examined and attested

annually. When such records are not examined annually they should be examined at the quinquennial visitation. After such examination the Presbytery comes to a finding regarding them.'

Roll attested.

(1) It attests the communion roll with any suggestions there anent, or deals with it otherwise as may appear to it to be called for.

Correctness and Accuracy

(2) It pronounces a judgement as to the correctness and accuracy with which each record is kept, requires serious errors to be rectified, and points out deficiencies or mistakes of a less important character in order that they may be avoided in future; and it may instruct Sessions or Deacons' Courts as to any improvement which ought to be adopted in their modes of conducting business.

Review of Deliverances.

(3) It may for sufficient reason review and recall any deliverance of a Session appearing on the record. If it be too late for a simple reversal to redress an injustice, the Presbytery may give instructions to the Session for affording such redress as the laws of the Church 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 obliterating the words to be deleted so as to render them illegible, and noting on the margin the number of words so deleted, with an attestation by the person deleting; or by cutting leaves out of the record, the number of leaves cut out being formally noted in the record; or it may be partly in the one way, partly in the other. The minute of Presbytery ordering the deletion must be inserted in the record. Before pronouncing any judgement with respect to any deliverance of a Session, or before ordering the minutes of a Session to be altered, the Presbytery must summon the Session to its bar and hear them as parties.

Deacons' Court.

(4) The Presbytery may find that certain procedure of a Deacons' Court or Congregational Board has been ultra vires, or contrary to Acts of Assembly, and may declare it to be null and void, or order the minutes to be altered. Before doing so, it must summon the Deacons' Court or Congregational Board to the bar, and hear them as parties. The Presbytery has no power of judgment with respect to those details of practical procedure in the Deacons' Court or Congregational Board which are within the province of that Court or Board, and consistent with the Acts of Assembly.

Matters neglected.

(5) If it appear to the Presbytery that a Session has failed to deal with a matter that calls for inquiry, the Presbytery may instruct the Session to proceed in the matter according to the laws of the Church; and may, where, it seems desirable, appoint assessors to assist the Session.

Records of Managers.

3. The Presbytery has the right at any time for special cause to require the production of the record of the managers' proceedings in congregations whose temporal affairs are under the care of a Committee of Management; it has also the right to take action in regard to any matters subject to the cognisance of the Church Courts which may arise upon such a record.

Presbyterial Visitation of Congregations.

Presbyterial Visitations of Congregations.

4. In the exercise of their duty of oversight Presbyteries may arrange at any time for the visitation of the various congregations within their bounds, but it is required that they shall, at least every five years, visit them in rotation. The object of presbyterial visitation is to strengthen the hands of the ministers, elders, deacons, and managers, and to give such counsel and encouragement as may be suitable, as well as to satisfy the Presbytery that the congregations under its charge are in a satisfactory state. The following are the regulations for presbyterial visitation and more effectual oversight of congregations:

Quinquennial.

5. (1) At least once in every five years Presbyteries are required by the General Assembly to examine into the state of every congregation within the bounds by visitation. Visitation Committees should consist of not less than one minister and one elder. Where Presbyteries find it impossible for any reason to carry out visitation the Assembly should appoint assessors to the Presbytery for this purpose. Presbyteries are urged to regard the carrying through of all such visitation as a means of helping and encouraging ministers, office-bearers, and congregations.

(2) If practicable one of the deputies should conduct public worship at one or both diets on the Sunday in connection with the visitation. He shall address to the congregation such counsels and encouragements as may be considered appropriate to their condition and helpful to the promotion of Christian work and fellowship. Bible Classes, Sunday Schools, and similar meetings should also be visited.

(3) The deputies should hold separate meetings with the minister and the Kirk Session, and with the Deacons' Court, Committee of Management or Congregational Board, and should confer with them on the matters set forth in the schedule provided for this purpose.

(4) The deputies should examine the minute-books of Session, of Deacons' Court, Committee of Management or Congregational Board, where these are not produced annually to the Presbytery.

(5) The visitation should be intimated to the congregation by a notice issued by the Convener of the deputies, which shall be read to the congregation on the two Sundays preceding the date of visitation.

(6) The deliverance of the Presbytery must contain the Presbytery's judgement on the facts detailed in the visitors' report. A copy of the finding should be sent to the Session of the congregation visited. The reports with the Presbytery's findings should be transmitted thereafter to the Assembly's Arrangements Committee or to any special Committee of Assembly appointed for the purpose, which Committee shall report on them to the Assembly.

(7) In cases in which Presbyteries or visiting Committees may require professional advice to complete their deliverance, they shall report to the Ministry committee, who shall supply such advice or assistance as the case may require.

(8) When a Presbytery finds the unsatisfactory state of a congregation to be due largely to faults on the part of the office bearers, or the people, or any of them, it shall with all fidelity and affection deal with them as the justice of

the case and the interests of the congregation may require.

(9) Nothing in these regulations shall prejudice the right of members of congregations to bring any grievances to the Presbytery by petition at any time; or the right of Presbyteries to make a special Presbyterial visitation of a congregation at any time, to call Sessions before them, examine minutes, inquire as to arrears of stipend, or deal with any matter affecting the welfare of the congregation.

Congregations in an Unsatisfactory State.

Cases brought to Presbytery

6. When there is reason to fear that a congregation is in an unsatisfactory state, and that its vital interests are endangered, the case may be brought before the Presbytery for its consideration, either at the instance of the Presbytery itself, or by the minister, or by petition from the elders or members of the congregation in full communion duly transmitted through the Session. In such cases the procedure is as follows:-

Record of Cases.

(1) When a Presbytery, as the result of any competent procedure on its part, has found the state of a congregation to be seriously unsatisfactory, and, after due pains in the use of counsel and admonition, has failed to remedy this state of things, it shall record in its minutes a statement of the facts brought under its notice, of the steps taken by the Presbytery, and of the results. And if it is further of opinion that there are prima facie grounds for thinking that the failure may be due wholly or partly to defects or errors personal to the minister, it shall embody the said grounds in its statement; and a certified copy of that statement shall be furnished to the minister concerned, with notice of the time when it is to be further considered.

Procedure.

(2) At a subsequent meeting the Presbytery shall hear any statement the minister may make, receiving and recording any relevant matter which he may tender to be recorded on his behalf. It shall also be competent to receive and record verbal or written statements by persons in the communion of the United Free Church, who are or have been members of the congregation, bearing on the question how far the existing state of things is to be traced to the minister. If, finally, the Presbytery is constrained to conclude that the ends of the ministry are not being served, and that this state of things is likely to continue, and, further, that the state of the congregation is due to defects or errors personal to the minister, it shall record its judgement upon both heads, with any additional statement of the grounds of it which it shall find to be just and necessary.

Dissolving Pastoral Tie.

(3) Thereupon the Presbytery may exercise the power of dissolving the pastoral tie and declaring the charge vacant. In all cases in which the pastoral tie is dissolved in this manner the Presbytery shall report specially to the Assembly all the circumstances known to it which ought to be in view of the Church in dealing with the question of a retiring allowance for the minister.

Appeal or Complaint.

(4) The procedure and final judgement of the Presbytery are, subject to appeal and complaint in ordinary form to the superior Courts; but when the

Presbytery has taken the steps authorised in rule (1), it shall proceed in face of all appeals until it has disposed of all questions arising out of rule (2).

Failure due to Office-bearers or Members.

(5) When a Presbytery, having reached the stage of drawing up the statement prescribed in rule (1), is of opinion that prima facie grounds exist for thinking the unsatisfactory state of things to be due wholly or partly to the fault of any office-bearers or members of the congregation, it shall furnish certified copies of its statement of such grounds to all parties concerned, and cite them to the meeting of Presbytery at which the case is to be further considered. It shall proceed in the same manner as in the case of a minister.

(6) If the Presbytery find thereafter that the unsatisfactory state of things is due wholly or partly to the fault of any office bearers or members, it may in such case remove from office, or order disjunction certificates to be given, or suspend from Church membership, as the justice of the case and the interests of the congregation may require. The provisions of rule (4) regarding complaints and appeals shall apply also to cases arising under this and the preceding rule.

Cases of Discipline excluded.

(7) No case shall be dealt with under these rules which involves the moral character or doctrinal views of any minister, office bearer, or member of the church.

Procedure in cases of Illness of Ministers/Pastors.

7. Whenever the minister of a charge is absent due to illness, he or she shall inform the General Secretary if he is absent for more than seven consecutive days. This information will be passed by the General Secretary to the appropriate Presbytery Clerk. Presbytery will be informed by its Clerk of the minister's absence (a) if an Interim Moderator is to be appointed, or (b) if the presbytery requires to take any action in support of the congregation or congregations or (c) For the appointment of a committee to liaise with the minister and congregation. The minister shall submit a medical certificate if his absence continues for more than seven days and shall continue to provide such certificates, covering the whole period of absence, and a final certificate showing the date of return to work. A minister absent because of illness shall for one year continue to receive full stipend. Following the date on which the minister's absence has extended to six calendar months, or has totalled 450 days out of any thirty-three month period: The minister shall consult with the Medical Adviser appointed by the Ministry Committee and the minister will give the Adviser permission to consult with any medical practitioner or consultant whose opinion the Medical Adviser requires in order to prepare his or her own opinion on the likely duration of the minister's absence. The minister shall make available to the General Secretary the opinion of the Medical Adviser and shall meet with the committee appointed by Presbytery and the Ministry Committee. This committee shall inform the Ministry Committee of the recommendation it intends to bring to the Presbytery and shall within 7 days of such intimation receive any comments or advice from the Ministry Committee. The committee shall inform Presbytery of the likelihood of the minister returning to work. All medical information will be held in confidence

and not divulged to Presbytery. Presbytery shall take such further pastoral or superintendence measures as may be required and the Ministry Committee shall offer the minister such assistance and advice as is considered appropriate. A Minister unable to fulfil his/her duties for more than twelve months shall be loosed from his/her charge by the Presbytery, unless the Presbytery, with the concurrence of the Kirk Session and Ministry Committee, are satisfied, on medical advice, that there is the prospect of return to work by the end of the following six months. If the Presbytery has been advised that there is a prospect of the minister's return to duties within the six-month period but the minister does not return by that date, then the situation shall be reviewed as outlined above. Before dissolving a pastoral tie on health grounds, the Presbytery shall be satisfied that the minister and his or her family have received advice from the Ministry and/or Special Aid Committees. In cases of dissolution of the pastoral tie on the basis of the terms set out above, it shall not be necessary for the minister to make formal application to Presbytery to demit. When a minister has been unfit for work for a 12 month period, the stipend will be reduced to 75% of the minimum stipend less any statutory benefits to which the minister is entitled.

Procedure in Cases of Insanity

8. When a Presbytery is satisfied by evidence laid before it, that the minister of any congregation within its bounds is unable, through mental illness, to discharge his ministerial duties, the Presbytery shall, as of its own authority, appoint an interim moderator of Session. Sufficient evidence to warrant the Presbytery taking such action shall be the independent certificates of two fully qualified medical men upon soul and conscience.

Review of Appointments

9. The review process should begin approximately 18 months before the end of the period. The main focus of the review will be financial and it should not take the form of an appraisal of the minister's work. However other factors may influence the decision such as lack of human resources in the congregation, the best use of ministers etc. and it is incumbent on Presbytery and the Ministry Committee to take account of local circumstances as well as the full needs of the whole Church when conducting the review. Representatives of Presbytery will meet with the Kirk Session and temporal court to review the situation and a financial schedule should be completed. After the visit and the schedule have been considered by Presbytery, a report of the visit along with the schedule and with the recommendation of Presbytery regarding the appointment should be sent to the Ministry Committee by the Presbytery Clerk. The Ministry Committee will fully consider the situation and may consult with the Presbytery, minister and Kirk Session as required. The decision of the Ministry Committee will be notified to the minister, Kirk Session and Presbytery. If the decision of the Ministry Committee is not to continue the appointment, it can continue for up to one year beyond the agreed period i.e. for up to a total of six years in the case of a five-year appointment. Where an appointment is not being continued, the Ministry Committee will offer to assist the minister by writing to Interim Moderators to inform them of the minister's availability. If after the additional year the minister has still not

found another charge, the appointment will come to an end and no further stipend will be paid but he or she will be allowed to occupy the manse for a further six months.

Right of Appeal

10. The arrangements for reviewing appointments do not affect the freedom of a minister to accept a call to another congregation at any time; nor do the arrangements affect the right of the minister, Kirk Session or Presbytery to appeal against the decision of the committee to the superior courts of the Church.

Division III. Department of Special Relations to the Superior Courts.

Change of Name, etc.

1. A Presbytery can make no change on its designation or bounds without leave of the General Assembly. With a view to holding any meeting during the sittings of the General Assembly, a Presbytery must obtain the leave of the Assembly to do so.

Responsibility to Assembly as to Record.

2. The Presbytery is responsible to the General Assembly for the correctness and accuracy of the permanent record of its proceedings. The minute-book must be submitted to the Assembly when called for, which should be at least once a year. And it is competent for the Assembly on examination of the Presbytery records, to take notice of any irregularity, omission, or error, not only in the language or form but also in the substance of the minutes, and to their powers of review there anent.

Application of Ministers of other Denominations

4. A minister or probationer of another Church, who desires to be admitted as a minister or probationer of this Church, must apply, in the first instance to one of the Presbyteries of the Church. The Presbytery has no power to admit him, but must fill up answers to certain questions regarding the applicant, and transmit its answer and his petition to the General Assembly. This does not apply to ministers or probationers of another Church qualified to be elected and called to charges in this Church (see Division 1. 7, page 40), who have obtained a certificate of eligibility from the Ministry committee and have been duly Called to such charges. All cases of application for admission to higher status from parties within the Church, as well as from those in other Churches, shall be, dealt with by the Ministry committee.

Sanctioning of Charges

6. The minute of Presbytery recording its opinion in favour of an application for the sanctioning of a new pastoral charge within its bounds, or recommending the dissolving of a congregation or the reducing of it to a station, must be transmitted to the Clerks of the General Assembly not later than the 30th of April in each year. 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 acquaintance. The documents upon which the statement and opinion are founded must also be transmitted at the same time.

7. The concurrence of the Ministry Committee is required before a Presbytery opens any new station requiring aid, or proposes to raise a station to a charge.

Application for Grants

8. When application is made to the Ministry Committee on behalf of a station for aid, or by a congregation for aid, the application must be forwarded through the Presbytery, which shall also report to the Committee its judgement there anent.

Collections appointed by Assembly

9. It is the duty of Presbyteries to observe carefully the instructions of the General Assembly respecting the various collections appointed and operations instituted by the Assembly, and carried out by means of its committees or otherwise, for the welfare of the Church and the furtherance of the Gospel at home and abroad.

Transference of Buildings' etc

10. The consent of the Presbytery is required for the sale or transference of churches or manses, or other buildings which, by their title-deeds, have become the property of the United Free Church of Scotland. The minute recording consent must, along with the application of the local parties, be forwarded to the General Assembly or its Commission, which alone has power to sanction the sale or transference. Where Presbytery give permission for the sale of congregational property they must record the basis of the trust on which the said property was held and that such trust conditions must be attached to property purchased with the said funds. Where the funds are not used for the purchase of property the funds must be held in accordance with trust conditions of the property.

Sale of Property

In all cases where congregational property is disposed of the proceeds of the disposal must be held separately from General Funds of the congregation. Such funds may only be used with the permission of Presbytery. Where it is intended that congregations apply the income from such funds for general purposes or any other purpose permission must be sought annually from Presbytery. It is recommended that such funds be deposited with the General Trustees for investment.

Approval, etc. of Overtures transmitted by Assembly according to Barrier Act.

11. It is the right and duty of every Presbytery to take its part in the legislation of the Church, by approving or disapproving of overtures transmitted by the General Assembly, with a view to such overtures being passed into standing laws, in terms of Act IX. Assembly 1697, commonly known as the Barrier Act. (See Appendix 1. 1, page 100.)

Sessions to be consulted.

Presbyteries are instructed, in dealing with overtures under the Barrier Act, to give Sessions within their bounds an opportunity of reporting their opinions upon them, which shall be tabulated by the Presbytery Clerks and transmitted to the Assembly.

The Presbytery shall previously fix a day for the consideration of such overture. If it be thought desirable, a committee may, in the first instance, be appointed to consider the overture, and to report. Presbyteries must either approve or disapprove of the overture. A qualified approval, or a proposed amendment, is held equivalent to rejection. Any suggestion in view of a possible reconsideration of the subject of an overture by the General Assembly must be kept entirely distinct from the approval or disapproval of the overture. All returns must be transmitted by Presbytery

Clerks to the Clerks of Assembly not later than 31st March in each year. (See Chap. VII., Sect. 11. 5-7, page 93)

Election of Representatives to Assembly.

12. Presbyteries shall send to the Assembly as their representatives all ministers on their roll and an elder to represent each congregation of the Presbytery. In the case of congregations ministered to by a Pastor ordained by the authority of the General Assembly, two ruling elders shall be sent, one of whom may be the ordained pastor.

(1) The election of representatives must take place at an ordinary meeting held not later than 15th April in each year.

(2) Every Presbytery must, at least ten days before electing its commissioners to the General Assembly, appoint and minute a day and place for the election. The meeting for election must be held at the usual place or one of the usual places of meeting.

(3) On the day appointed, the Presbytery proceeds to elect its commissioners. Any ruling elder is eligible, whether a member of a Session within the bounds of the Presbytery or not, of whom it can be certified bona fide that he is an acting elder in a congregation of the United Free Church. The names and full postal addresses of the representatives of Presbyteries shall be transmitted by Presbytery Clerks to the Clerks of Assembly not later than the 30th of April in each year, so far as they have been elected by that time.

Resignations.

(4) Any minister or ruling elder who has been elected a commissioner by a Presbytery to the General Assembly may intimate, at a subsequent meeting, his resignation of his commission. In the event of such intimation, or in the event of the death of a previously elected commissioner, the Presbytery may elect another in his room at any subsequent period prior to the meeting of Assembly.

Form of commission

(5) Forms of commission are furnished by the Clerks of Assembly to the Clerks of Presbyteries. They contain, inter alia, a form of attestation which embraces the qualifications of the elected commissioners. This, as well as every other part of the form, must be carefully and exactly filled up, and read over in the presence of the Presbytery. The minutes of Presbytery must be so drawn up as to correspond to the form.

(6) The commission to a Presbytery's representatives, attested by the signatures of the moderator and the clerk, ought to be sent to the Clerks of Assembly not later than 31st May in each year.

Elders' Certificates.

Certificates that they are bona fide acting elders in favour of all elders who are appointed as commissioners must be in the hands of the Clerks of Assembly before such commissioners can take their seats.

Transference of Congregations.

13. When a Presbytery approves the petition of one of its congregations to be transferred to another Presbytery it shall intimate its decision to the Presbytery to which transference, is sought, and that Presbytery shall be entitled to be heard as a party in the case when the petition is dealt with by the General Assembly.

CHAPTER 5.

THE GENERAL ASSEMBLY.

SECTION I. Constitution.

Membership.

1. The General Assembly, the Supreme Court of the Church, is a representative body consisting of ministers and elders elected by Presbyteries under regulations which will be found detailed in Chap. 4 sect III Div 4 12 p60.

Corresponding members.

2. Besides the ordinary members of Assembly, all ordained overseas missionaries, being ministers or elders, who are at home on furlough, and who are certified by the Overseas Committee, shall have the privilege of sitting as corresponding members without a vote. All Pastors employed by the Ministry committee shall have the privilege of sitting as corresponding members without a vote. Where a minister of another denomination is appointed to a local ecumenical project involving a congregation of the United Free Church, a seat is granted to the minister as a corresponding member of the General Assembly.

Fixing Date and Place of Meeting

3. Each General Assembly fixes the date and place of the succeeding Assembly. The General Assembly ceases to exist as soon as it is closed and no provision has been made for summoning a special Assembly in the course of the year

Moderator.

4. The Assembly is presided over by a moderator, elected immediately after it has been constituted. The Assembly elects any one of its members to that office. Consultations, in a manner approved by the Assembly, are commonly held beforehand, in order that the person designated may have an opportunity of preparing himself for his duties. At the moderator's request any member who has previously been moderator of the Supreme Court may occupy the chair. The duties of the moderator, apart from the opening and closing addresses, are in substance the same as those of the moderator of a Presbytery. During the sittings of the Assembly he may be requested or instructed, as its organ or representative, to act in various ways which circumstances may require or suggest. He opens and constitutes next General Assembly, and presides till a moderator is elected. Further particulars respecting the duties of the moderator may be gathered from the Standing Orders.

Clerks

5. The Assembly has two clerks. Their duties correspond clerks generally to those of the clerks of the inferior Courts. They take charge of expediting the several parts of the arranged business in their order; and of minuting the proceedings, and publicly announcing the decisions. They also watch the procedure, so as to be ready to read all necessary documents; to call parties to the bar; and to see to any other matters that require attention. They divide the work by arrangement between themselves, but are jointly responsible for its completeness and accuracy. The minutes are

authenticated by the signature of the moderator and the clerks. The clerks are free to attend meetings of Assembly Committees in a consultative and advisory capacity. The clerks are custodians of all the Assembly's papers, books, and documents.

Extracts

Extracts of the deliverances of the Assembly, signed by one of the clerks, are sent to the parties who are entitled to receive them as soon as convenient after the close of the Assembly.

Legal Adviser.

The Assembly also appoints a legal adviser and law agent known as the Church Solicitor

Leader of Praise.

7. The Assembly also has a leader of praise whose duties consist in leading the praise at the diets of the Assembly and its Commission throughout the year.

Officer.

An Assembly Officer is appointed by the Administration and Finance Committee.

8. The clerks and other officials now mentioned do not require re-election from year to year, but hold office during the pleasure of the Assembly.

An Open Court.

9. The Assembly is an open Court. But it may, when it sees fit, meet with closed doors.

Quorum.

10. A meeting of the Assembly may be duly constituted, provided a quorum consisting of one-sixth of the total membership of the Assembly have convened.

SECTION II. Powers and Functions.

Standing Orders.

1. The formal rules adopted by the Assembly for expediting its business are detailed in the Standing Orders.

Ordinary Business

2. The ordinary business of the Assembly consists mainly of two parts: (1) Reports from committees; (2) Matters brought up from the inferior Courts. Members desiring to introduce any special subject for the consideration of the Assembly must do so in the form of an "Overture from members of the House."

Business Committee.

3. The time and order in which business is to come before the Assembly is arranged by the "Business Committee," which is appointed at the first diet of the Assembly, and meets between the first and second diets and afterwards as may be found necessary, and reports to the Assembly. Letters addressed to the moderator for communication to the Assembly are submitted to this committee, which determines whether they shall be brought before the House.

Committees.

4. Committees which report to the Assembly are of two classes: (1) Those which are appointed during the Assembly to report to a subsequent diet; (2)

Those which are entrusted (with special powers, if necessary) with business to be conducted by them in the course of the year. Regulations as to both classes of committees will be found in the Standing Orders. It is usual to refer to committees of the first class all matters involving the preparation of documents, or the investigation of details; such, e.g., as the investigation of applications for sales of property, and questions in dispute between parties in inferior Courts which cannot conveniently be entered into at the bar of the House. Several such committees are regularly appointed every year, and are named on the first or second day of the Assembly's meeting. But any special committee, which the Assembly may agree to appoint in the course of its proceedings, is not appointed till at least one session after the session in which the names proposed have appeared in the Assembly Papers.

Production of papers

5. Business brought from the inferior Courts is introduced by the production of papers from these Courts, which are circulated according to regulations to be found in the Standing Orders. The Business Committee appointed at the first diet of the Assembly is charged with the duty of examining these papers and reporting on their being in proper form for presentation to the Assembly.

Different classes of this business call for different procedure

Appeals and Complaints References Petitions.

(1) Appeals or complaints against judgments of inferior Courts, and references and petitions, require the appearance at the bar of the Assembly of persons representing all parties concerned. For further procedure with these, see Chap. 7., Sect. v., and the Standing Orders of the Assembly.

Overtures.

(2) Overtures should be introduced to the House by a member of the Court from which they come, appointed for the purpose, who is also a member of the Assembly, or failing such by a member of the House interested in the subject of them, otherwise they are liable to be passed over without notice. Where the particular matter to which an overture refers is otherwise fully before the Court, the Court has the power to decide whether any one shall be specially heard in support of such overture. It may also decide, when there is more than one overture on the same subject, that only one speaker be heard in support of them.

Legislative Functions.

6. The functions of the Assembly are legislative as well as judicial and administrative. It deliberates on matters which concern the whole Church in her doctrine, worship, discipline, and government, and declares the mind of the Church thereupon, so as from time to time to determine and regulate its constitution and laws. It may do so by way of what is called a Declaratory Act, which declares for the guidance of the Church what the Assembly holds the law of the Church to be on any point on which questions have been raised. Such an Act may be passed by the Assembly itself, without reference to Presbyteries; though Declaratory Acts on matters of difficulty or importance are often sent down to Presbyteries before the Assembly passes them. But when any proposal to pass an Act of Assembly, in any form, is such as involves "alteration or innovation in either doctrine or worship or discipline or government" of the Church, it must, in order to become a "binding rule" of the Church, be first submitted as an overture to

the Presbyteries of the Church for their consideration, and can be finally passed only after the approval of a majority of Presbyteries has been obtained. (See Chap. 4., Sect. III., Div. III. 11, page 60) Regulations of immediate importance may be passed as *Interim Acts* until the approval of Presbyteries has been secured.

Remit to a Special Commission.

7. The General Assembly may remit any cause before it to a Special Commission of its members with such powers as the General Assembly shall see fit. And, unless it is otherwise provided in the terms of its appointment, the Special Commission shall have power to travel in, decide, and pronounce sentence in the cause; and its decision and sentence shall be final, and shall have the force and effect of a decision and sentence of the General Assembly, and shall be reported to the next General Assembly. The Special Commission may, if it see cause, refrain (a) from deciding and pronouncing sentence in the cause, or (b) from pronouncing sentence, although it decide the cause ; and may report the cause to the General Assembly, so that the latter may itself issue the cause. The Assembly may instruct such a Special Commission to report to the Ordinary Commission at any of its stated diets, authorising the latter to deal with any appeal or question arising out of the Report. But the Ordinary Commission has no power to deal with the Report beyond what may be conferred on it by the Assembly's deliverance.

Nobile Officium

8. The General Assembly, being the supreme judicial, legislative and administrative Court of the Church, has a *nobile officium*. In virtue of this it may deal with and dispose of any matter which may arise and which is not provided for in the rules of the Church or its forms of procedure. It may also, in virtue of its *nobile officium*, deal with and dispose of matters and cases provided for by these rules and forms in a way other than as directed, as shall seem to the General Assembly right and needful for doing justice in the particular case; but this should not be done save in circumstances exceptional in their character, or which appear in the particular case to render such a course necessary.

Decisions of General Assembly final.

The General Assembly, being the Supreme Court of the Church, its decisions, whether on the merits of a cause or on matters of procedure are final.

Application to Civil Court excluded.

Application by office-bearers or members to the civil power or Courts for reduction, restraint, review, alteration, or control of the procedure in the congregations or Courts of the Church, or of their decisions, is excluded. Parties in causes before the Church Courts, or affected by their decisions, are accordingly precluded from recourse to the civil Courts in regard to these.

Dissents.

10. Although there is no Court to which an appeal from a deliverance of the Assembly can be carried, it is open to any member, who is dissatisfied, to have his dissent recorded in the minutes, provided he gives it in as soon as the decision has been pronounced and before the Assembly proceeds to other business. If reasons of dissent are given in along with it, or before the close of next sederunt, these also are recorded, but if they- are given in

subsequently they are not recorded. Members who adhere to the dissent, however, and who were present when the decision was pronounced, or absent with sustained excuse, can intimate their adherence at any subsequent stage. The Assembly may appoint a committee to prepare answers to reasons of dissent.

Protestations.

11. At the last diet of the Assembly, after all other business is concluded, protestations are called for, that is an opportunity is given to any one to protest that some decision of an inferior Court has become final because some party has failed to prosecute his appeal or complaint.

SECTION III. *Committees of Assembly.*

Standing Committees.

1. The Assembly appoints a number of Standing Committees for the administration of its Schemes and Funds, and for the supervision of the various departments of the work of the Church. For the Standing Orders relating to these Committees see Appendix 3, page 123.

Temporary and Occasional Committees

2. The Assembly also appoints such temporary and occasional Committees as it judges necessary, to deal with specific business and questions of public importance.

SECTION IV. *The Commission of Assembly.*

Membership.

1. The Assembly appoints a Commission, consisting of all the members of the Assembly by which it is appointed.

meetings.

2. A Commission of Assembly is called when considered necessary by the Administration and Finance Committee.

Chairman.

3. The Commission chooses its own chairman, who is commonly the moderator of the preceding Assembly if present.

Clerks.

The Clerks of Assembly act as its clerks.

Quorum

A quorum of the Commission consists of one-tenth of its membership.

Business.

4. The business of the Commission consists of specific matters referred to it by the Assembly with power to dispose thereof. The Assembly may remit any cause brought before it to the Commission in such terms as it approves. By the Act appointing the Commission, it is also empowered to dispose of references, appeals, or complaints, in matters connected with calls, translations and settlements of ministers and the status of congregations. Parties in causes have to appear at the bar of the Commission as in the Assembly. The Commission is further authorised at any of its stated diets, on request from the Overseas Committee, to arrange for the ordination of such missionary agents as may be deemed suitable, it

being understood that those thus ordained are not eligible for a charge in the home Church without special sanction of the General Assembly; and also to take up and dispose of such matters falling within the scope of the Administration and Finance Committee as that committee may bring before it as urgently needing settlement. It is empowered to receive reports from committees for information of the Church, and to give all needful advice and assistance to Presbyteries, and Committees of the Assembly upon application to it for that end. It is empowered to deal with cases of petitions for sale, burdening or transfer of property brought before it by the Administration and Finance Committee. Such petitions should be in the hands of the Clerks of Assembly one month before the day on which the Commission sits.

The Commission is empowered at any of its stated diets, or at any meeting called *pro re nata*, to dispose of any matter brought before it through the Administration and Finance Committee affecting the general interests of the Church at home or abroad requiring to be dealt with immediately, always with due regard to the limits to its power imposed by the Assembly. In all matters referred to it, the Commission is required to act in terms of its appointment, and is strictly prohibited and discharged from meddling in any other matters than those committed and referred to it, except where the interests of the whole Church are concerned in matters arising subsequent to its appointment by the Assembly. In this case, it is instructed to advert to the matter and see that the Church does not suffer or sustain any prejudice which it can prevent, as its members shall be answerable.

5. What is determined at one diet of the Commission as to private causes cannot be altered at another diet, but continues in force, unless disapproved of by the next General Assembly.

6. In the particular causes and matters referred to the Commission, with power to dispose thereof, its sentences are final. In judging of these causes and matters, it acts as the Assembly does. But it cannot execute its own sentences. If any of them be disobeyed, the matter must lie over till the meeting of the next Assembly. Protests and complaints may be taken against sentences of the Commission, on the ground of their being *ultra vires*, or contrary to law, and the matter may be brought up to next Assembly. But no such process will justify disobedience in the meantime. If it appears that the Commission has exceeded its powers, or has acted in any way contrary to the Acts or Constitution of the Church, the next Assembly may set aside or reverse its procedure.

Pro re nata Meetings.

7. It shall be the duty of the Clerks of Assembly, on receiving a requisition to call a meeting of the Commission, signed by a quorum of the Commission, or on instruction from the Administration and Finance Committee so to do, forthwith to issue a notice signed by them to all the members of the Commission, summoning them to a meeting, to be held not sooner than ten free days after the date of the notice, in the usual meeting-place of the Commission. The requisition to call the meeting must state the purpose or purposes for which such special meeting of the Commission is desired; and the business to be brought before the meeting shall be stated in the notice by the Clerks of Assembly Calling it.

SECTION V. *The Appeal Commission.*

The Appeal Commission

1. The Appeal Commission is established, appointed and authorised by the General Assembly to act for and on behalf of the General Assembly in the hearing of appeals, and adjudicating finally thereon, against the decisions of Inferior Courts in cases of Trial by Libel affecting the character or conduct of ministers or probationers, in the case of congregations in an unsatisfactory state and in matters arising from the employment of individuals by General Assembly Committees, and for this purpose the General Assembly delegate to the said Appeal Commission all powers necessary to act in such cases as if the General Assembly themselves were acting, including inter alia power, where necessary, to require the attendance of witnesses, to examine witnesses on oath, and to call for the production of all documents and matters of any nature connected with or relevant to the appeal. Any decision arrived at shall be on the basis of the balance of probabilities having given due consideration to all the evidence produced.

Membership

2. The Appeal Commission shall consist of eighteen ministers and elders, appointed by the General Assembly.

Chairman

3. The General Assembly shall appoint one of the members to be Chairman, and another to be Vice-Chairman of the Appeal Commission.

Clerks

4. The Clerks of Assembly act as its Clerks and may also be members.

Quorum

5. Any six members shall form a quorum and the Chairman shall have a casting vote only.

Chairman pro tempore

6. In the event of the Chairman or Vice-Chairman being unable to preside at any Sederunt of the Appeal Commission, the members present shall elect one of their number to act as Chairman, who shall continue to act until the close of that Appeal.

Clerk pro tempore

7. In the event of the any of the Clerks not being present at any Sederunt of the Appeal Commission, the members present shall elect one of their number to act as Clerk.

Members ineligible

8. No member of any Court whose decision is under review, nor anyone who has taken part in the cause at any stage as Adviser or Assessor, shall act as a member of the Appeal Commission when an Appeal in such a cause is being heard.

9. No member of the Commission who has not been present during the whole proceedings in the Appeal shall vote or take any part in the finding or findings of the Commission.

Objection to membership

10. An Appellant shall have the right on special cause shown to object to any member of the Commission acting when his Appeal is being heard, and such objection, if sustained, shall disqualify the member or

members objected to from acting in that Appeal; provided that such objection shall be stated and disposed of at the commencement of the hearing of the Appeal, and the members of the Commission then present, other than the member or members objected to, shall be the sole judges as to whether the objection is to be sustained or repelled, and their decision on this matter shall not be subject to review.

Judgement final

11. The findings and final judgement of the Appeal Commission in appeals shall be incorporated in a written Report to the General Assembly, but shall not be subject to review by the General Assembly.

Referral to General Assembly

12. Where for any reason the Commission is not able to reach a decision on an appeal or take up an appeal it shall report to the General Assembly which shall take up the appeal.

CHAPTER 6

CHURCH DISCIPLINE.

SECTION I. *Of Discipline in general, and the Different Kinds of Church Censure.*

Nature of Discipline.

1. Discipline is an ordinance appointed by the Lord Jesus Christ as King and Head of the Church, to be administered by the Church in His name and under His authority by methods in harmony with the constitution of the Church as a spiritual community.

Ends of Discipline.

2. The ends contemplated by discipline are the maintenance of the Church's purity, the spiritual benefit of her members, and the glory of the Redeemer.

Ground of Discipline.

3. The ground of discipline is prolonged absence without reason from Gospel ordinances or a sin or offence of the nature either of doctrinal error or of grave impropriety of conduct, especially when on account of its publicity, the sin or offence is a scandal, and is calculated to bring a reproach on religion. In regard to sins or offences which are not publicly known, the ends of discipline may, in many cases, be attained by, private admonition, counsel, and reproof. Sins such as pride, envy, malice or gossip, or an unforgiving spirit must be censured as well as those already mentioned.

Standards by which Faith and Conduct are tested.

4. The Holy Scriptures of the Old and New Testaments, and their exposition as set forth in the Westminster Confession of Faith, as accepted by this Church, are the standards by which faith and conduct are tested.

Subjects of Discipline.

5. The subjects of discipline are office-bearers, members, and baptized persons who are adherents.

6. Discipline consists in the administration of the appropriate censures of the Church to those whose conduct shall have given occasion for it.

Censures.

7. The censures of the Church are admonition, rebuke, suspension, deposition from office, and excommunication; and they are only administered on confession or proof of sin or offence.

Admonition and Rebuke.

(1) *Admonition* consists in addressing the offender, placing his sin or offence before him, and exhorting him to greater circumspection. In the case of a minister or probationer this is done in the Presbytery or the General Assembly; in other cases, in or by the authority of the Session or other Court and in each case by the moderator of the Court.

(2) *Rebuke*, which is always accompanied with admonition, is a severer form of censure involving reproof.

These censures should be administered with all solemnity, and should be wisely adapted to the circumstances of the case.

Suspension from Full Communion.

(2) *Suspension from full communion*,

as a censure, is a temporary exclusion from the privilege of sealing ordinances, and other rights of membership. Its object is deeply to impress the mind of the offender, to afford opportunity of judging of his professions of repentance, and to give a public testimony against the offence to the Church and to the world. While under suspension, the offender remains under the care of the Court having supervision (see Sect. vii., page 87). The suspension may or may not be for a specified period, and is removed as soon as sufficient cause for its removal appears. This is to be distinguished from suspension during the investigation of a charge, which is not to be considered as of the nature of a censure at all.

Suspension from Office.

(3) *Suspension from office*, as a censure, debars from the privileges and duties of the office. It is either for a specified period, or *sine die*. In neither case is it removed until sufficient cause appear for doing so, and in the former case it is not removed before the expiry of the period specified. Suspension of an office bearer from the privilege of full communion is uniformly accompanied with suspension from office; but there may be cases in which the latter is expedient, while no sufficient grounds exist for the former. In the case of a minister, suspension from office for a specified period may be, and suspension *sine die* is, accompanied by removal from his charge.

Deposition.

(4) *Deposition* consists in depriving an office-bearer of the office with which he is invested, and is resorted to only in very serious cases.

Excommunication

(5) *Excommunication* or exclusion from the fellowship of the Church is resorted to only in cases of peculiar aggravation, when all other means of reclaiming the offender have failed, and when he continues impenitent and contumacious.

Nature of Church Censures.

8. These censures are not of the nature of penance or satisfaction in order to the remission of sin; neither are they the nature of punishment or the exercise of retributive justice; but they are means of grace used for the recovery of the erring from sin and peril, for the protection of Christ's people from occasions of stumbling, and for the edification of the Church. With a view to magnifying the reality of the Divine forgiveness, the Church should hold forth the offer of forgiveness and proclaim the redeeming love of God in Christ, and should seek to manifest a forgiving spirit in its own community.

Primary Court of Discipline.

9. The primary Courts of discipline are, the Session in the case of elders, deacons, members, and baptized persons who are adherents; and the Presbytery, in the case of ministers and probationers.

Appeals in Cases of Discipline.

10. Decisions in cases of discipline may be brought under review by protest and appeal by a party to the case, or by dissent and complaint by a

member of the Court, from the Session to the Presbytery; from the Presbytery to the General Assembly.

Recourse to Civil Courts excluded.

11. In all matters of discipline office-bearers and members of the Church are bound to abide by the decision of the Session, Presbytery, or General Assembly; and recourse to a civil Court against any decision of any of the Church Courts in such matters, or against the execution thereof, is excluded.

SECTION II.

Procedure common to Sessions and Presbyteries as Primary Courts of Discipline.

Their Function In Discipline.

1. The function of Sessions and Presbyteries in discipline is to make full inquiry into any allegation or fama affecting persons under their jurisdiction, with the object of ascertaining the truth; and on ascertaining it, to take such action as the circumstances demand.

Spirit in which Proceedings should be conducted.

2. The spirit in which the inquiry and all further proceedings are to be conducted is that of Christian brethren acting with a view to the spiritual welfare of the person concerned and the edification of the Church. Severity and respect of persons must be carefully avoided, and the whole proceedings ought to be distinguished at once by gentleness and faithfulness.

Inception of a Case.

3. A Session or a Presbytery may take up a case for discipline either at its own instance, or on a complaint or allegation made to it by an individual.

The Court to consider if the Case is one with which it is competent and proper to deal.

4. When such a case has been brought forward in a Church Court, careful consideration is first given to the question whether it is one with which it is competent and proper to deal. No case should rashly be made a subject of inquiry; and in the exercise of discipline there ought to be no unnecessary intermeddling with matters which are purely civil, nor any undue solicitude to pry into the private conduct or family concerns of individuals, to interfere in personal quarrels, or to engage in the investigation of secret wickedness.

What is required of anyone making a Complaint or Allegation.

5. When a complaint or allegation affecting the doctrine or the conduct of a person subject to the jurisdiction of the Court is made by any one, the person making it is required to submit it in writing, with a statement of the grounds on which he makes it, and the sources of his information. Before approaching the Church Court, he should communicate his intention to do so to the person concerned; otherwise the Court may decline to receive his complaint. If the Court, after consideration, decides that the case is one which should be inquired into, it takes the conduct thereof into its own hands, and institutes an inquiry.

The Court takes Conduct of the Case into its own hands.

If the Court decides that the case is not one which should be inquired into, the person who made the complaint or allegation is entitled to protest and appeal to the next higher Court.

The Court may arrange Conference with the Person concerned.

6. When the Court has satisfied itself that there ought to be inquiry, it may appoint one or more of its members to meet with the person concerned, acquaint him with the matter which with the has been brought to its cognisance, and confer with him there anent. Judicious and friendly conference may facilitate a satisfactory settlement of the case.

Duty of Person concerned.

It is the duty of the person concerned to be candid, and, in so far as there may be truth in the matter alleged, to make full confession.

Case of Personal Offence

7. In a case of personal offence, it is the duty of an office bearer or member of the Church, before bringing a complaint. against any person, to have recourse to private dealing with him, agreeably to our Lord's precept in St. Matthew's Gospel, xviii. 15-17. Until he has followed this course without obtaining satisfaction, he is not warranted in bringing his complaint before the Court to which the alleged offender is amenable.

8. If the complainer, failing to obtain satisfaction by private dealing, brings the matter before the Court, it may appoint one or more of its members to converse with both parties with the view of disposing of the case.

Time within which the Court must take action

9. When an allegation or a fama of a sin or an offence has been brought to the knowledge of the Church Court which should take cognisance of it, timeous action ought to be taken in the case. If no action has been taken within two years from the time of its being brought to the cognisance of the Court, or if it has not been noticed in order to censure for the space of five years, it should not afterwards be taken up unless, in either case, it be of a heinous nature, or the fama become again flagrant.

Procedure preliminary to a Formal Inquiry.

10. Should it be deemed advisable, after the meeting provided for in par. 6 of this section, to proceed further with the case, the Court may do so by a formal inquiry. Before proceeding to a formal inquiry, the Court defines explicitly the matter proponed for inquiry. It then considers whether the matter is one which requires or warrants the Court to take further action.

Complaint or Appeal.

A Complaint or an appeal against the finding which defines the matter proponed for inquiry sists procedure until disposed of. A complaint or an appeal against a resolution to take further action is competent at this stage, but does not sist procedure. Complaint or appeal against a resolution to refrain from taking action is also competent.

Confession in whole.

11. When the person concerned confesses the sin or offence alleged against or attributed to him the Court proceeds to appoint and administer such censure as the circumstances require.

Partial Confession.

When partial confession is made to such an extent as to warrant censure, the Court may at once proceed to appoint and administer such censure as

the circumstances require; or it may, if such course appears to be called for in the faithful discharge of its duty, proceed with an inquiry as to the remainder not confessed to, and delay appointing and administering censure till the conclusion of the inquiry.

Reduced to Writing

When confession is made by a minister or elder, it is reduced to writing, signed by the minister or elder concerned, and recorded in the minutes.

Person concerned to be duly informed regarding Formal inquiry.

12. When it has been resolved to proceed to formal inquiry, the Court takes care that the person concerned is duly informed of the matter to be inquired into, and of the time and place at which the inquiry is to be proceeded with, and at which his presence is required.

Manner of Citation.

He may be cited if present when the resolution to make formal inquiry is agreed to, *apud acta*; otherwise a written citation by the clerk of Court shall be served on him either by the officer of Court delivering it to him personally, or leaving it for him at his ordinary residence in presence of a witness, or by the clerk of Court sending it to him by registered letter to his ordinary residence.

Nature of Statement to be furnished.

In either case he is furnished at the time with a certified copy of the formal statement of the matter to be investigated, with a copy of the order to serve written upon it and signed by the clerk. In the case of persons subject to the Session as the primary Court of discipline, this statement may be, and in the case of ministers shall be, in the form given in the Appendix I with such modifications, if any, as may be necessary.

Interval between the Citation and the Inquiry

At least ten free days must elapse between the time of citation and the time of the meeting for formal inquiry. In the case of citation by registered letter the ten days are reckoned from twenty-four hours after the time of posting. When the citation is served by, the officer, he writes a certificate of service on the formal statement; when it is sent by registered letter, the clerk writes the certificate of service.

Failure of Person concerned to appear.

13. Should the person concerned fail to appear at the appointed meeting, a second citation, with certification, to attend another meeting, duly fixed, to be held not sooner than eight days after citation, is served on him at his ordinary residence, either personally or by being left at or sent by registered letter to his ordinary residence, as aforesaid-the eight days in the case of citation by registered letter being reckoned from twenty-four hours after the time of posting; and should he again fail to appear, without adequate reason, the Court may hold him as having confessed, or may proceed with the inquiry in his absence, and in either case dispose of the cause. He may also be dealt with for contumacy, either without proceeding with the inquiry, or after proceeding with it; as may in the circumstances be considered advisable.

Arrangement made for presence of Persons qualified to furnish Information.

14. The Court shall take the necessary steps to secure the presence of all persons whom the Court or the person concerned may think qualified of their own knowledge to furnish information on the subject-matter of inquiry.

Members of the Church bound to attend.

Members of the Church, when duly cited by a Court, are under obligation to attend at the inquiry for the purpose of giving information.

Investigation conducted in presence of Person concerned.

15. The investigation is conducted in presence of the person concerned, but may be proceeded with in his absence should he not appear, either at the meeting to which he is cited, or at any subsequent meeting for the consideration of the case. Notice of such subsequent meeting should, if possible, be given to him.

Examination on Oath.

Should request be made that any one brought forward for examination be put on oath, the Court decides whether this shall be done.

Objections to Persons brought forward for Examination, or to Questions put.

16. Any member of the Court or the person concerned may object, for reasons stated to any one brought forward for examination, or to any question that may be put, or to any documents or other production that may be proposed to be used; and such objections shall be disposed of by the Court. A complaint or an appeal against the 'decision of the Court disposing of such objections does not sist procedure.

Information obtained to be recorded in a separate Paper.

17. The information given by the persons examined shall be recorded in a separate paper. It shall be taken down either by the clerk of the Court, or by a member of the Court appointed for the purpose, or recorded electronically. In general, it should be taken down in narrative form, and not in the form of question and answer; but important questions and answers should be recorded at length.

Authentication of Statements.

In every case, after a person's examination is ended, his statement as taken down is read over to him, that he may have the opportunity of correcting any inaccuracies; and after any such are corrected, he is asked to say whether the statement is correct; and the record shall bear at the end of each person's examination that this has been done, and that he has declared that his statement as recorded is correct. In the case of statements taken down in Shorthand, the shorthand writer shall furnish a transcript thereof, which shall be authenticated by his signature, and by a statutory declaration by him that it is a true and correct transcript of the statements as taken down by him. In the case of statements taken down not in shorthand, they shall be authenticated by the signature of the clerk of the Court, or of the member of the Court who has taken them down.

Examination of Persons unable to attend

18. Should any one from whom information is desired be unable to attend, the Court may appoint two or more of its members to examine him, take down his statement in writing and submit it, duly authenticated, to the Court. The person concerned and his adviser are entitled to be present at the examination and to put questions.

Procedure when the Sin or Offence alleged has been established.

19. When the result of the inquiry is to establish that the sin or offence alleged has been committed in whole or in part, the Court pronounces a finding to that effect. If no appeal or complaint is taken against that finding, it thereupon proceeds to appoint appropriate censure, and unless an

appeal or complaint is taken against the censure appointed, to administer the same.

Procedure when the Sin or Offence alleged has not been established.

When the result is that the Court considers that it has not been established that the sin or offence alleged has been committed, it pronounces a finding to that effect.

Case may be reopened.

The Court may preface its finding that the sin or offence alleged has been committed, in whole or in part, or that it has not been established that it has been committed, with findings that certain facts have been established, or that certain alleged facts have not been established; and in either case, if the Court thinks fit, it may accompany the finding disposing of the case with such expression of opinion or such counsels as may seem to it suitable.

When the finding is that it has not been established that the sin or offence alleged has been committed, if in the providence of God new light should afterwards be cast on the case, the Court may reopen it, provided that, after careful consideration, it deems the reopening of it to be required in the interests of discipline.

An appeal or complaint against a decision warranting Censure

20. An appeal or complaint against a finding that the sin or offence alleged has been committed in whole or in part sists procedure till it is disposed of. An appeal or complaint at any earlier stage does not sist procedure, with the exception of an appeal or complaint against the sufficiency of the formal statement. (See par. 10, page 73.) If no appeal or complaint is taken against the decision in the case, all appeals and complaints taken during the proceedings therein fall. If an appeal or Complaint is taken, and the superior Court sustain the finding of the lower Court in whole or in part and the case is carried no further, it either appoints and administers censure, or remits the case back to the lower Court with an instruction as to what the censure should be.

Against the Censure.

An appeal or complaint may be taken against the censure when appointed, although no appeal nor complaint has been taken against the finding on which it follows.

Other Parties involved.

21. When a Court, on inquiry into, a fama or allegation affecting any person subject to its jurisdiction, finds that there is ground for further proceeding in the matter, and that the fama or allegation affects the character of any person or persons outwith its jurisdiction, who are members or adherents of the Church, it shall without delay communicate with the Court to which such person or persons are subject, in order that the parties, being duly informed of the proceedings already taken in the case, May have the opportunity of appearing for their interests before the Court in which further proceedings are to be taken; and that the Court subject to whose jurisdiction any such person is may take such action as it shall judge to be called for, either in the way of dealing with the case itself, or of citing all persons concerned as parties or as witnesses to appear before the Court by which proceedings have been instituted. When parties involved in a fama, or allegation are subject to different Courts, it may be found advisable for each Court to appoint a committee to deal with the case, instructing it to proceed conjointly with any committee appointed for the same purpose by the other

Court. Each Court must give judgment on the report of its own committee; but any member or adherent affected by such judgment, although not subject to the jurisdiction of the Court pronouncing it, has the right of bringing the matter before the superior Court by appeal or petition.

Confession involving others.

22. When a confession of sin is made to any Court by a member or adherent of the Church involving any other member or adherent, a Court ought not to deal with it as regards one party alone until after all reasonable steps have been taken to bring the case of such other member or adherent before the Court having jurisdiction, with the view of having the case disposed of with due regard to the interest of all concerned.

Case may be referred to superior Court

23. Should the matter involving members subject to different Courts be one of special gravity or difficulty, the Court taking up the matter may refer it simpliciter to the superior Court, that if all the parties are subject to its jurisdiction it may deal with the case, or if all the parties are not subject to its jurisdiction it may, by concurrence with any Court having jurisdiction over the person or persons concerned, arrange for its being dealt with by one process, or may, if it judge it more prudent, refer the whole matter to a higher Court.

Cases not fully provided for in the Rules.

21. If any case arises for which these rules do not make full provisions Sessions and Presbyteries have a discretionary power in the conduct of the case; but care must be taken that substantial justice is done to the person concerned, and full opportunity allowed him to vindicate his innocence or extenuate his guilt.

Courts to explain the Forms of Procedure.

25. It is the duty of Sessions and Presbyteries to explain the forms of procedure fully and distinctly to parties concerned, and to show them how they may carry their case to the superior Court, if they desire to do so .etc.

The Person concerned may have an adviser

26. While the Church does not permit the employment of counsel in any of its Courts, it allows the assistance of advisers. In a formal inquiry by a Session, the person concerned may have the assistance, as his adviser, of any elder within the bounds of the Presbytery who is willing to act. In a formal inquiry by a Presbytery the person concerned may have the assistance, as his adviser, of any minister or elder of the United Free Church who is willing to act. If the cause is carried to a superior Court, the person concerned may have the assistance, as his adviser, of any elder or minister of the Church who is willing to act.

Must give intimation to the Clerk of Court

27. When a person concerned desires to have the assistance of an adviser in a formal inquiry, or in a superior Court to which of the cause may be carried, he shall intimate in writing to the clerk of the Court in which he wishes to have such assistance, at least three clear days before the day fixed for the formal inquiry, or for the hearing of the cause before the superior Court, as the case may be, the name and address of the person who he proposes shall act as his adviser;

Sanction of the Court required.

and the sanction of the Court to the person proposed as adviser shall be required before he can act as such.

Position and Rights of the Adviser.

28. The adviser counsels and assists the person concerned in as well as the person concerned, is entitled to the witnesses, and at his request and in his stead, to be heard on the whole matter at the close of the examination and conference (see Sect. 111. 6 and 7, page 79, and Sect. iv, 12 and 13, page 82), and in reply after the address to the Court by one of the members appointed to lead in the examination. If the cause is carried to a superior Court, he counsels and assists the person concerned in presenting his case, and may address the Court at his request and in his stead. He may also answer questions put by the Court. When the person concerned has the assistance of an adviser, he must himself be present during the conduct of the case, unless the Court consent to his absence.

Adviser disqualified from taking part in the cause as a Member of Court.

29. Any person who has acted as adviser at any stage of a cause in any Court is thereby disqualified from taking part as a member, either of the Court in which he has so acted or of any higher Court, in the consideration and disposal of the cause.

Duty of Adviser.

30. One who acts as an adviser is under the same obligation as the members of the Court and the person concerned to assist in the expiscation of the whole truth.

Subject to the Court before which he appears.

He is subject to the authority of the Court before which he appears, and the Court may at any time during the progress of the cause recall its sanction to the adviser to act as such, should his conduct give occasion for it, in which event he shall not be entitled to take any further part in the cause either in that or in any other Court of the Church.

SECTION III.**Procedure in the Exercise of Discipline in the Case of Members of the Church.****When Inquiry is resolved upon, the Session appoint Delegates to confer with Person concerned.**

1. When inquiry into an allegation or fama which has been brought under the notice of a Session is resolved upon, action is taken, in the first instance, in terms of Sect. 11. 6, page 73.

The members of Session delegated to meet with the person concerned hold friendly conference with him, apprise him fully of the allegation or fama, and invite him to make full and frank statements in relation thereto.

Report of the Delegates Further procedure.

2. On the report of the delegates the Session either finds that there is no ground for further procedure; or if it considers that there is ground for such, it then deals with the case by further conference through delegates, or by requiring the party or parties to appear before it, or by a formal inquiry, or by such other action as shall be thought advisable.

Person concerned requested to meet with session.

3. Should the Session require the person concerned to meet with it, it puts the alleged sin or offence before him, affectionately then urges him to make full and candid declaration of the truth, and in case of confession in whole or in part may act as provided in Sect. 11. 11, page 73

Reference to the Presbytery.

4. Should the Session, after this meeting with the person concerned, deem it advisable that the case be proceeded with, it may proceed to a formal inquiry, unless the gravity or difficulty of the case require a reference to the Presbytery.

Arrangements for a Formal Inquiry.

If it proceeds to a formal inquiry, it fixes the time when the meeting for holding the inquiry shall be held, and requires the attendance of the person concerned at said meeting (Sect. 11. 12, page 74). It also takes the steps necessary to secure the attendance of the persons who are to be brought forward for examination (Sect. ii.14, page 74).

Debarring from Sealing Ordinances.

5. When formal inquiry is resolved upon, the person concerned is debarred from the enjoyment of sealing ordinances till the issue of the inquiry.

Procedure when Person concerned appears.

6. When the person concerned appears, the Session first ascertains whether he adheres to the denial given by him at the previous meeting. Should he do so, the Session proceeds with the formal inquiry. Full opportunity is given to the person concerned to put any relevant questions to the persons examined. (See Sect. 11. 23-25, page 77)

Person heard.

7. When the examination is closed, the person concerned is heard. (See Sect. 11. 28, page 78)

Session deliberates with a view to Judgment.

8. The Session then proceeds to deliberate with the view of coming to a judgment, but if it deems it expedient, it may delay judgment till another meeting, which shall be held as soon as convenient, and not later than one month.

May refer the case.

In a case of special difficulty, it may at this stage refer the case to the Presbytery.

Censure appointed.

9. When the result of the formal inquiry is to establish that the sin or offence alleged has been committed in whole or in part, and no appeal nor complaint it taken, the Session proceeds to appoint adequate censure, and if no appeal nor complaint is taken against it, to administer the same.

Session may apply to the Presbytery for Assessors

10. When a Session resolves on a formal inquiry into an allegation or fama affecting any one subject to its jurisdiction it may, if it thinks it expedient, apply to the Presbytery for the appointment of assessors to sit with it in the inquiry. Where the membership of the Session is small, it is expedient that this rule should be acted on.

Discipline in case of Members removing

11. Where an allegation is made or a fama arises affecting a member of the Church between the time of his obtaining a certificate of disjunction from one Session and lodging it with another the matter is dealt with by the

Session which disjoined him, but if he has lodged his certificate with another Session the latter takes up the matter.

Certificates to person under inquiry or Suspension.

12. A certificate of disjunction is not to be granted to a member in regard to whom a case is pending, or who is under suspension except as provided in sect. vi. 3, page 87, of this chapter. Should the member remove to a distance while his case is under investigation, the Session may complete the inquiry and dispose of the case; or it may request the Session of the congregation to which he removes to take up the case and carry it to a conclusion.

SECTION IV.

Procedure in the Exercise of Discipline in the Case of Ministers, Elders, and Probationers.

Caution in entertaining Allegations.

1. Special caution is to be exercised before entertaining an allegation or fama affecting an office-bearer; and the proceedings ought to be conducted with strict attention to form

Ministers emeriti etc, Probationers, Elders and Deacons not holding office

2. Ministers residing beyond the bounds of the Presbytery of which they are members remain subject to the jurisdiction of that Presbytery. Ministers who are not members of any Presbytery are subject to the jurisdiction of the Presbytery within whose bounds they reside. Probationers are subject the jurisdiction of the Presbytery which licensed them till they are regularly transferred to another Presbytery. (See Chap. IV., Sect. ill., Div. 1. 2, page 38.) Should a fama or allegation affecting the doctrine or conduct of a minister or probationer, which appears to call for inquiry, come under the notice of a Presbytery other than that which, has jurisdiction over him, the Presbytery under whose notice such fama or allegation comes shall communicate the same, with all the information thereanent in its possession, to the Presbytery having jurisdiction over him, in order that it may deal with the case. Those having the status of elders, who are members of a congregation in which they do not hold office, are subject to the Session of the congregation of which they are members.

Responsibility as Members of Court of Office-bearers affected.

3. It is a peculiarity in the position of ministers and elders that they are usually members of the Court which exercises discipline in their case, and share with the other members of it the responsibility of guarding the purity of the Church and the character of its office-bearers, including their own. It is their special duty as members of the Court to give every facility for clearing up any allegation or fama affecting themselves. If they have erred, confession is their duty, and it is the first step in the way of amendment.

Preliminary Inquiry.

4. When a fama is in circulation affecting a minister or a probationer, either as to his doctrine or his conduct, the Presbytery, after having apprised him, either itself or by a committee, institutes a preliminary inquiry respecting the

rise of the fama, the persons originating the same, and the grounds on which it rests. In the case of an elder a similar course is followed by the Session.

Allegation by a Private Party.

5. When anything is alleged by a private party against the doctrine or the conduct of a minister, elder, or probationer, the first procedure of the Court is taken in terms of Sect. ii. 5, page 72.

Office-bearer affected may submit statement

6. The person affected by any fama, or by an allegation affecting his doctrine or conduct, may be invited by the Court or its committee to submit any statement which he desires to make regarding the fama or allegation. or the Court may take action in terms of Sect. 6, page 73.

Statement submitted to the Person concerned.

7. When, as a result of the preliminary inquiry, it appears to the Court that there is reason for further investigation, it shall submit to the person concerned a full and precise statement of the heretical opinions or the sinful or improper conduct attributed to him, in order to ascertain whether or not he admits the allegations therein contained. When the statement relates to heretical opinions, it shall refer specifically to the particular portion or portions of the subordinate standards of the Church with which the opinions are alleged to be in conflict.

Objections to sufficiency.

The person concerned may object to the sufficiency of the statement submitted to him; and the Court shall consider his objections, and may, if it think fit, alter and amend the statement in such way as shall appear to it proper; and the statement, as so adjusted, shall form the basis of the formal inquiry.

Statement of the Matter for Formal Inquiry

8. Should the person concerned deny the sin or offence alleged against or attributed to him, the Court shall, except in the case of a minister who demands that a libel be served on him, proceed, either itself or by a committee, to a formal inquiry into the allegations or fama; and shall appoint a day for entering on, and proceeding with, the inquiry.

Case of a Minister or Probationer.

In the case of a minister or probationer, the Presbytery shall prepare a "Statement of the Matter for Formal Inquiry," in which shall be embodied: (1) the statement doctrinal opinions, or of sinful or improper conduct, as finally adjusted and submitted to him; (2) intimation of the time and place at which the formal inquiry is to be entered on; (3) a requisition to the minister concerned to be present at the meeting; (4) a list of names of persons who may be brought forward for examination, and of productions which may be used; and (5) a statement that the clerk of Court, on receiving the names of any other persons whom the minister concerned may regard as able to give helpful information, will take steps with a view to securing their presence. A copy of this statement, certified by the clerk of Court shall be delivered to the minister not later than ten free days before the day fixed for entering on the formal inquiry. Notwithstanding the list of witnesses and productions furnished in the formal document, any other witnesses may be examined and any other productions used, provided the clerk of Court intimates the names of the witnesses, and the titles or description of the productions so

as to identify them, to the person concerned, at least three clear days before such witnesses are examined or productions used.

Case of an Elder.

In the case of an elder the like course shall be followed by the Session.

Discharge from Official Duties, etc.

9. The Court, when it resolves to proceed with a formal inquiry, shall discharge the minister, elder, or probationer concerned from the exercise of all official duties, and may, if it see fit, debar him from the enjoyment of sealing ordinances, during the formal inquiry into the case.

Access to Productions.

10. The minister, elder, or probationer concerned has right of access to any productions in the case which are in possession of the Court. He shall also give timeous notice of any persons whom he desires to be brought forward for examination, in order that the clerk of the Court may take steps with a view to securing their presence.

11. When a formal inquiry is being conducted by a Presbytery, the Court may, after the formal statement has been adopted and served, remit the investigation to a committee instead of conducting it in the Court itself. (For report of committee see par. 16 following.)

Arrangements Examination by a Presbytery.

12. In the case of a minister or probationer two members of the Presbytery may be appointed to arrange, after conference with the person concerned, and subject to the approval of the Presbytery, the order in which the persons to be examined shall be called, and to lead in their examination, unless it shall be arranged that the minister or probationer concerned shall lead in the examination of any particular witness or witnesses. Full opportunity shall then be given to the other members of Presbytery, and to minister or probationer concerned, if he has not led in the examination, to put questions; and thereafter the person who has led in the examination may put further questions. When the inquiry is conducted by a committee the same procedure is followed.

By a Session.

In the case of an elder a like course should be followed by the Session.

Full Inquiry to be made.

13. At the time appointed the Court or the committee shall make full inquiry into the matter by examination of the witnesses and productions. Thereafter they shall hold conference with the person concerned.

Office-bearer concerned heard.

At the close of the examination and conference, if the person concerned desire, he or his adviser shall be heard,

Court proceeds to a Decision.

The Court or the committee shall then proceed, either at the same or at an adjourned meeting, to give its decision, and with a view thereto may in special circumstances exclude the person concerned and deliberate in private.

Decision announced.

14. After a decision is arrived at the moderator announces it to the person concerned.

Procedure by the Court in view of Decision arrived at.

15. When the formal inquiry is conducted by the Court itself, if the result of the inquiry has been to establish that the sin or offence alleged has been committed in whole or in part, and no appeal nor complaint is taken, the Court thereupon proceeds to appoint adequate censure and, if no appeal nor complaint is taken against the censure appointed, to administer the same. If, on the other hand, the result of the inquiry has been a finding that it has not been established that the sin or offence alleged has been committed, and no appeal nor complaint is taken, the minister, elder, or probationer is restored to the exercise of all his official duties.

Procedure by a Committee in view of Decision arrived at.

16. When the formal inquiry is made by a committee, the committee shall lay on the table the record of its proceedings, and shall report its decision on the case to the Court by which it was appointed, and with which the disposal of the case lies. In reporting to the Court the committee shall state: (1) The decision to which it has come; (2) dissents, if any, from its decision; (3) the acquiescence or non-acquiescence of the person concerned in its decision.

Procedure of the Court on receiving the Committee's Report.

On receiving the report of the committee, the Court may either adopt the decision, without reviewing the proceedings; or it may review the proceedings, and if it see cause, alter the decision; or it may set it aside and come to an independent judgment. If the person concerned has not acquiesced, or if there be any proposal to alter the decision in which he has acquiesced, he shall be heard by the Court.

Office-bearer concerned refusing to take part in the Inquiry.

17. Should the minister, elder, or probationer concerned, although present, decline to take any part in the formal inquiry, the Court shall proceed with it to a conclusion and come to a decision in the case, which decision shall be duly announced to him.

Procedure in a Libel.

18. A minister may demand that a fama or allegation affecting his doctrine or conduct shall be investigated by a trial under a libel, and not by a formal inquiry. Such a demand must be made before the Presbytery has entered upon the formal inquiry at, the meeting appointed for that purpose; and when such a demand is timeously made the matter shall be investigated by a trial under a libel, and not by a formal inquiry. If the formal inquiry has been entered upon without the minister having demanded a libel, he shall be held to have approved of the matter being investigated by a formal inquiry, and shall not thereafter be entitled to demand a libel.

Form of Libel.

19. The libel shall contain as the charge against the minister a statement of the heretical opinions, or the sinful or improper conduct attributed to him. Appended to the libel shall be a list of the witnesses, and of the publications or other productions proposed to be used in support of the charge; but additional witnesses or productions may be brought forward afterwards, provided notice of such is given as provided in Rule 8 of this Section.

Appointment of Prosecutors,

20. When a libel is demanded the Court may appoint one or more of its members to prepare the libel and submit it to the Presbytery, and afterwards to act as prosecutors. The prosecutors cannot vote on any

question which may arise in the course of the inquiry or in the consideration or disposal of the case, either in the Court in which it originates, or in any higher Court.

Revisal and Adjustment

21. When the libel is prepared it shall be submitted to the legal adviser of the Church, in order that he may revise and adjust it. The libel as so adjusted and revised shall, with the relative list of witnesses and productions, be signed by the prosecutors and be laid before the Court, which shall satisfy itself that the libel is regular in form and sufficiently full and precise.

Service where prosecutors are appointed

22. When a libel against a minister is prepared and prosecuted by prosecutors appointed by the Presbytery, it can be served only by authority of the Court. In this case it is served before its relevancy is considered, and the position of the minister in relation to relevancy as well as in relation to the merits is that of a party at the bar.

Time of proceeding.

The Presbytery fixes the time of proceeding with the case, which shall not be earlier than ten days from the date of service of the libel.

Procedure

At the meeting for proceeding with the case the libel is read by the clerk, the accused is asked if he has any objections to the relevancy of the libel, and opportunity is given to him or his adviser to state and maintain such objections, and to the prosecutors to answer them. The Court then proceeds to dispose of any such objections.

Where the Presbytery prosecutes the Libel.

23. When a libel is demanded and the Presbytery resolves itself to prosecute it, it appoints one or more of its member, to prepare the libel and submit it to the Presbytery for adjustment and approval. After its adjustment and approval the Presbytery shall summon the minister accused to attend a meeting to be held after ten free days notice, to consider the question of serving the libel. A copy of the libel and appended documents must accompany the summons.

Relevancy.

At that meeting the Presbytery are called carefully to consider the relevancy of the libel; and if they resolve to serve it, they must serve it as a libel which they have already judged to be relevant. The minister concerned is still a member of Court, and entitled to take part in the discussion of the question of relevancy like any other member.

Remedy of accused if objecting.

If he object to the resolution to serve the libel his remedy is not by appeal, but by dissent and complaint.

Procedure if Libel found irrelevant.

24. If the libel is found irrelevant the case may take end, or a new libel may be framed and served. If part is found irrelevant, and part relevant, and no appeal or complaint is taken, the case proceeds, if the Court think fit, upon the part which has been found relevant. An appeal or complaint sists procedure till it is disposed of.

Procedure if Libel found relevant.

25. When a libel has been found relevant in whole or in part, and has been served, the accused is asked whether or not he admits the charges found

relevant. If the charges are admitted, and the Court is satisfied, appropriate censure is administered. If the charges are not admitted, the case is proceeded with by taking the evidence.

26. When prosecutors are not appointed, the Presbytery, after the libel is found relevant, appoints two of its members to lead in examining witnesses in support of the libel, and in cross examining witnesses for the defence, and to sum up the 'evidence.

Taking of Evidence.

27. Evidence in support of the charges is first led, and there after the accused is entitled to lead evidence in his defence. Each party is entitled to cross-examine the witnesses adduced by the other; and at the conclusion of each witness evidence, questions, allowed by the Court, may be put to the witness through the moderator.

Hearing of Parties.

28. After the evidence is concluded, if prosecutors in support of the charges have been appointed they are heard first, and then the accused or his adviser in answer, and thereafter one of the prosecutors in reply. If prosecutors have not been appointed, one of the members appointed to lead in examining witnesses and to sum up the evidence is first heard, and then the accused or his adviser.

Questions.

Questions may then be put to parties by the Court, important questions and answers being taken down in writing, and forming part of the record. Parties are then removed, and the Court proceeds to judgment.

Rules in the case of a Formal Inquiry to apply to case of Libel

29. The rules which apply in the case of a formal inquiry in regard to service on the person concerned, his having the assistance of an adviser, witnesses who may be examined, arrangements for their attendance, access to documents, discharge from the exercise of official duties, debarring from the enjoyment of sealing ordinances, appeal and complaint, announcing the decision of the Court to the party accused or interested, the appointing and administering of censure in the event of the charges being established, and the action to be taken in the event of their not being established, shall apply to cases tried under a libel.

Contumacy and Divisive Courses.

30. When a minister or other office-bearer persistently absents himself from the discharge of his duties, or disowns the authority of the Church Courts to which he has promised to submit himself, or is found guilty of following divisive courses, or is otherwise contumacious, the Court which finds him guilty of such conduct may, if there is no complaint nor appeal against its judgment, summarily suspend him from office, or may declare him to be no longer a minister or office-bearer of the Church.

When a Minister is removed etc., his Charge is declared vacant.

31. When a Presbytery has, by a judicial act, removed a minister from his charge, or deposed him, or excluded him from the fellowship of the Church it declares his charge vacant, and appoints one of its members to intimate this to the congregation.

SECTION V.

Powers and Functions of the General Assembly in Cases of Discipline; and of Presbyteries as Courts of Review in such Cases.

Appeal in a question of relevancy.

1. If a competent appeal or complaint or reference bring up a question as to the sufficiency of the statement of the matter to be investigated in a formal inquiry, or of the formal statement served on a minister, elder, or probationer, in the case of a formal inquiry, or as to the relevancy of a libel where such has been served on a minister, and if the Court find the statement or formal statement or the libel irrelevant, it may, if it see fit, correct the same, and appoint the case to be inquired into or tried and issued on the amended statement, formal statement, or libel.

Sentence following on judgment finally disposing

2. If a charge is found proven by a Court of Review whose judgment shall finally dispose of the cause, the sentence following on such judgment may either be pronounced by the Court whose judgment becomes final or reserved for the action of the inferior Court in following out the instructions of the Court of Review.

Case originating in General Assembly.

3. If any case of flagrant scandal, heresy, or contumacy come to the notice of the General Assembly which has not come before any inferior Court having jurisdiction over the party, the Assembly may either remit such case to the inferior Court, or deal with it summarily and dispose of it by the direct exercise of its own authority.

Committee of Assessors.

4. The General Assembly may annually appoint a committee consisting of ministers and elders, to be called "The Committee of Assessors." If the Committee is appointed, a Presbytery which has resolved to conduct a formal inquiry or to prosecute a libel may apply to it for the appointment of assessors. The Committee, if satisfied that it is a case in which assessors ought to be appointed, shall appoint not more than four of its members to act with the Presbytery in the case. Should an appeal or complaint be taken against any finding or deed of the Presbytery, it shall not be competent to appoint more than one of the assessors as a representative of the Presbytery at the bar of the superior Court in connection therewith.

SECTION VI.

Supervision and Restoration of Persons under Church Censure.

1. Supervision.

Position of a Person under Censure.

1. A person who has been suspended or deposed from office, or who is under suspension from full communion, continues a member of the Church, and ought to give regular attendance on the means of grace.

Supervision by a Session of Persons under Suspension.

2. When an elder or a deacon is suspended from office, or from office and full communion, or when a member is suspended from full communion, the Session shall exercise over him a kindly and helpful supervision, and may appoint one of its members specially to care for and counsel him.

Transference to another Session.

3. When a person under suspension removes to such a distance from the congregation of which he is a member that he cannot give regular attendance on the means of grace in connection with it, he shall intimate his removal to the Session; and it may, if it deem it desirable, with a view to his continued sessional supervision, give him a special certificate of disjunction, addressed to the Session of the congregation with which he desires to associate himself, so that he may become a member of that congregation' under suspension ; and it shall at the same time furnish the Session of that congregation with adequate information as to the case.

Supervision by a Presbytery of a Minister or Probationer under Suspension.

4. When a minister or probationer is suspended from office, or from office and full communion, the Presbytery suspending him, or to which his supervision shall have been remitted by the General Assembly, shall appoint one or more of its members to exercise over him a kindly and helpful supervision. If the minister suspended is removed from his charge, such Presbytery shall certify him to the Session of the congregation which he intimates his intention of joining, either as a member entitled to the privileges of full communion, or as a member under suspension. His relation to the Session of the said congregation shall be the same as that of an ordinary member of the congregation. The Presbytery shall also appoint two or more of its members, one of whom shall be the minister of the congregation with which he proposes to connect himself, to exercise over him a kindly and helpful supervision.

Supervision of Minister or Probationer under Suspension removing to the bounds of another Presbytery.

5. If a minister or probationer under suspension removes beyond the bounds of the Presbytery by which he has been suspended, or to whose supervision he has been remitted under suspension, by the General Assembly, the Presbytery becoming aware of his removal, either by intimation from himself or otherwise, shall, with a view to his continued supervision, forward an extract minute of the deliverance or deliverances in his case to the Presbytery within whose bounds he goes to reside. It shall

also give to the minister or probationer a copy of the above extract. Before sending the above minute and furnishing the extract thereof to the minister or probationer, the Presbytery shall communicate with the Session of the congregation with which the said minister or probationer has been connected, and receive a report regarding him. On receiving the extract minute, the Presbytery within whose bounds he goes to reside shall certify him to the Session of the congregation which he intimates his intention of joining, as provided for in par. 4 above, and shall appoint two or more of its members, one of whom shall be the minister of the congregation with which he proposes to connect himself, to exercise over him a kindly and helpful supervision.

2. Restoration.

The Court with which the Power of Restoration lies.

6. Restoration to full communion takes place after the person suspended has given satisfactory evidence of his penitence. In the case of an elder or a member, the power to restore rests with the Session of the congregation with which he is connected; in the case of a minister or a probationer, with the Presbytery; unless in case of suspension by a superior Court, in which case the Session or the Presbytery, as the case may be, can restore only if the superior Court has given it authority to do so (see below, par. 18).

Restoration to Full Communion does not carry with it restoration to office

7. When an office-bearer has been suspended from full Communion he is thereby suspended from office *sine die*, and restoration to the privilege of full communion does not carry with it restoration to office.

8. If suspension from office has been *sine die*, restoration to office is not given, however satisfactory may be the evidence of penitence, unless it be obvious that the general interests of religion will not be injured by this step.

Restoration of an Elder when suspended from Office for a specified period.

9. When an elder has been suspended from office for a specified period, but not from full communion, he shall present himself at the expiry of that period to the Session under whose supervision he is, and if it is satisfied that the ends of discipline have been attained, it removes his suspension; and if it be the Session of the congregation of which he was a member at the time of suspension, it restores him also, after due admonition, to the exercise of his office

When suspended from Office *sine die*.

10. When an elder has been suspended from office *sine die*, the Session under whose supervision he is, shall, on application made by him for restoration, consider his case, and if satisfied that the ends of discipline have been attained, it removes his suspension. If it be the Session of the congregation of which he was a member at the time of suspension, it may at the same time, if persuaded that it will be for the edification of the Church, restore him to the exercise of his office.

When suspended from Office and Full Communion.

11. When an elder has been suspended from office and from full communion, and the Session agrees to restore him to the privilege of full

communion, it at the same time considers whether the suspension from office ought to be removed. If either then or at any subsequent time it considers that this ought to be, done, it removes the suspension from office; and if it be the Session of the congregation of which he was a member at the time of suspension, it may at the same time, if persuaded that it will be for the edification of the Church, restore him to the exercise of his office

Restoration of a Minister When Suspended from Office for a specified period;

12. When a minister has been suspended from office for a specified period, without having been removed from his charge, he shall present himself at the expiry thereof to the Presbytery, and if it is satisfied that the ends of discipline have been attained it removes his suspension, and restores him to the exercise of all his official duties.

When suspended from Office for a specified period and removed from his Charge.

13. When a minister has been suspended from office for a specified period, and has at the same time been removed from his charge, or when a probationer has been suspended from office for a specified period, he shall present himself at the expiry of that period to the Presbytery which suspended him, or to whose supervision he has been remitted by the General Assembly, and if a satisfactory report regarding him has been received from those under whose supervision he was placed, it may remove his suspension, if in view of all the circumstances it judges it advisable.

Application for Removal of the Suspension How dealt with

14. An application for removal of suspension by a minister or probationer who has been suspended from office sine die must be disposed of by the Presbytery that suspended him. If he has been under the supervision of another Presbytery, a report from that Presbytery is required. Should the Presbytery which suspended him, after careful consideration of all the facts, be satisfied that the ends of discipline have been attained, it removes the suspension.

Restoration to Full Communion.

15. When a minister has been suspended from full communion, the Presbytery which suspended him may restore him to the privilege of full communion, on being satisfied of his penitence.

Removal of Suspension from Office for a specified period does not necessarily take place at the expiry thereof

16. When an office-bearer who has been suspended from office for a specified period presents himself at the expiry thereof to the Court which suspended him, if the Court is not satisfied that the ends of discipline have been attained, it may either continue the suspension for a further specified period, at the expiry of which he again presents himself to the Court, and the so from time to time so long as the Court shall continue the suspension for specified periods; or the Court may, at the thereof expiry of either the original or any subsequent period of suspension, in place of continuing the suspension for a specified period continue it generally. When continued generally it becomes suspension sine die, and in the case of a minister is accompanied with removal from his charge.

Application for Restoration to Office may be referred

17. In special circumstances application for restoration to office may be referred by the Court which pronounced sentence to the next higher Court.

An inferior Court cannot remove the Censure appointed by a superior Court unless authorised to do so

18. In no case in which suspension has been appointed by a Court superior to the one exercising supervision over the person under discipline, can the latter Court remove the suspension or the restore the person to full communion or to office, unless the superior court has authorised the inferior Court to do so. If the superior Court has not done this, and if the Court supervising the person under discipline considers that he should be restored, it shall report the circumstances and its opinion to the superior Court which appointed the suspension, in order to that Court disposing of the matter.

Restoration in the case of deposition from Office

19. In the case of deposition from the office of the ministry, restoration to status can take place only by authority of the Supreme Court: and in the case of deposition from the office of the eldership, it can take place only by authority of the Presbytery, or if the deposition was by a superior Court, then by authority of that Court.

Restoration of Persons who refuse Submission to Discipline.

20. Fugitives from discipline are not be to received back into the fellowship of the Church until they submit themselves to discipline, and acknowledge the additional offence of which they have been guilty.

CHAPTER 7.

PROCEDURE.

SECTION I. *Petitions and Memorials.*

Definitions.

1. A *Petition* contains a definite crave for some right, privilege, or redress, to which the petitioner or petitioners claim to be entitled, or which they ask to have granted; and its presentation brings those signing it as parties to the bar of the Court. All documents essential to the case should accompany the petition.

A *Memorial* is an expression of opinion, or of desire for action, on any matter of general interest to the Church. Its presentation does not constitute the memorialists parties who have a right, as such, to be heard at the bar; but they may ask to be heard in support of it. It belongs to the Court, subject to appeal, to decide in which class any paper presented to it is to be placed.

Access to Church Courts

2. A congregation at a regularly constituted congregational meeting, or any member or members of a congregation as individuals, have right of access to the Session by petition or memorial on any subject with which the Session can competently deal. They have also the right of access by petition or memorial to the Presbytery and General Assembly. Such petition or memorial must be submitted, with all relative documents, to the Session, with a request that it be forwarded through the proper channel to the Court to which it is addressed.

Sessions and Members of Presbytery

3. Sessions have the right of approaching the Presbytery by petition or memorial, and through it the General Assembly. Members of Presbytery may petition the Assembly through the Presbytery.

Ministers.

4. Ministers may ask the advice of the Presbytery in any matter connected with their office or work.

Transmission of Papers by inferior Courts.

5. Transmission of a petition or memorial does not imply approval of its object, or concurrence in it; but it is the duty of the inferior Courts, before transmitting petitions or memorials, to secure that they are regular in form and expressed in respectful terms.

6. A Session or Presbytery may transmit a petition or memorial either *simpliciter*, or with recommendation, or *cum nota*; or it, may adopt and transmit it as its own; or it may, if it see cause, refuse to transmit. If it refuse to transmit a petition the petitioner is entitled to protest and appeal, and thus bring the matter before the superior Court. Recommendation of a petition or memorial by a Session or Presbytery does not constitute it a party to the petition or memorial; but, where a Session or Presbytery adopts a petition or memorial, it becomes a party in the Superior Court.

Accompanying Documents.

7. All documents referred to in a petition or memorial must be laid along with it on the table of the Court, and also, in the case of petitions and

memorials transmitted through an inferior Court, a duly certified extract of the resolution to transmit, in accordance with the Standing Orders of the General Assembly.

Procedure with Petitions.

8. When it has been ascertained that a petition has come regularly before the Court to which it is addressed, the petition is read with relative documents (unless printed by authority of the Court, and in the hands of members), and the Court must satisfy itself that it has before it all parties having an interest in the cause. After all parties have been heard, questions may be put to the parties, through the moderator, by members of Court. The Court then proceeds to deliberate, with the view of giving judgment.

9. If the petitioners, when called, fail to appear without reasonable excuse given for absence, the Court dismisses the petition.

10. When a petition has been transmitted, if in the opinion of the General Assembly or other Courts or Committees additional information is presented which throws new light on the matter under consideration, those who supported a decision in Committee or Presbytery are free to vote in the light of the additional information. In the case of an overture, those who supported it in Presbytery are free to vote in the General Assembly in the light of the additional information.

SECTION II. *Overtures.*

Definition.

1. An *Overture* is a proposal representing the desirableness of a change in the existing rules or arrangements, or in the administration of the Church, or of some competent course of action.

Form.

An overture may be originated by a Presbytery, by members of the Assembly, or by the Assembly itself.

Overtures to the General Assembly.

Who may overture

2. An overture may be transmitted by a Presbytery to the General Assembly. Such overtures must be in the form of extract minutes.' (For Form see Appendix VII. 8, page 166). Members of the House may also overture the General Assembly during its sittings; the overture in this case, as in other cases, being submitted to the Committee on Overtures with a view to its being brought before the House.

Session, Congregations, or Individuals may memorialise Presbytery to

Overture.

3. A Session may memorialise a Presbytery on any matter, requesting the Presbytery to bring it before the Assembly by overture. A congregation or individual members of a congregation may prepare such a memorial and submit it to the Session for transmission to the Presbytery. But an overture can be transmitted by a Presbytery only as from itself.

Support of Overture.

4. When a Presbytery resolves to transmit an overture to the General Assembly, it appoints one or more of its Commissioners to the Assembly to

that duty.

Overtures sent down by the General Assembly.

Barrier Act.

5. Overtures containing proposals for the enactment of what are to be “binding rules and constitution” of the Church, or for the alteration of such rules and constitutions, or for alterations in the doctrine, worship, discipline, or government of the Church, are dealt with under Act IX. of Assembly 1697, commonly called the “Barrier Act.” By that Act the rule has been fixed that no Acts can be passed by the Assembly, so as to be binding rules and constitutions for the Church, until they have first been passed by the Assembly as overtures, and transmitted in that form to the several Presbyteries for their opinion, and the consent of a majority of Presbyteries has been obtained. (For the Act see Appendix 1. 1, page 100.)

Returns by Presbyteries.

6. A Presbytery ought by agreement, or by notice of motion thereanent, to fix the time for considering any overture so transmitted by the General Assembly; and in giving its opinion should either approve simpliciter or disapprove. Approval subject to alteration is held as disapproval of the overture as sent down. A form of return is issued by the Clerks of Assembly with each overture on which Presbyteries may enter any suggestions they desire to offer in the event of the reconsideration of the overture by a subsequent Assembly. Returns to overtures must be in the hands of the Clerks of Assembly not later than the 31st day of March in each year. (See Chap. IV., Sect. iii, Div. III. II, page 60.)

Procedure if majority if Presbyteries do not approve.

7. If it shall appear that a majority of the Presbyteries have not approved simpliciter of any overture so transmitted, the Assembly cannot pass it into a binding law; but must either pass from the subject, or retransmit the overture either in the same form as before, or with alteration, for the opinion of the several Presbyteries.

Procedure if majority approve.

When it appears that a majority of Presbyteries have approved simpliciter of any overture transmitted, the General Assembly may, if it see fit, pass that overture into a standing law of the Church.

Sessions to be consulted.

8. When an overture is transmitted to Presbyteries under the Barrier Act, they are required to give Sessions within their bounds an opportunity of reporting their opinion thereon; and the returns from Sessions shall be tabulated by the Presbytery Clerks, and reported to the General Assembly.

Interim Act.

9. If the object of an overture transmitted to Presbyteries under the Barrier Act appear to the General Assembly to be of urgent practical importance, it is competent to the Assembly, while transmitting the overture to Presbyteries, at the same time to pass it into an Interim Act, which shall be in force only until the meeting of the next General Assembly.

Proposals remitted apart from Barrier Act

10. The General Assembly may remit proposals on any subject of legislation or administration to Presbyteries for their opinion apart from the

Barrier Act. Under such a remit the Presbyteries may either approve or disapprove of the proposal *simpliciter*, or may approve of it subject to alteration or qualification; and the returns from Presbyteries shall be classified and laid before the General Assembly. The Assembly shall not pass any proposal affecting the constitution of the Church into a standing law upon such a remit and the returns thereto.

Declaratory Acts

11. The foregoing rules as to overtures do not prejudice nor affect the right of the General Assembly to pass Declaratory Acts declaring what the Assembly understands the law of the Church to be.

SECTION III. References.

Circumstances in which reference may be made.

1. In causes of difficulty or importance an inferior Court may make a reference to a superior Court either for advice or *simpliciter*. A reference is not to be made without good reason, and not until the inferior Court has travelled in the cause as far as practicable. A reference is made to the next higher Court.

Commissioners

2. The Court making reference appoints two commissioners to state the reasons of the reference, and to explain the matter referred.

Reference for Advice.

3. When the reference is for advice, the particular point on which advice is requested is distinctly stated in the reference, and the procedure of the inferior Court, so far as it concerns the point in question, or anything dependent upon it, is sisted until the advice is obtained.

Reference *simpliciter*,

4. When the reference is *simpliciter*, all the papers in the cause must be transmitted to the superior Court, with an extract of the deed of reference. All the parties are cited, by personal intimation or timely notice sent to them, to appear before that Court for their interest.

Disposal of References by Higher court.

5. If the Court deems the reasons stated for the reference sufficient, the reference is sustained, and the Court proceeds to deal with the cause, and hears the commissioners on its merits. If the reference is not sustained, the cause is sent back to the inferior Court with instructions, or the superior Court may dispose of it otherwise as it deems proper.

SECTION IV. Appeals and Complaints.

Appeal from decision of Lower Court.

1 When a party in any cause before a Session, or Presbytery feels aggrieved by the decision that is arrived at, he is entitled to bring it under the review of the next higher Court. If he does not avail himself of this opportunity, he is held as submitting to and acquiescing in the decision, as regards both the merits of the cause and the regularity of the procedure. It is the duty of the Court to explain procedure to parties. (See Chap. VI, Sect. 11. 25, page 77.)

Protest and Appeal.

2. In order to secure the right of appeal, the party, on the decision being announced, must *protest and appeal* to the superior Court, for reasons given in, or promised to be given in, in due time, and crave extracts. The protest and appeal must be recorded in the minutes.

Dissent and complaint

3. If a member of an inferior Court who has voted in a cause is dissatisfied with the decision arrived at, and wishes to bring said decision under the review of the superior Court, he *dissents and complains*, for reasons given in, or promised to be given in, in due time, and craves extracts. The complainer must be careful to see that this is recorded in the minutes.

Effect of Appeal or Complaint.

4. Unless where otherwise expressly provided, a protest and appeal, or dissent and complaint, sists procedure in the Court in which it is taken, and the sentence or decision appealed or complained against is not to be acted on until the appeal or complaint is determined by the superior Court.

5. An appeal or complaint against a decision on a part of the cause, or on a point of procedure, does not prevent the Court from proceeding with the cause and ripening it to a final judgment. If no appeal or complaint is taken against the final judgment, all appeals and complaints taken during the proceedings in a cause fall.

Lower Court may make interim Orders.

6. No sentence can be carried out until all the appeals and complaints taken in the course of procedure are finally disposed of. The lower Court, however, may make such *interim* orders and regulations until the cause is finally disposed of as the good order, discipline, or welfare of the Church, or of parties concerned, may in the circumstances appear to require.

Reasons of Protest.

7. When a party protests and appeals, or a member of Court dissents and complains, reasons in support of the appeal or complaint, if not given in at the time, are to be lodged with the clerk within ten days, unless longer time has been allowed. When this is not done, the appeal or complaint is held as fallen from.

Answers to Reasons.

8. When a decision is brought under review, the Court appoints a committee of its members to prepare answers to the reasons lodged, and to defend the decision before the superior Court. The answers as so prepared are submitted to and adjusted by the Court, by whom they are then approved and adopted. The Court may, if it thinks fit, assign to the committee the duty of adjusting the answers as the answers of the Court, and in this case the answers shall be prepared and adjusted within ten days after the expiry of the time for lodging the reasons of appeal or complaint. In every case a copy of the answers shall be sent to the appellant or complainant within three days after being adopted by the Court, or adjusted by its committee. The reasons and answers are transmitted to the superior Court by the clerk along with the extract minutes and all other papers belonging to the cause.

Parties in a Cause.

9. All the parties in a cause thus carried to a superior Court are carried along with it, and intimation to that effect is made to them by the moderator

that they may appear for their interest: in the event of their being absent, official notice is sent to them by the clerk.

10. If a party fail to appear in support of his appeal or complaint, the appeal or complaint shall be held as departed from and the judgment appealed or complained against shall become final; unless a sufficient excuse for his absence be given, or good cause for a contrary decision be afterwards shown.

Remedies open to Parties aggrieved by a Decision of a Congregation, a Session, or a Presbytery.

11. The right of members present at a congregational meeting to bring the decisions and resolutions adopted under the review of the Presbytery is provided in Chap. III., Sect. 11. A 7 and B 14, pages 25, 26 ; and the right of a party who is dissatisfied with the decision of an inferior Court to bring the decision under the review of the next higher Court is provided in Chap. VIII., Sect. iv. 1, page 94. These are the only remedies open to parties aggrieved by a decision of a congregational meeting, a Session, or a Presbytery.

Recourse to Civil Courts excluded.

The decision of the General Assembly, as the highest and ultimate Court of review, is final, and terminates the case. Recourse to a civil Court for reduction, restraint, review, alteration, or control of the procedure in any of the Courts of the Church, or of their decisions, being outwith the rights of any member or office-bearer of the Church, any member or officebearer so having recourse to a civil Court thereby subjects himself to discipline and censure by the Church Courts. Such application, especially if persisted in, shall warrant exclusion from the fellowship of the Church, and in the case of an office-bearer, deposition also from office.

SECTION V. *Order of Procedure.*

Hearing of Parties.

1. When a petition is from an individual member of the Church the Court hears him in support of it. When a petition or an overture is from an inferior Court, or from a body of petitioners, the Court hears not more than two of their number or commissioners. When there are several petitions or overtures on the same subject, the Court may require the petitioners or commissioners to select not more than two of their number to represent the whole. The same rule obtains in the case of memorialists, when the memorialists ask and are allowed to be heard. Except in the case of those appearing in support of an overture who are members of the Court, representatives are heard at the bar.

Failure of Parties to appear

2. When the Court enters upon a cause parties are called. If the petitioners or memorialists fail to appear when called, without reasonable excuse for absence, the Court may refuse to proceed with the cause, and may dismiss the petition or memorial.

Questions to Parties and Deliberation.

3. After petitioners or memorialists have been heard, and any other party whom the Court may judge to have an interest in the cause, questions may be put to the parties through the moderator by members of the Court.

Parties having been removed, the Court then proceeds to deliberate with the view of giving judgment.

Procedure in References and Appeals

4. In cases of reference, protest and appeal, or dissent and complaint, the following is the order of procedure:

Appearance or non appearance of Parties.

(a) When the higher Court enters upon the cause parties are called, and the names of the parties who severally appear are minuted. If the commissioners from the lower Court or the appellant or complainant fail to appear when called, without reasonable excuse given for absence, the Court may dismiss the reference, or the protest and appeal, or dissent and complaint, either at this stage, or after the papers are read; or may proceed to consider and dispose of the cause in the absence of the party or parties failing to appear.

Reading of the Documents.

(b) The Clerk of the Court then reads the documents that have been transmitted in the case. In appeals and complaints the order in which they are read is: (*First*) The sentence or decision appealed or complained against; (*Second*) The reasons and answers; and (*Third*) The whole record of the proceedings in the lower Court. If the papers as transmitted have been printed and circulated amongst the members of the higher Court, the reading may be dispensed with.

Hearing of Parties in a Reference.

(c) In a reference the commissioners from the lower Court state the reference.

Questions.

Questions may then be put to the parties by members of the Court through the moderator. The reference brings up all the parties in the cause, and if there is an appeal or complaint against the reference the procedure is regulated by rule (f).

If Reference sustained Lower Court ceases to be a Party.

(d) The Court either sustains the reference or dismisses it. If the Court sustains the reference the lower Court ceases to be a party, and its commissioners leave the bar; and if they are members of the higher Court they are entitled to speak and vote on the cause when taken up on the merits.

Higher Courts enter on merits.

(e) If the reference is sustained, the Court proceeds to enter upon the merits of the cause, and the parties are heard.

Hearing Parties in Appeals.

(f) In cases of appeal or complaint the appellants or complainants are first heard. If there is both an appeal and a complaint, the appellant is heard first and then the complainant. After the appellants or complainants are heard the representatives of the lower Court are heard, and then any other parties having an interest. The appellants or complainants then reply. Parties must confine themselves in their arguments to the points to which the appeal or complaint refers, as set forth in the record.

Questions.

(g) After parties have been fully heard, questions allowed by the Court may be put to them through the moderator, with the view of bringing out any further information that has a bearing upon the cause. When questions are

addressed to one party, the other party are asked how far they concur in the answers given. These questions and answers may be entered on the record, if the Court see cause (see Chap. VI, Sect. Iv. 28, page 85).

Deliberation by Court

(h) Parties are then declared to be removed, and the Court proceeds to deliberate on the cause with the view of giving judgment. An appeal or complaint prevents the members of the Court whose decision is brought under review from deliberating and voting upon the cause in the superior Courts.

Disposal of Appeal

(i) An appeal or complaint is either dismissed as being ill founded, or sustained as being well founded. If it is dismissed, the judgment of the inferior Court stands. If it is sustained, the judgment of the inferior Court is not necessarily reversed, but may be altered either partially or wholly, or the cause may be remitted to the inferior Court with instructions, or such other findings or orders may be made as are suitable in the circumstances. It is competent to the court of review, when circumstances appear to require it, to waive consideration of a complaint or appeal on the merits, and, without sustaining or dismissing it, to give such decision in the original cause as the interests of truth and justice appear to require.

Cases may be remitted to Committee.

5. In all cases of references, appeals, and complaints, the Court may, after the papers have been read, or, where they have been printed and circulated, after parties are called, or at any subsequent stage, send the cause to a committee, who shall travel in it, and prepare a deliverance, which it shall recommend the Court to adopt.

Procedure before Committee

6. When a cause has been sent to a committee, the committee shall be guided in its procedure by the preceding rules applying to the action of the Court. When a finding has been arrived at, the committee shall endeavour to secure that parties acquiesce in it. If parties refuse to acquiesce, they may appear before the Court and state this, when the report of the committee is presented. The Court either then enters upon the cause, or arranges for a time at which it shall be taken up.

SECTION VI. *Dissents without Complaint.*

Dissent simpliciter or for reasons

1. When a cause has been concluded, the minute adjusted, and the decision arrived at announced by the moderator, it is competent for any member who has voted to enter his dissent for himself and for those who may adhere to it either *simpliciter*, or for reasons then given in, or to be afterwards given in; but in judicial causes dissent *simpliciter* only is allowed in the Supreme Court. A member proposing a motion which, having failed to find a seconder, has not been put against the motion adopted has the right of dissent.

Disposal of Reasons.

2. When reasons of dissent have been tendered, the Court receives them if they are respectfully worded. If reasons are given in along with the dissent, or in the case of the General Assembly before the close of next sederunt,

they are recorded in the minute along with it. If given in afterwards the Court may either keep them *in retentis*, or may, if it sees fit, order them to be recorded. It may also appoint a committee to answer them.

Member absent without excuse has no right to Dissent

3. A member who, during the decision of a cause, has been absent with a sustained excuse, or has been attending either a meeting of a committee of the Court, or a meeting of an inferior Court, such meeting being held with the leave of the Court before which the cause is depending, may afterwards have his dissent from the decision of the Court recorded.

Dissent from Resolution of Court in Committee.

4 When a member of a Court is dissatisfied with any resolution framed by the Court in committee of the whole House, he is allowed to enter his dissent after the Court has resumed and the resolution has been reported and approved.

Dissentient not entitled to be heard in Appeal.

5. A dissent without complaint from the decision of an inferior Court does not give the dissentient a right to be heard, if the cause should afterwards come up before the superior Court by appeal or complaint.

APPENDIX 1
HISTORICAL DOCUMENTS AND
ACTS OF ASSEMBLY

1. THE BARRIER ACT, 1697.

The General Assembly, taking into their consideration the Overture and Act made in the last Assembly concerning innovations, and having heard the report of the several commissioners from Presbyteries to whom the consideration of the same was recommended, in order to its being more ripely advised and determined in this Assembly; and considering the frequent practice of former Assemblies of this Church, and that it will mightily conduce to the exact obedience of the Acts of Assemblies, that General Assemblies be very deliberate in making of the same, and that the whole Church have a previous knowledge thereof; and their opinion be had therein, and for preventing any sudden alteration or innovation, or other prejudice to the Church, in either doctrine or worship, or discipline, or government thereof, now happily established; do, therefore, appoint, enact, and declare, that before any General Assembly of this Church shall pass any Acts, which are to be binding Rules and Constitutions to the Church, the same Acts be first proposed as overtures to the Assembly, and, being by them passed as such, be remitted to the consideration of the several Presbyteries of this Church, and their opinions and consent reported by their commissioners to the next General Assembly following, who may then pass the same in Acts, if the more general opinion of the Church thus had agreed thereunto.

Numerous other Documents and Acts of Assembly are printed in the former editions of the Manual, Appendices 1. and 2.

APPENDIX 2

ACT ANENT QUESTIONS AND FORMULA AT THE ORDINATION AND INDUCTION OF MINISTERS AND OFFICE-BEARERS

(ACT 1. OF CLASS 1, *Assembly 1924.*)

The General Assembly, with consent of a majority of Presbyteries, hereby repeal Act II, 1900, anent the Questions and Formula to be used at the Ordination and Induction of Ministers and other Office bearers in the United Free Church of Scotland, and enact and ordain that the Preamble, Questions and Formula at the Licensing of Probationers, the Ordination or Induction of Ministers, Missionaries, Professors, and Elders to their several offices, and the Preamble, Questions, and Formula at the Ordination or Induction of Deacons, as sent down to Presbyteries and appended to this Act, shall be the Preamble, Questions, and Formula to be used in this Church in the admission of the aforesaid Office-bearers to their several offices, and Presbyteries and Sessions are enjoined to use the same.

1. PREAMBLE AND QUESTIONS AT THE LICENSING OF PROBATIONERS.

The Candidate for Licence having taken his place before the Presbytery, the Moderator shall declare as follows:

In the name of the Lord Jesus Christ, the King and Head of the Church, we are met here as a Presbytery to license M. N. to preach the Gospel as a Probationer of this Church.

The United Free Church of Scotland, with all the Churches of the Reformation, acknowledges as her supreme Standard the Word of God contained in the Scriptures of the Old and New Testaments.

The Church holds as her Subordinate Standard the Westminster Confession of Faith; by her Declaratory Acts she recognises liberty of judgment on points of doctrine which do not enter into the substance of the Faith; and she further claims the Tight, as duty may require, to interpret, add to, modify, or change her Subordinate Standards and Formulas, under the promised guidance of the Holy Spirit, and with a sense of direct responsibility to her Lord.

In this act of Licence the Church affirms anew her faith in God through Jesus Christ, and her commission to proclaim the Gospel received by the Apostles, preserved and unfolded through the ages by the Holy Spirit, and verified in the experience and fellowship of believers.

Then the Moderator, addressing the Candidate, who is to stand and make answer to the questions put to him, shall say :

M. N., in view of this Declaration, you are now required to answer these questions:

1. Do you believe in one God-Father, Son, and Holy Spirit; and do you confess anew the Lord Jesus Christ as your Saviour and Lord?
2. Do you believe, and will you faithfully proclaim, the Gospel of the love and grace of God, wherein through Jesus Christ, His only Son, our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His Kingdom?
3. Do you believe the Word of God contained in the Scriptures of the Old and New Testaments to be the supreme rule of Faith and Life?
4. Do you acknowledge the Westminster Confession of Faith as the Subordinate Standard of this Church, and do you believe the fundamental doctrines of the Christian Faith contained therein?
5. Do you believe, as this Church in her historic testimony has constantly affirmed, that the Lord Jesus Christ is the only King and Head of the Church; that the Church derives from Him a government distinct from civil government; and that civil rulers possess no jurisdiction in her spiritual affairs?
6. Do you acknowledge the Presbyterian government and discipline, as authorised in this Church, to be agreeable to the Word of God? Do you promise to be subject in the Lord to the several courts of this Church? Do you engage to seek the purity, growth, and peace of this Church? And to cherish a spirit of brotherhood towards all the faithful followers of Christ?
7. Are not zeal for the glory of God, love to the Lord Jesus Christ, and a desire for the salvation of men, so far as you know your own heart, your chief motives for seeking to enter into the office of the Holy Ministry?
8. Do you engage, in the strength of the Lord Jesus Christ, to walk worthy of your calling, to discharge faithfully the duties of a Probationer of this Church, and to seek the furtherance of the Kingdom of God?
9. And all these things you profess and promise through grace, as you would answer to your Lord, and enter into His eternal joy?

FORM OF LICENCE.

In the name of the Lord Jesus Christ, the King and Head of the Church, and in the exercise of the authority with which He has invested its office-bearers, we, the Presbytery of, do now license you, M. N., to preach the Gospel of Christ, and to exercise your gifts as a Probationer for the Holy Ministry in this Church; and we commend you to the grace of God in the discharge of all your duties as a preacher of the Gospel.

2. PREAMBLE AND QUESTIONS AT THE ORDINATION OR INDUCTION OF A MINISTER.

The Ordinand, or Minister to be inducted, having taken his place before the Presbytery, the Moderator shall declare as follows:

In the name of the Lord Jesus Christ, the King and Head of the Church, we are met here as a Presbytery to ordain M. N. to the office of the Holy Ministry, and to induct him into the pastoral charge of this Congregation.

(Or-In the name of the Lord Jesus Christ, the King and Head of the Church, we are met here as a Presbytery to induct M. N. into the pastoral charge of this Congregation.)

The United Free Church of Scotland, with all the Churches of the Reformation, acknowledges as her supreme Standard the Word of God contained in the Scriptures of the Old and New Testaments. The Church holds as her Subordinate Standard the Westminster Confession of Faith; by her Declaratory Acts she recognises liberty of judgment on points of doctrine which do not enter into the substance of the Faith; and she further claims the right, as duty may require, to interpret, add to, modify, or change her Subordinate Standards and Formulas, under the promised guidance of the Holy Spirit, and with a sense of direct responsibility to her Lord.

In this act of Ordination the Church affirms anew her faith in God through Jesus Christ, and her commission to proclaim the Gospel received by the Apostles, preserved and unfolded through the ages by the Holy Spirit, and verified in the experience and fellowship of believers.

Then the Moderator, addressing the Ordinand, or Minister to be inducted, who is to stand and make answer to the questions put to him, shall say

M. X., in view of this Declaration, you are now required to answer these questions:

1. Do you believe in one God-Father, Son, and Holy Spirit; and do you confess anew the Lord Jesus Christ as your Saviour and Lord?
2. Do you believe, and will you faithfully proclaim, the Gospel of the love and grace of God, wherein through Jesus Christ, His only Son, our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His Kingdom?
3. Do you believe the Word of God contained in the Scriptures of the Old and New Testaments to be the supreme rule of Faith and Life?
4. Do you acknowledge the Westminster Confession of Faith as the Subordinate Standard of this Church, and do you believe the fundamental doctrines of the Christian Faith contained therein?

5. Do you believe, as this Church in' her historic testimony has constantly affirmed, that the Lord Jesus Christ is the only King and Head of the Church; that the Church derives from Him a government distinct from civil government; and that civil rulers possess no jurisdiction in her spiritual affairs?

6. Do you acknowledge the Presbyterian government and discipline, as authorised in this Church, to be agreeable to the Word of God? Do you promise to be subject in the Lord to this Presbytery, and to the superior courts of this Church, and to take your due part in the administration of her affairs? Do you engage to seek the purity, growth, and peace of this Church, and to cherish a spirit of brotherhood towards all the faithful followers of Christ?

7. Are not zeal for the glory of God, love to the Lord Jesus Christ, and a desire for the salvation of men, so far as you know your own heart, your chief motives for entering into the office of the Holy Ministry?

The Congregation will now stand.

8. Do you, the members of this Congregation, receive M. N. to be your Minister with all gladness, and promise him all due respect, encouragement, and support as his fellow workers in the Lord; and will you give of your means, as the Lord shall prosper you, for the maintenance of the Christian Ministry and the furtherance of the Gospel?

Will you signify your assent by holding up your right hands

Again addressing the Ordinand, or Minister to be inducted, the Moderator shall say:

9. Do you engage, in the strength of the Lord Jesus Christ, to walk worthy of your calling, to discharge faithfully the duties of the Ministry among this people, and to seek the furtherance of the Kingdom of God?

10. And all these things you profess and promise through grace, as you would answer to your Lord, and enter into His eternal joy?

DECLARATION OF ORDINATION OR INDUCTION.

In the name of the Lord Jesus Christ, the King and Head of the Church, we do hereby declare you to be ordained to the office of the Holy Ministry, and induct you into the pastoral charge of this Congregation; and we commend you to the grace of God in the discharge of all your duties as a Minister of the Gospel.

Note-At the Induction of a Minister previously ordained, the words "declare you to be ordained to the office of the Holy Ministry, and "are to be omitted.

3. PREAMBLE AND QUESTIONS AT THE ORDINATION OR APPOINTMENT OF A MISSIONARY.

The Ordinand, or Minister to be appointed, having taken his place before the Presbytery, the Moderator shall declare as follows:

In the name of the Lord Jesus Christ, the King and Head of the Church, we are met here as a Presbytery to ordain M. N. to the office of the Holy Ministry, and to appoint him to the Missionary service of this Church.

(Or In the name of the Lord Jesus Christ, the King and Head of the Church, we are met here as a Presbytery to appoint M. N. to the Missionary service of this Church.)

The United Free Church of Scotland, with all the Churches of the Reformation, acknowledges as her supreme Standard the Word of God contained in the Scriptures of the Old and New Testaments.

The Church holds as her Subordinate Standard the Westminster Confession of Faith; by her Declaratory Acts she recognises liberty of judgment on points of doctrine which do not enter into the substance of the Faith; and she further claims the right, as duty may require, to interpret, add to, modify, or change her Subordinate Standards and Formulas, under the promised guidance of the Holy Spirit, and with a sense of direct responsibility to her Lord.

In this act of Ordination the Church affirms anew her faith in God through Jesus Christ, and her commission to proclaim the Gospel received by the Apostles, preserved and unfolded through the ages by the Holy Spirit, and verified in the experience and fellowship of believers.

Then the Moderator, addressing the Ordinand, or Minister to be appointed, who is to stand and make answer to the questions put to him, shall say

M. N., in view of this Declaration, you are now required to answer these questions:

1. Do you believe in one God-Father, Son, and Holy Spirit; and do you confess anew the Lord Jesus Christ as your Saviour and Lord?
2. Do you believe, and will you faithfully proclaim, the Gospel of the love and grace of God, wherein through Jesus Christ, His only Son, our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His Kingdom?
3. Do you believe the Word of God contained in the Scriptures of the Old and New Testaments to be the supreme rule of Faith and Life?
4. Do you acknowledge the Westminster Confession of Faith as the Subordinate Standard of this Church, and do you believe the fundamental doctrines of the Christian Faith contained therein?

5. Do you believe, its this Church in her historic testimony has constantly affirmed, that the Lord Jesus Christ is the only King and Read of the Church; that the Church derives from Him a government distinct from civil government; and that civil rulers possess no jurisdiction in her spiritual affairs?

6. Do you acknowledge the Presbyterian government and discipline, as authorised in this Church, to be agreeable to the Word of God? Do you promise to be subject in the Lord to the courts of this Church, and to take your due part in the administration of her affairs? Do you engage to seek the purity, growth, and peace of this Church, and to cherish a spirit of brotherhood towards all the faithful followers of Christ?

7. Are not zeal for the glory of God, love to the Lord Jesus Christ, and a desire for the salvation of men, so far as you know your own heart, your chief motives for entering into the office of the Holy Ministry?

8. Do you engage, in the strength of the Lord Jesus Christ, to walk worthy of your calling, to discharge faithfully the duties of a Minister and Missionary, and to seek the furtherance of the Kingdom of God?

9. And all these things you profess and promise through grace, as you would answer to your Lord, and enter into His eternal joy?

DECLARATION OF ORDINATION OR APPOINTMENT.

In the name of the Lord Jesus Christ, the King and Head of the Church, we do hereby declare you to be ordained to the office of the Holy Ministry, and appointed to the Missionary service of this Church; and we commend you to the grace of God in the discharge of all your duties as a Missionary.

Note-If the Missionary-designate has been previously ordained, the words "ordained to the office of the Holy Ministry, and" are to be omitted.

4. PREAMBLE AND QUESTIONS AT THE ORDINATION OR INDUCTION OF A PROFESSOR.

The Ordinand, or Minister to be inducted, having taken his place before the Presbytery, the Moderator shall declare as follows:

In the name of the Lord Jesus Christ, the King and Head of the Church, we are met here as a Presbytery to ordain M. N. to the office of the Holy Ministry, and to induct him into the charge of Professor in College.

(Or-in the name of the Lord Jesus Christ, the King and Head of the Church, we are met here as a Presbytery to induct M. N. into the charge of Professor in College.)

The United Free Church of Scotland, with all the Churches of the Reformation, acknowledges as her supreme Standard the Word of God contained in the Scriptures of the Old and New Testaments.

The Church holds as her Subordinate Standard the Westminster Confession of Faith; by her Declaratory Acts she recognises liberty of judgment on points of doctrine which do not enter into the substance of the Faith; and she further claims the right, as duty may require, to interpret, add to, modify, or change her Subordinate Standards and Formulas, under the promised guidance of the Holy Spirit, and with a sense of direct responsibility to her Lord.

In this act of Ordination the Church affirms anew her faith in God through Jesus Christ, and her commission to proclaim the Gospel received by the Apostles, preserved and unfolded through the ages by the Holy Spirit, and verified in the experience and fellowship of believers.

Then the Moderator, addressing the Ordinand, or Minister to be inducted, who is to stand and make answer to the questions put to him, shall say

M. N., in view of this Declaration, you are now required to answer these questions

1. Do you believe in one God-Father, Son, and Holy Spirit; and do you confess anew the Lord Jesus Christ as your Saviour and Lord?
2. Do you believe, and will you faithfully teach and proclaim, the Gospel of the love and grace of God, wherein through Jesus Christ, His only Son, our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His Kingdom?
3. Do you believe the Word of God contained in the Scriptures of the Old and New Testaments to be the supreme rule of Faith and Life?
4. Do you acknowledge the Westminster Confession of Faith as the Subordinate Standard of this Church, and do you believe the fundamental doctrines of the Christian Faith contained therein?
5. Do you believe, as this Church in her historic testimony has constantly affirmed, that the Lord Jesus Christ is the only King and Head of the Church; that the Church derives from Him a government distinct from civil government; and that civil rulers possess no jurisdiction in her spiritual affairs?
6. Do you acknowledge the Presbyterian government and discipline as authorised in this Church to be agreeable to the Word of God? Do you promise to be subject in the Lord to this Presbytery, and to the superior courts of this Church, and to take your due part in the administration of her affairs? Do you engage to seek the purity, growth, and peace of this Church, and to cherish a spirit of brotherhood towards all the faithful followers of Christ?
7. Are not zeal for the glory of God, love to the Lord Jesus Christ, and a desire for the salvation of men, so far as you know your own heart, your chief motives for entering into the office of the Holy Ministry?

8. Do you engage, in the strength of the Lord Jesus Christ, to walk worthy of your calling, to discharge faithfully the duties of a Minister and Professor, and to seek the furtherance of the Kingdom of God?

9. And all these things you profess and promise through grace, as you would answer to your Lord, and enter into His eternal joy

DECLARATION OF ORDINATION OR INDUCTION.

In the name of the Lord Jesus Christ, the King and Head of the Church, we do hereby declare you to be ordained to the office of the Holy Ministry, and induct you into the charge of Professor in College, and we commend you to the grace of God in the discharge of all your duties as a Professor.

Note-If the Professor-elect has been previously ordained, the words "declare you to be ordained to the office of the Holy Ministry, and" are to be omitted.

5. PREAMBLE AND QUESTIONS AT THE ORDINATION OR INDUCTION OF ELDERS.

The Kirk-Session and the Elders-elect having taken their appointed places, the Moderator shall declare as follows .

In the name of the Lord Jesus Christ, the King and Head of the Church, we are met here as a Kirk-Session to ordain A, B., C. D., etc., to the Eldership, and to induct A. B., C. D., E. F., G. H., etc., into that office in this Congregation.

The United Free Church of Scotland, with all the Churches of the Reformation, acknowledges as her supreme Standard the Word of God contained in the Scriptures of the Old and New Testaments.

The Church holds as her Subordinate Standard the Westminster Confession of Faith; by her Declaratory Acts she recognises liberty of judgment on points of doctrine which do not enter into the substance of the Faith; and she further claims the right, as duty may require, to interpret, add to, modify, or change her Subordinate Standards and Formulas, under the promised guidance of the Holy Spirit, and with a sense of direct responsibility to her Lord.

In this act of Ordination the Church affirms anew her faith in God through Jesus Christ, and her commission to proclaim the Gospel received by the Apostles, preserved and unfolded through the ages by the Holy Spirit, and verified in the experience and fellowship of believers.

Then the Moderator, addressing the Elders-elect, who are to stand and make answer to the questions put to them, shall say:

In view of this Declaration, you the Elders-elect are now required to answer these questions:

1. Do you believe in one God-Father, Son, and Holy Spirit; and do you confess anew the Lord Jesus Christ as your Saviour and Lord?
2. Do you believe, and will you faithfully uphold, the Gospel of the love and grace of God, wherein through Jesus Christ, His only Son, our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His Kingdom?
3. Do you believe the Word of God contained in the Scriptures of the Old and New Testaments to be the supreme rule of Faith and Life?
4. Do you acknowledge the Westminster Confession of Faith as the Subordinate Standard of this Church, and do you believe the fundamental doctrines of the Christian Faith contained therein?
5. Do you believe, as this Church in her historic testimony has constantly affirmed, that the Lord Jesus Christ is the only King and Head of the Church; that the Church derives from Him a government distinct from civil government; and that civil rulers possess no jurisdiction in her spiritual affairs?
6. Do you acknowledge the Presbyterian government and discipline, as authorised in this Church, to be agreeable to the Word of God? Do you promise to be subject in the Lord to this Kirk-Session and to the superior courts of this Church, and to take your due part in the administration of her affairs? Do you engage to seek the purity, growth, and peace of this Church, and to cherish a spirit of brotherhood towards all the faithful followers of Christ?
7. Are not zeal for the glory of God, love to the Lord Jesus Christ, and a desire for the salvation of men, so far as you know your own heart, your chief motives for entering into the office of the Eldership?
8. Do you engage, in the strength of the Lord Jesus Christ, to walk worthy of your calling, to discharge faithfully the duties of the Eldership among this people, and to seek the furtherance of the Kingdom of God?
9. And all these things you profess and promise through grace, as you would answer to your Lord, and enter into His eternal joy

DECLARATION OF ORDINATION OR INDUCTION.

In the name of the Lord Jesus Christ, the King and Head of the Church, and by authority of this Kirk-Session, I do hereby declare you to be ordained to the office of the Eldership, and inducted into the office of Eldership in this Congregation; and I commend you to the grace of God in the discharge of all your duties as Elders (*or, as an Elder*).

Note-At the Induction of an Elder previously ordained, the words "ordained to the office of Eldership, and" are to be omitted.

THE FORMULA OF SUBSCRIPTION.

(To be subscribed in all the foregoing cases.)

I, _____ do hereby declare that, in the strength of the grace that is in Christ Jesus our Lord, I will constantly maintain and defend the doctrine, worship, and government of this Church, with the liberty and exclusive spiritual jurisdiction thereof. I adhere to my answers to the questions put to me; and I will fulfil, to the utmost of my power, all the obligations to which I have solemnly pledged myself.

6. PREAMBLE AND QUESTIONS AT THE ORDINATION OR INDUCTION OF DEACONS.

The Kirk-Session and the Deacons-elect having taken their appointed places, the Moderator shall declare as follows

In the name of the Lord Jesus Christ, the King and Head of the Church, we are met here as a Kirk-Session to ordain A. B., C. D., etc., to the office of Deacon, and to induct A. B, C. D., E: F., G. H., etc., into that office in this Congregation.

In this act of Ordination the Church affirms anew her faith in God through Jesus Christ, and her commission to proclaim the Gospel received by the Apostles, preserved and unfolded through the ages by the Holy Spirit, and verified in the experience and fellowship of believers.

Then the *Moderator, addressing the Deacons-elect*, who are to stand and make answer to the questions put to them, shall say.

In view of this Declaration, you the Deacons-elect are now required to answer these questions:

1. Do you believe -the Gospel of the love and grace of God, wherein through Jesus Christ, His only Son, our Lord, He freely offers to all men forgiveness and eternal life, and calls them into the fellowship and service of His Kingdom?
2. Do you believe the Word of God contained in the Scriptures of the Old and New Testaments to be the supreme rule of Faith and Life?
3. Do you acknowledge the Presbyterian form of Church government, as authorised in this Church, to be agreeable to the Word of God? Do you believe that the Lord Jesus Christ is the only King and Head of the Church, and that civil rulers possess no jurisdiction in her spiritual affairs?
4. Do you engage, in the strength of the Lord Jesus Christ, to walk worthy of your calling, to discharge faithfully the duties of the office of Deacon among this people, and to seek the furtherance of the Kingdom of God?

DECLARATION OF ORDINATION OR INDUCTION.

In the name of the Lord Jesus Christ, the King and Head of the Church, and by authority of this Kirk-Session, I do hereby declare you to be ordained to the office of Deacon, and inducted into the office of Deacon in this Congregation; and I commend you to the grace of God in the discharge of all your duties as Deacons (or, as a Deacon).

Note-At the Induction of a Deacon previously ordained, the words "ordained to the office of Deacon, and" are to be omitted.

FORMULA OF SUBSCRIPTION FOR DEACONS.

I adhere to my answers to the questions put to me, and in the strength of the grace that is in Christ Jesus our Lord, I will fulfil, to the utmost of my power, all the obligations to which I have solemnly pledged myself.

APPENDIX 3

STANDING ORDERS OF ASSEMBLY.

1. AS TO REPRESENTATION OF PRESBYTERIES.

1. All Commissions, transmitted to the Clerks of Assembly, shall be revised by them, in so far as regards the regularity of said Commissions in point of form, and they shall submit to the Assembly a list of the Commissioners.
2. The Clerks of the Assembly shall furnish all Presbytery Clerks with copies of the form of Commission to Representatives hitherto in use, these to be returned to them not later than 31st May in each year.
3. In addition to the ordinary Representatives of Presbyteries, all Ruling Elders who have been called to serve as Moderator should be included in the Roll of Commissioners of subsequent General Assemblies and all Ruling Elders who are appointed to serve as Conveners or Vice-Conveners of Standing Committees should for their term of office be included in the Roll of Commissioners to the General Assembly. All ordained overseas Missionaries who are home on furlough, being Ministers whose names are not on the roll of any of the Presbyteries of the Church, or Elders, shall be members of Assembly, but without power to vote, provided such Missionaries shall present to the Clerks of Assembly, at least seven days before the meeting of Assembly, certificates by the Committee under which they act, to the effect that they are *bona fide* acting Missionaries on furlough.

II. AS TO THE TRANSMISSION TO THE CLERKS OF ASSEMBLY OF COMMISSIONS, OVERTURES, RETURNS TO OVERTURES, AND PETITIONS TO THE BUSINESS COMMITTEE.

1. The names and full postal addresses of the Representatives of Presbyteries shall be transmitted by Presbytery Clerks to the Clerks of Assembly not later than the 30th day of April in each year, so far as they have been elected by that time.
2. All Commissions shall be sent up by the Clerks of their respective Presbyteries, so as to be in the hands of the Clerks of the General Assembly not later than 31st May in each year.
3. All Overtures from Presbyteries shall be sent to the Clerks of Assembly not later than 30th April in each year in order that they may be duly arranged and circulated among members, and said Overtures shall be in the form of certified extracts from the Minutes of the Court by which the Overture is transmitted. All petitions and memorials to the General Assembly, or to any regular meeting of a Commission of Assembly, should be sent by Presbytery Clerks to the Clerks of Assembly not later than thirty

days before the date of meeting of the General Assembly or any regular meeting of Assembly.

4. Presbyteries shall transmit to the Clerks of Assembly their Returns to Overtures not later than 31st March in each year; said Presbyterian Returns shall consist of certified extracts from the Minutes of Presbytery.

5. Papers in cases intended to be transmitted to the Assembly through the Business Committee shall be accompanied by a statement in writing to that Committee in the name of the party or parties transmitting, and the papers and statement shall be transmitted to the Clerks of Assembly not later than the day before the meeting of Assembly.

III. AS TO CIRCULATION OF PAPERS IN CASES COMING UP TO THE ASSEMBLY.

1. All papers coming before the Assembly-viz. Memorials, Petitions, Applications, References, Complaints, and Appeals, with Extracts of Minutes of inferior Courts relative thereto, as also Reasons of Complaint or, Appeal; and, in cases of Libel, the Libel, with the Defences and Evidence adduced, shall be transmitted to the Clerks of Assembly not later than 30th April in each year, in order to be circulated to Commissioners before the meeting of Assembly. Papers passed by the inferior Courts at a later date shall be transmitted to the Clerks without delay.

2. All such papers shall be prepared by the Clerks, and as regards any papers referring to business dealt with by Presbyteries in private, or which the Clerks consider may lead to discussion in the Business Committee, they shall have them prepared separately.

3. A copy of all Assembly papers shall be kept by the Clerks of Assembly to be preserved among the Records of Assembly.

IV. AS TO THE GENERAL ASSEMBLY.

1. Constitution. Opening Services and Devotional Exercises.

(1) The Assembly shall be constituted in devotional exercises conducted by the Moderator of the preceding Assembly.

(2) The roll of the Assembly as printed shall be laid on the table by the Clerks for the approval of the Assembly.

(3) Immediately after the roll of the Assembly has been approved the Assembly shall elect any one of its members to be Moderator. During the sessions of the Assembly any member who has previously been Moderator may occupy the chair at the Moderator's request.

(4) The Assembly shall proceed to celebrate the Ordinance of the Lord's Supper once the Moderator has been elected.

(5) Any proposal for a pause in the Assembly's proceedings, with a view to engage in special, devotional exercises, shall be made to the Assembly only through the Moderator; and, for the purpose of arranging diets of prayer and the devotional exercises of the Assembly generally, the Moderator may, at his discretion, associate with himself a few members of Assembly to serve as a Devotional Services Committee.

2. Preparation of Business.

(1) The Administration and Finance Committee shall prepare and submit to the first diet of Assembly a programme of the business of the Assembly.

(2) The Administration and Finance Committee shall nominate to the Assembly at its first diet the Business Committee, which shall consist of five of members, who are Commissioners to the General Assembly along with the Principal Clerks and the Law Agent.

(3) The Business Committee shall report its proposals for the arrangement of business to the second diet of the Assembly and subsequently as required.

(4) The Business Committee shall see that all papers, presented to it in cases from inferior Courts, whether forming part of the Record or produced in evidence before said Courts, have been duly dated and numbered by the Clerk of said Courts, and marked with his initials; and the Committee shall not receive any paper which is not so authenticated, unless upon special cause shown, to be reported by it to the Assembly.

3. Reports of Committees and Overtures.

(1) A copy of the Reports of all Committees reporting to the Assembly shall be forwarded to each member of Assembly, at least one week before, the day of meeting; and all Reports so distributed shall be held as read. Committees should print at the close of their Reports the deliverances which they propose to submit to the Assembly.

(2) Reports shall not be engrossed in the Record, but a copy of each, after being certified by one of the Clerks as being that printed, and, given in to the Assembly, shall be kept *in retentis*, and the Reports thus collected shall be bound up in volume, to be preserved among other documents of the Assembly.

(3) Verbal Reports shall not be received, and no Sub-Committee shall give in any Report to the Assembly.

(4) After the Report of any Committee has been submitted, and before the deliverance is moved, an opportunity shall be afforded of putting questions to the Convener on any matter contained in the Report which may seem to need explanation; this being without prejudice to the right of members to put questions, with the leave of the House, at any subsequent stage.

(5) Timeous notice must be given to the Convener of questions regarding any matter in the care of the Committee to which no reference is made in the Report.

(6) After the deliverance on the Report of any Committee has been moved and seconded, the Assembly before dealing with any amendments or additions thereto, shall have opportunity for the general discussion of the Report.

(7) The final deliverance of the Assembly upon the Report of any Committee shall always follow immediately after the consideration of said Report, except in the event of a special reason for the contrary having been approved of by the Assembly, and recorded in the Minute. And all proposed deliverances on Reports of Standing Committees, and all others which include important details of business or expenditure submitted for the approval of the Assembly, shall be handed to the Clerks not later than the day before the Report is taken up, and circulated as Notices of Motion.

(8) All Reports of Committees appointed during the Assembly's sittings which contain any proposed deliverance not already printed shall be put into the hands of the Clerks at least one diet previously to its being moved that they be approved of.

(9) Conveners (or others on their behalf) submitting Reports shall not exceed ten minutes in addressing the Assembly, and in the event of a Convener not being a member of the Assembly, and being thereby unable to move the deliverance, the mover and seconder shall be allotted ten minutes between them for their speeches, and this time limit shall not be exceeded except by leave of the Assembly ascertained by the Moderator.

(10) Overtures relating to matters under the care of Committees of the Church shall be assigned by the Business Committee the place in the discussion at which they shall be introduced to the Assembly.

(11) Overtures on the same or cognate subjects shall be grouped by the Business Committee, and only one speaker shall be heard in support of each group. A member speaking in support of an Overture shall not exceed ten minutes.

4. The Reading of Speeches and Length of Speeches.

(1) In the discussion of any subject brought before the Assembly by Overture, or by the Report of a Committee, it shall not be allowable, without leave granted by the Assembly, for any member to read his speech from a manuscript prepared previously to the discussion, except in the case of a member introducing an important subject to the attention of the Assembly.

(2) Previously to the discussion of any question which does not arise upon the Report of a Committee, or when no motion given notice of contains an approval of such Report, the Assembly shall determine, in such manner as may seem most expedient, the order of priority belonging to the motions given notice of; and when a motion approving of a Report has been made

and seconded, the Assembly shall determine in the same manner the order of priority belonging to any other motions given notice of.

(3) In the discussion of any question the proposer of any motion shall not address the Assembly for longer than twenty minutes, nor the seconder or any subsequent speaker to that motion for longer than ten minutes and this time-limit shall not be exceeded except by leave of the Assembly ascertained by the Moderator.

5. The Conducting of Causes.

(1) As far as may be possible, separate days shall be set apart for Causes.

(2) Counsel shall not be heard at the bar in any Causes which may come before the Assembly.

(3) In no case shall there be more than two speeches for each party at the bar, including the reply to which the appellant or complainer shall be entitled; and when there are more than two parties, there shall only be one speaker, and one speech for each, besides the reply it being understood that where there are more than one complainer, each shall be considered as a different party only in case of its appearing to the Assembly that the complaints rest upon distinctly separate grounds.

(4) Previously to hearing the parties in any Cause, the Clerk shall read the following announcement, viz:—"The members are reminded that justice requires the pleadings at the bar to be heard by all those who vote in the Cause, and that, in particular, no member ought to vote against either side of the bar who has not heard the pleadings on that side."

(5) [a] The Clerks of Assembly shall not issue the papers to the members of Assembly with reference to cases which they think require to be conducted with closed doors, until specially instructed by the Assembly to do so but shall report such cases to the Convener of the Business Committee, for its information, immediately after its appointment.

[b] The Business Committee shall, in their first Report, specify any case which, in their judgment, requires to be conducted with closed doors; and any case which does not appear to them of that character although the Clerks may have reported it as such.

[c] In all cases thus reported on by the Business Committee, the Assembly shall itself determine, by a special deliverance, at what stage of the proceedings the papers shall be issued to the members ; and

[d] In every case which the Assembly appoints to be conducted with closed doors, the instruction to issue the papers shall be accompanied by a special exhortation to the members to keep them private.

6. Motions and Votes.

(1) Notices of motion with regard to proposed deliverances on Reports of Assembly Committees shall be given in to the Clerks in writing not later than the day previous to that on which the motions are to be made.

(2) Every motion, whether original or amended, arising in the course of the transaction of the Assembly's business, shall be given in to the Clerks in writing, as soon as it shall have been made to the Assembly.

(3) When any proposal has been submitted in the Report of a Committee, any motion for approval of such proposal shall take precedence of any counter-motion or amendment'

(4) When a motion is duly seconded, and in possession of the Assembly, it shall not be competent to make any alteration upon it without the permission of the Assembly, excepting in the shape of an amendment, or second or third motion, as the case may be, regularly proposed to the Assembly.

(5) When to any proposed deliverance amendments have been given notice of, which differ only slightly from each other in their general tenor, the Moderator shall decide whether or not to permit more than one of such amendments to be moved.

(6) The person who makes the first motion shall be entitled to the privilege of giving a reply, in which new matter must not be introduced; thereafter the debate shall be held to be definitely closed, and no other person shall be entitled to speak excepting with regard to the manner of putting a vote.

(7) All motions after the first shall be considered as amendments on the first, and disposed of accordingly. In the case of voting for appointments to vacant offices of the Church, where there are more than two nominations the Assembly shall first vote separately on all the names proposed, and, unless there is a majority in favour of one over all others combined, the one having the lowest number shall be dropped and the Assembly shall again vote in the manner herein prescribed on those that remain. At the close of such general discussion of the Report of any Committee, as may be arranged under IV. 3

(6), amendments affecting the deliverance as a whole shall be called for, and when these have been disposed of, the deliverance shall then be put to the Assembly paragraph by paragraph, and any amendment or addition affecting a single paragraph shall be proposed and voted on against that particular paragraph. When all the paragraphs of a deliverance have been thus disposed of, any further addition to the deliverance shall then be proposed, and the Assembly shall vote " Adopt " or " Not adopt " the addition.

(8) When there are only two motions before the Assembly, the question put to the vote shall be *Motion or Amendment, or First or Second motion*.

(9) When there are three motions, the first question shall be, whether the second or third motion shall be put as the amendment against the first; and the second question shall be, whether the first motion or the amendment so fixed shall be the decision of the Assembly.

(10) When there are more than three motions, the first question shall be whether that last proposed shall be put as the amendment, and so on till only three remain, when the procedure shall be as prescribed in Article (9).

(11) In Causes, it shall not be competent to move an amendment to the motion, unless it be of such a nature as to decide the case, or to forward it in its progress.

(12) The Moderator has no deliberative vote, but in cases of equality he has a casting vote. He may not take part in any discussion leading to a vote while he occupies the chair, but he may vacate the chair for the purpose of expressing his opinion and, if he so desires, of voting. The Moderator shall vacate the chair when he is a party in a Cause before the Court.

(13) Members of Committee who are present at the meeting where a vote is taken on a petition or another matter and do not agree with the decision of the majority of the members should intimate their dissent, otherwise they will not be free to vote contrary to the Committee's decision in the General

Assembly. Those who are absent from the meeting of the Assembly Committee when a decision is made are free to vote as they choose in the Assembly

7. Mode of taking the Vote.

(1) On a division being called for, the vote shall be taken in the first instance by show of hands.

(2) If the decision of the Assembly is not immediately clear, or if an exact count is required by the Assembly, the Moderator shall appoint two tellers from the supporters of each of the motions before the Assembly.

(3) When the tellers shall have taken their places at convenient points for counting the votes, the Moderator shall direct the members to vote by standing and showing voting card.

(4) As soon as the vote shall thus have been taken and the tellers are agreed upon the number of votes, they shall report the state of the vote to the Clerks of Assembly, who shall write it down, and read it to the Assembly.

(5) The report of the tellers, as read to the Assembly, shall be held as final and conclusive, and not subject to revision.

8. Dissents.

(1) Any member dissatisfied with a judgment come to by the Assembly has the right of entering his dissent against it; but no dissent can be given in until the matter to which it refers has for that sederunt, been disposed of, the Minutes have been completed and adjusted, and the Assembly is ready to proceed to other business.

(2) When a dissent has been entered by a member immediately after the pronouncing of the judgment dissented from, it is competent for any other member present and voting when that judgment was pronounced to adhere to such dissent. But no one's adherence can be received who was not present, or did not vote against such judgment.

(3) A member dissenting may do so with or without giving in reasons of dissent. If he dissents for reasons given at the time, or to be afterwards given in, such reasons shall if received by the Assembly as proper and relevant be recorded in the Minutes, provided they are given in before the close of the next sederunt, or on the last day of the Assembly, before the close of the same sederunt.

(4) If the Assembly appoint a Committee to prepare answers to reasons of dissent, the report of the Committee shall, except on the last day of the Assembly, be circulated to members; and, as approved by the Assembly, be entered in the Minutes, when the reasons of dissent have been entered in the Minutes.

(5) Reasons of dissent and answers thereto, when not entered in the Minutes, shall be kept in a separate record of dissents.

9. Drafts of Declaratory or Interim Acts and Overtures.

The Draft of any proposed Declaratory or Interim Act, as also the Draft of any Overture which it is proposed to transmit to Presbyteries for their opinion in terms of the Barrier Act, shall be laid on the table of the Assembly, and circulated among the members, at least one day before a motion be made for the passing of such Declaratory or Interim Act, or for the transmission of such Overture to the Presbyteries of the Church.

10. Letters addressed to the Moderator.

All letters addressed to the Moderator for the purpose of being communicated to the Assembly shall, in the first instance, be laid before. The Business Committee, who shall advise the Moderator as to the way of disposing of them.

11. Reception of Delegates.

(1) Delegates from other Churches shall be received at some convenient session of the Assembly. The Moderator shall address to them a few words of welcome and shall invite some or all of the Delegates to address the Assembly.

(2) The officials of the Administration and Finance Committee shall see that invitations to all Assembly functions are procured for the Delegates and the members of Assembly shall do everything in their power to make the visits of the Delegates pleasant and profitable.

12. Deputations from other Churches, etc.

(1) Deputations from other Churches, societies, or public bodies shall, on their arrival, give in their commissions or letters of introduction to the Clerks of Assembly, who shall report the same to the Business Committee that arrangements may be made, if possible for receiving them at a convenient time. Due care shall be exercised in restricting the number of such Deputations, so that the dispatch of the proper business of the Assembly be not hindered thereby.

(2) In the case of strangers who may be desirous of being introduced to and addressing the Assembly, notice thereof shall be conveyed to the Moderator, who shall report the same to the Business Committee that they may advise in the matter.

(3) The names of stranger speakers, who may be proposed by Committees to address the Assembly in connection with the discussion on their Reports, be previously submitted by Conveners for approval to the Administration and Finance Committee before the Assembly opens, or to the Business Committee during the sittings of the Assembly.

13. Examination of Presbytery Records and of Minutes of Standing Committees.

The Presbytery Records and the Minutes of Standing Committees shall be called for at the first diet of the Assembly, and a Committee shall be appointed for examining the same, which shall report to a later diet of the Assembly.

14. *Minutes.*

The Minutes of Assembly, being circulated in typescript, shall be held as read, full opportunity being given at each diet for corrections.

V. COMMITTEES.

Standing Committees shall consist of the following:-

Administration and Finance

Ministry

Youth

Christian Education and Evangelism

Church and Society

Overseas

Ecumenical Relations

The Committees will have the following remits:-

Administration and Finance Committee:

Administration

- i. All matters connected with arrangements for General Assembly.
- ii. Nominations for those to serve on Assembly Committees and on other bodies in consultation with other committees as appropriate.
- iii Special Aid.
- IV To be responsible for the selection, employment, training, deployment and supervision of office and other staff employed by the Committee.
- v. Ensuring coordination between committees takes place.
- vi. Responsibility for Child Protection issues.
- vii. Publications.

Finance

- i. Manage the central funds of the Church.
- ii. Consideration of grants to congregations to assist with property.
- iii. Allocation of Target in consultation with Committees.
- iv. Ensuring compliance with relevant legislation throughout denomination.

Ministry Committee

- i. To select candidates for the Ministry.
- ii. To set the course of study for students.
- iii. To advise on the academic content of a student's course.
- iv. To be responsible for non-academic elements of ministerial formation.

- v. To determine if a student has fulfilled all requirements and notify the appropriate Presbytery accordingly.
- vi. To be responsible for the selection, employment, training, deployment and supervision of Pastors.
- vii. To be responsible for the continuing professional development of ministers.
- viii. To consider the future development of Ministry within the denomination.
- ix. To deal with all Ministry related Schedules (Central, Home Mission and Church Extension Funds).
- x. To bring forward proposals for Stipends and Salaries.
- xi. To be responsible for the selection, training and supervision of Readers.
- xii. To liaise with Presbyteries regarding the viability of congregations.

Youth Committee

- i. To develop the Christian faith of young people by way of camps, conferences and events. Where appropriate, these are to be coordinated in partnership with presbyteries.
- ii. To provide training and resources to youth workers and leaders.
- iii. To initiate and coordinate outreach events for young people where appropriate.
- iv. To have responsibility for the Youth Assembly.
- v. To be responsible for the selection, employment, training, deployment and supervision of any staff employed by the Committee.

Christian Education and Evangelism Committee

- i. To encourage and support evangelism within the life of congregations.
- ii. To promote cooperation with other local churches and agencies.
- iii. To identify and promote suitable methods and tools to aid the work of evangelism.
- iv. To be responsible for the selection, employment, training, deployment and supervision of any staff employed by the Committee.
- v. To encourage congregational development and personal spiritual growth by providing resources, events and training. Where appropriate, this is to be done in cooperation with the relevant presbytery committees.
- vi. To help equip people to integrate faith and life in everyday experience.
- vii. To be responsible for the work of the Development Coordinators and Adult Trainers.
- Viii. To be responsible for the selection, employment, training, deployment and supervision of any staff employed by the Committee.

Church & Society Committee

- i. To have a watching brief on the wide range of issues which come under the heading of Church and Society.
- ii. From this to identify topics on which it is felt the UF Church needs to be better informed and/or to take a position/make representation. The initiative may be taken by the committee or by the General Assembly in remitting matters to the committee.
- iii. Wherever possible this will be done in cooperation with other Churches and agencies through:
 - a. Receiving & sharing information and publications.
 - b. Representation on these other groups where this is felt to be appropriate, bearing in our mind our limited resources in personnel.

Overseas Committee

- i. To continue to develop links with the United Congregational Church of Southern Africa according to the Memorandum of Association.
- ii. To be responsible for the receiving and sending of overseas personnel.
- iii. To communicate with and support UF members working in mission overseas.
- iv. To foster and build links with overseas agencies and churches where appropriate.
- v. To provide information to committees, presbyteries and congregations in respect of overseas matters.

Ecumenical Relations Committee

- i. To work with and build relationships bilaterally and multilaterally with other Churches in Scotland as authorized by the General Assembly.
- ii. To coordinate work with Action of Churches Together in Scotland.
- iii. To coordinate work with other ecumenical agencies and organizations in Scotland and beyond.
- iv. To coordinate work with Churches Together in Britain and Ireland.
- v. To coordinate work with the World Alliance of Reformed Churches.
- vi. To coordinate work with the World Council of Churches.

The membership of committees be made up as follows:

Administration & Finance	10 with a maximum of 12
Ministry	8 with a maximum of 10
Youth	8 with a maximum of 10
Evangelism	8 with a maximum of 10
Christian Education	8 with a maximum of 10
Church & Society	8 with a maximum of 10
Overseas	8 with a maximum of 10
Ecumenical Relations	8 with a maximum of 10

With each committee including Convener, Vice Convener and a representative from each Presbytery.

The standing orders for Committees are as follows:

- a. Length of Appointments: Conveners will serve for four years, Vice-Conveners for two years, Presbytery Nominees for two years and Nominated members for one year. Conveners may have their term extended to a maximum of six years in exceptional circumstances. Other appointments can be renewed.
- b. Committees are required to meet at least twice a year, after the General Assembly and to agree the Assembly Report, with probably at least one other meeting.
- c. A Coordinating Forum will meet at least twice a year for coordination and approval of budget. The Forum will consist of all Conveners, Vice-Conveners and Presbytery Clerks.
- d. The General Trustees are ex-officio members of all Committees.
- e. Committees may hold joint meetings as required or set up groups with representatives of two or more Committees, possibly with others, to deal with particular tasks.
- f. The Administration and Finance Committee is empowered in consultation with committees to vary dates of meetings.
- g. Each committee is responsible for ensuring an accurate minute is kept of the meeting.
- h. Where Presbyteries are unable to nominate someone for each of the Committees, the Nominations Committee will have power to propose an alternative appointment.
- i. If a Presbyterial representative ceases to be a member of the nominating Presbytery, that person shall cease forthwith to be a member of the Committee and the Presbytery may appoint one to serve in the vacant place until next General Assembly. Any other vacancy occurring during the year may be filled by the Administration and Finance Committee but the appointment shall hold only until the next General Assembly.

APPENDIX 4

REGULATIONS AND RULES

A. MINISTRY COMMITTEE

I. Regulations for recognition of Students for the Ministry

1. All prospective Students for the Ministry of the United Free Church of Scotland must be members in full communion of the United Free Church of Scotland and normally have been members in full communion of the United Free Church of Scotland for at least two years.
2. Students applying to the Ministry Committee for recognition as Students for the Ministry of the United Free Church of Scotland will not normally be accepted if they cannot reasonably be expected to complete their prescribed course before the age of fifty-five years.
3. When an application form for recognition as a Student for the Ministry of the United Free Church of Scotland is received, a sub-committee of the Ministry Committee will meet with the applicant to review and assess the applicant's previous academic achievements and discuss the academic requirements of the Church.
4. If the applicant decides to proceed, the Ministry Committee shall obtain an appropriate certification in terms of Protection of Children (Scotland) Act 2003 and Police Act 1997 or any statutory modification or re-enactment thereof for the time being in force. That being satisfactory the Ministry Committee would normally arrange a 3-month period of attachment to a Minister in a charge to allow further exploration of the call to and role of Ministry.
5. At the close of this attachment the Minister would be asked to submit a report to the Ministry Committee. The applicant would also be asked to submit a report on their attachment reflecting on his/her experience.
6. The attachment having been completed, an application would be made to the relevant Presbytery who, having assessed the applicant's call, piety and Christian character would then inform the Ministry Committee of its decision whether or not to support the application for recognition.
7. Where an application is supported by Presbytery, and after references have been obtained, the applicant would be interviewed by the Ministry Committee.

8. Any acceptance of a candidate as a Student for Ministry would be subject to a successful medical assessment arranged by the Committee.

9. The Ministry Committee shall determine a course of preparation and study for any Student selected in accordance with the regulations contained in the prospectus for Students.

II. HOME MISSION AND CHURCH EXTENSION REGULATIONS.

1. All applications for grants must be sent to the Ministry Committee, through the Presbytery of the bounds, which shall give also its own deliverance upon the case. The Committee shall consider each application on its merits, and communicate its decision upon it to the Presbytery and to the applicant.

2. The concurrence of the Ministry Committee is required before a Presbytery opens any new station requiring aid, or proposes to raise a station to a charge.

3. The Ministry Committee may open communications with Presbyteries, or Presbyteries with the Committee, on such matters as the following: (1) The propriety of planting a new station or Church in any district where it is needed; and (2) the selection of suitable localities, and, after consultation with neighbouring Sessions, the conducting of occasional or continuous evangelistic work in them, as circumstances may require.

4. A Home Mission Committee shall be formed in each Presbytery. It shall be the duty of this Committee to keep the whole needs of the Presbytery before it and, where necessary, to initiate new efforts; to take advantage of every opening to encourage and help the various congregations within the bounds to engage in appropriate aggressive work; and to arrange for conference and joint action on the part of Ministers and Sessions. In all growing centres of population the Presbytery shall, from time to time, inquire as to the movement of population, and, where necessary, readjust the boundaries within which congregations shall bear responsibility for Home Mission work; and shall encourage and aid the planting of District Sunday Schools. The Presbytery, through the Convener of its Committee, shall ascertain annually from each Session within the bounds, what aggressive work has been done by the congregation during the year, and, where desirable, take measures to stimulate congregations to further work. The information thus obtained, with the Presbytery's judgment thereon, shall be sent to the Ministry Committee for its consideration, and shall afford the opportunity for representations to the Presbytery by the Committee as to the needs of the locality.

5. All grants from the Ministry Fund shall finish on 31st December each year. Applications for fresh grants shall be made on the appropriate schedule and sent through the Presbytery to reach the Committee not later than 31st October;

6. Arrangements for payment of grants shall be at the discretion of the Committee.

Removal expenses of a minister or missionary demitting his charge

The General Assembly agree that the removal expenses of a minister or missionary demitting his charge and vacating his manse at age 65 or over, or because of ill-health while under the age of 65, or of a widow vacating a manse, shall be met from the Central or Ministry Funds, it being understood:-

- a that the removal is within Scotland;
- b that removal to a destination outside Scotland shall be aided only to the extent of the average cost of a removal within Scotland.
- c that the paying of removal expenses is once only and is paid only in respect of those who have given at least 25 years' service in full charge;
- d that the Ministry Committee, with the consent of the Administration and Finance Committee, may pay in whole or in part the expenses of those who have given less than 25 years' service;
- e that in all cases the estimated cost of removal has been approved by the Ministry Committee.

III. REGULATIONS FOR THE CHURCH EXTENSION FUND.

1. The object of the Fund shall be:

(a) The aiding of existing Church Extension charges by reducing or removing any debt resting on their property;

(b) The aiding of fresh enterprises in extension.

2. Applications for grants must be made in duplicate forms provided for this purpose.

3. Applications for grants towards new buildings shall be accompanied by the plans of the building for which grant is desired, which plans shall first have followed the usual procedure of receiving the approval of the Church and Manse Building Fund.

4. Claims for grants will not necessarily be considered in priority of application; each case will be treated strictly on its merits, and in relation to the needs of the Church as a whole, and this will be a determining factor in fixing the amount of the grant to be given.

5. In all cases where grants are made for new buildings, the congregation receiving same shall appoint five Trustees, two of whom shall be the Moderator and Clerk of the Presbytery concerned *ex-officio*.

6. Before payment of grants is made, the Ministry Committee would require to be satisfied that (a) the property is in point of fact in name of the Trustees; and (b) in the event of a congregation being disbanded or entering another body, the repayment of the grant received from the Ministry Church Extension Fund would be a first claim on the Funds of the congregation.

7. In the case of areas where no congregation has been formed, nor can be formed before the erection of buildings, the Committee, working in close co-operation with the Presbytery, shall take all the needful steps, and the following paragraphs are suggested for guidance. K

(a) *Church Buildings*. The Committee shall erect a suitable building, and accept financial responsibility for same.

(b) *Manse*. The Committee shall provide a Manse or make some other arrangement for a Minister or Missionary to be housed, and shall Finance same.

(c) *Minister or Missionary*. The Committee shall appoint Minister or Missionary to be in charge of the cause, and shall arrange for provision of stipend from the Central Fund, the Ministry Fund, or the Church Extension Fund-at its discretion. In Such cases the minister receives the minimum stipend.

(d) *Congregation*. Until such time as the congregation is formed, all ordinary income shall be remitted to the Committee, and shall be allocated at its discretion. When a Church Extension Charge is erected the congregation shall institute a Building Fund, and through it shall contribute to the Church Extension Fund until such time as a sum equivalent to the amount expended on the building has been paid; or as determined by the Committee.

(e) *General*. The Committee shall, in consultation with the Presbytery, whenever possible, make all necessary arrangements for the maintenance of ordinances in such charges.

The Committee shall report annually to the General Assembly on the progress of such Church Extension charges.

IV. HOME MISSION CONGREGATIONS AND STATIONS AND HOME AREA AGENTS.

1. Home Mission Congregations and stations served by Ministry Agents are in all cases under the oversight and control of the Presbytery of the bounds.

2. The Agents shall be appointed by the Ministry Committee and be under its superintendence. The period of appointment shall be for three years, and shall only be extended with the express sanction of the Ministry Committee.

(a) 'The Agent shall, where possible, conduct two services each Sunday, take an interest in the Sunday Schools connected with the congregation or station, and hold a Bible Class either on Sunday or on a weekday evening. He shall on no account leave the congregation or station vacant on a Sunday, but if absent, shall have his place supplied to the satisfaction of the Interim-Moderator.

(b) The Agent shall carry out regular visitation, giving special attention to the sick and infirm, and to those living in neglect of ordinances.

(c) In rural districts the Agent shall hold week evening meetings in such localities as may be found most suitable for gathering together neighbouring families; and in towns or large villages, in the hall of Church or Mission.

3. The salaries of Agents shall be fixed by the General Assembly from time to time.

4. Contributions towards Agents' salaries shall be remitted regularly to the Ministry Committee.

5. The Ministry Committee shall be empowered to grant allowances to Lay Agents employed by the Committee for not less than ten years who are compelled to retire through physical incapacity, such allowances not to exceed the amount given to an Ordained Missionary or Minister from the Superannuation Fund.

6. The Ministry Committee shall be empowered, where necessary, to arrange for the training of Ministry Agents.

V. CONGREGATIONAL MISSIONS.

1. A grant shall only be given to congregations carrying on aggressive work in localities where sufficient evidence is furnished that a considerable portion of the residents in the district to be wrought are non church-going, and when the Committee are satisfied that from the circumstances of the congregation, such assistance is needed. The applications must be on the schedule provided for the purpose, and

accompanied by a statement of the grounds upon which it is made, and of the work to be performed by the Minister or Missionary.

2. The Mission shall be carried on under the superintendence of the Kirk Session of the congregation, within a territory assigned by the Presbytery. The Missionary, along with the Minister, shall arrange for the adequate undertaking of aggressive work in the district allotted to the congregation, and take his part in regular house-to-house visitation. He shall regularly report upon his work to the Kirk Session. The Kirk Session shall invite the Missionary (if he be a student or probationer assistant for Home Mission work) to attend their meetings as often as convenient in order that he may become acquainted with the work of conducting the business of the congregation.

3. The appointment of the Missionary shall lie with the Kirk Session subject to the approval of the Presbytery. The Session shall make all needful arrangements for length of engagement, etc., on the clear understanding that the grant from the Ministry Committee is for one year only, and subject to reconsideration on the report at the expiry of that term.

VI. CENTRAL FUND REGULATIONS.

1. The Central Fund is for the maintenance of Gospel ordinances throughout the land on the principle that the strong ought to help the weak in a systematic and brotherly manner. The Fund shall be administered by a Committee appointed by the General Assembly.

2. The object of the Fund shall be to secure for all Ministers of the Church in full charge an adequate minimum stipend. The amount shall be determined by the General Assembly from time to time. In addition, the congregation shall assume full responsibility for the provision of suitable accommodation for the Minister, paying Owners' and Occupiers' rates where they possess a Manse, or paying rent and Occupiers' rates where the Manse is rented.

3. The Fund shall consist of congregational contributions, individual donations, legacies, and income from invested funds.

4. In the management of its Finance, every congregation is required to aim primarily at paying direct to its Minister a sum at least equal to the minimum stipend. Congregations which are not self-supporting are required, after meeting the usual congregational expenses, to apply their ordinary congregational income towards reaching self-support. Every self-supporting congregation is expected to contribute to the Central Fund an amount bearing an adequate proportion to its available resources in view of all its obligations, and the Central Fund Committee shall encourage congregations to act upon this recommendation.

5. Every congregation shall make due provision, through its Session, Deacons' Court, Managers, Congregational Board, or a special Committee for the fulfilment of its obligation to the Fund by effective organisation, affording to the members and adherents periodical opportunities, if possible, monthly or quarterly, of contributing to it, in the manner best calculated, in view of the circumstances of the congregation, to promote the prosperity of the Fund. Congregations which have adopted the Weekly Freewill Offering method of Congregational Finance are expected to consider carefully the proportion of the income collected that should be allocated to the Central Fund, and also what share of any surplus should be given to the Fund. It is important that they should make provision for informing their members from time to time of the claims of the Fund.

All congregations are expected to remit their contributions to the General Treasurer of the Church at least quarterly if not month by month.

6. The Assembly's Committee shall give all needful assistance in the formation, maintenance, and effective working of the organisation for the Fund in every congregation.

7. It shall not be lawful for any congregation receiving a grant to supplement its Minister's income directly or indirectly beyond the minimum.

Note-It is understood that all expenses for assistance at Communion seasons and for pulpit supply shall be charged on ordinary congregational revenue, and be paid by the Congregational Treasurer.

8. On the occurrence of a vacancy in the pastorate of any congregation, if the circumstances of the congregation, in view of the population in the district, the proximity of another United Free Church congregation, or the membership and rate of contribution per member, appear to the Presbytery or Committee to raise questions as to its continuance, or as to readjustment of agencies in the district, these questions must be considered by the Presbytery in concert with the Ministry Committee, and reported on to the Committee before any steps are taken towards filling up the vacancy.

9. The Presbytery before granting application for moderation in a call to a vacant charge, shall examine the vacancy schedule completed by the congregation and shall inform the Committee whether it is satisfied with the financial arrangements proposed therewith. The Presbytery shall take no action for moderation in a call until the Committee has intimated approval of the vacancy schedule. In the case of self-supporting congregations, the Presbytery and Committee shall endeavour to secure that the contribution to the Fund bears a reasonable proportion in all the circumstances of the congregation to the amount paid to the Minister beyond the standard of self support. Presbyteries must contact all congregations within their bounds failing

to meet at least 80% of their Target Assessment to secure an explanation of their failure to do so and encourage them to make a greater response. Congregations giving less than an average of 60% of their Target Assessment over a period of three years prior to the submission of a Vacancy Schedule should not be allowed to proceed with a Call unless satisfactory explanation be given. Presbytery and Ministry Committee to be the judge of this explanation.

10. The arrangement as between each congregation and this Fund shall be reviewed yearly. In the event of any failure to adhere to the arrangements agreed upon at moderation or at the last revision, the Committee, in concert with the Presbytery, shall make full inquiry into the circumstances, and shall make such change as the result of its inquiries may warrant.

11. All grants from the Central Fund shall finish on 31st December each year. Applications for fresh grants shall be made on the appropriate schedule and sent through the Presbytery to reach the Committee not later than 31st October. Arrangements for payment of the grant shall be at the discretion of the Committee.

12. Congregations during a vacancy are expected to collect and remit their contributions fifty and regularly. The pulpit supply fees shall be no less than the rate sanctioned by the General Assembly.

13. Any Ministers of the United Free Church appointed on a part time basis should receive a proportion of the minimum stipend.

VII. Part time Pastorates

All applicants to be placed on the list of Pastors must be members of the United Free Church before being placed on the list.

All those serving in part-time Pastorates, being employed by the Ministry committee, are subject to the terms of employment contained in the regulations of the Committee.

The period of employment shall be for up to one year. The decision as to whether or not to re-employ someone will rest solely with the Committee as will the number of working days the part-time pastorate requires.

A written contract of employment shall be issued and signed by all those serving in part-time pastorates. This contract will terminate on or before 7th March each year.

A review of the appointment will be conducted by the Committee at its February meeting. In order to conduct the review the Committee will require an appropriate schedule from Presbytery, a report from the

Interim Moderator, a report on behalf on the Kirk Session and a report from the Minister or Pastor.

Where Ministers of other Denominations, who are on that Denomination's accredited list of Ministers, are appointed to a part-time pastorate they be recognised as 'Pastors' and governed by the regulations for pastors.

Unordained Pastors cannot conduct Communion or Baptism. The Committee however, in consultation with the Presbytery, may decide under some circumstances to permit Pastors who have served the Church for a period of at least five years and who have completed a course of instruction on behalf of the Committee, to conduct Communion.

All those serving in part time pastorates shall be granted seats as Corresponding members of Presbytery and General Assembly.

VIII. Church Re-extension.

Criteria for Church Re-extension.

- a) A congregation's numerical or financial strength has become seriously weakened. and/or
- (b) The congregation is situated in an area where there is reason to believe that a special input from the denomination could lead to substantial growth.
- and
- (c) The congregation is recommended for such status by the Presbytery of the bounds and the Ministry committee, after consideration of the circumstances of the congregation.

Procedures for Church Re-extension.

- (a) The initiative for Church Re-extension may be from either the Kirk Session or Presbytery.
- (b) The congregation shall complete the necessary schedule and shall submit it to Presbytery.
- (c) Presbytery shall satisfy itself that the congregation meets Criteria (a) and (b).
- (d) Presbytery shall submit the schedule together with a report of its findings as to the congregation's potential to the Ministry committee.
- (e) The Ministry committee shall satisfy itself that the congregation meets Criteria. (a) and (b) and shall report to the Presbytery.
- (f) In considering the submission the Ministry committee shall do so in the light of the general circumstances of the United Free Church of Scotland and the Committee's budget.
- (g) All the criteria having been met. The Committee shall recommend to the General Assembly that the congregation be designated a Church Re-extension Charge.

- (h) The status of Church Re-extension Charge shall apply for five years from the date of an appointment to the charge.
- (i) Such charges and appointments shall be reviewed at least annually by Presbytery and a report submitted to the Ministry committee by the Presbytery and Minister or Pastor.
- (J) All financial arrangements shall apply until 31st December of each year. Schedules for subsequent years must be submitted by the congregation and dealt with by the Presbytery in time for the November meeting of the Ministry committee
- (k) At the end of four years from the date of the appointment of a Minister or Pastor, Presbytery shall formulate proposals regarding the future of the congregation and submit them to the Ministry committee. In the event of the appointment being discontinued, the grant can continue for up to six months.
- (l) If the congregation's circumstances are such that an extension of the status is desired then Presbytery shall report to the Ministry committee. The Committee after consideration shall bring its recommendation to the General Assembly. In normal circumstances there shall be no further extension of this status beyond this period.
- (m) A congregation which already has a Minister or Pastor may seek to be designated a Church Re-extension Charge in order to pursue a project or projects for the renewal of its congregational life. The designation would commence at a date to be determined by the Ministry committee in consultation with the Kirk Session and the Presbytery

IX. Settlement of Final Year Students

- a) The General Secretary will, by 15th January, inform interim moderators in vacant congregations of the names of final year students who will be available.
- b) Vacant congregations are to inform the General Secretary by 15th February of their desire to hear final year students. Congregations must be willing to hear all such students. Arrangements will then be made by the General Secretary for all of the final year students to preach in each of the vacancies which have requested to hear them. This will take place as soon as possible after 1st April.
- c) After the congregation has heard all of the final year students, the Interim Moderator may inform the General Secretary that the vacancy committee desire to invite one of the students to become sole nominee. The General Secretary will inform the student of this decision.
- d) No direct approach is to be made by Interim-Moderators to final year students until all the vacant congregations who applied by 15th February have had the opportunity to hear all of the students. The General Secretary will advise Interim-Moderators as to when direct approaches can be made.

X. Study Leave Regulations

- (a) Ministers applying for Study Leave must have served their present congregation for a period of not less than two years.
- (b) Ministers should arrange Study Leave in consultation with the kirk session and submit their application to the relevant Presbytery, with the Ministry Committee informed of their approval.
- (c) Study leave is regarded as a form of in-service training and may be granted for a range of opportunities which will benefit the work of the ministry and therefore the work of the church as a whole. These could include attending a conference, taking time for a retreat or to reflect on one's ministry, following a programme of reading, engaging in a programme of study, research or other appropriate activity.
- (d) Ministers are required to indicate in their application the purpose of the Leave and to outline how it is intended that the purpose should be achieved all of which must have the approval of the Presbytery.
- (e) Leave will be granted on the basis of one week per year and can be accumulated up to a maximum of 8 weeks. Leave can be taken for periods of 1 week - 8 weeks depending on the entitlement which has been accumulated.
- (f) Leave should not normally be taken within two months of holidays.
- (g) During Study Leave, the minister's usual stipend will be paid in full by the congregation.
- (h) The cost of pulpit supply during Study Leave will be covered by the Ministry Committee.
- (i) Study leave will be dependent upon the minister making adequate arrangements for pulpit supply, pastoral cover and business meetings at least four weeks before the Sabbatical begins to the satisfaction of the Presbytery.
- (j) Financial assistance of up to £50 per week may be available on application to the Ministry Committee. Other costs are the responsibility of the Minister.
- (k) A Presbytery may limit the number of applications it supports in any one calendar year.
- (l) On return from a Study Leave the Minister will submit a brief report to Presbytery and the Ministry Committee on their Study Leave, with the nature of this agreed in advance.
- (m) Ministry Assistants and Pastors may apply for Study Leave and the scheme for them will be the same as for ministers

XI. Sick Leave Benefit.

- (a) After four weeks of continuous absence through sick leave of the minister or pastor, the Congregation(s) will automatically receive a sum to cover the resulting weekly pulpit supply fees, approved by the General Assembly. This sum will be paid monthly in arrears,
- (b) Payments will continue for a period of twenty eight weeks in the case of continuous absence. In the case of absence that may be more than four weeks but of a broken nature, payment will be at the discretion of the Ministry committee.
- (c) Payments for sick leave will be met from the appropriate funds for which the Ministry committee is responsible.

XII FUND FOR RETIREMENT AND INVALIDITY ASSISTANCE TO MINISTERS, HOME MISSIONARIES AND THEIR WIDOWS

The General Assembly agree to discontinue the Aged and Infirm Ministers and Ordained Missionaries Fund and to transfer its assets to a new fund to be named the Fund for Retirement and Invalidity Assistance to Ministers, Home Missionaries and their Widows, this fund to be administered by the Ministry Committee.

The General Assembly agree that the purpose of the Fund for Retirement and Invalidity Assistance to Ministers, Home Missionaries and their Widows shall be to make a grant:-

- a. to ministers and missionaries demitting their charges and vacating their manses at age 65 or over;
- b. to the widow of a minister or missionary vacating the manse;
- c. to a minister or missionary obliged for health reasons to resign his charge while under 65 years of age.

The General Assembly agree that the Fund shall operate under these rules:-

None of the beneficiaries shall have a claim as of right against the Fund. The grant shall be made once only.

The amount of grant paid to a minister or missionary, demitting his charge and vacating his manse at age 65 or over shall be as fixed from time to time by the General Assembly. The grant shall be paid in full only to those who have given 25 or more years of service to the Church in full charge. In the case of those who have given less than 25 years of service, the amount of the grant shall be determined by the Ministry Committee with the consent of the General Purposes and Finance Committees.

In the case of a widow whose husband had given 25 or more years of service to the Church in full charge, the grant shall be paid in full. Where the service was less than 25 years the amount of the grant shall

be as determined by the Ministry Committee with the consent of the General Purposes and Finance Committees.

When a minister or missionary is obliged by reason of ill-health to demit his charge, and vacate his manse while under 65 years of age, the Ministry Committee, in association with the Presbytery, shall satisfy itself as to the circumstances and report thereon to the General Purposes and Finance Committees and, thereafter, with the consent of these two committees, shall give a grant not exceeding the amount fixed by the General Assembly. It shall be within the discretion of the Ministry Committee, in association with the Special Aid Committee and with the Consent of the General Purposes and Finance Committees to make such further grants as may be deemed necessary to invalided ministers and missionaries and also to widows.

In as much as some provision was made for Ordained Overseas Missionaries under the Aged and Infirm Ministers and Ordained Missionaries Fund, the Ministry Committee, in co-operation with the Overseas and Special Aid Committees and the consent of the General Purposes and Finance Committees, shall make provision for retiring or invalided members of the missionary staff, or their widows, in a manner consistent with that made for ministers and home missionaries and their widows.

The General Assembly agree that all references to men aged 65 shall be construed meantime as 60 in the case of women.

Xiii. MEMORANDUM OF INITIAL STEPS TO BE TAKEN IN A VACANCY.

1. The Presbytery appoints one of its members to declare the charge vacant. (See Chap. IV., Sect. iii, Div. I, 8 page 40. For Form of Declaration see Appendix VII. 6, page 161.)

2. The Presbytery appoints an interim Moderator of Session for the vacant congregation. (See Chap. IV., Sect. iii, Div. I, 8 page 40)

3. On the occurrence of a vacancy, if the circumstances of the congregation appear to the Presbytery or the Ministry Committee to raise questions as to its continuance, or as to adjustment of agencies in the district, these questions must be considered by the Presbytery in concert with the Ministry Committee, and reported on to the Committee before any steps are taken towards filling the vacancy. (See Central Fund Regulation No. 8, Appendix 4. B, page 129.)

4. The Presbytery sends the name of the interim Moderator to the General Secretary. (See Chap. IV., Sect. iii, Div. I, 8 page 40.)

5. The Presbytery may, if it sees fit at this or any subsequent time, authorise the Moderator in the vacancy to moderate in a call in the event of unanimity or of a clear majority of those voting for a call, provided that the financial arrangements have been approved in terms of No. 10. (See page 42.)

6. The Session of the vacant congregation makes up and submits to the Presbytery the Roll of Communicants, which the Presbytery also attests. (See Chap. IV., Sect. iii., Div. 1. 15, page 41.)

7. The interim Moderator, by authority of the Presbytery, calls a meeting of the congregation to appoint a Vacancy Committee or arrange for candidates being heard. (See Chap. IV., Sect. iii., Div. 1. 11, page 40.)

8. At this meeting the congregation is instructed regarding the duties and responsibilities in the election of a Minister, pertaining to all the parties concerned. (See Chap. IV., Sect. iii., Div. 1. 10, page 40.)

9. A Central Fund Vacancy Schedule, which is to be carefully filled up and sent to the Presbytery, is issued by the Ministry Committee to the treasurer of the vacant congregation. (See Chap. IV., Sect. iii., Div. 1. 13, page 40.)

10. The Presbytery considers the Central Fund Schedule sent in by the congregation, and if the contribution promised is adequate to the resources of the congregation and the congregational organisation for the fund is effective, transmits the Schedule with its judgment thereon to the Ministry Committee. (See Regulations of Central Fund No. 9, Appendix 4, page 130.)

11. The Ministry Committee intimates to the Presbytery its finding in the Schedule.

12. When the Vacancy Committee is prepared to report or candidates have been heard, a meeting of the congregation is held to consider if the congregation is prepared to elect a minister, and if so resolved to proceed to an election. (For procedure at this meeting see Chap. IV., Sect. iii., Div. 1. 16-21, pages 41, 42.) For Form of Intimation calling his meeting see Appendix VII. 8, vii., page 162.)

13. Should an election take place at this meeting and be unanimous, or show a clear majority of those voting for a call, the interim Moderator, if authorised by the Presbytery, shall moderate in a call to the person elected, provided that the financial arrangements have been approved.' If a minority acquiesce in the choice of the majority the election is held to be unanimous. If the election is not unanimous, or does not show a clear majority, the interim Moderator must not moderate in a call but report the situation to the Presbytery. (See Chap. IV., Sect. iii., Div. 1. 22, 23, pages 42, 43.)

14. The Moderator attests the call and paper of concurrence. For Forms of Attestation see Appendix VII. 8, ix. 8, 9, page 163. He may leave the call in the hands of the Session for further signatures. (See Chap. IV., Sect. in. Div. 1. 23 (5), page 43.)

15. The congregation appoints commissioners to support the call before the Presbytery. (See Chap. IV. Sect. iii. Div. 1. 23 (8), page 43.)

16. The interim Moderator reports to the next ordinary meeting or special meeting of Presbytery, and lays on the table the minute of the congregational meeting with the call and paper of concurrence. (See Chap. IV., Sect. in. Div. 1. 23 (9), page 43.)

For further procedure by the Presbytery see pages 43-47.

B. Administration and Finance

I. CHURCH AND MANSE BUILDING FUND REGULATIONS.

APPLICATIONS AND GRANTS.

1. Presbyteries or congregations intending to proceed with building operations or repairs should, as a first step, communicate with the Administration and Finance Committee, who will offer such guidance as the circumstances may require.

2. Where no application is to be made to the Administration and Finance Committee for a grant from the Church and Manse Building Fund, the deacons' court or board of management or congregational board shall fill up the queries in the schedule to that effect, and forward it to the Presbytery before commencing building or alterations. The Presbytery shall dispose of the case, and report to the Administration and Finance Committee what has been done. Where a congregation is not applying for a grant towards the cost of repairs or other work, a Church and Manse Building Fund Schedule is only required where the cost of the work is in excess of £5,000.

3. New buildings, and alterations or repairs, for which grants are to be applied for, shall not be undertaken until the sanction of the Administration and Finance Committee, as well as the Presbytery, has been obtained.

4. When application is to be made to the Administration and Finance Committee for a grant in aid of building or repairing churches, manses, or halls, there shall be submitted to the Presbytery of the bounds a schedule containing particulars, together with plans, specifications, and estimates. When these have been considered by the Presbytery, they shall, if they approve, transmit them, along with their deliverance, to the Administration and Finance Committee.

5. The Administration and Finance Committee, having considered said schedule and relative documents, shall, if satisfied after such inquiry, and taking such professional advice as they think necessary, issue a deliverance granting leave to proceed on such conditions, as may appear suitable in each case, and determine what grant, if any, is to be made.

6. In fixing any grant, the Committee shall give special attention to the cost of site, the cost of building in proportion to the number of sittings provided, the suitability of the accommodation to the work of the congregation, and the prevention of any burdensome debt resting upon the building when completed. Any grant given shall be payable, in ordinary cases, on the completion of the work, and on presentation of a satisfactory statement of the expenditure incurred and the income available to meet it. In cases requiring larger grants, these may be paid in installments as may be agreed upon, the last installment being payable on the completion of the work, if the conditions laid down by the Committee have been fulfilled.

7. Church Extension cases shall be specially dealt with under Church Extension Fund Regulations.

8. No grants shall be made except where the titles to the sites of proposed buildings are certified to be in terms of the Trust Deed approved by the General Assembly.

9. Nothing in these or other regulations on the subject shall infer any pecuniary liability on the Church or on the Administration and Finance Committee to any person undertaking work in connection with any church, manse, or hall, etc.

10. Aid-receiving congregations requiring to effect urgent repairs costing up to £20 may proceed without the consent of the Committee.

11. It shall be the duty of Presbyteries and Committees of Presbyteries, while carrying out their quinquennial visitation of congregations, to include in their reports a deliverance on the state of repair of the buildings belonging to the congregations visited; and Presbytery Clerks shall transmit a copy of this deliverance. In each case to the Secretary of the Administration and Finance Committee.

12. In cases in which Presbyteries or Visiting Committees may require professional advice to complete their deliverance, they shall report to the Administration and Finance Committee, who shall supply such advice or assistance as the case may require.

II. SPECIAL AID FUND

Functions and Powers

The General Assembly agree to appoint a Committee on Special Aid to Ministers, Home and Overseas Missionaries and Other Persons in the full-time service of the Church, also their widows or near dependent relative. The Committee shall consist of seven members, including the Convener, appointed annually by the General Assembly.

2The General Assembly agree to define the purpose, functions and powers of the Committee, to be briefly known as the Special Aid Committee, as follows:

- a. The Committee shall take cognisance of all who come within the scope of its concern i.e. all persons in the full-time service of the Church, and the widows or near dependent relative of such who became unable for satisfactory reasons to provide adequately for themselves.
- b. The Committee shall work in close association with others who have the care of funds already designated for such aid.
- c. The Special Aid Fund, established in 1946, shall be placed in the administrative care of this Committee.
- d. Notwithstanding any regulation to the contrary, payments made by other funds to beneficiaries will not be prejudiced by any help given subsequently by this Committee.

- e. No one shall have any kind of claim as of right to the assistance of the Committee. The Committee may at any time make fresh inquiries into a beneficiary's circumstances and may modify or discontinue the help being given. Help shall not be given in any case where a full disclosure of the circumstances has not been given in confidence to the Committee.
- f. The Committee shall not be obliged to report on individual cases to the General Assembly and shall not, without permission, disclose information given in confidence.

WOMEN'S HOME AND OVERSEAS COMMITTEE.

C. WOMEN'S HOME AND OVERSEAS MISSIONS.

1. The Women's Committee for Home and Overseas work is an organisation authorised by the General Assembly to encourage and extend by every means in its power work among the women in the congregations of the United Free Church of Scotland and to increase the sense of union amongst women in facing moral, social and spiritual problems both at home and overseas.
2. Its membership shall consist of all women connected with the Church who are engaged in Christian work in congregational societies or individually, or who are willing to co-operate in furthering the ends of the organisation.
3. Its affairs shall be managed by a Central Committee and Presbyterial Associations and shall elect its own office-bearers. The women of each congregation, while administering their own work by existing Committees or otherwise, shall be entitled to send delegates to the Presbyterial Association, and each Presbyterial Association shall elect one representative for every five congregations within the bounds of the Presbytery to serve on the Central Committee. The delegates appointed need not necessarily be resident or locally connected with the district.
4. The Presbyterial Associations and Central Committees shall submit Annual Reports to the Presbytery and Assembly respectively, and, in the case of new undertakings, they shall consult with the Home Area or Overseas Work Committee of the Presbytery or Assembly, as the case may be.
5. The Organisation as a whole, and in its different sections, shall take cognisance of work done by women members of the Church; it may suggest to congregations openings for women's work or opportunities for combined effort where these seem to offer, and may initiate new forms of work where they are necessary.
6. The Central Committee shall be at liberty to secure contributions privately for any scheme it may initiate; but it shall not be at liberty to initiate any general scheme of raising money for its own purposes in

particular congregations or throughout the Church as a whole without the sanction of the Sessions of these congregations or without the sanction of the Assembly.

7. A Council shall meet annually during the Assembly, to which delegates shall be sent from all Presbyterial Associations. The Central Committee shall appoint its own office-bearers, who shall be a Convener, one or more Vice-Conveners, a Secretary and Treasurer. Only members of Committee shall be eligible for election as office-bearers. The Convener shall hold office for two years, and the Vice-Convener for two years. Past Conveners shall serve as ex-officio members. The Secretary and Treasurer shall submit an Annual Report and any business of which six weeks' notice has been given to the Secretary may be discussed. A Conference may be held in connection with the Annual Meeting of the Council.
8. The Council shall have power to alter the Constitution if due notice of proposed alteration is sent to each Presbyterial Association not less than six weeks before the Council Meeting.

CENTRAL COMMITTEE

1. The Central Committee shall consist of (a) representatives appointed by Presbyterial Associations, who shall hold office for four years, six to retire annually; (b) not more than four persons in any one year (one of v/hom shall retire annually) who shall be nominated by the Central Committee, who shall hold office for four years (although eligible for re-election); eight shall form a quorum.
2. The Committee shall meet half-yearly in Glasgow. Special meetings may be called, of which not less than seven days' notice is given.

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APPENDIX 5

PROPERTY.

I. MODEL TRUST DEED OF THE UNITED FREE CHURCH OF SCOTLAND (CONTINUING) (1933).

We, _____ present Moderator
_____ and present Clerks, all of the General Assembly of the United Free Church of Scotland (Continuing) CONSIDERING that the General Assembly at a meeting held at Glasgow on the Second day of June in the year 1931 resolved that it was advisable that a Deed should be made and executed setting forth the recommendations of the General Assembly of the United Free Church of Scotland (Continuing) to the various congregations which now are or may hereafter be in connection with and/or under the superintendence of the General Assembly as to the appointment, resignation, dismissal, and the duties, powers, and privileges of Congregational Trustees and the purposes for which and the conditions under which Congregational Trustees shall hold the heritable and other properties now belonging to or which may hereafter belong to or be held by or for behoof of the various congregations ; and that the Deed so to be made and executed should be registered in the Books of Council and Session for preservation in order that ready access to its terms might be had by congregations and others interested, and that it might be adopted with or without variation and referred to brevittatis causa in any Trust Deed adopted by any of the said congregations ; and FURTHER CONSIDERING that these presents having been submitted to the General Assembly and considered by them were at a meeting of the General Assembly held in 1933, approved and adopted by the General Assembly as containing a statement approved of by them of the said purpose, and the General Assembly authorised us, the present Moderator and Clerks of the said Assembly, to subscribe the same on their behalf and directed the same on being completed to be registered in the Books of Council and Session for preservation, THEREFORE we the said and

Moderator and Clerks fore said, do hereby for and on behalf of and as authorised as aforesaid by the General Assembly, declare that these presents shall be called and known, and may be referred to, as “ the Model Trust Deed 1933 of the United Free Church of Scotland (Continuing) “ and that in these presents the following words or expressions shall have the following meanings :-viz.: the word “ Congregation “ in the case of each Congregation in connection with and/or under the superintendence of the General Assembly of the United Free Church of Scotland (Continuing) who shall adopt this Model Trust Deed, either without or with any variations, shall mean the members thereof, that is to say the persons whose names are from time to time on the Communicants’ Roll of the Congregation kept by the Kirk Session thereof, and the expression “ Trust Subjects “ shall mean the ground, buildings or other heritable or real property or subjects and invested funds belonging to or held for behoof of the congregation, and with reference to which the congregation shall adopt the Model Trust Deed: the expression “ the Congregational Trustees “ shall mean the trustees in

whom the Trust Subjects shall from time to time be vested whether they shall consist of office-bearers or of individuals named or elected and appointed as Trustees or partly of office-bearers and partly of individuals named or elected and appointed as Trustees ; and further we do hereby for and on behalf of and as authorised as aforesaid by the General Assembly declare that the Trust Subjects shall be vested in the Congregational Trustees in trust for the following purposes and with the powers, privileges, and immunities after mentioned, videlicet :-

FIRST. The Congregational Trustees shall be the Minister of the Congregation, the Session Clerk, the Preses (or the holder of some other stated Office) and the Treasurer of the Congregation with the Clerk to the Committee of Management or Deacons' Court or Congregational Board, and such other persons as individuals or ex-officiis as may be appointed by the Congregation among whom may be included the Moderator and/or Clerk of the Presbytery of the Bounds, and such persons so elected, nominated, and appointed and their successors in office and the survivors or survivor of them shall in virtue of such appointment be held to be ipso facto vested with all rights of property and with the powers and privileges hereby conferred upon them, but subject always to the whole conditions, provisions, declarations, restrictions, and obligations herein contained.

SECOND. The Congregational Trustees shall hold the Trust Subjects which now belong to or which may hereafter belong to any such Congregation in Trust only for the use and behoof of such Congregation.

THIRD. In the event of any of the Congregational Trustees resigning office or ceasing to be a member of the United Free Church of Scotland (Continuing) or becoming incapable of acting as Trustee or Trustees or in the case of a Trustee who is a Trustee in virtue of his office ceasing to hold such office or in case the congregation at any general meeting duly called for that purpose shall resolve by a majority of those present and voting to remove any of the said Congregational Trustees from the office of Trustee (which it is hereby declared the congregation shall have power to do whenever they see cause) then and in all these cases such person or persons shall ipso facto thenceforth cease to be a Trustee or Trustees on behalf of such congregation and shall be held as divested of the Trust Subjects and others and incapacitated from acting as Congregational Trustees foresaid in the same way as if they were naturally dead.

FOURTH. The management of the Trust Subjects and every transaction relative thereto, including the repair and occupation of Trust Subjects, shall be conducted and performed by or with the consent of the Committee of Management or Deacons' Court or Congregational Board, and the Congregational Trustees acting for the time being shall be bound so far as may be required of them to act along with and give their sanction to the acts and deeds of such Committee of Management or Deacons' Court or Congregational Board as the case may be, in all matters and things lawfully done by them in execution of the powers and duties entrusted to them.

FIFTH. Any special business relating to the administration of the Trust, and requiring the consent and authority of the Congregation, shall be decided on by a general meeting of the members of the Congregation, which meeting shall be considered as a meeting for Temporal purposes.

SIXTH. The Congregational Trustees shall each year render a report as to the state of the Trust Subjects to the annual or other meeting of the

Congregation, to be held in terms of the rules and constitution of the Congregation, accompanied with a statement of their acts and management and intromissions, if any; DECLARING that the Congregational Trustees shall not be liable for omissions, nor for one another, but each of them for his own actual intromissions only, deducting his necessary expenses and disbursements: and the Congregational Trustees shall be entitled to be freed and relieved out of the Trust Subjects of any advances they may have lawfully made, and of any obligations or engagements they may have come under, in the necessary or proper discharge of the Trust ; but they shall not be entitled to require a discharge of their obligation for the feu-duty or rents and consequents so far as irredeemable, but only to be freed and relieved from the consequences thereof as the same may arise.

SEVENTH. It is hereby specially provided and declared that in the event of a division taking place in the Congregation involving a resolution on the part of some members of the Congregation to separate and disconnect themselves from the General Assembly of the United Free Church of Scotland (Continuing) then the Kirk Session shall, upon the requisition in writing of ten or more members of the Congregation, summon a special meeting. of the -Congregation (to which the Congregational Trustees shall be invited by written invitation) to consider the cause of the division, at which meeting members of the Congregation and the Congregational Trustees shall be entitled to express their views and thereafter whether a vote shall have been taken or not, and if taken, notwithstanding the result thereof, the Kirk Session, upon the requisition in writing made within ten days of the said meeting of ten or more members of the Congregation, shall cause to be taken within the space of three months from the date of the receipt of such requisition a plebiscite vote of the Congregation for or against the, proposal to separate and disconnect from the General Assembly of the United Free Church of Scotland (Continuing) and in the event of 60 per centum or more of the members voting resolving to separate and disconnect themselves from the General Assembly of the said United Free Church of Scotland (Continuing) but to remain associated together as a Congregation for religious worship then the Congregational Trustees shall hold and administer the Trust Subjects in trust for the use and behoof of the Members composing the said majority and forming a separate Congregation as aforesaid and the remanent members of the Congregation shall have no further claim against the Congregational Trustees and shall have no further right or interest whatever in the Trust Subjects; but in the event of less than 60 per centum of the members voting resolving so to separate or disconnect themselves as aforesaid the Trust Subjects shall in that case be held in trust for the exclusive use and behoof of the members of the Congregation who shall continue in connection with the General Assembly of the United Free Church of Scotland (Continuing) although the members shall be composed of a minority of the Congregation as it existed before such division ; and in that event the members so separating and. disconnecting themselves from the United Free Church of Scotland. (Continuing) although a majority in number, shall have no further claim against the Congregational Trustees and shall have no further right or interest whatever in the Trust Subjects. In the event of a plebiscite vote being taken in terms of this or the succeeding Clause, the voting papers

shall state the day and hour for the delivery of the voting papers and no voting papers received thereafter shall be valid. The Session Clerk shall be Returning Officer for such voting and the voting papers shall be counted by the Kirk Session in the presence of four members of the Congregation, two of whom represent each side in the dispute or division.

EIGHTH. In the event of a division taking place in the General Assembly of the United Free Church of Scotland (Continuing) by which the General Assembly may be separated into two bodies as also in the event of the General Assembly or a majority of the members thereof uniting or resolving to unite with any other Church or religious denomination and a division in either of these events taking place in the Congregation within one year of the date of such division or resolution to unite, then and in that event the Kirk Session shall, upon the requisition in writing of ten or more members of the Congregation, summon a special meeting of the Congregation (to which the Congregational Trustees shall be invited by written invitation) to consider the cause of the division at which meeting the members of the Congregation and the Congregational Trustees shall be entitled to express their views and thereafter whether a vote shall have been taken or not and, if taken, notwithstanding the result thereof the Kirk Session, upon the requisition in writing made within ten days of said meeting of ten or more members of the Congregation shall cause to be taken within the space of three months from the date of the receipt of such requisition a plebiscite vote of the Congregation for or against the proposal upon which the division took place and unless 55 per centum or more of the members voting resolve not to adhere to the said General Assembly, the Congregational Trustees shall hold and administer the Trust Subjects in trust for the exclusive use and behoof of those members thereof who shall adhere to and remain in connection with the General Assembly composed of the majority of the General Assembly or the majority of the General Assembly voting for such union or resolution to unite; Declaring that in such an event the other and remanent members of the Congregation shall have no further claim against the Congregational Trustees and shall have no further right or interest whatever in the Trust Subjects but in the event of 55 per centum or more of the members voting resolving not to adhere to the said General Assembly but to remain associated together as a Congregation then the Congregational Trustees shall hold and administer the Trust Subjects for the use and behoof of the members composing the said majority and the remanent members of the Congregation shall have no further claim against the Congregational Trustees and shall have no further right or interest whatever in the Trust Subjects.

NINTH. All meetings of the Congregation for the purposes hereof whether annual or special and whether called for Ecclesiastical or Temporal purposes shall be general meetings of the Congregation and shall be called by intimation from the pulpit given at the regular and ordinary diets of public worship of the Congregation on the two Sundays next preceding the day on which the meeting is to be hold: and such intimation shall specify the purposes of the meeting which, if called for the purposes set out in the seventh, eighth, and eleventh paragraphs hereof, shall be held on the evening of a week day: And the acts and deeds of the majority of the persons qualified as members, who; may assemble in virtue of an intimation made as aforesaid and voting shall, save as provided in the

seventh, eighth, and eleventh paragraphs hereof, be held valid and binding as the acts and deeds of the Congregation; and a copy of the Minute of such meeting, under the hand of the Chairman and Clerk, narrating, such intimation and decisions, shall be conclusive evidence of such intimation having been given, and of the resolutions come to at such meeting. TENTH. In the event of the Congregation resolving to disband, the Congregational Trustees shall hold and administer the Trust Subjects for and on behalf of the General Trustees of the United Free Church of Scotland (Continuing) subject to the direction of the General Assembly thereof and shall if and when called upon convey, assign, or transfer the Trust Subjects to the said General Trustees or their disponees, assignees, or transferees.

ELEVENTH. All the foregoing purposes, duties, powers, and privileges and conditions, provisions and declarations shall remain binding on the Congregational Trustees and on all others concerned until and unless altered as hereinafter mentioned, and if so altered they shall as altered remain binding as aforesaid until again so altered. No such alteration shall be made by the Congregation excepting by a majority as after. mentioned at two consecutive meetings of the members of the Congregation to be called for this special purpose in the manner above provided, which majority shall be not less than three-fourths of the members voting at each meeting and the second of which meetings shall be held at an interval of not less than three weeks and not more than three months after the date of the holding of the first; and no such alteration shall take effect or be operative until the expiry of one month after the decision of the Congregation shall have been intimated to the Presbytery of the Bounds with the view that the Presbytery may, if so desired, make representations to the Congregation. AND WE, for and on behalf foresaid, and as authorised as aforesaid, CONSENT to registration hereof for preservation. IN WITNESS WHEREOF

II. APPOINTMENT OF GENERAL TRUSTEES. ACT OF ASSEMBLY, 2ND OCTOBER 1929.

WHEREAS a division has taken place in the United Free Church of Scotland and a section thereof has entered into union with the Church of Scotland and formed a Church under the name of The Church of Scotland; and WHEREAS those ministers, elders, and members of the United Free Church of Scotland who have not acceded to the said Union have resolved to continue to act in an associated capacity and continue the separate existence of the United Free Church of Scotland and to continue to use the designation "The United Free Church of Scotland" with the addition thereto for the period of five years from 2nd October 1929 of the word (Continuing) so that until 2nd October 1934 the designation will be "The United Free Church of Scotland (Continuing) " and thereafter "The United Free Church of Scotland;" and WHEREAS the said ministers, elders, and members in their associated capacity are now and will continue to be in possession of certain lands, buildings, funds, and other property for behoof of the said Church and its Colleges, Committees, Associations, Missions, or Congregations; and WHEREAS it is expedient that General Trustees be appointed to hold any property which now belongs or may hereafter belong

to the said Church : THEREFORE the said Ministers and Elders now met in General Assembly, for themselves and for those Ministers, Elders, and Members who are associated with them, resolve to appoint as they do hereby appoint, the Reverend James Barr, B.D., Moderator of the General Assembly, the Reverend David Marshall Forrester, D.D., Senior Principal Clerk of Assembly, John Lyall Bowie, Junior Principal Clerk of Assembly, Peter Chalmers, Honorary Treasurer of the Church, and Alexander Forrester-Paton, Chairman of the Finance Committee of the Church, and their successors in office, to be General Trustees of the Church, to hold all property, heritable and movable, which belongs or may at any time belong or be bequeathed or conveyed to them for behoof of the Church and its Colleges, Committees, Associations, Missions, or Congregations; DECLARING that the said Trustees and their successors in office, to be from time to time appointed by the General Assembly of the Church, shall hold the said property, heritable and movable, for behoof of the United Free Church of Scotland, or any united body of Christians composed of them and of such other bodies of Christians as the said United Free Church of Scotland may at any time hereafter associate with themselves under the foresaid name or under whatever name or designation they may assume; And also to hold such places of worship as may be erected on sites granted on entailed estates under the provisions of the Statute 3rd and 4th Vict., cap. 48, and in regard to which it has been provided in the decree authorising the conveyance that the Trustees shall be parties nominated by the General Assembly ; And also such other places of worship as the parties interested may convey to them : And the General Assembly enact and declare that any three of the General Trustees shall be a quorum for all purposes and that the receipt and discharge granted by the said Trustees shall be in all respects equivalent to the receipt and discharge by the Church; And they further declare that it shall be in the power of the General Assembly from time to time to nominate and appoint new or additional Trustees to act along with or after the death of the Trustees remaining and acting at the time of such nomination and appointment ; And the General Assembly further declare that in the event of any of the said Trustees ceasing to be a member of the United Free Church of Scotland, he shall thereupon cease to be a Trustee; And further, that the General Assembly shall have power at any time to remove any of the said Trustees from their office as Trustee without assigning any cause for so doing.

And further, the General Assembly also directs the several Committees to whom money has been or may be left or doted for the purpose of being mortified, and the interest applied to the object of the particular Committees, to invest the same, not in their own names, but in the names of the General Trustees, and they instruct the General Trustees to lay before the Assembly each year a statement similar to that yearly presented to the General Assembly hitherto, which shall set forth not only the funds which may have been invested in them in the course of the preceding year, but also the whole funds and property at the time standing in their names.

Commission of Assembly 2nd December 2009

The Commission of Assembly in view of the discontinuation of the post of General Treasurer appoint, the Reverend Martin C Keane, Moderator of

the General Assembly, the said Reverend Martin C Keane, Senior Principal Clerk of Assembly, Rev Colin C Brown, Junior Principal Clerk of Assembly, Rev Archibald M Ford, Convener of the Administration and Finance Committee, and Rev James G Marshall, Vice-Convener of the Administration and Finance Committee, and their successors in office, to be General Trustees of the Church.

III. SALES AND TRANSFERENCE OF PROPERTY.

1. ACT VIII., Assembly 1863.

The General Assembly hereby enact and ordain-

1. That all applications for sale or transfer of Church property shall proceed from the deacons' court, with concurrence of the congregation, and shall have the sanction of the Presbytery of the bounds; and that all such applications, on being received by the Clerks of Assembly, shall be communicated to the Custodier of Title-deeds (or Committee charged with that matter) in order that he (or they) may be prepared to advise the Assembly or its Committee in reference to the application.

2. That when a property is to be sold, and the proceeds are forthwith to be applied to another property to be substituted in lieu thereof, the Custodier of Titles (or Committee) shall be directed to see the transaction carried into effect, and also to see that the title-deeds of the new property are taken in the same terms as those of the old, or in terms of the Model Trust Deed.

3. When the proceeds of the property to be sold or transferred are not to be immediately applied, they should be deposited or invested, in the meantime, in name of the General Treasurer of the Free Church, for behoof of the congregation.

2. ACT X., Assembly 1875.

With reference to Act VIII. of Assembly 1863, the General Assembly enact and ordain that in cases of sales and transference of property, it shall be the duty of the Custodier of Titles to report annually to the General Assembly how far in each particular case the provisions of the said Act and the instructions of the General Assembly have been observed.

3. ACT IV., Assembly 1889.

The Assembly declare that no authority granted by them for the sale or transference of Church property shall be acted on, after a lapse of five years from its date, without a new application to the Assembly, in terms of Act VIII., 1863, anent Sales and Transference of Property.

4. ACT II. OF CLASS I, Assembly 1912.

The General Assembly hereby enact and ordain that when investments, the title to which is regulated by English law, are chosen for money under the Custodier of Titles' Account, the securities shall be taken in the names of the General Treasurer, the Principal Clerks of Assembly, and the Depute

Clerk of Assembly, all for the time being; and Clause 3 of Act VIII., Assembly 1863, is hereby altered accordingly.

5. ACT XI. OF CLASS II Assembly 1912.

The General Assembly did and hereby do enact the following rules in regard to the application of the proceeds of sales of buildings in all cases in which the consent of the Assembly is required for the sale :-

1. For the provision of a new church or manse or other congregational buildings where such is required by the congregation.

2. For the extension, improvement, or repair of any church or manse or hall belonging to or in the occupation of the congregation or minister, or to which they respectively may remove.

3. For making due provision for the maintenance of the church or manse or hall or other congregational buildings, for the repayment of any debt affecting the same; for the redemption of any feu-duty, casualty, ground annual, duplicand, or other such periodical payment affecting the congregational property, or providing a capital sum to be invested against meeting such feu-duty, casualty, ground annual, duplicand, or other periodical payment as aforesaid, and for making due provision for other outgoings in connection with the property.

4. Any balance, after making provision as above, to be used for the purposes of and in connection with the congregation, subject to the approval of the General Assembly; or where permissible under the terms of the title for such purposes as, although not congregational, may be beneficial to the United Free Church of Scotland, and which shall be agreed on by the congregation, with the approval of the General Assembly.

5. The General Assembly reserves to itself full power to modify these rules in any case in which the General Assembly may think special circumstances require this.

6. DELIVERANCE OF ASSEMBLY ANENT APPLICATION OF PROCEEDS OF SALES OF PROPERTIES NO LONGER USED BY CONGREGATIONS.

(Assembly 1925.)

The Assembly enjoin Presbyteries in connection with the transference of congregations from one situation to another and in connection with the union of congregations where property may be sold, to take steps to secure that the importance of applying surplus funds arising there from, where permissible under the terms of the title, to Church Extension purposes in neighbouring districts, or for the provision of hall accommodation for neighbouring congregations that are not fully equipped, is timeously and appropriately represented to the congregations concerned, with a view to their adopting a plan of allocation of the sums at their disposal which can be approved by the Presbytery.

The Assembly remind all congregations that, in the possession of their property, they are stewards of the liberality of former members of the Church, and are in honour bound, in their disposal of the proceeds of property no longer necessary, to keep in view the general need of the Church, and to consider whether they will not best give effect to the

intentions of the donors through whose generosity the property was originally acquired, by supporting plans for Church Extension that have been approved by the Presbytery.

7. DELIVERANCE OF ASSEMBLY ON DISPOSAL OF PROPERTY (Assembly 2003)

The General Assembly agree that in all cases where congregational property is disposed of the proceeds of the disposal be held separately from General Funds of the congregation. Such funds may only be used with the permission of Presbytery. Where it is intended that congregations apply the income from such funds for general purposes or any other purpose permission must be sought annually from Presbytery. It is recommended that such funds be deposited with the General Trustees for investment.

The General Assembly agree that in all cases where congregations enter into Local Ecumenical Projects that they do so only where Congregational titles allow them to and trustees are in place for the future. It is recommended that the General Trustees be appointed to act as trustees for such congregations and to hold any property in accordance with the directions of the congregation and in agreement with the model trust deed of the United Free Church of Scotland

8. MEMORANDUM RELATING TO TITLE TO CONGREGATIONAL PROPERTY.

(Following Statement of the Church's Law Agent, 1948.)

The attention of Office-bearers is drawn to the three different types of Trust Deed which are most in use in our congregations.

Property which was held by former Free Church of Scotland congregations is usually held under the Free St. George's Model Trust Deed. Under that Deed, the consent of the General Assembly is required to the sale of the property. It is therefore necessary for congregations holding their property under the Free St. George's Model Trust Deed to petition the General Assembly for leave to sell. Congregations which contemplate selling their property are advised to take steps in regard to their Petition at an early date, as the Assembly will not readily approve of a sale once the transaction is completed.

Congregations which were associated with the former United Presbyterian Church mostly hold their property on Congregational Titles and the consent of the General Assembly is not usually required to a sale, but Congregational Titles differ and in each case should be examined before a property is sold.

Many of our congregations hold their property under the Model Trust Deed of the United Free Church. Under this Deed, the consent of the General Assembly is not required, but in many cases the Trustees include the Moderator and Clerk of the Presbytery. Congregations which have received grants from Assembly Funds in connection with the building or acquisition of property should get in touch with the Church Secretary before taking steps in regard to a contemplated sale of the property.

APPENDIX 6

Orders for the Sacrament of Baptism and admission of Communicants

Approved by the General Assembly

Order of Service for the Public Profession of Faith, Baptism and Reception into Membership and Admission to the Lord's Supper

Our Lord Jesus Christ after His resurrection and before His ascension to the right hand of God gave these words of command to His disciples.

"All authority in heaven and on earth has been given to me. Therefore go and make disciples of all nations baptizing them in the name of the Father and the Son and the Holy Spirit; and teaching them to obey everything I have commanded you. And surely I am with you always, to the very end of the age."

The sacrament of baptism established by the Lord Jesus Christ is a sign and seal that displays and declares a number of things. It speaks of our union with Christ; of forgiveness of sins by washing – not by water, which is the symbol, but by His blood, which is the real gift of Christ. It speaks of the new life we have by His Spirit; of our adoption as His children; and looks forward to the resurrection to eternal life. By this sacrament we are brought into Christ's church and into the family and household of faith.

Peter on the Day of Pentecost, after proclaiming to the people Christ Jesus as Saviour and Lord, declared, "Repent and be baptised every one of you for the forgiveness of your sins. And you will receive the gift of the Holy Spirit."

You now come, in response to the call of Christ through the hearing of the gospel and the leading of the Holy Spirit, to make public profession of the Christian faith by baptism in His name. You do so with the assurance of Jesus' words, "Whoever acknowledges me before men, I also will acknowledge before my Father in heaven."

Then let us, as a family of God's people, hear that you profess the Christian faith and that you intend, in dependence on the help of God, to live as faithful members of the Church and to serve Christ in the world.

The minister then says to the candidate(s):

A.... You now come of your own choice to acknowledge the covenant of grace, to profess publicly your own faith in the Lord Jesus, and to receive the strengthening of the Holy Spirit.

Question

Do you reject sin, confess your need of God's forgiving grace, and pledge yourself to glorify God and to love your neighbour?

I do

Will the congregation please stand.

Let us affirm the faith.

I believe in God, the Father almighty,
creator of heaven and earth.

I believe in Jesus Christ,
God's only Son, our Lord.

He was conceived by the Holy Spirit,
born of the Virgin Mary,
suffered under Pontius Pilate.
He was crucified, died and was buried.
He descended to the dead.
On the third day he rose again.
He ascended into heaven,
and is seated at the right hand of the Father.
He will come to judge
the living and the dead.
I believe in the Holy Spirit,
the holy catholic Church,
the communion of saints,
the forgiveness of sins,
the resurrection of the body,
and the life everlasting.

Prayer

(Giving thanks for those who have come to profess their faith in Christ and to be admitted to membership.)

Questions

A..... In the presence of God and before this congregation, Do you confess your faith in one God, Father, Son and Holy Spirit, taking the Father to be your Father, the Son to be your Saviour and Lord, the Spirit to be your Helper and Guide?

I do.

Do you promise to join regularly with your fellow Christians in worship on the Lord's Day, to be faithful in reading the Bible and in prayer, and to give a fitting proportion of your time, talents and money for the Church's work in the world?

I do.

Do you promise, depending on the grace of God, to profess publicly your loyalty to Jesus Christ, to serve Him in your daily work, and to walk in His ways all the days of your life?

I do.

Baptism

(A.....) I baptize you in the name of the Father and of the Son and of the Holy Spirit. The blessing of God Almighty, Father, Son and Holy Spirit descend upon you and live in your heart for ever. Amen.

Aaronic Benediction (either said or sung)

The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace.

Welcome

In the name of the Lord Jesus Christ, the King and Head of the Church, and by authority of the Kirk Session, I welcome you within the fellowship of the Lord's Table and admit you to the full privileges of the children of God and

to the responsibilities of membership within this congregation of the holy catholic and apostolic Church. May your sharing in our life together bring blessing to you and to us all.

The minister and elders greet those being admitted, giving the right hand of fellowship.

Prayer

(For the new member(s) and for all members to be faithful to Christ and to their vows of membership)

Order of Service for the Baptism of Children

Introduction

The proper subjects for baptism are (a) those who have come to faith in Christ, who have not previously been baptised, and who, through their baptism, are entering into the membership of the church; and (b) children who are baptised along with parents; children whose parents have previously been baptised and are already in membership with the church; children whose parents are in a relationship to the church akin to membership; children separated from parents but under Christian care and supervision.

This is an Order of Service for the Baptism of children. There is a separate Order of Service for the Baptism of those who have come to faith.

In laying out an order of service for the Baptism of children we have sought to do so with certain frames of reference:-

- i) a sense of the covenantal structure of biblical revelation
- j) the balance that baptism is neither an empty sign, nor yet does it automatically effect something of its own power.
- k) that signified within baptism is a real inclusion into the body of Christ.
- l) that faith is the key which unlocks the meaning of baptism as a sign and means of grace.

The basic elements of the Order of Service should include:-

- i) a profession of faith
- ii) a laying hold of the covenant of grace given in Jesus Christ
- iii) the parental place within the covenant as key to the bringing up of the child
- iv) the church's place as the community into which a child is to grow

It is recognised that different churches have differing practices, but in all normal circumstances, baptism should be part of a regular act of worship, during which the word is preached. It should be celebrated in face of the congregation.

Where the Aaronic Blessing is sung by the congregation, it is helpful to indicate this to the people, and where it may be found, at the very opening of the baptismal order, so that those unfamiliar with the blessing can find it easily at the appropriate point (Revised Church Hymnary 727; Church Hymnary Third Edition 556).

ORDER OF SERVICE

Our Lord Jesus Christ after His resurrection and before His ascension to the right hand of God gave these words of command to His disciples:

“All authority in heaven and on earth has been given to me. Therefore go and make disciples of all nations baptizing them in the name of the Father and the Son and the Holy Spirit; and teaching them to obey everything I have commanded you. And surely I am with you always, to the very end of the age.”

The sacrament of baptism established by the Lord Jesus Christ is a sign and seal that displays and declares a number of things. It speaks of our union with Christ; of forgiveness of sins by washing – not by water, which is the symbol, but by His blood, which is the real gift of Christ. It speaks of the new life we have by His Spirit and of our adoption as His children. It looks forward to the resurrection to eternal life. By this sacrament we are brought into Christ's church and are engaged to be the Lord's.

Though little children do not understand these things, it is presented as a clear promise to them. Although these promises are not all fulfilled in the moment of baptism, the children are nevertheless heirs of the promises of the covenant of grace. In baptism, God brings them into the family of faith.

How is this so? Peter on the Day of Pentecost declared that in the name of Jesus there was forgiveness of sins, and the gift of the Holy Spirit. Then he declared that the promise was for believers and their children. As in the Old Covenant children were brought into the family of God by the sign and seal of that Covenant, so now by this sign God receives children of believers into His family. We follow the example of Jesus who, in blessing the children brought to Him, proclaimed the Kingdom of God was for such as these.

Those who present their children for baptism make a commitment to bring their children up to learn of the love, grace and teaching of the Lord. It is therefore their responsibility to confess anew the faith by which they and their children are kept by God. They do so as parents taking their part within the covenant, looking for the day when in due time their children may enter into the blessings represented by their baptism.

Questions to the parent(s) or guardian(s)

Do you declare anew your faith in Jesus Christ as your Saviour and Lord, in His Father as your God and Father, and in the Holy Spirit as the source of new life in Him?

I do

Do you earnestly desire that God should impart His own life in Christ to your child through the power of His Spirit, bringing to fruition all that is meant and signified in this baptism?

I do

Do you promise, always seeking God's help and in His grace, to make Jesus real to your child; and through your prayers and example to bring (him) up in the love of the Lord and the life of the church?

I do

The Lord bless you and your child and give you grace faithfully to perform these promises.

EITHER

This sacrament lays solemn obligations on you the people of God, to care for and nurture this child in the things of Christ and to pray for (him) and for

(his) parents in their own responsibilities of Christian nurture. Therefore will you be faithful in your responsibilities as members of the Body of Christ so that this child and all other children in your midst may grow up in the knowledge and love of Christ? In acceptance of this responsibility, let all stand.

OR

(Congregation Stand)

This sacrament lays solemn obligations on you the people of God, to care for and nurture this child in the things of Christ; praying for (him) and for (his) parents in their own responsibilities of Christian nurture. Do you therefore promise to be faithful in your responsibilities as members of the Body of Christ so that this child and all other children in your midst may grow up in the knowledge and love of Christ?

We do

Baptism

(Child's name....) I baptize you in the name of the Father and of the Son and of the Holy Spirit. The blessing of God Almighty, Father, Son and Holy Spirit, descend upon you and live in your heart for ever. Amen.

Aaronic Benediction (either said or sung)

The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace.

Prayer

(For the child, parents and family, for all children for whom the church has a responsibility, and for children everywhere)

Jesus said: "Whoever receives one such child in my name receives me; but whoever causes one of these little ones to sin, it would be better for him to have a great millstone fastened around his neck and be drowned in the depth of the sea. See to it that you do not despise one of these little ones; for I tell you that in heaven their angels always behold the face of my Father who is in heaven."

Order of Service for the Public Profession of Faith, Reception into Membership and Admission to the Lord's Supper

Introduction

Care must be taken to ensure that those admitted to the membership of the Church by Profession of Faith are aware of the significant step they are taking and that they are willing to accept both the privileges and responsibilities of church membership. Communicants' classes have an important role to play in this respect. The service should reflect the significance of what is happening. It can be (a) an opportunity for those being admitted to affirm their faith, (b) an event to which they can invite their family and friends, (c) an act of witness to those who are not Christians, (d) an encouragement to the congregation.

Whatever form the service of admission to membership takes, it is important to make clear that it is not another sacrament or the 'completion' of baptism. It is basically a public and personal profession of faith. The one element in baptism which is not possible for an infant is that of personal

profession. We have included the Apostles' Creed in the Order of Service so that all members have an opportunity to affirm together the faith they share, with words that have been used by believers over many centuries. In line with all the major denominations in Great Britain we have incorporated a modern version into our Order of Service. For this to be used it would be necessary to provide members of the congregation EITHER with an order of service which includes the Apostles' Creed OR with a handout on which the Apostles' Creed is printed. Alternatively, use could be made of the old version as it appears in the Church Hymnaries (Revised Church Hymnary 724 and Church Hymnary Third Edition 546).

There are other ways in which the service can be made more of an 'event', e.g. by presenting the candidate(s) with a Bible or Christian book, or by having tea after the service so that the congregation can speak to the person and to visitors who may be present.

There should be adequate opportunity for the person concerned to profess his/her faith. The main opportunity will be through the responses they make. It may be appropriate in certain circumstances, in addition to the responses in the Order of Service, to provide an opportunity for individuals who wish to do so to testify to what Christ has done and is doing in their lives. Care must be taken to avoid creating any impression that this is a preferred option.

The process of preparation for membership leading to profession of faith is one which deserves careful thought. Done well it can have great benefit for the life of a congregation and the wider Church; done badly we fail to make the most of an important and significant step in a person's Christian pilgrimage.

Where the Aaronic Blessing is sung by the congregation, it is helpful to indicate this to the people, and where it may be found, at the very opening of the baptismal order, so that those unfamiliar with the blessing can find it easily at the appropriate point (Revised Church Hymnary 727; Church Hymnary Third Edition 556).

ORDER OF SERVICE

In the name of the Lord Jesus Christ, and in accordance with the decision of the Kirk Session, we are now to receive A... into the full privileges and responsibilities of membership of the Church and in particular into the membership of this congregation.

By baptism they became heirs of the covenant of grace. They were welcomed into the family of God and engaged to be the Lord's. They now come, in response to the call of Christ through the hearing of the Gospel and the leading of the Holy Spirit, to make their own profession of Christian faith, and to accept for themselves the responsibilities and privileges of membership. Jesus said, 'Whoever acknowledges me before men, I also will acknowledge before my Father in heaven'.

Then let us, as a family of God's people, hear that you profess the Christian Faith and that you intend, in dependence on the help of God, to live as faithful members of the Church and to serve Christ in the world.

The minister then says to the candidates:

A.... You have come of your own choice to acknowledge the covenant of

grace, to profess publicly your own faith in the Lord Jesus, and to receive the strengthening of the Holy Spirit.

Do you reject sin, confess your need of God's forgiving grace, and pledge yourself to glorify God and to love your neighbour?

I do.

Do you believe the Christian faith into which we are baptized?

I do

Will the congregation please stand.

Let us affirm the faith.

I believe in God, the Father almighty,
creator of heaven and earth.

I believe in Jesus Christ,
God's only Son, our Lord.

He was conceived by the Holy Spirit,
born of the Virgin Mary,
suffered under Pontius Pilate.

He was crucified, died and was buried.

He descended to the dead.

On the third day he rose again.

He ascended into heaven,
and is seated at the right hand of the Father.

He will come to judge
the living and the dead.

I believe in the Holy Spirit,
the holy catholic Church,
the communion of saints,
the forgiveness of sins,
the resurrection of the body,
and the life everlasting.

Prayer

(Giving thanks for those who have come to profess their faith in Christ and who are to be admitted to membership.)

Questions

A..... In the presence of God and before this congregation, Do you confess your faith in one God, Father, Son and Holy Spirit, taking the Father to be your Father, the Son to be your Saviour and Lord, the Spirit to be your Helper and Guide?

I do.

Do you promise to join regularly with your fellow Christians in worship on the Lord's Day, to be faithful in reading the Bible and in prayer, and to give a fitting proportion of your time, talents and money for the Church's work in the world?

I do.

Do you promise, depending on the grace of God, to profess publicly your loyalty to Jesus Christ, to serve Him in your daily work, and to walk in His ways all the days of your life,?

I do.

Welcome

In the name of the Lord Jesus Christ, the King and Head of the Church, and by authority of the Kirk Session, I welcome you within the fellowship of the Lord's Table and admit you to the full privileges of the children of God and to the responsibilities of membership within this congregation of the holy catholic and apostolic Church. May your sharing in our life together bring blessing to you and to us all.

Aaronic Benediction (either said or sung)

The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you peace.

The minister and elders greet those being admitted, giving the right hand of fellowship.

Prayer

(For the new members and for all members to be faithful to Christ and to their vows of membership)

APPENDIX 7

FORMS

Additional forms may be found in previous editions of the Manual

1. CERTIFICATE OF DISJUNCTION.

Date _____

It is hereby certified that A. B who leaves the Congregation of C. at this date, is a member in full communion with the Church.

E. F., *Minister*.

P. Q., *Session-Clerk*.

2. EDICT FOR ORDINATION AND ADMISSION OF ELDERS.

Whereas A., B., C., and D., members of this Congregation, have lately been elected to be Ruling Elders in the same, and the Session, having judged them to be duly qualified for the office, has sustained their election; and the aforesaid A., B., C., and D. have intimated their acceptance of the office of the eldership:

Notice is hereby given to all concerned, that if they, or any of them, have objections to state why the said A., B., C., and D., or any of them, should not be ordained (or, *where one of those elected has been already ordained*, why A., B., and C., or any of them should not be ordained, or D. not admitted) to the office of Ruling Elder, they repair to the Session, appointed to meet in the Session House on the day of _____ at _____ o'clock, to state the same; with certification that if no relevant objection affecting life or doctrine be then made and substantiated, the Session will proceed to the ordination (or, ordination and admission) without delay.

By order of the Session.

F. Q., *Session-Clerk*.

3. ATTESTATION OF EDICT BRING SERVED.

_____ Church the _____ day of _____ 20____

The above Edict was this day duly served by me, in the face of the Congregation.

A. C., *Minister (or Preacher)*.

4. COMMISSION TO ELDER TO SIT IN PRESBYTERY.

At C _____, the _____ day of 20____, which day and place the Session of the United Free Church Congregation of C met, and was constituted with prayer by the Rev. A. B., Moderator.

Inter alia,

Session appointed AC _____ *bona fide* an acting Elder (or acting Elders, as the case may be) of the Congregation, to represent them in the Presbytery of _____ during the current year.

Extracted from the Records of Session by

E. F., *Session-Clerk*.

5. CERTIFICATE OF A RULING ELDER RETURNED AS COMMISSIONER TO THE GENERAL ASSEMBLY.

At C _____, the _____ day of 20____, which day and place the Session of the United Free Church Congregation of C met, and was constituted with prayer by the Rev. A. B., Moderator.

Inter alia,

Session did, and hereby do, certify and declare that (*name and designation*), Ruling Elder and member of said Session, is *bona fide* an acting Elder of their Congregation, and that he has signed the Formula.

Moderator.

Session-Clerk.

6. FORMS IN CONNECTION WITH VACANCIES, TRANSLATIONS, AND SETTLEMENTS OF MINISTERS.

a. FORM FOR DECLARING PASTORAL CHARGE VACANT.

In consequence of the death (demission, or translation, as the case may be) of the Rev. C. D., which occurred on the _____ day of _____ last, I do hereby, in the name of the Reverend the Presbytery of _____ intimate that the pastoral charge of this Congregation was vacant from the aforesaid date.

b. FORM OF INTIMATION FOR MEETING OF CONGREGATION IN CASE OF A TRANSLATING CALL.

To be read to the Congregation on the Sabbath after the Call is sustained, and attested by the officiating preacher or minister.

Whereas the Congregation of _____ has addressed a Call to the Rev. _____, minister of this Congregation, to be its minister, and said Call has been sustained by the Presbytery of _____ as a Call regularly proceeded in:

Notice is hereby given, that a meeting of the Congregation will be

held in this place on _____ the _____ day of
at _____ o'clock, for the purpose of considering the circumstances in
which the Congregation is placed by the Call given to the minister, and
of taking such steps thereanent as may be resolved upon.

J. G., Presbytery Clerk.

**c. NOTICE OF MEETING OF CONGREGATION AFTER A VACANCY
HAS BEEN DECLARED.**

Notice is hereby given that a meeting of this Congregation will be
held in this Church on the day of _____ at _____ o'clock to appoint a
Vacancy Committee for bringing before the Congregation one or more
eligible persons with a view to the election of a minister, or to take such
other steps toward the filling of the vacancy as the Congregation may
determine.

C. D., Moderator in the Vacancy.

d. ATTESTATION OF INTIMATION HAVING BEEN MADE.

_____ Church, the _____ day of _____
The above intimation was duly made by me.

A. C., Minister (or Preacher).

e. INTIMATION REGARDING THE ROLL OF COMMUNICANTS.

Intimation is hereby given that the Kirk-Session has made up the Roll of
Communicants with a view to the election of a minister, and that an
opportunity will be given of inspecting it on _____ between
the hours of and _____ and further that the Session
will meet in the Session House on the _____ day of _____
at _____ o'clock to revise and finally make up the Roll for submission
to the Presbytery.

By order of Session.

P. Q., Session-Clerk.

**f. NOTICE OF MEETING FOR ELECTION AND MODERATION
COMBINED.**

Notice is hereby given that a meeting of this Congregation will be held in
this Church on the day of _____ at _____ o'clock, to consider as to the
preparedness of the Congregation to proceed to the election of one to be
minister of this Congregation and if so resolved to proceed to an election.

Notice is hereby further given that if an election takes place and is
unanimous, or shows a clear majority of those voting for a call, the

Moderator shall, as authorised by the Presbytery, forthwith proceed to moderate in a Call to the person elected.

C. D., *Moderator in the Vacancy.*

g. FORMS OF A CALL.

We, the undersigned Elders, Deacons (where there is a Deacons' Court), and members of the United Free Church Congregation at desirous of promoting the glory of God and the good of the Church, being destitute of a fixed pastor, and being assured, by good information and our own experience, of the ministerial abilities, piety, literature, and prudence, as also of the suitableness to our capacities of the gifts of you, Mr. S. T., preacher of the Gospel, have agreed to invite, call, and entreat, like as we by these presents do heartily invite, call, and entreat you, to undertake the office of pastor among us, and the charge of our souls; and farther, upon your accepting this our Call, promise you all dutiful respect, encouragement, and obedience in the Lord, and we promise to contribute heartily, as the Lord shall enable us, towards the maintenance of the Christian Ministry and the furtherance of the Gospel.

In witness whereof, we have subscribed these presents, this day of
(*Here follow the Signatures.*)

h. FORMS CONNECTED WITH THE SIGNING OF A CALL.

1. Form of Attestation of Call by Moderator of Presbytery.

That the above names, to the number of persons, certified to be members of and in full communion with the United Free Church Congregation of , were subscribed by the parties themselves or their mandatories in presence of the Presbytery, this day of , is attested by

L. M., *Moderator.*

2. Form of Concurrence in a Call by Persons not in Full Communion.

We, the subscribers, ordinary hearers in the United Free Church Congregation of hereby declare our hearty concurrence in the Call addressed by the members of the said Congregation to be their pastor.

3. Form of Attestation of Concurrence.

That the above names, to the number of persons, ordinary hearers in the United Free Church Congregation of were subscribed by the parties themselves in presence of the Presbytery, this day of , is attested by

L. M., *Moderator.*

4. Form of Adherence to the Call by Members signing after the Day of Moderation.

We, the undersigned members of the United Free Church Congregation of do hereby signify our hearty adherence to the above Call, addressed to ' to be minister of said Congregation.

5. Form of Attestation by Elders to the Signatures to the Paper of Adherence.

That the above names, to the number of persons, members of and in full communion with the United Free Church Congregation of
In the presence of, or by one of us at their special request, this day
of is attested by N. O., *Elder.*

P. Q., *Elder.*

6. Form of Attestation by Elders to the Paper of Concurrence.

That the above names, to the number of persons, ordinary hearers in the United Free Church Congregation of , were subscribed by the parties themselves in our presence, or by one of us at their special request, this day of is attested by N. O., *Elder.*
P. Q., *Elder.*

7. Form of Mandate to sign a Call.

I (or, We), a member (or, members) of Congregation, in full communion, hereby authorise the Session-Clerk, or any other member of Session of said Congregation, to adhibit my name (or, our names) to the Call to be addressed to our minister.

(Signature)

(Address)

(Date)

N.B.-When a mandate is from two or more persons, each must sign it, adding his or her address.

8. Form of Attestation of Call by Interim Moderator when he has Moderated in a Call in Name of the Presbytery.

That the above names, to the number of persons, certified to be members of and in full communion with the United Free Church Congregation of were subscribed by the parties themselves in my presence this

day of _____, is attested by
L. M., *Moderator in the Vacancy.*

i. EDICT FOR THE ORDINATION OF A PREACHER OR INDUCTION OF A MINISTER.

To be read to the Congregation of _____, on Sunday the _____
and on Sunday the _____

and attested on each of these days by the officiating preacher as having
been read by him.

Whereas the Presbytery of _____ of the United Free Church
of Scotland has received a Call from this Congregation, addressed to
B C preacher (*or, minister*) of the Gospel, to be their minister, and the said
Call has been sustained as a regular Call, and been accepted by him, and
he has undergone trials for ordination (*or, he has been loosed from his
former pastoral charge*):

And whereas the said Presbytery having judged the said qualified for the
ministry of the Gospel, and the pastoral charge of this Congregation has
resolved to proceed to his ordination (*or, induction*) On the _____ day of
_____ unless something occur which may reasonably impede it, Notice is hereby
given to all concerned that if they, or any of them, have anything to object to
the life or doctrine of the said they repair to the Presbytery, which is to meet
at the _____ on the said _____, at _____ o'clock With certification, that if
no relevant objection be then made and immediately substantiated, the
Presbytery will proceed without further delay.

By order of Presbytery.

J. G., Presbytery Clerk.

7. FORM OF PETITION TO THE GENERAL ASSEMBLY.

Unto the Venerable the General Assembly of the United Free Church of
Scotland the Petition of humbly sheweth,

That (here state the facts).

May it therefore please your Venerable Court to (here state the crave).

And your Petitioners will ever pray.

[Then follow signatures and designations.

8. FORM OF OVERTURE.

At _____, the _____ day of _____
the Presbytery of _____ met, _____ and
was duly constituted.

Inter alia,

The Presbytery agreed to transmit the following Overture to the General Assembly:- It is hereby overtured by the Presbytery of _____ to the General Assembly of the United Free Church of Scotland, appointed to meet at __, on _____ ' that it, etc., etc.; or that it determine otherwise as to its wisdom shall seem best.

The Presbytery appointed Messrs. To support the Overture before the said General Assembly).

Extracted from the Records of the Presbytery by

J. G., *Presbytery Clerk*.

9. FORM OF RETURN TO AN OVERTURE FROM THE GENERAL ASSEMBLY UNDER THE BARRIER ACT.

At _____, the _____ day of _____ 20____
the Presbytery of _____ met, _____ and
was duly constituted.

Inter alia,

The Presbytery having considered Overture anent (1.)
transmitted by the last General Assembly, do hereby (2.)

Remarks (3.)

Extracted from the Records of the Presbytery by
which day being met and duly constituted.

J. G., *Presbytery Clerk*.

Notes

- (1) Name Overture by title in Acts of Assembly.
- (2) Insert simply the word " Approve " or " Disapprove."
- (3) Remarks or suggestions to be considered by the Assembly, or any of its Committees in charge of the subject to which Overture refers, may be added here.

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