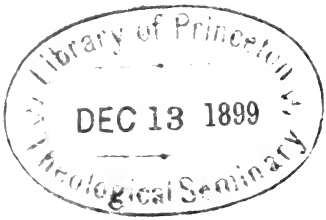
EXPOSITION
OF THE
BOOK OF CHURCH ORDER



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An exposition of the form of
government and the rules of

AN EXPOSITION

OF

THE FORM OF GOVERNMENT

AND THE

RULES OF DISCIPLINE

OF

THE PRESBYTERIAN CHURCH IN THE UNITED STATES.

BY

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BY

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TO MY MOTHER,

WHO CONSECRATED ME FROM BIRTH TO THE MINISTRY OF
CHRIST AND HIS TRUTH IN OUR BELOVED CHURCH,
MY FIRST BOOK,
WRITTEN IN LOYAL LOVE OF THIS CHURCH,
IS DEDICATED
OUT OF THE GRATEFUL AFFECTION OF A SON.

THE AUTHOR.

PREFACE.

Dr. Beatty has given our church an exposition of her doctrinal standards, and it has met with a deserved appreciation; but there has not been hitherto attempted an exposition of our standards of order. Believing that there is even more need in this direction, since the standards of order are of more recent formulation, and have been less studied, the writer has set himself to this task, persuading himself that the more urgent need will help to excuse an inferior performance.

This is not intended to be a Digest of decisions and precedents, such as Dr. Alexander has made and is making for our young church, leaving nothing of this sort for others to do among us, nor a compendium of the usages and customs that have gradually grown up among Presbyterians, such as Dr. Aspinwall Hodge has compiled, and is keeping up to date, but this aims to be an *exposition* of the text of the Book of Church Order. No attempt is here made to prove the scripturalness or wisdom of the Book, but to expound it. The exposition is sympathetic, both because the writer would be incapable of making any other, and because he thinks

that only the sympathetic expositor can give a just exposition. He has, accordingly, omitted to set forth any individual notions he may have of possible improvements. This was not the place to criticize, but to expound.

But the writer has concluded his exposition with a deep conviction that the more our standards are studied the less disposition there will be to criticize them. For it may be conceded that our system of government is one that works with much friction and confusion, and, it must be admitted, with considerable inefficiency, if those who work it do not understand it and intelligently approve it; for there are other systems that work more easily and satisfactorily in the hands of adherents not generally intelligent and capable. All we can claim is that the members and officers of any church need to know its system of government well enough, and to love it well enough, to work it efficiently, and that for those thus qualified ours is the best system, even among the different systems that are scriptural in their main principles. To promote the study of our standards of order, and thereby a devotion to them and a working knowledge of them, is the end of this effort.

He reserves for a separate volume the Directory for Worship, because the study of the Form of Government and the Rules of Discipline will necessarily be more nearly limited to the officers and to

a few of superior intelligence or special interest, while it is to be hoped that a more general familiarity with the Directory can be promoted.

The writer will avail himself of this opportunity to say three things for which there was no suitable place in the body of the work:

1. There is a system of government and discipline. The Form of Government especially is but little inferior to the Shorter Catechism itself in logical construction and completeness. The Rules of Discipline does not, as a composition, reach so high a level. But the two together set forth a *system* of government and discipline. Now to undertake to direct the activities of this organization, our church organized for government and discipline upon this system of principles, without an intelligent comprehension of these principles in their relation to each other as a complete system, is sure to result in clash and confusion; and it will be still worse to undertake to amend parts without first comprehending the relation of the parts as a whole. The mastery of our system of government and discipline is, therefore, urged as important, and as worth the time and effort needed both for the sake of the intellectual discipline and for the practical efficiency of our church.

2. Discipline, thorough and scriptural, is possible under our system. It is not necessary to argue that discipline is a duty enjoined in the Scriptures;

but there is among us, one is tempted to say, a pervading infidelity of the worth of such teachings. Outside of the discipline of ministers charged with heresies, and of very notorious offenders in morality, there is seldom anything in the nature of judicial prosecution among us; and there is reason to believe that there is even less of that forewarning which looks forward to such prosecution. This laxity is due in part, it may be, to reaction from an extreme in the other direction, to the great difficulty of efficient discipline in the midst of a too sharp denominational rivalry and competition, and to the so generally diffused tendency to depreciate authority of every sort; but it is due in part, also, to the uncertainty of how to proceed, and the fear that judicial procedure in our system is too complicated for practical use. This impression is not correct. It is true that, when efforts are made to convict for principles or practices on which the mind of the church is more or less divided, or to convict men who have the general confidence in their soundness of doctrine and purity of life for particular aberrations, contention and agitation are to be expected, and the attainment of definite good results is doubtful; but the machinery of discipline provided would prove itself eminently efficient and safe, at once fair and persuasive, in actual use in most cases that need such treatment. It is not easy to exercise discipline, not only on account

of the imperfection of those who are to exercise it, but also on account of the strength of corruption that has come for the lack of discipline; and discipline is especially difficult where the revenues of the church come from voluntary contributions. To censure offenders generally endangers revenue. It requires a lofty indifference to financial considerations in comparison with spiritual results, or the inexperience of youth, to embolden to attempt thorough discipline. Many attempts have failed largely because the men who failed when they had less wisdom of experience and less maturity of spiritual growth have not attempted it when they became better qualified. Their former failures, and the new Book, make them afraid. But we must come to it or we perish. The churches of America must learn to exercise discipline, or the experiment of religious liberty, without financial aid from the civil power, will prove a failure. Such a result will not come, for the churches will learn this lesson of discipline. It may be through bitter experience of the fruits of laxity and of the consequent worldly corruption of the church, but to discipline the church must come. And it is here insisted that we have the usable machinery of discipline, and all we need now is the spiritual power to make it efficient.

3. The church is a spiritual organization. This exposition has to do with rules and regulations,

with the mechanism of ecclesiastical action, to so large an extent that the writer is unwilling to send it forth without this distinct assertion that the church is spiritual. It must do all its doings in the Spirit. It is not constitutional regularity, it is not mechanical perfection, that makes the church efficient for its end; it is the Spirit of Christ using the church as his agent. This Spirit creates fit instruments for his own use, and therefore we may expect the church to become more nearly perfect in organization and methods as it becomes more perfectly the obedient organ of the Holy Spirit; but, alas, form and machinery may exist without life and power; and the deepest desire of the writer would not be realized by his work if it should not help toward the fuller efficiency of our church in gathering and perfecting the spiritual body of Christ.

If to this end the King and Head of the whole church will bless this imperfect work, the author will be grateful for the honor and privilege of thus serving his brethren.

F. P. RAMSAY.

[NOTE.—The text is printed in brevier type and the comment in small pica. The use of the two sorts of type makes possible the intermingling of text and comment, and yet the consulting of the text by itself.]

EXPOSITION

OF THE

BOOK OF CHURCH ORDER.

THE supreme standard, the one rule of faith and practice, of the Presbyterian Church in the United States, is the Bible. Its subordinate standards are the doctrinal symbols (which are the Confession of Faith and the Catechisms) and the Book of Church Order. This book has three parts: the Form of Government, which treats of the ecclesiastical organization, its parts and their functions; the Rules of Discipline, which gives special regulations for directing the exercise of the ecclesiastical power of censure; and the Directory for Worship, which gives special directions for the conduct of public worship.

The Form of Government has seven chapters: the first on preliminary definitions; the next five on the five heads of the doctrine of church government; and the seventh on amending the standards.

Similarly, the first chapter,

CHAPTER I.

OF THE DOCTRINE OF CHURCH GOVERNMENT,

has seven sections: one preliminary, one on each of the five heads of doctrine, and one on the relation of this doctrine to the existence and perfection of the Church.

1.—I. The scriptural form of church government, which is that of Presbytery, is comprehended under these five heads of doctrine, viz.: 1. Of the Church; 2. Of its Members; 3. Of its Officers; 4. Of its Courts; and 5. Of its Orders.

However little the Scripture may lay down prescriptions in detail in the matter of church government, it teaches a form of church government; so that both those are in error who deny church *government* altogether, and those who, admitting that the Scripture teaches government, deny that it teaches any particular form of government. And the form of government is neither a form in which all are equally rulers nor a form in which one rules over many, but a form in which some rule over all. Neither any Congregational form in which the authority is in the body of the people, nor any Episcopal form in which the authority is in an individual, is scriptural, but only that form in which the authority is in a selected few acting together as a court. This is *Presbytery*, which means a court of elders. And the doctrine concerning this scriptural form of church government naturally falls under five heads. After telling what the Church is, it will be next in place to tell who constitute it, that is, of what members it consists. As it is governed by officers and not by the members, the next thing must be to tell what officers it has; but as these officers do not govern severally but jointly, the courts come next in place; and finally, when we have the courts for admitting to office, we may learn concerning orders, or how officers are ordained. It is this exhaustive and logical treatment that the Form of Government proposes.

2.—II. The Church which the Lord Jesus Christ has

erected in this world for the gathering and perfecting of the saints, is his visible kingdom of grace, and is one and the same in all ages.

This is a definition of the Church which the Lord Jesus Christ has erected in this world, and not of the Church as it is to be in the final consummation, nor of the Church as it now is in heaven as well as earth. The Church thus limited, the Lord Jesus Christ has erected; and he has erected it for this purpose, for the gathering and perfecting of the saints. For it is not the office of the Church to do all good in human society, nor even to work upon all men except so far as it does this in working upon a class, the saints. For them it has two things to do: first, to gather them, that is, out of the world into the Church; and second, to perfect them. The Church works upon men not already saints in their own consent in order to make them such, not in order to other ends, and upon saints, in order to make them perfect. By saints is meant persons that belong to Christ in sacred covenant. This Church, this gathered body of saints on earth, is his visible kingdom of grace. His kingdom comprehends all things and persons, but his kingdom of grace is more especially the saints; and his kingdom of grace includes saints that have fallen asleep, but the Church, as an organization with a government administered through men in the flesh, is his visible kingdom of grace. But the point of the definition lies in this, that the Church is a KINGDOM, having Christ as King. This kingdom is not two, one before the coming of Christ in the flesh and the other after his coming; nor is it in accord with this definition to distinguish sharply

between Church and Kingdom. All ages must include the millennial age, if there is to be a millennium. Nor can there be more than one Church in the world at the same time; and the use of the term to designate a part of the Church ought to be guarded from the implication that the part is the whole.

Already by implication the membership of the Church is limited to saints; but here is a formal definition:

3.—III. The members of this visible Church catholic are all those persons in every nation, together with their children, who make profession of the holy religion of Christ, and of submission to his laws.

Catholic, which means universal, is added in order to lay emphasis upon the doctrine that the Church is not limited to some section of it, whatever name some section may assume for itself. Its members are persons who make profession of the religion of Christ. That this does not mean a profession of opinion merely, but of consent of will also, is made certain by the explicit mention of what is implied, "and of submission to his laws." And the word "holy" implies the same idea as the word "saints," for by such a profession one becomes a saint, or discloses that he is a saint, that is, one belonging to Christ in sacred covenant. Not only are all persons making this profession members of the Church visible, but their children also. This includes the children of parents that reject infant baptism; for it is not baptism that makes them members. Baptism recognizes the membership that exists before the baptism is administered; for whoever binds himself to Christ in sacred cove-

nant, thereby binds his children in the same covenant; so that his child is holy as well as himself. If it be objected that an infant cannot be holy, the answer to the objection is to be found in understanding the meaning of holy as here used, belonging to Christ in sacred covenant; for these infants of the saints must either be classed with the saints or with the profane, and the definition classes them with the saints.

It is to be observed that the *visible* Church includes all who profess the religion of Christ; that is, profess subjection to his laws, whether they are regenerated or not, and does not include any regenerated persons that do not make such profession, since without such profession, they are not visible as members of the Church. But is the visible Church of this paragraph identical with the visible kingdom of grace of the preceding paragraph? Yes. Christ uses false professors, and uses them as parts of his visible Church or Kingdom; for they are, temporarily, in and of this organization, even as a dead tooth is a part of the body.

Against the doctrine that the Church is to be governed by all its members, the doctrine of Presbytery sets the assertion that all the powers of the Church are to be administered by officers, and against all claimants of right to exercise ecclesiastical power, besides the classes of officers here enumerated, it is denied that their claim is scriptural.

4.—IV. The officers of the Church, by whom all its powers

the other powers as well as powers of government strictly,

are administered, are, according to the Scriptures, Ministers of the Word, Ruling Elders and Deacons.

The power is vested in the body, but it is to be administered, not by the whole body, nor by committees appointed from the body, but by permanent OFFICERS. These officers are not all one class, appointed to different functions from time to time, nor two classes only, as Elders and Deacons, the Elders being assigned from time to time to different works, but three classes: Ministers of the Word, Ruling Elders, and Deacons.

As already implied, the power of government in the stricter sense,

5.—V. Ecclesiastical jurisdiction is not a several

power, to be exercised by an individual,

but a joint power, to be exercised by Presbyters in courts.

Presbyter means an officer having joint jurisdiction with other officers.

These courts may have jurisdiction over one or many churches; but they sustain such mutual relations as to realize the idea of the unity of the Church.

It is necessary to note the distinction between "church" and "Church." The latter has been already defined in paragraph 2, and the former will be defined in paragraph 20. The Church is one. No group of churches is together independent of the whole Church; and especially can no particular church be, of right, independent of the Church catholic, any more than an individual member. This is an emphatic denial of Independency.

What follows

6.—VI. The ordination of officers is ordinarily by a court.

is an emphatic denial of Episcopacy. For "ordinarily" does not admit that sometimes an individual may, in his own authority rather than in the authority of a court, ordain officers, but that sometimes officers may be immediately appointed by Jesus Christ without the intervention of a court, as in the case of the Twelve Apostles.

But some of the Church as defined in paragraph 2, do not accept this doctrine of Presbytery; how, then, can they be members of the Church?

7.—VII. This scriptural doctrine of Presbytery is necessary to the perfection of the order of the visible Church, but is not essential to its existence.

The visible Church may exist, and may be an ordered body, without this doctrine, its officers having valid ordination; but without this doctrine the Church must lack something necessary to make its order perfect. Without it, there will be more or less of violation of the scriptural order, some men discharging official functions to which they have not been properly appointed, and some needful official functions not being adequately provided for.

CHAPTER II.

Having laid down these preliminary definitions, which must rule the interpretation throughout, the Form of Government proceeds to enlarge upon each of the five heads of doctrine. And first is

CHAPTER II.—OF THE CHURCH.

As the Church is a kingdom erected by its King, it is in place first to treat of the King. Then the kingdom itself may be more fully described. And, as this book is giving the doctrine of the government of the Church, it is next in place to treat of church power. But, since the Church is divided into many particular churches, there must be a section on the particular church. And here is naturally added a section on the organizing of a particular church.

SECTION I.—*Of its King and Head,*

in its first paragraph presents Jesus Christ as the King and Head of the Church; in the second paragraph shows his offices in the government of the Church; and in the third tells how he has equipped the Church itself; and in the fourth points out the nature and method of his activity in the Church, as the other paragraphs have treated of his activity over the Church. And this section is not a meaningless collection of pious phrases about Christ, but is a most careful and intentional expression of views considered specially important.

This remark applies in all its force to the first paragraph, an unusually long and eloquent sentence.

8.—I. Jesus Christ, upon whose shoulders the government is, whose name is called Wonderful, Counsellor, the Mighty God, the Everlasting Father, the Prince of Peace; of the increase of whose government and peace there shall be no end; who sits upon the throne of David, and upon his kingdom, to order it and to establish it with judgment and with justice from henceforth, even for ever,

is the subject of the sentence. "Jesus Christ, upon whose shoulders the government is," is the

opening designation of the Head of the Church; and the three following relative clauses ascribe to him three things: first, the dignity of Deity; second, eternal authority over the Church; and third, succession to David, thus identifying the Church with the Messianic kingdom. Next is interposed a participial clause concerning authority beyond the Church for it:

Having all power given unto him by the Father, who raised him from the dead, and set him on his own right hand, far above all principality and power, and might, and dominion, and every name that is named, not only in this world, but also in that which is to come, and hath put all things under his feet, and gave him to be Head over all things to the Church, which is his body, the fulness of him that filleth all in all;

This quotation affirms in the most sweeping way the lordship of Jesus Christ as universal, a universal lordship that has been given to him as Head of the Church,

he,

Jesus Christ thus described,

being ascended up far above all heavens, that he might fill all things, received gifts for his Church,

which already existed,

and gave all officers necessary for the edification of his Church and the perfecting of his saints.

Here "edification of his Church" must include what is meant by "gathering" in paragraph 2.

The special point of the paragraph is that Jesus Christ is the sole source of all church power. No man can have any office in the Church *except as appointed by Jesus Christ himself*, who himself equips and appoints all other officers besides him-

self. The Church is a KINGDOM, and he is, in right and practice, KING.

But the power of Christ is not merely an appointing power; he himself discharges all official functions whatever.

9.—II. Jesus, the Mediator, the sole Priest, Prophet, King, Saviour, and Head of the Church,

for now there is no subordinate priest or prophet, as there is no other King or Saviour or Head;

contains in himself, by way of eminency, all the offices in his Church, and has many of their names attributed to him in the Scriptures. He is Apostle, Teacher, Pastor, Minister and Bishop, and the only Lawgiver in Zion.

For not even Moses is called a lawgiver in the Scriptures. Not only is every claim to legislative authority or to original control of every sort denied as to all but Christ himself; but also he has all offices within himself, so that he is not a Minister of the Word, but the Minister of the Word, not a Ruling Elder, but the Ruling Elder, and not a Deacon, but the Deacon, of his Church. Therefore,

It belongs to his Majesty from his throne of glory, to rule and teach the Church, through his Word and Spirit, by the ministry of men; thus mediately exercising his own authority, and enforcing his own laws, unto the edification and establishment of his kingdom.

By including all official functions under the terms "rule and teach," the sentence does not make distribution a non-official function, but includes it under these as being in order to them. The principle must not be lost sight of, that it is Christ who rules and teaches the Church by the ministry of men, and not they who rule and teach the Church

for him. They are not themselves governors, but the media of the only Governor.

We are now to see how Christ as King has equipped his Church, so that he may exercise in and upon it his authority mediately.

10.—III. Christ, as King, has given to his Church, officers, oracles, and ordinances; and especially has he ordained therein his system of doctrine, government, discipline, and worship; all which are either expressly set down in Scripture, or by good and necessary consequence may be deduced therefrom; and to which things he commands that nothing be added, and that from them naught be taken away.

Each of the four clauses of this paragraph is important. The first enumerates the gifts of the King to his Church under three heads: officers; oracles, which are the Scriptures; ordinances, which comprise all things that he has ordered to be done. None of these gifts are originated by the Church or by human invention, but they are all gifts of Christ as King. The second clause names especially as among his ordinances his fourfold system of doctrine, which is expounded in the doctrinal symbols; government, the form of which is set forth in this book; discipline, the regulations for which are laid down in the Rules of Discipline; and worship, the directions for which are given in the Directory for Worship. Everything ought to be done as the King has ordained. But where are we to learn what he has ordained? In Scripture. There we shall find all his ordinances, it is his entire oracles, and it shows what officers he has appointed, and with what functions. If anything is not expressly set down in Scripture, it may be deduced from it, not by fanciful imagination, but by correct inference. What seems incomplete is to be completed

by application of the principles set down in Scripture; for the King allows no man or set of men, whatever offices they may hold in his Church, to add or substract. This paragraph justifies the first sentence of this exposition, that the supreme standard, the one rule of faith and practice of the Presbyterian Church in the United States is the Bible. To this, both the first and the final appeal must always be made.

But it would be a great mistake to suppose that the only connection of Christ with the present government of the church is through the mere language of Scripture as interpreted by men.

11.—IV. Since the ascension of Jesus Christ to heaven, he is present with the Church by his Word and Spirit, and the benefits of all his offices are effectually applied by the Holy Ghost.

Not only by the word, but also by the Holy Spirit, is the ascended Christ present with his Church; and thus he is ever effectually discharging all his offices in his own living presence through the human media.

The whole section makes the Church to be but the completion of Christ, his bodying of himself forth: take him away, take away his living activity, and the Church is nothing, and its authority is nothing.

SECTION II.—*The Visible Church Defined.*

While the visible Church is one, it has two sorts of divisions, into different denominations and into particular churches; accordingly, this section, after affirming the unity of the Church in the first paragraph, discusses the division into denominations

in the second paragraph, and the division into particular churches in the third paragraph.

12.—I. The visible Church before the law, under the law, and now under the gospel, is one and the same, and consists of all those who make profession of the true religion, together with their children.

This is the same principle as that stated in paragraph 2; but, instead of the more sweeping "in all ages," this particularizes three ages: before Moses, from Moses to Christ, and since Christ. This also repeats the principle stated in paragraph 3, only substituting for "the holy religion of Christ and of submission to his laws" its equivalent, "the true religion."

13.—II. This visible unity of the body of Christ, though obscured, is not destroyed by its division into different denominations of professing Christians; but all of these which maintain the Word and Sacraments in their fundamental integrity are to be recognized as true branches of the Church of Jesus Christ.

Two principles are here conceded: that visible unity is desirable, and that the division into different denominations, into separate associations of churches, makes against this visible unity. As the separation of a particular church from other particular churches in one organization obscures church unity, so does the separation of an association of churches from union with other associations in one organization. But such division does not destroy visible unity. The real unity of the invisible Church is unity in Christ, the one Head; and, since the members of different denominations are, in their profession, visibly united to Christ, their visible unity is not destroyed by this degree of separation. Indeed, it is not so much organiza-

tional separateness that contravenes organic unity as it is organizational disfellowship that argues organic disunity. Hence, a broad recognition is here given to other denominations. For, on the one hand, this recognition is explicitly extended to all that maintain the Word and Sacraments in their fundamental integrity; and, on the other, it is not withheld from any professing Christians, though they reject some of the canon, or deny some of the teachings of Scripture, or pervert or omit the sacraments, even to the extent of trenching upon fundamental integrity. As to such, it must be inquired whether they really profess the true religion, that is, whether they profess the holy religion of Christ and submission to his laws. And even if order should be found altogether absent from an association of those making such profession, they would themselves be a part of the Church, in spite of their lack of order.

The Presbyterian Church in the United States, then, continues its separate existence as a denomination only upon the ground that its members would not be allowed to obey all the laws of Christ in any other organization; and it stands pledged to organizational union upon any basis permitting full obedience to all the teachings of Christ. And in calling itself "Church," it does not mean to reserve this title for itself exclusively, but only to claim that it is tentatively endeavoring to make itself, as nearly as its enforced separateness will allow, conform to what Christ would have his one catholic visible Church to be.

14.—III. It is according to scriptural example that the Church should be divided into many particular churches.

The division of the Church into particular churches does not obscure its unity, provided the courts of the particular churches are not independent of the court of the Church. (Cf. Par. 5.)

SECTION III.—*Of the Nature and Extent of Church Power.*

This section is extremely important in a Form of *Government.* The first two paragraphs point out the relation of the people and the officers to ecclesiastical power; the third paragraph shows what the Church as government has power to do, and the fourth what is the end of all its doing in all aspects, and the fifth recalls the relation of Christ to the exercise of this power.

15.—I. The power which Christ has committed to his Church vests in the whole body, the rulers and the ruled, constituting it a spiritual commonwealth. This power, as exercised by the people, extends to the choice of those officers whom he has appointed in his church.

The statement that Christ has committed power to his Church must not be pressed to contradict paragraphs 9 and 11; but neither must it be weakened down to the conception that the Church is a mere voluntary society, and submission to it a matter of individual option. This power does not vest in the rulers as such, so that they are in no sense accountable to the people, or in the people as such, so that the rulers are merely their committeemen; but in the whole body, each in his corporate or organic place having authority and being subject to authority. And while in relation to Christ the Church is a kingdom, in the inter-relations of its members it is neither a monarchy or oligarchy, nor a democracy, but a commonwealth. But this power the people exercise, not in appointing the

officers, but in choosing those whom Christ has appointed and in rejecting usurpers that he has not appointed. Only so far; for all the powers of the Church are to be administered by officers. (Cf. Par. 4.)

As the Church is a spiritual commonwealth, the members thereof do not as such own material property in common.

And the power is wholly spiritual; that is, it cannot apply physical force or extend material rewards and penalties.

16.—II. Ecclesiastical power, which is wholly spiritual, is twofold: the officers exercise it sometimes severally, as in preaching the gospel, administering the sacraments, reproving the erring, visiting the sick, and comforting the afflicted, which is the power of order; and they exercise it sometimes jointly in Church courts, after the form of judgment, which is the power of jurisdiction.

This must not be understood to contradict paragraph five. Even in exercising the power of order, that is, power that the individual has been ordained to exercise, he is subject to the orders of the court and to its review and control; hence, what he does severally, that is, as an individual officer, he does as the agent of a court. This is true even of deacons, since they act under the immediate control of the Session. And so all official acts are as such to be according to the judgment of the court having jurisdiction. But the power of jurisdiction itself cannot be committed to an individual officer. For even official reproof of the erring by an individual officer cannot affect the ecclesiastical standing of the reproved. But it is important to note that the exercise of ecclesiastical power is not unofficial when it is exercised severally any more than when it is exercised jointly.

While the Church is a kingdom and government, it is as such wholly distinct from the civil government. What, then, can its office be?

17.—III. The sole functions of the Church, as a kingdom and government distinct from the civil commonwealth, are to proclaim, to administer, and to enforce the law of Christ revealed in the Scriptures.

Three functions, though really running into one another in action, are distinguished: to proclaim law, which is not legislation, but the publication of law; to administer law, which is judicially to praise and censure actions as conforming or contrary to law, and to enforce law, which is the infliction of penalty for violation of law. The nature of penalties that the Church may inflict is not in this paragraph defined; the law with which church government concerns itself is carefully limited. It is not the will of the Church or of its officers, but only the law of Christ, nor is it the law of Christ known, or supposed to be known, in any way, but only the law of Christ revealed in the Scriptures. The law there revealed, and that only. The Church may require nothing that Christ in the Scriptures does not require; and the Church may endorse nothing that Christ does not in the Scriptures teach. Emphatically is nothing to be enforced because it is in the subordinate standards unless it is in the Scriptures. But the Church is not inhibited from formulating Christ's law as given in the Scriptures; only it must be mere formulation of his law already thus revealed, and not some extra-scriptural regulation.

The proclaiming, administering and enforcing of this law is not only the function of the Church, but the only function of the Church as a government.

The scope of the Church's work is broader.

18.—IV. The Church, with its ordinances, officers and courts, is the agency which Christ has ordained for the edification and government of his people, for the propagation of the faith, and for the evangelization of the world.

The meaning is not that the Church and its ordinances, etc., but that the Church, is the agency, and that to the Church, as equipment for its work, have been given, besides its life in all its members in varied forms and relations, especially ordinances, which are in the Scriptures, and officers and courts. The Church, then, and not the government of the Church, is the agency which Christ has ordained for this end: the edification and government of his people, the propagation of the faith from generation to generation, and the evangelization of the world. This work of edification and evangelization is not the work of church officials alone, but of the whole Church; and it is not a work for voluntary combinations of saints and others to do, but for the Church only. While work done by members of the Church in voluntary societies among themselves, more or less apart from ecclesiastical organization, is work done by the Church, yet organizations, to do what the Church as an organization may do, tend to weaken and belittle the Church. Whatever is accomplished by organizations and societies for the edification of saints and the evangelization of the world, is not due to their not being Church so much as to the Church's putting forth its energies in them.

An exercise of ecclesiastical power, though put forth by courts or officers appointed according to the Scriptures, fails of the divine sanction, un-

less it conforms to the law of Christ; and likewise will it fail of this sanction as an exercise of power, however fully it otherwise conforms to his law, if it is put forth by the unauthorized. For

19.—V. The exercise of ecclesiastical power, whether joint or several, has the divine sanction, when in conformity with the statutes enacted by Christ, the Lawgiver, and when put forth by courts or officers appointed thereunto in his Word.

And this holds even when the persons are in an office to which Christ has not really appointed them by his Spirit, but when he has appointed the office in his Word, and they have come into the office in the governmental method prescribed in Scripture. And it is important to remember that to resist official authority, put forth within the limitations here indicated, even by men secretly wicked themselves, is to resist Christ in his official dignity.

SECTION IV.—*Of the Particular Church.*

The term local would not be so precise as the term particular; for, if in the same place there are two churches, whose members live among one another, the one could not be distinguished from the other by locality; for two churches, worshipping each in a language not understood by the members of the other, might worship even in the same building. And "particular" happily designates the church as a part of the Church.

After defining a particular church in the first paragraph, and naming its officers and indicating their functions in the next three paragraphs, the section, properly, enumerates its ordinances in the fifth paragraph. In close connection with this is added a sixth paragraph, on what ordinances a church is to observe when without a Pastor.

20.—I. A particular church consists of a number of professing Christians, with their offspring, associated together for divine worship and godly living, agreeably to the Scriptures, and submitting to the lawful government of Christ's kingdom.

The language, "professing Christians with their offspring," applies the principle of paragraph 3 to a particular church. Besides this, five points are to be noticed: (*a*), One professing Christian cannot be a church; it requires a number. And yet, supposing a church loses its members until only one remains, is he a church? Strictly, while he is a member of the Church, he is not a member of a church; and yet Presbytery might, in such a case, continue the name of the church on its roll as having in the one member a potential nucleus of a church. But he certainly continues a member of the Church. (*b*), It is not any church members put down in the same list that constitute a church, but they must be associated together. (*c*), They must be associated together for divine worship and godly living. An association of such characters for conducting a certain industry would not be a church; but the object of their association must be twofold. The first is divine worship. This must be the main object of the association in its meetings together; for, though the association were for godly living, and its meetings mainly for the study of the Scriptures, rather than for worship, it would not be a church. On the other hand, an association that aimed at worship, without godly living, would be the mockery of a church. (*d*), They must be associated for these objects agreeably to the Scriptures. This must not be pressed so far as to contravene the principles laid down in paragraphs 3 and 7;

and yet an association fails of the idea of a church just so far as it does not proceed agreeably to the Scriptures. (*e*), The association must submit to the lawful government of Christ's kingdom; for so far as any association is rebellious against the lawful authority of Christ's kingdom, it is the contradiction of a church. Yet it must not be forgotten that *bona fide* submission to Christ is submission to the lawful government of his kingdom in its source and essence. Perfect submission to this lawful government involves submission to courts of Presbyters over many churches. (Cf. pars. 5 and 7.)

21.—II. Its officers are the Pastor, the Ruling Elders, and the Deacons.

This implies that, ordinarily, a particular church should have one Pastor, but a plurality of Ruling Elders and of Deacons. A church has no other officers than these; therefore trustees, Sunday-school officers, society officers, etc., are not officers of the church, nor independent of the control of the proper officers.

22.—III.

And the Deacons have no authority of rule whatever.

Its jurisdiction being a joint power,

as is all ecclesiastical jurisdiction,

is lodged in the hands of the Church Session, consisting of the Pastor and Ruling Elders.

This jurisdiction is not committed to the Pastor acting severally, nor to the membership generally, but to the Session, which is a Presbytery, that is, a court of Presbyters. (Cf. par. 5.) And no one can be a member of the Session, or have a vote

therein, unless he is the Pastor or a Ruling Elder of the church.

23.—IV. To the Deacons belong the administration of the offerings for the poor and other pious uses. To them, also, may be properly committed the charge of the temporal affairs of the Church.

Over against the opinion that the function of the Deacons is limited to the care of the poor, this affirms that to them belongs the administration, not only of the offerings for the poor, but also of the offerings for other pious uses. The making of offerings is a part of the worship, and the administration of these, that is, the application of them to their uses, cannot be taken from the Deacons without depriving them of their office. But, while it may be assumed that the kingdom of Christ can have no temporal interest or property except in these offerings and the investment of them, yet it comes about that the use and control of these temporal interests and properties are, on the one side, matters of purely secular business, but, on the other, not separable altogether from the government of the kingdom in its spiritual activities. Therefore the charge of temporal affairs, that is, the management of them, the courts of Presbyters may retain in their own hands, or may commit to the Deacons under such limitations and directions as will not impair the full control of the courts over all matters. This principle may be applied, not only in the particular church, but also in the Church at large; for just as Ruling Elders, though primarily officers of the particular church, are called to assist in the government of the Church generally, so may the Deacons, though primarily

officers of the particular church, be called to the charge of the temporal affairs of the whole Church. Three principles, then, are stated: that to the Deacons may be committed the charge of temporal affairs, as well as the mere administration of them; the charge of temporal affairs generally, as well as of the immediate administration of offerings; and the charge of the temporal affairs of the whole Church as well as of the particular church. Of course, this commitment should, in each case, be by the court of Presbyters having authority over the interests thus committed.

The Form of Government says nothing about trustees, because the only officers are Pastor, Ruling Elder, and Deacon. To observe the institutions of government and administration as ordained by Christ, the trustees necessary as a legal instrument under the laws of the civil government should either be the Session *ex officio*, or, if the Session commits the charge of the temporal affairs to the Deacons, the Deacons *ex officio*, or appointees of the Session, with no authority whatever except to legally execute what the Session may authorize. And if the civil laws happen to require that the trustees be elected by the body of members, then the Session, the Deacons, or nominees of the Session, should always be elected. It does not belong to the congregation to determine questions in temporal affairs, for the sole government is vested in the Session; but, as the Session may commit the charge of temporal affairs to the Deacons, so it may consult with the congregation as to these affairs, and, indeed, as to all concerns. Since the Pastor is a member of the Session, he ought to

have the same authority and responsibility for the management of temporal affairs as any other member of the Session.

I am expounding the rule of the Church as here laid down, and not the practice.

24.—V. The ordinances established by Christ, the Head, in his Church, are

nine in number:

1, prayer,

a form of worship in which all are to engage either audibly or silently;

2, singing praises,

which differs from prayer more in the manner of the expression than in the matter of it, though petition is the prevalent element in prayer, and praise in song, and in which those that cannot sing with the voice may yet join in attention and consent;

3, reading, expounding, and preaching the Word of God,

in which not only the reader, expounder, or preacher worships, but also the hearer, if he listens to it not as the word of men, but as the word of God;

4, administering the sacraments of baptism and the Lord's supper,

in which not only the administrator and the immediate participants worship, but any spectator that reverences God and his will as set forth in these ordinances;

5, public solemn fasting and thanksgiving,

in which all may immediately participate, as well as through attention and consent;

6 catechising,

which is a form of instruction helpful to all that listen, and a form of worship to all that even listen with consent;

7, making offerings for the relief of the poor, and for other pious uses,

in which all should join according to their several ability, or, if unable to make an outward offering, with their consent and desire, and which is worship if done in expression of reverence toward God;

8, exercising discipline,

which is worship to all who act in it or witness it with reverence for God as thus manifesting his will and authority;

and, 9, blessing the people,

which is worship to him that pronounces the blessing, and to him that accepts it in reverence for God thus declaring his mind. All these are parts of worship, and of joint worship; and this and godly living are what the members of a particular church are associated together for. These are all to be done in the assembled church, but only as acts of worship; and only these are to be done.

The election of officers by the people lying back of the exercise of all official functions in the church's ordinances is included in them, and the term discipline is to be understood here in its broadest sense, as indeed all these terms.

25.—VI. Churches destitute of the official ministrations of the Word ought not, therefore, to forsake the assembling of themselves together, but should be convened by the Session on the Lord's day, and at other suitable times, for prayer, praise, the reading of the Holy Scriptures, and exhortation, or the reading of a sermon of some approved minister.

It being assumed that the Session exists even when there is no Pastor or when the Pastor is absent, this paragraph makes it clear that Ruling Elders as such are not official ministers of the Word. A comparison of the acts of worship in which a church should engage when having no minister might seem to show that the participation of a minister is required for expounding and preaching the Word, for administering the sacraments, for fasting and thanksgiving, for catechising, for making offerings, for exercising discipline and for blessing the people; but as, manifestly, not all of these are meant to be inhibited in the absence of a minister, we must understand this paragraph as stating the minimum that should be done in the absence of a minister, and not the maximum. This minimum is, besides prayer, praise and the reading of the Scriptures, either exhortation or the reading of a sermon.

It is the Session that should convene the church.

A church should be convened not only on the Lord's day, but also at other suitable times.

In like manner, Christians whose lot is cast in destitute regions ought to meet for the worship of God.

This holds not only when there is no minister, but also when there is no other officer, and even when there is no formal organization. It must hold also when there are nominal officers that do not act.

SECTION V.—*Of the Organization of a Particular Church.*

The first paragraph prescribes the preliminary determination of the membership; the second states the act of organizing; and the third provides for officering the church.

26.—I. In the organization of a particular church, the first step shall be to receive testimonials on behalf of such of the applicants as are members of the Church, if there be any, and then to admit, upon a profession of faith in Christ, such candidates as on examination shall be found qualified.

It is implied, of course, that the testimonials shall be passed upon, and that, if the testimonials are found satisfactory, the persons applying upon them shall be admitted; but if the testimonials are not found satisfactory, the persons must not be admitted, or, if admitted, they must be admitted upon profession of faith. The reason for receiving testimonials from those already members of the Church are two: first, that the previous membership in the Church may not be ignored or belittled, which would tend to depreciate the dignity of membership in the Church; and second, to give due recognition to the official actions of those particular churches or branches of the Church from which the persons come, thus promoting the unity and fellowship of the visible Church. This principle requires that no persons under just ecclesiastical censure shall be admitted into a new church until they have been relieved of that censure by the authorities having jurisdiction over them, or, if time and distance render this impracticable, until they satisfy the authorities organizing the church of due repentance; and the organizing authority should be very slow to decide that an ecclesiastical censure imposed by another authority is not just. It is to be observed that the Church does not mean the Presbyterian Church in the United States, but the visible Church catholic.

The second step is to admit, upon a profession of

faith in Christ, such candidates as may be found qualified. The qualification does not lie in holding correct opinions about Christ, but in having faith in him. No amount of ignorance or error should exclude where there is reasonable evidence of saving faith. On the other hand, no one should be admitted who does not give such evidence.

The mere formal fact of presenting testimonials regular in form does not make it necessary or advisable to admit into a church persons that do not have this saving faith. The reality is more than the form. But see paragraph 67.

It is implied, of course, that any of these persons that have not been baptized shall receive baptism before the formal organization takes place. It is interesting to note that all the persons to be organized together in a particular church become members of the Church catholic before they become members of the particular church.

No provision is here made for enrolling non-communicating members; but the principles elsewhere stated would require that a list of all such that come properly under the care of the particular church be enrolled, though not taking the covenant prescribed in the next paragraph.

27.—II. These persons,

not their children,

should, in the next place, be required to enter into covenant, by answering the following questions affirmatively, with the uplifted hand, viz.: "Do you, in reliance on God for strength, solemnly promise and covenant that you will walk together as an organized church, on the principles of the faith and order of the Presbyterian Church, and that you will study the purity and harmony of the whole body?" The presiding minister shall then say: "I now pronounce and declare that you are

constituted a church according to the Word of God and the faith and order of the Presbyterian Church in the United States. In the name of the Father and of the Son and of the Holy Ghost. Amen."

That the answer shall be given with the uplifted hand rather than in some other way is, of course, not essential, but only recommended as a convenient way for order and concert; but that an affirmative answer be given is essential to persons being counted as entitled to full standing as members. If any, after being found qualified upon confession, should then refuse to assent to this covenant, this refusal would be sufficient ground for the organizing authority to reverse its decision as to their being qualified, and accordingly omit their names without further proceeding. If any accepted on testimonials should refuse to take the covenant, they would, by that refusal, remain in the same ecclesiastical connection as before their original application. If any accepted on testimonials or on profession are absent at the time of the taking of the covenant, but signify to the organizing authority their willingness to be bound by the covenant, it would be proper for the organizing authority to enroll them as members of the new church; but all persons not enrolled by the organizing authority as members of the new church remain in their previous ecclesiastical relation, although they may have applied for admission with the first members; and if they still desire to be members of the new church, must be admitted by the Session of it or by whatever authority acts in place of the Session.

While the minister pronounces those who take

the covenant to be constituted a church, it is understood that their children with them are members of the same church.

The covenant binds to three things: First, that they walk together as an organized church, an organization and not a mere association, and an organization for divine worship and godly living (paragraph 20); that they will as an organized church go according to the principles of the faith and order of the Presbyterian Church, that is, according to the principles of the Presbyterian system in both its doctrinal and governmental aspects; and that they will study the purity and peace of the whole body of the Presbyterian Church as well as of the particular church. In taking this covenant, they do not profess that they believe these Presbyterian principles, but that they are willing as an organized church to act according to them. This, it is true, involves their own individual belief of these principles so far that, in their duties as members, nothing will conflict with their conscientious convictions of what Christ commands them. Any one may, therefore, enter into this covenant if his beliefs are such that the Presbyterian Church will require nothing of its member that he thinks it wrong for him to do. But each one must judge for himself whether he can, in good conscience toward Christ, take this church covenant.

By Presbyterian Church in the covenant is intended exactly the Presbyterian Church in the United States, as appears from what the presiding minister is to pronounce. His pronouncement is that the organization is a church in the sense in which the term is used in the Scriptures, and in

the sense in which it is used in the standards of this denomination. "In the name of the Father," etc., quoted from the baptism formula, serves as a recognition of the Trinity in this solemn consummation of the organization of the church. If by oversight or otherwise this whole pronouncement were omitted or altered, that would not undo or render incomplete the organization of the church.

28.—III. Ruling Elders and Deacons are then to be elected, ordained and installed.

The church is an organized church before this election (and, accordingly, remains an organized church when it loses its officers), the minister at the organization being directed to pronounce it an organized church before proceeding to the election of officers; but its organization is not perfected until it is fully officered. The organizing authority does not remain in immediate guidance through the election of a Pastor, for the reason that a church with Ruling Elders is fully equipped for the calling of a Pastor. The organizing authority, however, may remain in immediate supervision through the making of Deacons, for the reason that a Session in which there is no Minister is not competent to ordain Deacons according to paragraph 112.

This section imposes a church covenant, and thereby decides three points: First, that it may be right to use special covenants for the sake of organization to work together in doing something together that Christ requires to be done together; that it is right to require of those that wish to come into church organization with us that they will with us in the organization do what Christ

commands to be done by church organization; and that Christ does require that an organized church proceed according to the principles of the faith and order of the Presbyterian Church. Persons are thus excluded from the Presbyterian Church in order that the members of the Presbyterian Church may, as organized, obey Christ. But persons thus excluded from the Presbyterian Church are not thereby excluded from the Church. This is denominationalism as believed and practiced by us; the right and duty of all, pending agreement, to obey Christ in the activities of church organization according to their several convictions of what Christ does command.

CHAPTER III.

CHAPTER III.—OF CHURCH MEMBERS.

THIS chapter is but an enlargement of paragraph 3, entering more minutely into the privileges of the different sorts of members. As these are infants, adults that, being members as infants, have not made a profession of faith, and professors of faith, the chapter falls into three paragraphs.

29.—I. The infant seed of believers are, through the covenant and by right of birth, members of the Church.

And this is true whether or not their membership is acknowledged, and whether or not they are members of some organized church.

Hence they are entitled to baptism,

which does not render them members, but the ad-

ministration of it to them recognizes that they are members,

and to the pastoral oversight, instruction and government of the Church, with a view to their embracing Christ, and thus possessing personally all the benefits of the covenant.

The obligations of the covenant of Jehovah with parents that have faith, to be a God to them and their children, remains in full force of its obligations upon both him and the children; but he must, by the very terms of that covenant, exclude from eternal salvation all who will not embrace Christ. And the Church is bound to give to these children pastoral oversight, instruction and government, with a view to their embracing Christ. The children of the saints are to be to the Church and its officers somewhat different from the children of the profane. It is a grievous omission when no teaching is provided for the one except what is provided for the other class of children; and thus the very advantage of persuading them through their covenant obligations is lost.

30.—II. All baptized persons

however long they may have persisted in not embracing Christ,

are

by reason of the covenant still binding upon all the parties,

entitled to the watchful care, instruction and government of the Church, even though they are adults, and have made no profession of their faith in Christ.

31.—III. Those only who have made a profession of faith in Christ are entitled to all the rights and privileges of the Church.

For if they are not yet competent to act for themselves, there are some rights and privileges that they are not yet capable of exercising and enjoying; and much more is this so if they neglect to have faith in Christ. They cannot be recognized as having this faith if they do not profess it.

CHAPTER IV.

OF CHURCH OFFICERS.

Enlarging upon paragraph 4, this chapter has a preliminary section on the classification of these officers, followed by three sections on the three classes of officers.

SECTION I.—*Of their General Classification.*

There are three paragraphs: one on extraordinary officers that have ceased; another on the permanent officers; and a third against assuming any titles or functions beyond what the Scripture assigns.

32.—I. Under the New Testament,

it being here assumed that the order of the Church under the previous dispensation does not now obtain except so far as it continued into and through the change from that dispensation to this,

our Lord at first collected his people out of different nations, and united them to the household of faith by the mission of extraordinary officers, endued by miraculous gifts, which have long since ceased.

And since the miraculous gifts have ceased, all classes of officers having functions that require miraculous gifts have also ceased.

33.—II. The whole polity of the Church consists in doctrine, government and distribution.

By polity is meant activity as an organization. This whole activity consists in, or the sole work of the organized Church is limited to, doctrine, which is teaching or proclaiming the law of Christ revealed in the Scriptures; government, which is administering and enforcing this law (par. 17); and distribution, which is the application of the material offerings presented in the worship that the Church maintains in obedience to this law. And as the Church has nothing else to do but these three things, so it needs only the three classes of officers corresponding to these three functions.

And the ordinary and perpetual officers in the Church are Teaching Elders, or Ministers of the Word, who are commissioned to preach the gospel and administer the sacraments, and also to rule; Ruling Elders, whose office is to wait on government; and Deacons, whose function is the distribution of the offerings of the faithful for pious uses.

The philosophy of the classification is this, that government and distribution are ways or means of teaching, or means of preserving the Church as a teaching organization; and all the functions of the organized Church may be reduced to one, TEACHING and what is necessary thereto. The official teacher, then, has also *ex officio* the powers of government and distribution. So far as this teaching takes the form of ruling, there are joined with the teaching elders other elders, that, while not having the teaching office in its fullest scope, have it on its governmental side. And these officers, as rulers, must either themselves distribute the offerings, or have it done under their supervision; and for this function the deacons are provided. It is,

therefore, the office of the Deacons to relieve the Elders of the care of the secular affairs of the Church, and it is the office of the Ruling Elders to co-operate with the Teaching Elders in the governmental side of their work. (Administering the sacraments, being a form of teaching as distinguished from ruling, is reserved to the Teaching Elder.)

34.—III. No one who holds office in the church ought to usurp authority therein, or receive any official titles of spiritual pre-eminence, except such as are employed in the Scriptures.

Titles are not forbidden that are not exact renderings of Scripture titles, provided they attribute no functions beyond those that the Scriptures attribute; and titles that are exact renderings of titles used in the Scriptures are forbidden to be used in super-scriptural senses.

SECTION II.—*Of the Ministers of the Word.*

After a paragraph on the dignity and functions of this officer, and another on his qualifications, a third points out different works to which he may be called, of which three different works are named particularly; and then follows a paragraph on each of these three sorts of work, and a paragraph on the unclassified sorts of work.

35.—I. This office is the first in the Church, both for dignity and usefulness.

There are, then, three grades of office, of which the Minister of the Word is the highest, and the Deacon is the lowest.

The person who fills it has in Scripture different titles expressive of his various duties.

Some of these titles may also be given to Ruling

Elders, since they share in the functions of this office in one aspect of it.

As he has the oversight of the flock of Christ, he is termed Bishop. As he feeds them with spiritual food, he is termed Pastor.

This is the Latin word for shepherd.

As he serves Christ in the Church, he is termed Minister. As it is his duty to be grave and prudent, and an example to the flock, and to govern well in the house and kingdom of Christ, he is termed Presbyter or Elder.

(Greek and English terms of the same meaning).

As he is the messenger

(the Greek for which is angel)

of God, he is termed Angel of the Church. As he is sent to declare the will of God to sinners, and to beseech them to be reconciled, he is termed Ambassador. As he bears the glad tidings of salvation to the ignorant and perishing, he is termed Evangelist. As he proclaims the gospel, he is termed Preacher. As he expounds the Word, and by sound doctrine both exhorts and convinces the gainsayer, he is termed Teacher. As he dispenses the manifold grace of God, and the ordinances instituted by Christ, he is termed Steward of the mysteries of God. These titles do not indicate different grades of office, but all describe one and the same officer.

These ten terms, though applied even to Apostles in the New Testament, do not designate what is peculiar to their extraordinary office, but only what office they had in common with all other officers of this class. Even then their special functions were not dependent upon their holding a higher grade of office (for the Apostles themselves did not belong to a higher grade of officers than ordinary Ministers of the Word), but upon their miraculous gifts. And now Ministers should be set to different sorts of work, according to their different enduements

and gifts; but this specialization in functions does not destroy parity in official rank.

36.—II. He that fills this office should possess a competency of human learning, and be blameless in life, sound in the faith, and apt to teach; he should exhibit a sobriety and holiness of conversation becoming the gospel; he should rule his own house well; and should have a good report of them that are without.

Here are named four kinds of qualifications, of which the first kind is in the man, and the other three manifestations of what is in him and thus evidential of the fundamental qualifications being in him. And the fundamental qualifications are four. One of these he should possess, for it is extrinsic to his individuality: a competency of human learning. What is a competency is not here indicated. The other three he should be, for they are qualifications intrinsic to his individuality. The most important is a blameless life. While the word must not be pressed to mean more than relative blamelessness, yet it must not be weakened so as to admit any into this office that would not be properly classed as blameless in life in a comparative classification of professors into the blameless and the blemished. Among those that might in this sense be classed as blameless in life, some are relatively sound in their beliefs, and others are erratic. The latter class, however blameless in life, are not qualified for the ministry of the truth. Some men that are blameless in life and sound in the faith are not apt at teaching others, and for this reason are disqualified for the teaching office. If now a man has these fundamental qualifications, they should manifest themselves in three ways.

In general there should appear in his conversation or behavior a sobriety or propriety, and a holiness or savor of consecration, such as become the gospel; for the life should not only be negatively blameless, but positively exhibiting a gospel sobriety and holiness. If he is in any relation of authority over others, he ought to show ability to rule well; and this is especially true of the head of a family. For no man is qualified to rule in God's house who cannot rule in his own. And, unreasonable as men of the world may be in judging the saints, yet no one is fit to be in a position of leadership in the Church before the world who cannot command the world's respect for his piety and morality. Jesus, even at the very moment of his condemnation and rejection, had a good report of them that were without.

37.—III. As the Lord has given different gifts to the Ministers of the Word, and has committed to them various works to execute, the Church is authorized to call and appoint them to labor as Pastors, Teachers, and Evangelists, and in such other works as may be needful to the Church, according to the gifts in which they excel.

Pastors, Teachers and Evangelists are different classes of Ministers, but Ministers engaged in more or less different functions of the one Ministry of the Word; and this is equally true of Ministers engaged in other special work, provided only it is work of the Ministry of the Word.

38.—IV. When a minister is called to labor as a Pastor, it belongs to his office to pray for and with his flock, as the mouth of the people unto God; to feed the flock, by reading, expounding, and preaching the Word; to direct the congregation in singing the praises of God; to administer the sacraments; to bless the people from God; to catechise the children and youth; to visit officially the people, devoting especial

attention to the poor, the sick, the afflicted, and the dying; and, with the other Elders, to exercise the joint power of government.

All ministers are pastors, inasmuch as it is the duty of them all to feed the people of God with spiritual food (par. 35); but here the term is used of one appointed specially to this work in a particular church; and while what he is charged with, all ministers are charged with in their several positions, the duties that specially belong to him in his position are here enumerated. Seven things he is to do severally, or by himself. Some of these it may be proper for all saints to do according to their capacities and opportunities, and some of them it may be the duty of the Ruling Elders to do in their official capacity; but all of them it is the official duty of the Pastor to do. The first of these is not preaching, but prayer, both apart from his flock in intercession for them, and with them as their mouth unto God. The Pastor makes a mistake to put all his care upon the sermon and none upon the public prayer. Yet his distinctive work as Pastor is to feed the flock. This he is to do by reading the Word as well as by expounding it, and by exposition as well as by simply proclaiming what needs no further exposition. It is not enough to handle the Word; he must cause them to eat it. Nor is it his whole work to do this in the public assembly. His third function is to direct the congregation in singing the praises of God. As there should be no singing that is not worship, so this part of the worship should be kept under the Pastor's direction; and it is a serious abdication of his official duty when he hands

this over to those who are not qualified, as well as not duly authorized, to direct this part of the worship. How far he shall go in determining details is matter for wise discretion; but he and those who lead the music as such, and all the congregation, should recognize him as having this entire part of worship under his discretion. It is the fourth function of the pastoral office to administer the sacraments. Accordingly, neither baptism nor the Lord's supper is to be administered in his congregation by another minister without his concurrence, and he should not for every cause remit to another the administration of baptisms, nor forego presiding at the Lord's Supper. It belongs to the Pastor to bless the people from God; wherefore the benediction is by him pronounced as an official declaration of the divine mind. The sixth function, to catechise the children and youth, he is to do as Pastor, and it is a deplorable disuse of official function when he leaves this work altogether to other agencies, as to Sunday-schools; for this is the Pastor's specific office for the young. His seventh function is happily described. It is not enough to visit the people, but he should visit them officially, that is, he should visit them as their Pastor, and in his visits pray with and for them, feed them with the Word, catechize the children and youth, and perform such like pastoral functions. Social visiting that is not also manifestly and really pastoral visiting is a substitution to be made only in order to official visiting. So far as a distinction is admissible, the people need to know him officially rather than socially. And in his official visitation he is to devote special

attention to four classes: the poor, who cannot contribute much in the offerings; the sick, who cannot attend the public worship; the afflicted, who need special comfort, and the dying, who are both sick and afflicted. So far in the discharge of his duties severally; and, with the other Elders, he is to exercise the joint power of government, having, in this sphere, no more and no less authority and obligation than a Ruling Elder.

39.—V. When a minister is appointed to be a teacher in a school of divinity, or to give instruction in the doctrines and duties of religion to youth assembled in a college or university,

for to teach other branches in an institution of learning, is not ministerial work,

it appertains to his office to take a pastoral oversight of those committed to his charge, and be diligent in sowing the seed of the Word, and gathering the fruit thereof, as one who watches for souls.

Here "teacher" is not used in precisely the same sense as "Teacher" in paragraph 35; but the work here described is truly work of the ministry of the Word; but the danger is that one engaged in it will drift away from his work as a minister. It needs to be repeated that when a man who is a minister is giving instruction in other subjects than the doctrines and duties of religion, he is not engaged in ministerial work.

40.—VI. When a minister is appointed to the work of the Evangelist, he is commissioned to preach the Word and administer the sacraments in foreign countries, frontier settlements, or the destitute parts of the Church; and to him may be entrusted power to organize churches and ordain Ruling Elders and Deacons therein.

The philosophy of the matter is, not that the Evangelist has an office different in order, grade or na-

ture from that of other Ministers of the Word, but that he is in a position calling specially for the use of those evangelistic functions which are inherent in the very office of the ministry, that is, to preach the Word and administer the sacraments, not in the organized or fully organized portions of the Church, but elsewhere: in countries where the Church is not yet organized; in countries where the Church is already organized, but in those parts where it is not organized; and in such parts of the organized Church as are not fully organized, lacking a settled ministry adequate to the work to be done. It is not here decided that it would be unscriptural to call a minister distinctively an evangelist who was engaged in fully organized parts of the Church in preaching specially to those who had not yet accepted the gospel; but that is not the sense in which the term is used in this paragraph.

The organization of churches and the ordination of officers, being an exercise of jurisdiction, is a function of joint power, for which the individual Presbyter as such is not competent; but the court having jurisdiction may commission him to do these things as its commissioner, his acts being the acts of the court through him. This may be made really the court's action by previous orders and subsequent validation or annulment; and the nature of these acts as joint and not several should always be thus preserved. The paragraph says that the court may entrust the Evangelist with power as its commissioner to organize churches, and to ordain Ruling Elders and Deacons in churches; but the power to ordain Ministers, while

it might, without making the ordination a several act, be entrusted to the Evangelist, the Form of Government does not permit to be thus entrusted. Consequently, there is no way provided in the Form of Government for the ordination of Ministers unless the candidates to be ordained first come to the Presbytery. To meet this requirement, a candidate in a foreign land must come to where the Presbytery meets, or the Presbytery must hold a meeting where the candidate is, or the candidate must wait till there are several Ministers and a Ruling Elder in the country of the candidate, and these Presbyters are regularly constituted a Presbytery.

41.—VII. When a minister is called to labor through the press, or in any other like needful work, it shall be incumbent on him to make full proof of his ministry by disseminating the gospel for the edification of the Church.

Otherwise his literary or other labor is not work in the ministry of the Word.

As the Church through Presbytery having jurisdiction of a minister sanctions his call to any work, and appoints him thereto, no minister should permanently devote himself to any sort of ministerial work without the approval and sanction of his Presbytery.

SECTION III.—*Of the Ruling Elder.*

This section has two paragraphs on the nature of the office: one pointing out the relation of the New Testament Elder to the Old Testament Elder, and one pointing out his relation to the Minister of the Word. Then follow a paragraph on the qualifications for the office, and a paragraph on its duties.

42.—I. As there were in the Church, under the law, Elders of the people for the government thereof, so, in the gospel Church, Christ has furnished others besides the ministers of the Word with gifts and commission to govern when called thereunto, which officers are entitled Ruling Elders.

It is not asserted that they are called Ruling Elders in the Scriptures, but in this Form of Government; but it is asserted that according to the Scriptures there are in the New Testament dispensation as there were in the Old, Elders or rulers that are not Ministers of the Word.

43.—II. These Ruling Elders do not labor in the Word and doctrine,

officially (for nothing is here decided as to what others than Ministers of the Word may do unofficially in the Word and doctrine),

but possess the same authority in the courts of the Church as the Ministers of the Word.

May he then be Moderator of a court, and of the higher courts as well as of a Session, seeing that to Moderators are assigned certain duties that only Ministers can perform? Yes.

When, however, a Ruling Elder is Moderator of a Presbytery, Synod, or General Assembly, any official duty devolving on him, the performance of which requires the exercise of functions pertaining only to the teaching Elder, shall be remitted by him for execution to such Minister of the Word, being a member of the court, as he may select.

The Minister must be a member of the same court, so that he may be under the control of the court. It is to be observed that by a court consisting in part of Elders who are not themselves Ministers of the Word, men may be appointed to ministerial functions, and are subject to the control of the court, the power of government extending over the Church and its officers in all their functions. It is

also to be observed that the Moderator is appointed to a special work by a court, and is answerable to the court appointing him. It is further to be observed that there is no fundamental principle requiring that the Moderator shall be of this or that class of Elders; but, since, as a matter of conveniency and prudence, certain ministerial functions are, in the detailed regulations of the Form of Government, assigned to the Moderator, the principles of the system do require either that these regulations should be abolished, or that Ruling Elders be kept out of the position of Moderator, or that a special provision, such as this, determine the assignment of ministerial functions. Provision is made elsewhere as to the Moderator of the Session.

44.—III. Those who fill this office ought to be blameless in life and sound in the faith; they should be men of wisdom and discretion; and by the holiness of their walk and conversation should be examples to the flock.

By comparison with paragraph 36 it will be seen that learning and aptness to teach, fundamental qualifications for a Minister of the Word, are not required as qualifications for a Ruling Elder, but that blamelessness of life and soundness in the faith are as fundamental to the Ruling as to the Teaching Elder. The secondary qualifications for the two offices are the same; for holiness of behavior is named for each, for the ruling well his own house and having a good report from those that are without, and sobriety of conversation, named for the Minister, are all summed up for the Ruling Elder in wisdom and discretion. However, so far as there is a difference, the Ruling Elder has

even more need than the Minister of the rare characteristic, wisdom, and to the Minister is indispensable a learning and aptness to teach that the Ruling Elder, as such, does not need to have.

45.—IV. Ruling Elders, the immediate representatives of the people, are chosen by them, that, in conjunction with the Pastors or Ministers,

The Ministers of the Word belong to that class which finds its highest exponents in the Prophets of the Old Testament and the Apostles of the New, and immediately represent Christ and mediately the people; while the Ruling Elders, so far as any difference in conception is permissible, immediately represent the people and mediately Christ. And these immediate representatives of the people meet the immediate representatives of Christ, and the two classes exercise government together; yet with this difference, that the Ruling Elders are not competent to all the functions of government unless in conjunction with Ministers, whereas Ministers, were there no other Elders that could be associated with them, would have plenary power to govern.

they may exercise government and discipline,

for discipline is too important a part of government to be omitted from special emphasis,

and take the oversight of the spiritual interests of the particular church, and also of the Church generally, when called thereunto.

As the Church has no interests but spiritual interests, this phrase is all-comprehensive; but, so far as a distinction may be made between spiritual and temporal, the immediate management of temporal affairs may be committed to the Deacons,

while the oversight of the spiritual interests of every sort cannot be withdrawn from Ruling Elders and Ministers. While the Minister is *ex officio* a Bishop or overseer of the whole Church, the Ruling Elder exercises this office only when, and so far as, he is called to it from time to time.

It appertains to their office, both severally,

which they should never forget,

and jointly, to watch diligently over the flock committed to their charge, that no corruption of doctrine or of morals enter therein. Evils which they cannot correct by private admonition they should bring to the notice of the Session. They should visit the people at their homes, especially the sick; they should instruct the ignorant, comfort the mourner, nourish and guard the children of the Church; and all those duties which private Christians are bound to discharge by the law of charity are especially incumbent upon them by divine vocation, and are to be discharged as official duties. They should pray with and for the people; they should be careful and diligent in seeking the fruit of the preached Word among the flock; and should inform the pastor of cases of sickness, affliction and awakening, and of all others which may need his special attention.

Their duties are thrown into three groups. Their first and distinctive work is the prevention of evils, especially the entrance of corruptions of doctrine or morals in the flock. For accomplishing this work, they have two means, private admonition and report to the Session. Here now is the great work of Elders, the protection of the flock from heresies and immoralities. To sit and vote in Session is a part of their duty; but there and out among the people, they are everywhere the guardians of the people's faith and manners. The second group of duties shows how, in his work as much as the Pastor in his, the Ruling Elder is to labor for the purity of doctrine and morals among

the people. It is as much a part of his official duty to visit the people in their homes as it is the Pastor's; and in his official visiting he is to seek out the classes that need instruction and comfort and minister to their needs. The children of the Church are to lie on his heart as a special charge, and he is to show to them and concerning them special attention. Even the duties incumbent upon all rest upon him as official duties, since he is officially an example to others. The third group of duties belong to him specially as an assistant of the Pastor. He has the duty of prayer for and with the people as well as the Pastor. He is to follow up the public preaching with personal effort most carefully and diligently. And he should to the utmost co-operate with the Pastor, and give him whatever information may help him in his work.

SECTION IV.—*Of the Deacon.*

Here are given the scriptural warrant for the office, the duties of it, and the qualifications for it. To these three paragraphs three others are added: a special regulation for securing a proper supervision of the Deacons' work by the Session; a provision for supplying the place of Deacons when there are no Deacons; and an explicit statement of a power inherent in the Session to appoint women to certain diaconal functions.

46.—I. The office of Deacon is set forth in the Scriptures as ordinary and perpetual in the Church.

(Cf. pars. 32, 33).

47.—II. The duties of this office relate to the care of the poor, and to the collection and distribution of the offerings of the people for pious uses, under the direction of the Session.

This is the same as in paragraph 23, only that here is stated what is there implied, that they are to care for the poor, and that they are to collect the offerings as well as distribute them; but this does not imply that it is the duty of Deacons to collect anything but offerings, yet they are engaged in a part of their distinctive work when promoting in the people the grace of liberality. It is also here explicitly stated that they are to do their work under the direction of the Session, which is something more than mere review.

To the Deacons, also, may be properly committed the management of the temporal affairs of the Church.

See exposition of paragraph 23.

48.—III. To this office should be chosen men of honest repute and approved piety, who are esteemed for their prudence and sound judgment, whose conversation becomes the gospel, and whose lives are exemplary; seeing that those duties to which all Christians are called in the way of beneficence are especially incumbent on the Deacon as an officer in Christ's house.

These are substantially the same as the qualifications of Ruling Elders, except that special emphasis is not here laid on soundness in the faith, nor quite so distinct a place given to wisdom as distinguished from prudence. Yet, soundness of judgment is insisted upon. As the Ministers are to stand forth as examples embodying the full truth in life, and the Ruling Elders examples embodying especially the idea of reverence for the law of Christ, so the Deacons are to stand forth as examples embodying especially the idea of beneficence for Christ's sake; and they, therefore, need for their official work the whole complex of graces,

without which beneficence loses its Christian significance.

All officers, then, are to excel in a living piety, deep and manifest, and in mental balance, or good sense; to these qualities Ruling Elders are to add pre-eminence in wisdom, and a grasp of the system of truth; and to all these qualities the Ministers are to add pre-eminence in learning and aptness to teach.

49.—IV. A complete account of collections and distributions, and a full record of proceedings shall be kept by the Deacons, and submitted to the Session for examination and approval at least once a year.

Three things are required: that the Deacons keep a complete account; that they keep a full record of proceedings; (and these things they cannot do unless they act together as a body); and that both this account and this record be submitted to the Session at least as often as once a year, not only for formal approval or disapproval, but also for a real examination, to see whether the Deacons have faithfully done the work as required by their office and the directions of the Session. It is a condition of confusion and disintegration when this paragraph is ignored.

50.—V. In churches where it is impossible to secure the appointment of a sufficient number of Deacons, the duties of this office devolve on the Ruling Elders.

(Cf. par. 33 and remarks under it.) In such cases the session should appoint one or more or all the Ruling Elders to act as Deacons; and the Elders thus appointed and the Deacons, if there are any, should act together as the diaconate of the church,

and should keep the account and record, and submit the same to the Session, as in paragraph 49.

51.—VI. Where it shall appear needful, the Church Session may select and appoint godly women for the care of the sick, of prisoners, of poor widows and orphans, and in general for the relief of distress.

These differ from the male Deacons in the fact that they are not selected by the congregation, and in the fact that they do not have charge of distribution generally. It would save much to the credit of the Church, and promote greatly the efficiency of its beneficent work, if this paragraph were put into general execution, so that what is done would appear to be done by the Church, as it really is, and would be done with fuller counsel and supervision.

CHAPTER V.

OF CHURCH COURTS.

THE chapter has seven sections, as follows: one treating generally of the courts and their officers; one treating particularly of the jurisdiction of the courts; then one each on the four kinds of courts; and, lastly, one on a sort of special courts, called commissions.

SECTION I.—*Of the Courts in General.*

After a paragraph on the gradation and nature of these courts, and another paragraph enumerating them, there come three paragraphs on their officers: two on the Moderator—one providing the Moderator for each court, and one defining his

duties—and one on the clerk. Then is added a paragraph on the devotional exercises that shall be observed in the sessions of the higher courts (directions as to this matter for the Session being reserved to the section on the Session); and another prescribes the payment of the expenses of attendance on the higher courts.

52.—I. The Church is governed by various courts, in regular gradation: which are all, nevertheless, Presbyteries, as being composed exclusively of Presbyters.

The underlying principle is, that, so far as the facilities of intercommunication between the different parts of the Church permit, the courts of the Church shall be so related to one another that whatever is done by one part of the Church shall be done by the one Church in that part. All courts are essentially the same, being exclusively Elders acting jointly, and their powers being, therefore, the joint powers of Elders. (Cf. par. 5.)

53.—II. These courts are: Church Sessions, Presbyteries, Synods, and the General Assembly.

The first is called church Session, as being the sitting together of the Elders of a church; the second, Presbytery, as having assigned to it more fully than any other all the joint powers of Presbyters; the third, Synod, as being the coming together of many Presbyters; and the fourth, the General Assembly, as being the assembly in which the whole Church convenes.

54.—III. The Pastor is Moderator of the Session.

The real ground for this regulation is, that the Moderator is accountable to the court appointing him, and a Ruling Elder, being directly accountable to the Session, would be himself too far re-

moved from the control of Presbytery; and this and other regulations proceed upon the assumption that the Session may not be as well qualified to handle weighty matters as the Presbytery.

The Moderator of the Presbytery, the Synod, and the General Assembly, shall be chosen at each stated meeting of these courts: and the Moderator, or, in case of his absence, the last Moderator present, or the oldest minister in attendance, shall open the next meeting with a sermon, unless it be highly inconvenient, and shall hold the chair until a new Moderator be chosen.

The court may have several Moderators at the same time, provided their respective functions are defined, and to no one of them is assigned any function not properly pertaining to a Moderator. (Cf. 56; but as to Session, see 63.) While no explicit provision is made for the removal of a Moderator during his term, it lies in the nature of the case that the court may revoke its own appointment. The election of a new Moderator at each stated meeting is a prudential regulation, that the court may not practically lose the power of appointing its own Moderator, and come to be, in reality, but a counsel of advice to him as a superior; but it is a matter of discretion with the court to re-elect the same man, or to elect another. It lies with the court to determine at what point in the proceedings of its stated meeting the election of Moderator shall occur. The Moderator retains all his authority as Moderator until the election of his successor; but, if he should, at any time during his moderatorship, not be a member of the court, he would have no vote as a member, and therefore no casting vote in case of a tie. The opening sermon may be omitted when circumstances make it highly in-

convenient to have it, of which the Moderator is the judge. The Moderator, as there is no prohibition of it, may appoint another to act in his place, the court not objecting.

55.—IV. The Moderator possesses all authority necessary for the preservation of order, and for convening and adjourning the court, according to his own ruling.

This gives to the Moderator very great authority, but it must not be so understood as to give him absolute power. He has no authority beyond other members to determine the actions of the court, but only to preserve order; and his power to convene and adjourn the court, according to his own ruling, does not mean independently of the order of the court, but independently of what any one, not the court, may order, or may rule that the court orders.

He may also, on any extraordinary emergency, convene the court by his circular letter before the ordinary time of meeting. And in case of the failure of the appointed meeting, he may convene the court at a suitable time and place.

Of the extraordinary emergency, and of the suitable time and place, he is, of course, to be the judge; but see paragraph 79. If it should happen that this regulation, which is designed to provide for necessary meetings that the court did not foresee to provide for, fails to thus provide, it must be remembered that the court exists when not in session, and that, in the nature of the case, a majority of the court may always call a meeting, in the absence of all express provisions to the contrary.

The Moderator, if a member of the court, has the same right to vote on all questions as any other member, but he can cast only one vote; and he cannot vote at all if he is not himself a member of the court.

56.—V. It is the duty of the Clerk (whose continuance in office shall be during the pleasure of the court), besides recording the transactions, to preserve the records carefully, and to grant extracts from them whenever properly required. Such extracts, under the hand of the Clerk, shall be evidence to any ecclesiastical court, and to every part of the Church.

It has not been deemed necessary, for prudential reasons, to require the election of a Clerk at each stated meeting; but each court is at liberty to fix a term of office for its Clerk. It is a matter of course that the Clerk is not superior to the court appointing him, and in all his duties is subject to the order of the court; nor has he any vote or voice in the actions of the court, unless he is a member of the court, and then he has only the same authority as any other member. His duties are three: to record the transactions; to preserve the records; and to grant extracts. All his work is subject to the correction of the court itself. But extracts under his hand are legal evidence everywhere of what the transactions of the court are; but no evidence is final that has in it the possibility of error, if it is possible by superior evidence to show and correct the error. The Moderator has nothing to do with certifying the record. See, however, paragraphs 88 and 213. A court may have several Clerks at the same time, provided their respective functions are defined, and to no one is assigned any function not properly pertaining to a Clerk. (Cf. 54.)

57.—VI. Every meeting of the Presbytery, Synod, and General Assembly shall be opened and closed with prayer, and in closing the final meeting a psalm or hymn may be sung and the benediction pronounced.

So much ought men engaged in ruling in the Church to seek as courts the blessing of God upon

themselves and their work as rulers. If the benediction is pronounced, and a Ruling Elder is at the time Moderator, he should remit this function to a Minister. (Cf. par. 43, and pars. 24 and 35.)

58.—VII. The expenses of Ministers and Ruling Elders in their attendance on the courts, shall be defrayed by the bodies which they respectively represent.

The expenses of attendance are always what has to be paid out above what is provided in the way of voluntary entertainment. There might have been a regulation providing for each court a fund for the expenses of its members; but that is not the regulation. By analogy the expenses of members of a commission in excess of their expenses as members of the court appointing the commission must be borne by this court itself; and the same principle would apply to committees and other appointees.

What body is represented is not easily answered in all cases. A Ruling Elder in Session, Presbytery, or Synod represents his church, and in the General Assembly represents his Presbytery. So a Minister in the General Assembly represents his Presbytery. But in the other courts, what body does a Minister represent? If a pastor, he might be thought to represent his church or churches; if engaged in Evangelistic, or other work, the body for which he is doing the work; and if not engaged in ministerial work, for some "body"; What? The two things made unmistakable by the paragraph is, that the expenses of delegates to the General Assembly are to be paid by their respective Presbyteries, and of Ruling Elders in attendance on all other courts, by their churches.

SECTION II.—*Of the Jurisdiction of Church Courts.*

The first paragraph distinguishes these courts from civil government, and the second states positively the nature and scope of their jurisdiction; and the third states the principle underlying the gradation of these courts, while the fourth shows the particular gradation agreed upon for this branch of the Church.

59.—I. These assemblies are altogether distinct from the civil magistracy, nor have they any jurisdiction in political or civil affairs. They have no power to inflict temporal pains and penalties, but their authority is, in all respects, moral or spiritual.

Even when the same individual is both a Presbyter and a civil functionary, he is not the one by reason of being the other. While he is appointed unto each office by Christ the Lord of all, and is accountable to him, the method and means of his appointment, and offices to which he is appointed, are so utterly separate that his holding or not holding one of them does not modify his duties in the other. The ecclesiastical courts have no jurisdiction in political or civil affairs, but only in ecclesiastical affairs. But may the same affair be at the same time political or civil and ecclesiastical? It may, and then the ecclesiastical court may deal with it. If, for instance, a member of a church should be charged with murder, it would pertain to the civil authority to try him, and, if guilty, to inflict upon him the civil penalty; and it would pertain to the session of his church to deal with him for the same offence. Nor would the ecclesiastical court be bound to conclude him guilty or innocent of the charge according to the decision

of the civil authority. An ecclesiastical affair is any question of doctrine taught in the Scriptures or any action commanded or forbidden in the Scriptures, or any matter of temporal concern having to do with the use and disposition of offerings for pious uses; but only so far as any question or action or concern is within what Christ in the Scripture has commanded his Church to teach or enforce or do as organized for the edification and government of his people, the propagation of the faith and the evangelization of the world, is it an ecclesiastical affair. That question is ecclesiastical which the Church cannot expound and apply the whole Scripture without answering; and that is not ecclesiastical which may be differently answered by men that agree in their understanding of the Scriptures.

In no case, not even in a case of murder left unpunished by the civil authority, or in the case of the most awful blasphemies whatsoever, can the ecclesiastical court inflict or adjudge to be deserved, any penalty whatsoever except the declaration of the mind of Christ concerning the sin, and such treatment in the matter of fellowship in the Church as shall express this mind of Christ. The censure of Christ through the Church is the only instrument for enforcing the law of Christ.

60.—II. The jurisdiction of church courts is only ministerial and declarative,

that is, these courts can act only as servants to declare what he, as their King, commands them,

and relates to the doctrines and precepts of Christ, to the order of the Church, and to the exercise of discipline.

Their sphere of action has three sections, more or less overlapping: teaching, assigning to place and work in the Church, and censure of offenders.

First, They can make no laws binding the conscience; but may frame symbols of faith, bear testimony against error in doctrine and immorality in practice, within or without the pale of the Church, and decide cases of conscience.

Symbols of faith do not make the courts, but the courts make the symbols of faith. The courts exist and have all their authority before they frame the symbols, for the courts are nothing but Presbyters (appointed by Christ and furnished by him with the Word and Spirit) acting jointly. They may, therefore, not only formulate systems of truth, but also bear testimony, as occasion demands, against particular errors and immoralities, and give answers to questions propounded to them by doubtful consciences. Since the church is in the world as a witness to it from Christ, these courts need not confine their testimony to errors and immoralities of its own members. But with all this, these courts cannot make a law, they can only declare what laws Christ has already made and set forth in the Scriptures.

Secondly, They have power to establish rules for the government, discipline, worship, and extension of the Church, which must be agreeable to the doctrines relating thereto contained in the Scriptures, the circumstantial details only of these matters being left to the Christian prudence and wisdom of church officers and courts.

The Scriptures do not undertake to lay down minute regulations for the activities of the organized Church, as they do not lay down minute regulations for the conduct of the individual, but for each, regulating principles; and the Church, as the

individual, is to apply these regulating principles to every point of activity. This is to be done always under the guidance of the Holy Spirit, but the Holy Spirit working within and not speaking from without. The Spirit is in the Word to be understood, and in the mind seeking to understand, using the Word and the mind, and not superseding them or suspending them. The individual, then, is to decide upon his act in every set of circumstances, and ofttimes with only regulating principles in the Scriptures to guide him; and so must the organized Church. The Church must decide, not in a general parliament of all its members, nor in the counsel of any one select mind, but in the parliament and counsel of select minds appointed to this very function in the Church. This does not make the Church inerrant in these matters, even as the individual is not inerrant; but the liability to error does not free the Church from the responsibility of self-direction any more than the individual.

Since both the Church and the individual are liable to err, which must yield to the other in case of difference? Neither to the other, but both to Christ. The disagreement may be due to error in the individual, then he ought to correct his error; or to error in Church, then the Church ought to correct its error; or to error in both, then both should correct their error. But the individual and the Church are equally answerable to Christ alone, and equally free from control by the other, except so far as each speaks the mind of Christ. The Church must show the gentleness of Christ toward the individual, and the individual must show the

humility of Christ toward the Church; but each must obey Christ, and each must judge what Christ commands. And woe to the individual that sets up his error against the teaching of Christ in the Church; and woe to the Church that sets up its error against the teaching of Christ in the individual. But so far as the rules established by the Church are agreeable to the doctrines relating thereto contained in Scripture, Christ requires the individual to obey them, however unwisely they order circumstantial details.

These rules may have to do with the administration of government in general, as the regulations laid down in the Form of Government, or with the exercise of discipline in particular, as the regulations laid down in the Rules of Discipline, with the conduct of worship, as the regulations laid down in the Directory for Worship, or with the work of extending the Church, as the regulations adopted from time to time touching the various missionary activities of the Church. The very fact that these regulations are not wrought out in detail in the Scriptures, implies that they should be adapted to changing conditions from time to time.

Thirdly, They possess the right of requiring obedience to the laws of Christ. Hence, they admit those qualified to sealing ordinances and to their respective offices, and they exclude the disobedient and disorderly from their offices and from sacramental privileges; but the highest censure to which their authority extends is to cut off the contumacious and impenitent from the congregation of believers.

The right of requiring obedience implies the possession of means of enforcing obedience; but the only means in the hands of church courts is sentence of approval or censure. The sentence of

approval may extend to admission to sacraments and office; and the sentence of censure to exclusion from sacraments and office. Since the use of the sacraments is limited to the congregation of believers, the children being baptized only upon the faith of parents, to exclude from the sacraments is to exclude from the congregation of believers; and this is the utmost to which the sentence of a church court may go.

Moreover, they possess all the administrative authority necessary to give effect to these powers.

For instance, if one is excluded from the sacraments, any Minister administering the sacraments to him is subject to ecclesiastical censure for disregarding the authority of Christ in the sentence of exclusion; but a church court has only declarative authority, and can never inflict temporal pains and penalties.

61.—III. All church courts are one in nature, constituted of the same elements, possessed inherently of the same kinds of rights and powers, and differing only as the Constitution may provide. Yet it is according to scriptural example, and needful to the purity and harmony of the whole Church, that disputed matters of doctrine and order, arising in the lower courts, should be referred to the higher courts for decision.

62.—IV. For the orderly and efficient dispatch of ecclesiastical business, it is necessary that the sphere of action of each court should be distinctly defined.

The general principle that all the courts have the same kinds of rights and powers is subject to two limitations: "that disputed matters of doctrine and order, arising in the lower courts, should be referred to the higher courts for decision"; and that, by special regulations, the sphere of action of particular courts should be limited by express definitions.

It is involved in these two principles, that every court has all ecclesiastical powers not expressly withheld from it or expressly assigned exclusively to another court; that every higher court has all power over all courts and persons within its jurisdiction, subject only to constitutional rules of procedure; and that no court has any power over those who do not belong to that part of the Church of the Presbyters of which the court is an assembly.

The Session exercises jurisdiction over a single church,

but not over Ministers at all;

the Presbytery over what is common to the Ministers, Sessions and churches within a prescribed district,

that is, it has exactly the same authority over one of its Ministers, Sessions or churches, as it has over any other of its Ministers, Sessions or churches;

the Synod over what is common to three or more Presbyteries, and their Ministers, Sessions and churches,

from which it appears that every Minister, Session or church must belong to some particular Presbytery, and that a Synod must have at least three Presbyteries;

and the General Assembly over such matters as concern the whole Church,

where "Church" means, as often, the Presbyterian Church in the United States, but that striving to be, within its measure, what the whole visible Church should be, and keeping itself a separate organization only so long as it has to do this for the sake of liberty to obey Christ;

and the jurisdiction of these courts is limited by the express provisions of the Constitution. Every court has the right to

resolve questions of doctrine and discipline seriously and reasonably proposed, and in general to maintain truth and righteousness, condemning erroneous opinions and practices which tend to the injury of the peace, purity or progress of the Church; and although each court exercises exclusive original jurisdiction over all matters specially belonging to it, the lower courts are subject to the review and control of the higher courts in regular gradation. Hence, these courts are not separate and independent tribunals; but they have a mutual relation, and every act of jurisdiction is the act of the whole Church, performed by it through the appropriate organ.

In the nature of the case, the entire Eldership of the Church assembled together would be a court having all power of every sort over every part and member of the Church, subject only to such limitations as in its nature ecclesiastical power is subject to. For this catholic assembly of all the Presbyters, as being impracticable, there is, by constitutional regulations, substituted an assembly of selected representatives of the Eldership from all parts of the Church, and, besides this delegated assembly, smaller assemblies, as Synods and Presbyteries, partly delegated and limited in their scope of action to the parts of the Church to which they respectively pertain, and also local assemblies of Presbyters not delegated. But all these assemblies are but sections of the one Eldership, who thus, for practical reasons, distribute among themselves fragments of the one jurisdiction pertaining to them as one court.

SECTION III.—*Of the Church Session.*

The first paragraph shows who are members of the Session; the next three paragraphs show who is Moderator in the absence of the Pastor, when there is no Pastor, and when there are more Pastors than one, it being already settled that the Pastor is the

Moderator of the Session (paragraph 54); the fifth paragraph enumerates the rights and powers and duties of the Session, and the remaining paragraphs add some special regulations—one as to when meetings of the Session shall be held, one as to records of its proceedings, one as to certain items that are especially to be recorded, and one as to devotional exercises in connection with the meetings.

63.—I. The church Session consists of the Pastor or Pastors, if there be any, and the Ruling Elders of a church.

From this it appears that a church may have a plurality of Pastors. A Pastor is a *member* of the Session, having the same voice and vote, permanency and responsibility therein, as any other member, no more and no less.

Two Ruling Elders, if there be so many, with the Pastor, if there be one, shall be necessary to constitute a quorum. But the Pastor and one Ruling Elder may constitute a quorum in cases where there are only two Elders.

In this last sentence "Elder" must be understood to mean Ruling Elder as distinguished from Teaching Elder. We have then the following cases: When the Session consists of one or more Pastors and three or more Ruling Elders, then a Pastor and two Ruling Elders are a quorum; if the Session consists of one or more Pastors and one or two Ruling Elders, then a Pastor and one Ruling Elder are a quorum; when the Session consists of more than one Ruling Elder without a Pastor, then two are a quorum; and when the Session consists of one Ruling Elder, one is a quorum. By analogy in the above sentences, we might write Pastor for Ruling Elder and Ruling Elder for Pastor. If the

Session has both sorts of Elders, one at least of each sort is required to make up a quorum; if the Session has a plurality of members, a plurality is required to make up a quorum, and if the Session has a plurality of Elders of one sort only, a plurality of that sort is required to make up a quorum.

64.—II. In case of the absence of the Pastor, or when for prudential reasons it may appear advisable that some other Minister should preside, such Minister belonging to the same Presbytery, as the Pastor, with the concurrence of the Elders, may designate, shall be invited to preside in his place.

There are two cases when some one not the Pastor may preside, in cases where the church has a Pastor: in the absence, of the Pastor, so that his attendance is impracticable; and when, for prudential reasons (for he cannot lose his right to preside while remaining Pastor), it appears advisable that another preside. Appears advisable to whom? To the Pastor, and the other Elders consent; or to the other Elders, and the Pastor consents; or to both the Pastor and the other Elders. But neither can the other Elders forbid the Pastor to preside, nor can the Pastor require them to permit some one else to preside. Four things must be true of the substitute Moderator: he must be a Minister; he must belong to the same Presbytery as the church; he must be designated by the Pastor; and he must be acceptable to the rest of the Elders. Of course, by common consent, any member of the Session may preside in the Pastor's presence, by way of relieving him from labor; but in case of any dispute of his ruling, the Pastor must resume the chair and make the moderatorial ruling. No provision is made for the case in which a church has

a Pastor that has become incapacitated for designating a substitute, as by illness or mental derangement; but in such case the church is really without a Pastor, and the next paragraph would apply; but, in case of doubt or dispute, the Presbytery would have to determine whether the emergency and conditions are such as require this.

When the Pastor is going to be absent for a length of time, and it is probable that there will be need for sessional action before his return, he and the other Elders may agree beforehand what Minister shall be invited to preside in his place.

65.—III. When a church is without a Pastor, the Moderator of the Session shall be either the Minister appointed for that purpose by the Presbytery, or one invited by the Session to preside on a particular occasion. But when it is inconvenient to procure the attendance of such a Moderator, the Session may proceed without it. In judicial cases this Moderator shall always be a member of the same Presbytery to which the church belongs.

The Moderator of the Session is an appointee of the Presbytery, to which, and not to the Session, he is responsible for his behavior and decisions as Moderator. (Cf. par. 54.) When the church has no Pastor, who is always appointed to his office by the Presbytery, it belongs to the Presbytery to appoint some one of its Ministers as Moderator of the Session. In case this has not been done, or in case this presbyterial Moderator cannot be present without hurtful delay, of which the Session must judge, the Session may invite some Minister to preside, but with two limitations: the Session can never select any one as its permanent Moderator, but only to preside on a particular occasion; and, if the particular occasion is to take action in a ju-

dicial case, the Moderator thus invited for the particular occasion must be a Minister of the same Presbytery as the church, that in so important a matter no confusion of jurisdiction may arise. And only when the Session finds it inconvenient to procure the attendance of either the Moderator appointed by the Presbytery, or of any Minister invited by itself for a particular occasion, may the Session select one of its own members to moderate it for that occasion. Even in a judicial case, a Session may proceed with one of its own number as Moderator, if the emergency requires. And, of course, the Session can always convene, with one of its own members presiding, for the purpose of inviting a Minister to preside.

If one of the Ruling Elders acts as Moderator, or some Minister not appointed by Presbytery to preside, the appeal from his decisions must be to the Session; but if the Moderator of the Session is the Pastor or any other appointee of the Presbytery, the appeal from his decisions must be to the Presbytery.

66.—IV. In churches where there are two or more Pastors, they shall, when present, alternately preside.

That is, that one present since whom the others present have presided shall preside. And this paragraph forbids a church's having an assistant Pastor in the sense of a Pastor with less authority in the government of the church than another, however the other work of the pastoral office may be distributed among them.

67.—V. The church session is charged with maintaining the spiritual government of the church,

it being discretionary with the Session to commit

the management of the temporal affairs to the Deacons,

for which purpose it has power

1. to inquire into the knowledge, principles, and Christian conduct of the church members under its care;

The Ruling Elders and the Deacons are individually under the care of the Session, as well as all others enrolled as members, whether admitted to the Lord's Supper or not. It has power to inquire into their knowledge; this is especially to be done in the case of the children of the church, in order to deal wisely with them as to their coming to the Lord's Supper, and it is needful in the case of all, in order to judge of their principles and conduct and of what instruction they need. Inquiry into principles and conduct is necessary, not only for purposes of discipline, but also for the prevention of the entrance of heresies and immoralities. But the inquiry of Session has to do only with Christian conduct, that is, with their conduct as to whether it is as Christian conduct should be.

2. to censure those found delinquent;

This is to be done always in accordance with the Rules of Discipline; *but it is to be done.* And when this function is unused, then Presbyterian government becomes a set of unused functions, which are sure to become diseased and perverted to wrong uses.

3. to see that parents do not neglect to present their children for baptism;

Otherwise Christ is disobeyed in neglecting the very first step to be taken by the Church toward saving its own children. Such negligence is a vio-

lation of their church covenant on the part of the parents. The Session is not to urge parents to present their children for baptism and with that be content, but to SEE THAT THEY DO IT.

4. to receive members into the communion of the Church;

The persons thus admitted may be either already members of the Church not hitherto admitted to its communion, or not before members of the Church at all. It must be observed that the phrase is "communion of the Church," not "communion of the church." The power to admit into the membership of the particular church from other churches is not here given to the Session, nor anywhere; for such persons have already been admitted by the Church, acting through its appropriate organ, to its communion, and the only question remaining for decision, after it is ascertained that an applicant for membership in the particular church is already a member in the Church, is the mere question of particular jurisdiction, for which rules are elsewhere given. For if one Session should refuse admission to those to whom another Session has granted it, that would be for the Church through one organ to contradict its action through another organ. But such a person, it being determined to what particular jurisdiction he belongs, must be dealt with by that court as a member of the Church; and if unworthy of membership, he must be suspended or excommunicated by the methods prescribed, and not by a mere refusal to acknowledge the fact of membership. This principle is subject to three modifications. First, as to applicants from other churches

or denominations, the Session has more discretion, for the reasons that the refusal to admit leaves the person where he was in the Church, and does not make the one set of Elders, working together as one under our Constitution, do contradictory acts, and that the principles which guided in the previous admission of these persons in the other denomination were more or less short of what the Session has itself undertaken to apply. In the second place, as in the organization of a new church (par. 26), so in enlarging the membership of an organized church, there is a higher necessity of preserving the church from destruction by an influx of the unregenerate than of complying with the letter of requirements that were meant to conserve and not to destroy the efficiency of the Church in all its parts. And in the third place, it is, after all, constitutional for one court to complain to the higher courts against the actions of another court, and pending the final decision let the *status quo* remain. And the unity and purity of the Church require that, if a Session refuses to accept members from another Session's jurisdiction, it refer their status back to the Session from which they came, that that Session either cancel the testimonials it has given or insist upon their acceptance, and that, the two Sessions not agreeing, the matter be brought in an orderly way to the higher courts for decision.

5. to grant letters of dismission to other churches, which, when given to parents, shall always include the names of their baptized children;

Regulations given elsewhere direct when such letters of dismission shall be granted. They

should, of course, certify nothing that the Session does not believe to be true. The "churches" to which the letters are given need not be in the Presbyterian Church in the United States; nor is it necessary always that a church be named in a letter of dismission. It would be proper to give a letter of dismission of a baptized but non-communicating member, if he has no parents in whose letters his name could be included, or if he is not to reside with them and under their control.

6. to ordain and install Ruling Elders and Deacons on their election by the church, and to require these officers to devote themselves to their work;

The Session has power to decline to ordain and install those who are not qualified, even if the church elects them, just as the Presbytery has power to decline to ordain and install as a Pastor a probationer called by a church; and it is the duty of the Session not to ordain and install, unless satisfied that the persons elected are qualified. The decision to ordain and install should be made by the Session in formal meeting; and it is advisable that this meeting be not the same as that at which the ordination and installation takes place. The Session, as a body, has jurisdiction over the individual Ruling Elder or Deacon in his official capacity, and should inquire into his knowledge, principles and Christian conduct in his office, and censure him if found delinquent. No one should be allowed to remain in office who will not devote himself to his official work.

7. to examine the records of the proceedings of Deacons;

This record includes the account of collections and

distributions. (Par. 49.) The neglect to do this means neglect of the previous duty; so far as it applies to the Deacons, means the divorce of the temporal and the spiritual affairs of the church, so that the church may come to have temporal affairs not subordinated to its spiritual interests, and means a condition making for disunity.

8. to establish and control Sabbath-schools and Bible classes, with especial reference to the children of the Church;

Schools and classes for study of the Bible on other days than the Sabbath are included. Such schools the Session is not only to establish, but also to control. It belongs to the Session to appoint the officers and teachers of these schools, or else to order the method of their appointment, which should always be subject to the approval of the Session, and to prescribe and enforce regulations for the conduct of the schools. In all its actions touching Bible schools the Session is to have special reference to the children of the Church. (Cf. pars. 29, 30 and 45.)

9. to order collections for pious uses;

Collections are not to be ordered by the Deacons, nor by the Pastor, nor by individual Elders, nor by trustees, nor by leading persons in the congregation, male or female, but by the Session; and this applies to collections from house to house or from individual to individual, outside the public assembly, as well as to collections in the public assembly. No one should solicit among the members of the church, as such, except by order of the Session. The reservation of this power to the Session is needful for the unity and harmony of

the church, and for the right direction and training of the people in making offerings for pious uses.

10. to take the oversight of the singing in the public worship of God;

Compare paragraph 38, where it says that the Pastor is to direct the congregation in singing the praises of God. It pertains to the Session to give orders concerning it, but to the Pastor, in the midst of the worship, to direct it, always himself observing the orders of the Session. Only the Session should ever determine what books of praise and what instruments of music, and what persons as musicians and singers shall be used as helps to the congregation in the service of praise; and it belongs to the discretion of the Session to be more or less minute in its directions concerning this matter; but never should the Session allow it to pass out of the real control of the Session.

11. to assemble the people for worship when there is no minister;

(Cf. par. 25).

12. to concert the best measures for promoting the spiritual interests of the church and congregation;

The congregation here includes all who meet in the church's assemblies of worship, and indeed all who are so related to the church or its members, that their spiritual good is more or less immediately connected with the worship and doings of the church; but in some places congregation is used in a narrower sense, the church convened or convenable. The Session is to aim at promoting the spiritual interests (the only sort of interest that a church can have) of the church. both from all

other points of view and when regarded as an assembly.

There is nothing in principle or prudence forbidding others to suggest to the Session measures for this end, if only these suggestions are made with a proper sense of the sole authority of the Session, to act according to them or not, in its own wisdom. And it would be in harmony with all requirements for the Session to convene the church for hearing information, for considering and advising in such matters as the Session should refer to it for this purpose, and for such other action as the Session should convene it for, provided, only, the sole authority and responsibility of the Session for the spiritual government of the church be never ignored or compromised.

13. to observe and carry out the higher injunctions of the lower courts;

whether these injunctions are lawful the Session must judge. Compare the discussion under paragraph 60, item *secondly*, which principles apply here. But in no case can it be proper for a session to ignore the injunction of a higher court; it should always either obey the injunction, or certify its refusal and reasons therefor to the next superior court.

and 14. to appoint representatives to the Presbytery and the Synod, who shall, on their return, make report of their diligence.

The Pastor, being a member of the Session, has an equal vote with any other member of the Session in appointing these representatives. The neglect of this duty on part of Session means the cutting itself off to that extent from co-operation with the

rest of the Eldership of the Church and thus impairing the unity of the Church.

68.—VI. The Session shall hold stated meetings at least quarterly.

The neglect of this rule when a church has a Pastor means the government of the church by him instead of by the Session, and his failure to convene the Session is presumptive evidence of his willingness to rule without his brother Elders. The neglect of this rule when the church has no Pastor means either anarchy or paralysis of church life.

Moreover, the Pastor has power to convene the Session when he may judge it requisite; and he shall always convene it when requested to do so by any two of the Ruling Elders; and when there is no Pastor, it may be convened by two Ruling Elders.

The lodging of this power in the hands of the Pastor is simply a matter of convenience; for if a majority, counting him, do not desire to proceed to the business, nothing can be done; nor can two Elders by calling a meeting, or having it called, carry any action, or even have the Session consider it, unless a majority are in favor of so doing. If a Pastor should refuse to convene a meeting when properly requested to do so, he would be censurable upon conviction before Presbytery. It is always necessary, in convening the meeting of any court, to give due notice to all its members; and should it appear that any member was not given reasonable timely notice of the time, place and purpose of the meeting, the proceedings of that meeting would be null and void, should he call their validity in question. What would be timely

notice the Session, or, on complaint, the Presbytery, would have to decide. In no case ought the validity of an action to be upheld, if there was a purpose to promote the absence of a member of the court by the imperfection of the notice.

The Session shall also convene when directed so to do by the Presbytery.

When the Presbytery gives such a direction, it should see that notice is given to each member of the Session. It is evident, from this regulation, that the Session is largely the Presbytery acting through a sort of commission.

69.—VII. Every Session shall keep a fair record of its proceedings, which record shall be at least once in every year submitted to the inspection of the Presbytery.

The record should show all the proceedings of Session; and the records of congregational meetings may be ordered spread upon its own records, as may any communication or document referred to the Session. If the Session fails to submit its records at the first stated meeting of Presbytery in any year, it should submit them at the next stated meeting in the same year.

70.—VIII. Every Session shall keep a fair record of baptisms,

ordered by it and reported to it as administered;

of those admitted to the Lord's table,

by it;

of non-communicating members,

enrolled by it as under its jurisdiction;

and of the deaths

reported to it (and all deaths of members should be formally reported to it),

and dismissions of church members.

All these items come properly in the proceedings of the Session; but inasmuch as there is often kept a separate tabulation of such items, it might be thought unnecessary to record them among the proceedings but for this explicit regulation.

71.—IX. Meetings of the Session shall ordinarily be opened and closed with prayer.

It would seem reasonable that when prayer is omitted, it be omitted by action of the Session, and not by the single decision of the Moderator; and then the reason for the omission might be stated in the action.

SECTION IV.—*Of the Presbytery.*

The first five paragraphs have to do with the question of what members the Presbytery shall be composed. The first two define the membership, the second prescribing how a Ruling Elder's right to sit shall be determined; the third defines the quorum; and the next two prescribe how Ministers shall be admitted and what obligations they shall subscribe. The sixth paragraph enumerates the powers of Presbytery. And the last three paragraphs contain some special regulations; the first as to records and reports to higher courts; the next as to meetings; and the last as to extending the courtesies of the floor to other Ministers than the members.

72.—I. The Presbytery consists of all the Ministers and one Ruling Elder from each church within a certain district.

Three things are here determined: that the Presbyteries shall not territorially overlap; that every Minister within the district shall be a member of the Presbytery; and that one Ruling Elder, and only one, from each church shall be a member. The principle underlying the district regulation is this: that neither shall Ministers or churches select their own Presbytery, nor shall Presbyteries select their own Ministers and churches, but that the Presbyterial connection of Ministers and churches shall be determined by their residence and sphere of labor. For "district" is not to be interpreted rigidly, so that, for instance, a Minister, could not, for convenience, reside in the territory of one Presbytery and be Pastor of a church in another Presbytery; but a Minister could not be Pastor of a church belonging to a different Presbytery from himself. It is not, then, the place of residence of a Minister that determines his Presbyterial connection, but the sphere of his labor. Accordingly, if a Minister is engaged in labor that has no territorial location, or that is not under the control of one Presbytery rather than another, his Presbyterial connection is not determined by the provisions of this paragraph. The district regulation is to be interpreted more rigidly as to churches, and yet the end of the regulation is to be kept in view. If there were two populations of different languages inhabiting the same territory, so that it would be impossible for their Elders to understand one another in the same Presbytery, it would not violate the principle here intended to have two Presbyteries covering more or less the same geographical district; but to have churches lying

within the same district of inter-communication to belong to different Presbyteries would violate the principle. Other causes than distance in place or difference in language might be important enough to enter into the delimitation of a Presbytery's district; and of such possible causes the higher courts would have to decide. But in no case must churches be permitted to group themselves according to their mere preference.

Every Minister, even if his labor is not specially under the control of a Presbytery, must be assigned to that labor by some Presbytery, and be answerable to this Presbytery for his ministerial conduct therein. Even when he is not engaged in any ministerial labor, he must be answerable to some Presbytery for not being so engaged, and subject to some Presbytery's direction when called to a work. At all times a minister must be answerable to some Presbytery for his behavior. He must, therefore, always be a member of some Presbytery, that he may always be under the immediate jurisdiction of some court. And the Presbytery is the lowest court whose jurisdiction is extensive enough to direct and to judge him in the labors proper to his office. The necessity of his always being a member of some Presbytery is not so much that he may have a voice in ruling the Church as that the Church may be able to rule him.

The Ruling Elder is not a member of the Presbytery in order to come under its jurisdiction, for he is under the immediate jurisdiction of his Session, but in order that the Church may have his counsel in the Presbyteries. That they are not all members of Presbytery is due to the practical dif-

ficulty of attendance by them all. One is required from each church, that there may be in the Presbytery intelligence of the needs of every church, and that every church may be kept in living connection with the Presbytery. Only one is required, however numerous the membership of the particular church, because it is not the theory that majorities are wise and should rule, but that the Church comes to see together the mind of Christ by counselling together in love. While, from practical necessity, the majority prevails when there is a difference of judgment, this difference of judgment, after deliberation, is simply a failure of men to work out the rule of Christ. And the members of a majority ought to grieve more over the difference of judgment than rejoice over carrying the decision their way.

73.—II. Every Ruling Elder not known to the Presbytery shall produce a certificate of his regular appointment from the Session of the church which he represents.

This implies that a Ruling Elder may not sit in Presbytery unless regularly appointed by his Session; but there is no prescription for how long he may be appointed.

74.—III. Any three Ministers belonging to the Presbytery, together with at least one Ruling Elder, being met at the time and place appointed, shall be a quorum competent to proceed to business.

If less than a quorum, they can wait the coming of others, until the required quorum is present, the time of meeting being construed to mean from the point of time named until a quorum is present; and so, if none are present at the point of time, but afterwards a quorum arrives, it may proceed to business. But if less than a quorum are present at the point of time, and have left, supposing there

would be no quorum, then the meeting fails, and no number coming later would be a quorum. Otherwise there would be no determinable point at which the meeting fails.

As in the case of the Session (paragraph 63), so here, it is required that both sorts of Presbyters be present, but the number of each is a matter of practicability; for while, in the case of the Session, one Minister and two Ruling Elders are required, here three Ministers and one Ruling Elder. And the requirement that both should be present is not grounded on a denial that a court of Presbyters of either class, were there none of the other available, would be a competent court, but on the affirmation that neither class can lawfully assume to themselves authority to the exclusion of the other class.

It is calculated that ordinarily the numbers here named will be present, even when the meeting is held at an inconvenient time and place, and that so small a number may be trusted to act for the time rather than to delay pressing business.

75.—IV. Ministers seeking admission to a Presbytery shall be examined on experimental religion, and also touching their views in theology and church government. If applicants come from other denominations, the Presbytery shall also require them to answer in the affirmative the questions put to candidates at their ordination.

This is simply an instance of Presbytery inquiring into the knowledge, principles, and Christian conduct of the ministers under its care (compare paragraph 67); and it would be altogether in harmony with the principles of the Book of Church Order for the Presbytery to make such inquiry on other occasions. This inquiry is prescribed at the transition of a minister into another Presbytery,

lest sometimes one should by change of Presbyteries escape discipline. Moreover, this regulation occasions a frequent recurrence of the question of the purity of their own life and doctrines to the members of Presbytery. It may therefore serve to confirm what is good as well as to prevent what is evil. The special requirement of applicants from other denominations simply requires of them what the others have complied with at their ordination.

If the Presbytery should reject an applicant who comes from another denomination, and take no further action, he would be left in ecclesiastical standing where he was before; and there is no action that the Presbytery could take, unless to communicate its reasons to that ecclesiastical authority from which he came. But in the case of a Minister coming from a sister Presbytery of this Church, as his application could not be considered until it was ascertained that he had been regularly dismissed from that Presbytery to the one to which he applies, under the jurisdiction of which Presbytery is he, between the time of the acceptance of his certificate as a regular dismissal and his formal admission? Under the jurisdiction of the Presbytery from which he, comes. Otherwise, he would, as soon as his certificate is acted upon, and before his examination, be a member of the Presbytery to which he applies (for he is a member of that Presbytery which has jurisdiction over him), and he could no longer be said to be seeking admission. But if the Presbytery refuses, after the examination, to admit him, the reasons for that refusal should be certified to the Presbytery that granted him his certificate. Then that Presbytery should

either try and censure him by due process, or insist upon his admission into the other Presbytery, leaving the issue between the two Presbyteries, if they cannot agree, to be determined by the higher courts. For the unity of the Church is broken if it does contradictory things through two courts. (Cf. par. 67:4.)

76.—V. The Presbytery shall cause to be transcribed, in some convenient part of the book of records, the obligations required of Ministers at their ordination, which shall be subscribed by all admitted to membership, in the following form, viz.: "I, A. B., do *ex animo* receive and subscribe the above obligation as a just and true exhibition of my faith and principles, and do resolve and promise to exercise my ministry in conformity thereunto."

These obligations are the first seven questions in paragraph 119, the eighth being a question for installation only.

All persons admitted to the communion in this Church are required to promise to behave according to the *principles* of the faith and practice of this Church. All officers are required to profess acceptance of the standards of doctrine and government, and to promise faithfulness in office; and, in the case of Ruling Elders and Ministers, special emphasis is laid upon soundness in the faith as a qualification. (Par. 44; cf. par. 48.) In addition to this, Ministers are required to make this subscription, which involves two special particulars: they here profess that the affirmations and promises made at their ordination are a just, as well as a true exhibition of their faith and principles; and they further promise to exercise their ministry in conformity thereunto. It is conceivable that a man might sincerely answer all the questions in the

affirmative, and yet not be able to say that they are a just exhibition of his principles. And it might come about that one who sincerely answered these questions in the affirmative at his ordination would not be able to do so at his transition to another Presbytery. In such case, he could not subscribe. Here emerge two questions.

If, for this or any reason, a Minister refuses to subscribe as here required, is he a member of the Presbytery to which he has come? No; his admission is not completed until he subscribes, any vote to admit him being really a vote to admit him upon his subscribing. Strictly, a Minister who has been approved on examination should not be enrolled as a member until he subscribes.

If a Minister, after his ordination, changes his convictions, so that he cannot sincerely make the affirmations that he made at his ordination, what ought he to do? It is the doctrine of the Form of Government that he ought not to change his mind; and, therefore, it does not belong to an exposition of it to answer the question. Whether the courts should treat such a change as an offence, should be answered under paragraph 152 of the Rules of Discipline.

Here belongs the consideration of the question whether the Church should require such a subscription as a condition of admission to the ministry. That turns upon the question whether this requires more than Christ requires. Are the faith and principles which he teaches, and to which he commands all his ministers to conform their ministry, justly exhibited in the affirmations required by the Form of Government at ordination? And

this question is reserved for discussion where those affirmations are required. But the requiring of promise and subscription is a prudential means, permissible if nothing is required beyond what Christ requires.

77.—VI. The Presbytery has power

1. to receive and issue appeals, complaints and references brought before it in an orderly manner;

What is an orderly maner, and how the Presbytery shall proceed, are questions answered in the Rules of Discipline.

2. and in cases in which the Session cannot exercise its authority, shall have power to assume original jurisdiction;

The continuity and harmony of the sentence would have required it to run thus: "to assume original jurisdiction in cases in which the Session cannot exercise its authority." But the clause was inserted as an amendment, and in the framing of it the harmony of the sentence was not sufficiently attended to. These cases will be as follows: where there is no Session; in all matters for which one Elder is incompetent, where there is but one member of the Session; in every matter for which the Session as it exists is disqualified by the relations of its members to the matter. Of its own ability the Session must judge, and of the need of assuming jurisdiction the Presbytery must judge.

If the Session undertakes that for which it is not competent, the Presbytery does not have to wait for the Session to refer the question of its inability to the Presbytery, nor for some one to complain against the Session as unable; but the Presbytery may act upon its own information, and assume the functions of the Session at its discretion, whenever

the Presbytery judges the Session to be unable. This action of the Presbytery, as every other of its actions, is subject to review by the higher courts.

In all cases where there is no Session, the Presbytery is the Session.

3. to examine and license candidates for the holy ministry;

As no time is prescribed to elapse between the Presbytery's first recognition of one as a candidate till his licensure, he may be under the Presbytery's care as a candidate an indefinite length of time; and his examinations may take place from time to time, in the discretion of Presbytery. But he is not a licentiate, until he is licensed; and after he is licensed, he still remains a candidate for the holy ministry, for no one is a Minister until he is ordained. Obviously, it lies with the Presbytery to give directions to a candidate in his preparations pending the conclusion of his examinations.

4. to receive, dismiss, ordain, install, remove and judge Ministers;

More special regulations for the exercise of these, as of other functions, are to be found elsewhere; but such regulations are not intended to take away the powers here assigned. The power to receive, dismiss, ordain and judge Ministers involves full jurisdiction over their conduct and teachings, private and official; and the power also to install and remove them involves full control over them in assigning them to spheres of labor. While the Presbytery could not appoint any Minister to a labor to which Christ does not appoint him, and it must be assumed that Christ will make known his will to the Minister as well as to the Presbytery,

yet Christ may speak to him through the Presbytery; and he has promised subjection to his brethren in the Lord. Constitutionally, Ministers are subject to the order of Presbytery.

5. to review the record of church Sessions, redress whatever they may have done contrary to order, and take effectual care that they observe the Constitution of the Church;

It is not enough to look over the sessional records, but the Presbytery should "redress whatever" the Sessions "have done contrary to order." The Sessions are small in numbers, and often of necessity composed of men only imperfectly acquainted with the application of the principles of order, and the Presbytery is supposed to be composed of men among whom will be some of superior skill and wisdom in these matters; and accordingly the Presbytery is given the greatest power of supervision. And it is able effectually to see that they observe the Constitution; for the Presbytery may, as pointed out above, assume the functions of the Session when it finds the Session unable to exercise its authority. As it would be exceedingly tedious to read over all the Session records before the whole Presbytery, they may be referred to committees to examine in detail and report upon; but care should be taken that these committees are men of superior ability as Presbyters, and they should do their work carefully and make their reports to Presbytery full.

6. to establish the pastoral relation, and to dissolve it at the request of one or both of the parties, or where the interests of religion imperatively demand it;

Full regulations are elsewhere given for the first two items of this clause; but where the interests of

religion imperatively demand the dissolution, the Presbytery may act without the request or consent of either party.

7. to set apart Evangelists to their proper work;

The principle must apply to teachers, editors and Ministers called to labor in such other works as may be needful to the Church. (Cf. par. 37.)

8. to require Ministers to devote themselves diligently to their sacred calling and to censure the delinquent;

There is much official work for a Minister to do who is not engaged as Pastor or in any special work. Ministers may be delinquent in doing this general labor, and they may be delinquent in not entering into openings for special labor. The Presbytery should allow no man to retain the dignity and power of a Minister who will not diligently devote himself to his official work. If the Presbyteries will faithfully exercise their power of appointing their Ministers to special work, they may also exercise this power of requiring them to devote themselves to their ministerial duties.

9. to see that the lawful injunctions of the higher courts are obeyed;

by itself and by its Sessions and churches.

10. to condemn erroneous opinions which injure the purity or peace of the Church;

It is not intended that Presbytery shall take note of all opinions. An opinion to be condemned by Presbytery should be such as is erroneous, as is injurious to either the purity or the peace of the Church, and as will have its injurious influence diminished by the Presbytery's condemnation. But the Presbytery in condemning such opinions is not going outside of its proper sphere.

11. to visit churches for the purpose of redressing the evils that may have arisen in them;

For the exercise of this power the Presbytery is given an effectual method, the assumption of the jurisdiction of Session in needful cases.

12. to unite or divide churches, at the request of the members thereof;

While Presbytery has discretion to refuse to unite or divide churches when the members request, it may not unite two churches unless the members of each request it, nor divide a church unless its members request it. This makes sacred to its own decision the individuality of the particular church. It is in the particular chuch as nowhere else that the whole idea of the Church is gathered up and expressed; and a group of churches such as is united in a denomination, as the Presbyterian Church in the United States, cannot so well or so fully express the life and unity of the whole Church as can a particular church. Therefore the particular church, while not independent of other churches, does not exist for the denomination, but the denomination for the particular church. It is to be assumed that, when there ought to be a union or division of particular churches, the members thereof can be brought to see it; and if they should be too hasty to request union or division in any case, the Presbytery may refuse the request.

Has Presbytery, then, the power to dissolve a church without the consent of its members? Certainly not. For if it cannot divide it without its consent, it cannot annihilate it. But a church may cease to exist, and whether a church still exists or not Presbytery must judge; otherwise, Presbytery

could not even determine what churches are under its jurisdiction. When does a church cease to exist as a particular church? When (paragraph 20) it ceases to consist of a number of professing Christians; when, its members having offspring, it ceases to associate these with their parents; *when it ceases to be an association for divine worship;* when it ceases to be an association for godly living; when it ceases to act according to the Scriptures; or when it ceases to submit to the lawful government of Christ's kingdom. When the Presbytery finds any of these marks it may declare the fact that the church has ceased to be a church. Individual members of a church thus dissolved, as all members under the jurisdiction of Presbytery and not under the immediate jurisdiction of a Session, are under the immediate jurisdiction of Presbytery and may by it be given letters of dismission to other churches.

Whenever what was a church ceases to meet statedly for divine worship, it ceases to be a church.

13. to form and receive new churches;

(Cf. Sec. V. of Chap. II.) It may also receive churches from other Presbyteries or (subject to 90: 14) churches existing outside of the Presbyterian Church in the United States.

14. to take special oversight of vacant churches;

(Cf. 2.)

15. to concert measures for the enlargement of the Church within its bounds;

It belongs to the Presbytery to do this rather than to individuals or voluntary associations; but in the exercise of this power the Presbytery cannot tran-

scend limitations or violate regulations elsewhere laid down.

16. in general, to order whatever pertains to the spiritual welfare of the churches under its care;

As the churches have no other sort of welfare, this is equivalent to saying welfare. Here, again, the Presbytery is not by this clause given any power beyond limitations or contrary to regulations elsewhere laid down. In this and the preceding regulation, it is implied that it belongs to higher courts to care for the enlargement of the Church and the welfare of the churches outside the bounds of the Presbytery.

17. to appoint commissioners to the General Assembly;

By analogy with paragraph 67, last clause, and according to paragraph 88, these are to make report of their diligence.

18. and, finally, to propose to the Synod or to the Assembly such measures as may be of common advantage to the Church at large.

For while it does not belong to the Presbytery itself to care for what lies outside of its own district, it is proper for it to be concerned, and to propose to the higher courts measures reaching beyond its own district. And, indeed, the Presbyteries are the very courts where plans for the whole Church can receive the most careful and prolonged consideration in counsel. In the larger courts and courts whose action will be final, there is likely to be debate rather than counsel.

78.—VII. The Presbytery shall keep a full and fair record of its proceedings, and shall send it up to the Synod annually for review. It shall report to the Synod and the General Assembly every year the condition and progress of religion

within its bounds during the year; and all the important changes which may have taken place, such as the licensures, the ordinations, the receiving or dismissing of members, the removal of members by death, the union and the division of churches and the formation of new ones.

The records are sent up to Synod in order that the Synod may be able to discharge its function of review and control; and the examination and criticism of these records should be thorough. The reports to Synod and Assembly are for information, and especially for the tabulation of statistical information. It is striking that no report of the dissolution of churches is called for. Does the Constitution assume that a church cannot cease? (Cf. par. 77: 12.)

79.—VIII. The Presbytery shall meet at least twice a year on its own adjournment; and when any emergency shall require a meeting sooner than the time to which it stands adjourned, the Moderator, or, in case of his absence, death, or inability to act, the Stated Clerk shall, with the concurrence, or at the request of two Ministers and two Ruling Elders of different churches, call a special meeting. For this purpose he shall give notice, specifying the particular business of the intended meeting, to every Minister belonging to the Presbytery, and to the Session of every vacant church, in due time previous to the meeting, which shall not be less than ten days. And nothing shall be transacted at such special meeting besides the particular business for which the court has been thus convened.

A meeting of Presbytery, then, is a single session, or a series of sessions.

A *meeting* "on its own adjournment" is a "stated meeting" (par. 54), and not a part of the sessions of a meeting. It is the intention that a Presbytery shall hold at least two stated meetings a year, not counting *adjourned sessions*. Regular meeting is a synonym of stated meeting.

The power of the Moderator to call a special

meeting before the time of the stated or regular meeting (par. 55) is here limited in the case of the Moderator of the Presbytery, for he is not to call it unless with the concurrence of two Ministers and two Ruling Elders of different churches. Is he bound to call it upon the request of these four, when in his own judgment there is no emergency requiring it? No. To him, as Moderator, belongs some authority in this matter; but if he had no discretion but to call it at the request of less than a quorum, he would have no authority at all. Less than a quorum cannot force a meeting; for the power of the Moderator as defined in paragraph 55 is not here taken away, but only limited. Otherwise a very small minority, even less than a quorum, could force a special meeting in such conditions as would permit the attendance of so few that they would be a majority, and thus the Presbytery would be at the mercy of a faction. But the Moderator, who is assumed to represent the Presbytery, and who, in the exercise of his discretion, would properly consider what the Presbytery would desire, may protect the Presbytery against design and useless expense and trouble. However, this conclusion, that the Moderator is not bound to call a meeting when thus requested, is so doubtful that he ought not to refuse unless for very good reasons.

That the whole spirit of the paragraph discourages special meetings is evident from the three prudendential and preventive requirements: that the two Ruling Elders must be of different churches, thus increasing the difficulty of getting the number; that so long, and so universal, and so particular a notice

must be sent out; and that nothing can be transacted at the special meeting but what is specified in the call.

That these precautions may not make a special meeting impossible, in case the call cannot be issued by the Moderator, on account of absence, death, or inability, the Clerk, who will be generally known, is to act in his place; but the Clerk is not to act in case the Moderator, being *compos mentis*, refuses to call a meeting.

The actions of a meeting not properly called are void if called in question.

80.—IX. Ministers, in good standing in other Presbyteries, or in any ecclesiastical body with which this Church has established correspondence, being present at any meeting of Presbytery, may be invited to sit and deliberate as corresponding members. Also, Ministers of like standing in other Evangelical Churches may be invited to sit as visiting brethren In all these cases it is proper for the Moderator to introduce these Ministers to the Presbytery, and give them the right hand of fellowship.

Ruling Elders are not included, as not being *ex officio* members of Presbytery, but of Session.

Churches are here classified as non-Evangelical and Evangelical, which term, not being elsewhere defined in this connection, and being necessarily more or less approximate, the Presbytery must construe as cases arise. And Evangelical Churches are classified into those with which this Church has established correspondence, and those with which it has not—a provision designed to emphasize the difference between correspondence and fraternal relations without correspondence, correspondence being intermediate between fraternal relations and organic union. For this Church looks

upon other Churches with this question, What hinders organizational unity? Accordingly, corresponding members are invited to deliberate, but not to vote, whilst visiting brethren are invited only to sit, but not to deliberate or vote.

SECTION V.—*Of the Synod.*

Before laying down the powers of the Synod in paragraph 4, the questions of membership, meetings and corresponding members are disposed of in the first three paragraphs, and the regulations concerning its records and reports are added in paragraph 5.

81.—I. The Synod consists of all the Ministers and one Ruling Elder from each church, in a district comprising at least three Presbyteries. The qualifications for membership in the Synod and the Presbytery are the same.

The Synod being simply a larger Presbytery, the difference between a single Presbytery and two meeting together is not sufficient to justify a distinction of courts. A Session may send one Ruling Elder to Presbytery and another to Synod.

82.—II. The Synod shall meet at least once in each year, and any seven Ministers belonging to it, who shall convene at the time and place of meeting, with at least three Ruling Elders, shall be a quorum; provided not more than three of the said Ministers belong to one Presbytery.

(Cf. remarks on par. 74.) The provision secures that at least three Presbyteries will be represented. Nothing could pass a bare quorum without having at least six in favor of it, as less than six would not be a majority.

83.—III. The same rule as to corresponding members, which is laid down with respect to the Presbytery, shall apply to the Synod.

Probably this includes also the rule as to visiting brethren. (Cf. par. 80.)

84.—IV. The Synod has power

1. to receive and issue all appeals, complaints, and references, regularly brought up from the Presbyteries;

(Cf. par. 77: 1.)

2. to review the records of the Presbyteries, and redress whatever they may have done contrary to order;

(Cf. par. 77: 5.)

3. to take effectual care that they observe the Constitution of the Church, and that they obey the lawful injunctions of the higher courts;

(Cf. pars. 77: 5, 9.)

4. to erect new Presbyteries, and unite or divide those which were before erected;

This is parallel to the Presbytery's power to form, unite, and divide churches. But the Synod does not have to wait for the consent of the Presbyteries.

5. to appoint Ministers to such work, proper to their office, as may fall under its own particular jurisdiction;

This does not involve the powers of Presbytery enumerated in 77: 4, 6, 7, 8.

6. in general, to take such order with respect to the Presbyteries, Sessions, and churches under its care as may be in conformity with the Word of God and the established rules, and may tend to promote the edification of the Church,
(Cf. 77: 15.)

Sweeping as this provision appears, it has three limitations: whatever a Synod may do in the exercise of this power, not in conformity to the Word of God, is null and void, and of this conformity each Presbytery, Session, and church must judge, as well as the Synod; the same may be said of conformity to the established rules, that is, the rules laid down in the Book of Church Order; and it must tend to promote the edification of the church,

of which tendency, however, the Synod is the sole judge, subject to the review of the Assembly.

7. to concert measures for promoting the prosperity and enlargement of the Church within its bounds;

(Cf. 77: 14.)

8. and, finally, to propose to the General Assembly such measures as may be of common advantage to the whole Church.

(Cf. 77: 17.)

85.—V. It shall be the duty of the Synod to keep full and fair records of its proceedings, to submit them annually to the inspection of the General Assembly, and to report to it the number of its Presbyteries and of the members thereof, and in general, all important changes which may have occurred within its bounds during the year.

(Cf. 78.) The number of its Ruling Elder members is the same as the number of the churches of its Presbyteries.

SECTION VI. *Of the General Assembly.*

After a special statement of the dignity and distinctive nature of the General Assembly in the first paragraph, and the disposal of the matters of meetings, members and quorum in the next three paragraphs, the powers of the Assembly are enumerated in the fifth paragraph, and a special provision as to adjournment is added in the sixth paragraph.

86.—I. The General Assembly is the highest court of this Church, and represents in one body all the churches thereof. It bears the title of THE GENERAL ASSEMBLY OF THE PRESBYTERIAN CHURCH IN THE UNITED STATES, and constitutes the bond of union, peace and correspondence among all its congregations and courts.

The title was not meant to deny that there are other Presbyterian Churches in the United States, but was selected as indicating that this Church is

not sectional and as recognizing the duty of obedience to the government under which its members, in the providence of God, are placed. While it is manifestly the bond of union and peace among all its congregations and courts, and its dignity and efficiency should be cherished as such, it must be remembered also that it is the bond of correspondence. For as churches may not negotiate with one another, except under review of their Presbyteries, nor Presbyteries with one another, except under review of their Synods, so neither can Synods with one another, except under review of the Assembly.

87.—II. The General Assembly shall meet at least annually, and shall consist of commissioners from the Presbyteries in the following proportion, viz.: Every Presbytery shall be entitled to send one Minister and one Ruling Elder; but if it consists of more than twenty-four ministerial members, it shall send an additional Minister and Ruling Elder.

This makes the number of Ministers and Ruling Elders in the Assembly equal. It also operates as an inducement to divide Presbyteries when they come to have many more than twenty-four Ministers. (Cf. remarks under 72.)

88.—III. Each Commissioner, before his name shall be enrolled as a member of the Assembly, shall produce from his Presbytery a commission under the hand of the Moderator and Clerk

The end of these requirements is to prevent the possibility of anyone coming in who has not been appointed by his Presbytery; and they were more necessary when there was no telegraph and like means of rapid communication, and when there was danger that the civil power might appoint men to attend as members; but doubtless now, the

end being secured, it would be no violation of the intent of the Constitution if the Assembly, after being constituted, should permit a delegate to sit without producing his written commission, in case it had been misplaced or, by accident, had not been made out. The requirement of the Moderator's signature is a modification of the provision in the last sentence of 56.

in the following or like form, viz.: "The Presbytery of . . . . . being met at . . . . . on the . . . . day of . . . . . , doth hereby appoint A. B., Minister [or Ruling Elder, as the case may be], and in case of his absence, then C. D., Minister [or Ruling Elder, as the case may be], to be a Commissioner on behalf of this Presbytery to the next General Assembly of the Presbyterian Church in the United States, to meet at . . . . . on the . . day of . . . . , A. D., or wherever and whenever the said Assembly may happen to sit; to consult, vote, and determine on all things that may come before that body, according to the principles and Constitution of this Church and the Word of God. And of his diligence herein he is to render an account at his return. Signed by order of the Presbytery.

"[C. D.], *Clerk.* [A. B.], *Moderator.*"

A commissioner is appointed to sit in one Assembly; but, if a Presbytery so chooses, it may appoint the same man as often as it will. If an Assembly adjourns to a continuance of its sessions, the commissioners already appointed have the right to sit in the adjourned sessions; but a Presbytery would certainly have the right to withdraw a commission once issued, and to commission another to the same Assembly at any time. So, if neither the principal delegate nor his alternate can attend, the Presbytery would have the right to make a new appointment. And the alternate, appearing at any time, even after the principal has been enrolled, would have the right to sit in the absence of his

principal. In other words, a Presbytery cannot be deprived of its right to full representation in all the sessions of the Assembly. "One Assembly" means one meeting of the Assembly. (See definition of "meeting" under 79.)

A Presbytery may appoint as delegate to the General Assembly any Ruling Elder belonging to a church under its jurisdiction, including even a Ruling Elder not at the time in official relations with any church.

89.—IV. Any eighteen of these commissioners, of whom one-half shall be Ministers, and at least five shall be Ruling Elders, being met on the day and at the place appointed, shall be a quorum for the transaction of business.

(Cf. par. 74.) As there must be at least nine Ministers, at least nine Presbyteries (unless some of the Presbyteries are quite large) will be represented, and almost certainly more than one Synod. It is assumed that, in case of special difficulties in the way of securing a quorum, more Ministers could be present than Ruling Elders.

Here it reads, "quorum for the transaction of business," making it plain that, if the number present at any time falls below the requirements for a quorum, business cannot be transacted; and this is to be assumed also in the cases of the other courts.

90.—V. The General Assembly shall have power, 1, to receive and issue all appeals, references, and complaints regularly brought before it from the inferior courts;

(Cf. 77, 1; and 84, I.)

2. to bear testimony against error in doctrine and immorality in practice, injuriously affecting the Church;

(Cf. 77: 10.)

3. to decide in all controversies respecting doctrine and discipline;

This is a power peculiar to the Assembly; for, while the other courts decide in the sense of rendering a judgment, that judgment, if controverted, is not the DECISION of the controversy; but the Assembly's judgment is the judgment of the Church, and is, therefore, the end of the controversy. When, then, the Assembly has decided, is that a prohibition of further discussion? By no means. But the Assembly's decision in a controversy respecting doctrine is thenceforth the doctrine of the Church; and further opposition to this doctrine is opposition to the doctrine of the Church, and is permissible only within the limitations within which opposition to the doctrine of the Church is permissible. And the decision of the Assembly in a controversy respecting discipline fixes the status of the parties affected, and they are to be treated accordingly in their ecclesiastical relations by all who prefer to remain in this Church and free from its censure.

4. to give its advice and instruction, in conformity with the constitution, in all cases submitted to it;

Such judgments given by the Assembly are not decisions in the sense of the preceding paragraph, because there is here no controversy; nor could any one be charged with contravening the doctrine of the Church, or disobeying its authority, on the ground of teaching or acting contrary to such judgments. At the same time, these judgments should be treated with respect, even by those who are constrained to controvert them; and the utmost care should be taken in rendering such judgments, that they may be such as will command respect for

the consideration and intelligence and earnest love of truth manifest in them.

5. to review the records of the Synods,

(Cf. 77: 5, and 84: 2.)

6. to take care that the inferior courts observe the Constitution;

(Cf. 77: 5, and 84: 3.)

7. to redress whatever they may have done contrary to order;

(Cf. 77: 5, and 84: 2.)

8. to concert measures for promoting the prosperity and enlargement of the Church;

without as well as within its existing borders. (Cf. 77: 14, 15, and 84: 7.)

9. to erect new Synods;

which includes the power of uniting and dividing Synods, with or without their consent. (Cf. 77: 12, 13, and 84: 4.)

10. to institute and superintend the agencies necessary in the general work of evangelization,

(Cf. 90: 8.) The Assembly is to superintend as well as to institute these agencies.

11. to appoint Ministers to such labors as fall under its jurisdiction;

(Cf. 84: 5.)

12. To suppress schismatical contentions and disputations, according to the rules provided therefor;

What contentions and disputations are schismatical the Assembly must judge. In the exercise of this power and that named in 90: 6, 7, it is not necessary for the Assembly to wait till one of the parties to a controversy brings it before the Assembly; but the Assembly must not, in the exercise of this power, proceed without rule, nor

according to any rules but those provided for this very purpose in the Book of Church Order. Otherwise, the Assembly violates law in order to uphold law.

13. to receive under its jurisdiction, with the consent of a majority of the Presbyteries, other ecclesiastical bodies whose organization is conformed to the doctrine and order of this Church;

14. to authorize Synods and Presbyteries to exercise similar power in receiving bodies suited to become constituents of those courts, and lying within their geographical bounds respectively;

In these two clauses a peculiar power of the Assembly is presented. It is the power to receive under its jurisdiction bodies which, being received, become incorporated in this Church as it is, with no change in its Constitution; and even this the Assembly cannot do without the consent of a majority of its Presbyteries. But, to unite this Church and another into a Church having a Constitution differing, however slightly, from the existing Constitution of this Church, is beyond the power of the Assembly, even with the consent of a majority of its Presbyteries. If this Church is to be united with another into a Church having a Constitution differing from the existing Constitution of this Church, the new Constitution must first be adopted by this Church according to the provisions laid down in Chapter VII. Where there is to be union without change of Constitution, and the body to be thus incorporated into this Church lies geographically so that it would be merged into some existing Synod or Presbytery, that Presbytery or Synod receives the body, but not without being first

authorized by the Assembly; but in such a case, where only a Presbytery or Synod is directly affected, it is not necessary to obtain the consent of a majority of all the Presbyteries. But there can be no absorption of larger or smaller bodies, unless they are conformed to the doctrine and order of this Church; for otherwise the doctrine and order of this Church would be acknowledged as not justifying a denominational existence to maintain them.

15. to superintend the affairs of the whole Church;

For this superintendence is not to be left unprovided for and liable to be assumed by irresponsible parties.

16. to correspond with other Churches;

With what Churches is left to the discretion of the Assembly, except that paragraph 80 implies that there will be no correspondence except with Evangelical Churches.

17. and in general to recommend measures for the promotion of charity, truth and holiness through all the churches under its care.

Things which the Assembly may not enjoin, either because it lacks the authority or because it deems it inadvisable to go so far as to enjoin, it may recommend.

91.—VI. The whole business of the Assembly being finished, and the vote taken for dissolving the present Assembly, the Moderator shall say from the chair: "By virtue of the authority delegated to me by the Church, let this General Assembly be dissolved, and I do hereby dissolve it, and require another General Assembly, chosen in the same manner, to meet at on the day of A. D.," after which he shall pray and return thanks, and pronounce on those present the apostolic benediction.

For convening special meetings of the Assembly or of a Synod see paragraph 55. The same Assembly, once dissolved, cannot be reconvened.

SECTION VII.—*Of Ecclesiastical Commissions.*

The first paragraph defines a commission; the second, specifies certain things that may properly be done by commission; the third, indicates within what limitations judicial cases may be tried by commission; and the fourth directs how the general work of evangelization shall be carried on by commission.

92.—I. Commissions differ from ordinary committees in this, that while the committee is appointed simply to examine, consider, and report, the commission is authorized to deliberate upon and conclude the business submitted to it, subject, however, to the review of the court appointing it. To this end, full records of its proceedings shall be submitted to the court appointing it, which, if approved, may be entered on the minutes of that court.

A commission is a committee, but a committee appointed to conclude the business, while an ordinary committee is appointed to report upon the business, that the appointing court may conclude it. The commission concludes the business in the sense in which an inferior court concludes a business, subject to the review of the court above. The conditions of that review are somewhat different. In the case of an inferior court, several ways of review are provided; but the conclusion of a commission is always reviewed in hearing or inspecting its records, and in no other way. Its conclusion stands as that of the court appointing it, unless modified or reversed by that court at its review of the records of the commission; but this conclusion,

as any other decision, may be carried up to a higher court, except where the General Assembly confirms or sets aside the conclusion of a commission of itself. While it helps to prevent confusion, to reserve the term committee for only such committees as are not appointed to conclude a business, and commission for only such committees as are appointed to conclude a business, yet, if a court neglects this distinction in terms, a committee appointed by it is really a commission or not, according as it is or is not appointed to conclude a business.

93.—II. The taking of testimony in judicial cases,

by Session or Presbytery,

the ordination of Ministers, the installation of Ministers, the visitation of portions of the Church affected with disorder, and the organization of new churches,

by Presbytery,

may be executed by commission.

As it might be supposed from regulations elsewhere given that these things could be done only by the court itself, it is here distinctly stated that these things may be done by commission. For whatsoever the court may do, that it may commit to a commission to be done, with such exceptions and limitations as are here or elsewhere stated or implied.

The commission for the ordination of a Minister shall always consist of a quorum of the Court, but the Presbytery itself shall conduct the previous examinations.

A Presbytery may not commit the examination of a licentiate for ordination to a commission; but the

ordination itself it may commit to a commission, provided the commission consists of as many as three Ministers and one Ruling Elder. A commission for any other purpose may consist of such number, from one up, as the court may determine. That a commission may consist of one only is evident from this, that an Evangelist authorized to organize new churches and to ordain Ruling Elders and Deacons therein, is essentially a commission. The quorum of a commission, except as defined in paragraph 94, or by express order of the appointing court, is a majority of those appointed as the commission. Hence, if Presbytery appoints three Ministers and one Ruling Elder to ordain a Minister, any three of the four will be a quorum of the commission; but the Presbytery may otherwise define what shall be a quorum.

94.—III. The Synod and the General Assembly may, with the consent of parties, commit any case of trial coming before them on appeal to the judgment of a commission, composed of others than members of the court from which the appeal shall come up. The commission of a Synod shall consist of not less than fifteen, of whom seven shall be Ruling Elders; the commission of the Assembly of not less than twenty-seven, of whom thirteen shall be Ruling Elders. In each case two-thirds of the commissioners shall be a quorum to attend to business. The commission shall try the cause in the manner prescribed by the Rules of Discipline; and in rendering judgment shall make a full statement of the case, which shall be submitted to the court for its action as its judgment in the cause.

May these courts do anything else by commission? Yes. For the next paragraph names, expressly, much that the Assembly may do by commission. But where parties bring a cause to a court for trial, even if it be an appeal, the court, even the General Assembly, may not try it by com-

mission without consent of parties. The principle is here recognized, that the parties have a right to trial by a full court. May a complaint be tried by commission? Yes, with consent of parties; for if an appeal, much more a complaint. May a Presbytery or a Session try a cause by commission? Yes, with consent of the parties; and it may take testimony without such consent (93). But, lest trial in the appellate courts by commission should become a reference to individuals rather than a trial by a court in reality, it is prescribed that the commission shall be so large, and contain so many Ruling Elders, that the resort to a commission in judicial cases will be impracticable unless the court is very large, and then the commission will be large enough to have the essential qualifications of a court for counsel together. And while in other cases the action of the commission is in force until annulled by the appointing court, in judicial cases the action of the commission is not in force until endorsed by the court as its own action. Is the court bound to make the action of the commission its own? By no means. It may annul it, reverse it, modify it, and even order it tried over by a commission or before itself. For nothing is final in a judicial case but the decision of the court itself.

95.—IV. The General Assembly shall have power to commit the various interests pertaining to the general work of evangelization to one or more commissions.

(Cf. 90:10.)

This whole doctrine of commissions is to be put in practice with caution. On the other hand, there is danger that Presbyteries and the higher courts

will call commissions executive committees, or simply committees, and forget that they are commissions, and many evils result. On the other hand, courts may often be tempted to do by commission, as more convenient or agreeable, what it were better for the court itself to do. But if the distinction between commissions and other sorts of committees is preserved, and commissions are used for those executive functions and special investigations which can be better done by a small number of specially fitted commissioners than by a large court, this section may be practiced with great gain to the Church.

CHAPTER VI.

OF CHURCH ORDERS.

THIS chapter, which has to do with the induction of men into office, after two preliminary sections on the doctrines of vocation and ordination, has a section on the election of officers, followed by two sections on their ordination and installation, one as to Ruling Elders and Deacons, and one as Ministers. And there is added a section concerning the preliminary step toward ordination, called licensure.

SECTION I.—*Of the Doctrine of Vocation.*

This first preliminary section, which has to do with the theory of how men are called to office in the Church, has three paragraphs, one of them having to do particularly with one, and one with another, of the three elements in a call.

96.—I. Ordinary vocation to office in the Church is the calling of God by the Spirit, through the inward testimony of a good conscience, the manifest approbation of God's people, and the concurring judgment of the lawful court of Christ's house according to his Word.

"Ordinary vocation," means vocation to the ordinary offices. (Par. 33.) A true call is wholly by the Spirit, making a concurrent indication of God's will through three means: by producing the same conviction in the mind of the called, in the mind of the people of God that have experience of the called man's service or knowledge of him, and in the mind of the appropriate court. The essence of the call lies in the Holy Spirit working an inward conviction in the man himself; but subsidiary and confirmatory means are not to be despised as helps to the man himself, and are indispensable for the sake of order in the Church.

97.—II. Since the government of the Church is representative, the right of the election of their officers by God's people, either immediately by their own suffrages, or mediately through church courts composed of their chosen representatives, is indefeasible. Nor can any man be placed over a church, in any office, without the election, or at least the consent of that church.

The sole authority is Christ, and from this point of view the Church is a monarchy. But he administers the government solely by his Spirit working in all his people, and from this point of view the government is representative; for if the Holy Spirit calls any man to an office, he also calls the people to elect him thereto. It is observable, however, that this right of election has necessary limitations. If the members of a church differ, some choosing and some opposing the same man for an office over them, it must either be that no man is to

be put in office without the unanimous voice of the people, or that over some, a man may be put in office without their consent. Here emerges the practical principle of submission to the brethren. But the particular church is made the sacred unit, whose voice, as such, must not be disregarded. (Cf. 77: 12.)

98.—III. Upon those whom God calls to bear office in his Church he bestows suitable gifts for the discharge of their various duties. Wherefore every candidate for office is to be approved by the court by which he is to be ordained. And it is indispensable that, besides possessing the necessary gifts and abilities, natural and acquired, every one admitted to an office should be sound in the faith, and that his life and conversation be according to godliness.

It is a serious omission, when a court inducts into office, as a matter of course, those elected by the people. Before ordination the court is bound to inquire into three things concerning the man elected: his possession of the necessary gifts; his soundness in the faith; and his life and behavior. The court may make this inquiry before election, but it must make it at some time before ordination or installation.

SECTION II.—*Of the Doctrine of Ordination.*

The distinction between ordination and vocation is this, that the vocation is the concurrent testimony of the Spirit of God through the man's own inner conviction, through the election by the people, and through the approval by the court, that the man should be inducted into office; and ordination is the formal induction. The section has three paragraphs, answering the questions, who are to ordain, what is ordination, and to what ordination is.

99.—I. Those who have been lawfully called are to be inducted into their respective offices by the ordination of a court.

For even when the ordination is by a commission, even by one man called an Evangelist, or by one man called a Commissioner, he acts as the agent of the court, and the ordination is done by the court through its appointed agency. (Cf. remarks under 6 and 93.)

100.—II. Ordination is the authoritative admission of one duly called to an office in the Church of God, accompanied with prayer and the imposition of hands, to which it is proper to add the giving of the right hand of fellowship.

A defect in the ceremony, as such, would not render the ordination invalid, provided there is an authoritative admission of one duly called.

101.—III. As every ecclesiastical office, according to the Scriptures, is a special charge, no man shall be ordained unless it be to the performance of a definite work.

If a man is ordained as Deacon, it must be to serve in some definite work of distribution; if as a Ruling Elder, to some definite work of ruling; and if as a Minister, it must be to some definite ministerial work. If that particular work ceases, or he ceases to be engaged in it, the exercise of his office is suspended until he is called to some other definite work; but as assisting to rule in the Church courts is always a part of the definite work to which a Minister or a Ruling Elder is ordained, this function of his office never suffers suspense, so long as he is a member of a court. If an officer is called to another definite work than that to which he was originally ordained, he must be ordained to this new work also; but this secondary ordination is,

for distinction's sake, called installation. For the same reason, the term "installation" is used of that part of original ordination which relates especially to the definite work.

SECTION III.—*Of the Election of Church Officers.*

This section treats of that part of vocation which is effected through the people; and it treats, in the election of Ministers, only of their election to one sort of definite work, the pastoral office. There is neither here nor elsewhere any provision regulating the participation of the people in calling a Minister to the work of Evangelist, or Teacher, or Editor, or other like work. (Cf. pars. 37 and 38.)

The first four paragraphs give regulations for the election of Pastor, Ruling Elder, or Deacon; the other five paragraphs give special directions concerning the election of a Pastor and the certification of his election to Presbytery. No regulations on this point are thought to be necessary in the case of a Ruling Elder or a Deacon, as the ordaining court, the Session, is supposed to be present. In the general regulations, the first concerns the meeting of the church; the second, the Moderator of the meeting; the third, the order of procedure; and the fourth, the electors. In the special regulations as to a Pastor, the first prescribes the essential duty of the Moderator; the second, the form of the call or communication from the church to the Pastor-elect; the third, who shall sign this call, and how their signatures are to be certified; the fourth, how the call is to be presented to Presbytery; and the fifth, the mode of procedure when the Minister called belongs to a different Presbytery from the church.

102.—I. Every church shall elect persons to the offices of Pastor, Ruling Elder, and Deacon in the following manner, viz.: Public notice shall previously be given by the Session that the church is to convene at the usual place of public worship for such purpose; and it shall always be the duty of the Session to convene them when requested by a majority of the persons entitled to vote.

The meeting must be at the usual place of public worship, and after public notice, that those entitled to vote may be able to attend; and while the meeting must be called by the Session, the Session is bound to call such meeting when a majority requests it, that the right of the people to elect may not be infringed.

103.—II. It is important that in all these elections a Minister should preside; but if the Session find it impracticable, without hurtful delay, to procure the attendance of a Minister, the election may nevertheless be held.

The meeting is under the direction of the Session; and it belongs to the Session, and not to the congregation, to provide a Moderator. If that Moderator is not a Minister, his rulings are subject to the review of the Session; if a Minister, to the review of the Presbytery; but in no case to the review of the congregation; for that would be for the congregation, as such, to take part in government beyond electing, contrary to paragraph 15. It is, therefore, desirable that a Minister preside, so that his rulings may, if questioned, be reviewed by a body probably more competent, and less related in an embarrassing way to the questions involved. The relation of the Session to the Moderator of a congregational meeting being the same as its relation to the Moderator of the Session, whoever is Moderator of the Session is, *ex officio*, Moderator

of the congregation, with the limitations specified in paragraphs 64 and 65. (Cf. par. 104.)

104.—III. The voters being convened, the Moderator shall put the question to them whether they are ready to proceed to the election. If they declare themselves ready, the Moderator shall call for nominations, after which the election shall immediately proceed, unless the electors prefer to postpone it to a subsequent day; or the election may proceed by ballot without nominations. But in every case a majority of all the voters present shall be required to elect.

We have said that the meeting is under the direction of the Session; and who but the Session can determine who of those present are voters? The Moderator of the congregation is, at the same time, the Moderator of the Session in session at the same time, and he must ascertain who are voters, through the Session.

The first question to be ascertained is whether the voters are convened. Supposing a church has one hundred voters, would two of them be the voters? Surely not; and yet it is impracticable to have all the voters convened. What, then, is a quorum of a church? In the absence of any regulation, it must be decided by general principles that it requires a majority to make a quorum. But always, when the question of a quorum is not raised, either at the time or within a reasonable time afterwards (cf. par. 258), less than a majority may act.

The second question must be decided by the voters themselves: whether they are ready to proceed.

The third question must also be decided by them: whether they will elect with or without nominations.

If it is decided to have nominations, the fourth thing is to hear nominations; the fifth, to determine by the electors whether to vote at once or to postpone the voting. If the decision is to vote at once, the sixth thing is to determine, by the voters, whether to vote by ballot or in some other way; but this question must itself be determined by ballot, if any insist upon a ballot upon this question, for otherwise the very reason of a ballot at all, secrecy in voting, would be taken away.

If no one receives a majority of the votes for a given office, no one is elected. Whether a second vote may be taken, with or without dropping one or more of the nominees or persons already voted for, is not prescribed; but it would seem, from the principle that a church does not so much need officers, as qualified and acceptable officers, that there should be no second vote; but of this the congregation must judge; and sometimes the failure of any one to receive a majority may be due to what seems to the congregation a superabundance of suitable material.

The principle, that a majority shall rule, is a practical necessity rather than an inherent right; and for this reason there should be a great desire to have the same mind. The failure to be unanimous is a failure that should be always lamented. And it would certainly be in order for a majority to recede from its own choice, just as it is in order for a minority to give up its opposition; but either must judge for itself what is the will of Christ in a given case.

105.—IV. All communicating members in good and regular standing, but no others, are entitled to vote in the election

of church officers in the churches to which they are respectively attached; and when a majority of the electors cast their votes for a person for either of these offices, he shall be considered elected.

Here a majority of electors must mean a majority of those present; for no one can vote who is not present, and no one is present unless present in his own person and by his own consent counted as present. (Cf. 105.)

Here appears the necessity for the Session to be in session and to conduct the election as a part of the business of the Session. Then, also, the proceedings of the congregational meeting, as what is done under the supervision of the Session, will be recorded in the records of the Session, and the Clerk of the Session will be the clerk of the congregational meeting. (Cf. 105.)

Those not members of the Church are excluded from voting for its officers, as a matter of course; for nothing can entitle him who will not acknowledge Christ to the right of participating in the government of his Church. Those not members of the particular church are excluded, for otherwise the individuality of the particular church would perish. Those not communicants are excluded, for the reason that only those who are themselves endeavoring to obey Christ can be qualified to act as his agents in pointing out what men he would put over his people. For the same reason, none under censure can be allowed to vote. A member of the Session (except a Minister) has the same right as any other member of the Church to make a nomination or motion, and to vote.

Has the Session authority to make nominations?

Yes, unless the church decides to elect without nominations; but for the Session to announce nominations before the congregation has decided this point is to take away from the congregation the decision of this point. But it must be remembered that the Session has the right to refuse installation to those chosen by the congregation; and this right should always be exercised when there is need thereby to preserve the church from having officers not qualified.

106.—V. On the election of a Pastor, if it appear that a large minority of the voters are averse to the candidate who has a majority of votes, and cannot be induced to concur in the call, the Moderator shall endeavor to dissuade the majority from prosecuting it further; but if the electors be nearly or quite unanimous, or if the majority shall insist upon their right to call a Pastor, the Moderator shall in that case proceed to draw a call in due form, and to have it subscribed by them, certifying at the same time in writing the number and circumstances of those who do not concur in the call, all of which proceedings shall be laid before the Presbytery together with the call.

The principles of this paragraph should obtain also in the case of the election of Ruling Elders and Deacons.

The direction to the Moderator that he endeavor to dissuade the majority when it appears that the minority will not concur must not be interpreted too strictly; for it might be that he could not conscientiously make this endeavor. But he should at least press upon them the importance of unanimity, and a sense of the responsibility that they assume. Sometimes, however, there is a wilful and obstinate minority who oppose, as Pastor, the very servant of his that Christ presents to them, and who ought not to be yielded to.

The full and exact facts should be certified to the Presbytery by the Moderator, that the Presbytery may have all the data for judging. What is meant by the circumstances of those who do not concur in the call is not clear. Surely it cannot mean financial circumstances especially. Probably it means the circumstances connected with their non-concurrence, including the grounds and intensity of their opposition. The financial ability of the church to meet its proposed obligations the Presbytery would need to know; but this it can learn from the commissioners. That circumstances cannot mean financial ability, or other thing of the sort, is certain, from the fact that the Moderator would not as a rule know such facts so well as the commissioners; besides, it were contrary to the whole spirit of the Form of Government to give weight to any member's vote because of his wealth.

107.—VI. The call shall be in the following, or like form, viz.: The church of . . . . . , being on sufficient grounds well satisfied of the ministerial qualifications of you . . . . , and having good hopes from our past experience (or knowledge) of your labors, that your ministrations in the gospel will be profitable to our spiritual interests, do earnestly call you to undertake the pastoral office in said congregation, promising you, in the discharge of your duty, all proper support, encouragement, and obedience in the Lord. And that you may be free from worldly cares and avocations, we hereby promise and oblige ourselves to pay you the sum of . . . . in regular monthly (or quarterly, or half-yearly, or yearly) payments, during the time of your being and continuing the regular Pastor of this church.

In testimony whereof we have respectively subscribed our names this . . . . day of . . . . A. D.

Attested by A. B., Moderator of the Meeting.

The Moderator, who draws up the call (106), should not vary from this form, unless the congre-

gation by its action adopts the variation; and it belongs to the congregation to adopt the amount or statement of salary, and what payments are to be made. This form, and all the provisions of the Book, contemplate only one church to a Pastor; but where the church does not ask for all the time of the Pastor, it is proper that the form of call should indicate what time it does ask for; and this, too, it belongs to the church to determine.

108.—VII. But if any church shall choose to subscribe its call by the Ruling Elders and Deacons, or by a committee, it shall be at liberty to do so. But it shall, in such case, be fully certified to the Presbytery by the Minister, or other person who presided, that the persons signing have been appointed for that purpose by a public vote of the church, and that the call has been in all other respects prepared as above directed.

This provision is for convenience; but the obligations of the people are the same as if they all themselves signed. That they may not lightly enter into obligations, it would be well, unless they are already familiar with them, to read over to the congregation, when about to enter upon an election, the obligations that are to be assumed.

109.—VIII. One or more commissioners shall be appointed to present and prosecute the call before Presbytery.

These it belongs to the congregation to select.

110.—IX. If the call be to a Minister or Probationer of another Presbytery, the commissioners appointed to prosecute the call shall produce an attested certificate from their own Presbytery that it has been laid before that body and found in order, and that permission has been granted them to prosecute it before the Presbytery to which he belongs.

It is an irregular procedure for the Pastor elect to change Presbyteries before the call has been placed in his hands. Indeed, he need have no opinion, or

at least give no assurance of what his answer will be, until after the call is placed in his hands; for only so can the church and the Presbyteries speak their mind to him before he speaks his mind to them, as the Book contemplates.

SECTION IV.—*Of the Ordination and Installation of Ruling Elders and Deacons, and of the Dissolution of their Official Relations.*

Under the head of ordination and installation is treated that part which the court takes in the vocation (paragraphs 96–98) of officers, as well as what these terms properly signify. The ordination of Ruling Elders and Deacons is treated together, and separately from that of Ministers, because they are ordained by the Session and Ministers by the Presbytery. After a paragraph on appointing a day for the ordination, follows a paragraph on the ordination itself; and then come three paragraphs on the dissolution of these relations: one on dissolution upon request; one on dissolution by removal; and one on the renewal of relations once dissolved.

111.—I. When any person has been elected to either of these offices, if the way be clear, and he declare his purpose to accept, the Session shall appoint a day for his ordination.

Whether the way is clear the Session must determine, especially observing paragraph 98. No one can be required to assume an office without his own consent.

112.—II. The day having arrived, and the Session being convened in the presence of the church, a sermon shall be preached, if convenient; after which the presiding Minister shall state in a concise manner the warrant and nature of the office of Ruling Elder or Deacon, together with the character proper to be sustained and the duties to be fulfiled.

The presiding Minister is, of course, the Moderator of the Session, which is in session from the beginning of this service of ordination, the ordination being by the Session and not by the Minister.

Having done this, he shall propose to the candidate, in the presence of the church, the following questions, viz.:

1. Do you believe the Scriptures of the Old and New Testaments to be the word of God, the only infallible rule of faith and practice?

As this is not intended to inquire into a man's opinion as to the genuineness of particular readings, so not as to the authenticity of particular books, but into his opinion concerning these Scriptures as a whole. It is purposely asked whether they are the word of God, instead of whether they contain the word of God; for, though there are senses in which it might be more exact to say that they contain the word of God, yet, unless one believes that they are, being the word or teaching of some one person, God's Word, he is not able to answer this question affirmatively in the sense intended. For, while we would claim for our standards only that they contain the word of God, we claim for the Scriptures that they are the word of God. And while these standards are a rule of faith and practice, and we believe them to be, on the whole, a correct rule, yet neither they nor any other rule set forth by individuals or councils is an infallible rule; but, in contrast with them all, however excellent some of them may be, we believe that the Scriptures are an infallible rule, and so the only infallible rule whatever. Being such, they teach the truth and nothing but the truth. This does

not determine whether there may be errors in some of the statements of the Bible as it actually lies before us, nor how such errors, if any, have come to be there, but it does determine that the Scriptures, as they came from God and as they now exist in the possession of the Church, are infallible in their teaching as to belief and duty. And all officers of our Church stand together upon this fundamental platform, and no one is asked or expected to associate himself with us in office who cannot sincerely stand with us upon this basis.

2. Do you sincerely receive and adopt the Confession of Faith and Catechisms of this Church, as containing the system of doctrine taught in the Holy Scriptures?

The question is not concerning the Westminster Confession and Catechisms, but concerning the Confession and Catechisms of this Church, though the difference between them is slight. The question has to do, not with a favorable opinion of these standards, nor even with such an approval of them as one might give to a set of regulations, but with such a receiving of them as is an adoption of them as one's own utterance of his beliefs. And yet there is a limitation. Not only is any formulation of doctrine incomplete, in that it does not contain all that the complete teaching of the Scriptures contains, and more or less one-sided, in that it is a contradiction of the particular forms of error prevailing at the time of its formulation, and lays special emphasis upon the truths just then most in dispute, or most thoroughly agreed upon by the formulators; but it is fallible, and liable to contain positive error in its teaching. Hence one is not asked to say that these standards are the doctrines

of Scripture, but that they contain the doctrines of Scripture.

But while we admit that these standards may contain error, and a man can properly answer this question affirmatively who believes that this or that in the standards is erroneous, yet no one can properly answer this question affirmatively who does not believe that the system of doctrine contained in these standards is the system of doctrine taught in the Scriptures. If one believes that no *system* is taught in the Scriptures, but only particular facts and doctrines incapable of being reduced to a system, or if he does not believe that the confessional system is the scriptural system, though with some defects, it may be of omission, undue emphasis, and even positive errors, he cannot with propriety make this confession of faith his own.

3. Do you approve of the government and discipline of the Presbyterian Church in the United States?

A gradation is noticeable: the Scriptures are said to *be* the word of God; the standards of doctrine are *adopted as containing the scriptural system* of doctrine; but the governmental standards are not thus adopted, but the government and discipline are *approved*. In view of this evidently intended difference, while the principles of doctrine underlying the government and discipline, so far as set forth in the doctrinal standards, are covered by the preceding question, yet the application of these principles, as set forth in the Book of Church Order, are here only approved in the sense of agreed to as regulations to be observed. But unless one can thus sincerely approve, being willing to assume covenant obligations to carry out these provi-

sions, he ought not to answer this question affirmatively.

4. Do you accept the office of Ruling Elder (or Deacon, as the case may be) in this church, and promise faithfully to perform all the duties thereof?

Of course, if at any time afterwards one becomes unwilling to perform all the duties of his office faithfully, he is bound, on common principles of honesty, to resign his office obtained upon this promise. And surely no one can without sin allow himself to answer this question affirmatively without first acquainting himself, in some good measure, with the duties to which he thus pledges himself; just as no one can, without sin, affirm the three questions preceding, until after he has examined the Scriptures, the Confession, and Catechisms, and the government and discipline, and satisfied himself of his ability to answer Yes intelligently and sincerely.

5. Do you promise to study the peace, unity, edification, and purity of the Church?

This pertains not to the particular church alone, but also to the whole Church. The officer is to earnestly endeavor that he may positively promote, as well as not hinder, the peace, including especially the unity of the Church. He will therefore labor to keep his particular church in unity with the Church. But the peace of the Church is not to be purchased with its edification and purity, but the peace is in order to purity.

The Ruling Elder or Deacon elect having answered in the affirmative, the Minister shall address to the members of the church the following question, viz.:

Do you, the members of this church, acknowledge and re-

ceive this brother as a Ruling Elder (or Deacon), and do you promise to yield him all that honor, encouragement and obedience in the Lord to which his office, according to the word of God and the Constitution of this Church, entitles him?

The members of the Church include the baptized children that have not yet been admitted to the Lord's table, if they choose to assent to this question. While "obedience" is hardly due to a deacon as such, honor and encouragement are, and the question is framed to cover the case of both Deacon and Ruling Elder. If the members that have a right to vote should now refuse to agree to this pledge, such refusal would be sufficient reason for proceeding no further with the ordination, of which matter, as of all others arising in the course of ordination, the Session must judge, and not the Minister.

The members of the church having answered this question in the affirmative, by holding up their right hands, the Minister shall proceed to set apart the candidate, with prayer and the laying on of the hands of the Session, to the office of Ruling Elder (or Deacon, as the case my be). Prayer being ended, the members of the Session (and the Deacons, if the case be that of a Deacon) shall take the newly ordained officer by the hand, saying, in words to this effect: "We give you the right hand of fellowship, to take part in this office with us." The Minister shall then say: "I now pronounce and declare that A. B. has been regularly elected, ordained and installed a Ruling Elder (or Deacon) in this Church, agreeably to the word of God, and according to the Constitution of the Presbyterian Church in the United States; and that as such he is entitled to all honor, encouragement and obedience in the Lord: In the name of the Father, and of the Son, and of the Holy Ghost. Amen." After which he shall give to the Ruling Elder (or Deacon) and to the church, an exhortation suited to the occasion.

The members of the Session, being all *ex officio*

Deacons, may say to a newly ordained Deacon, "to take part in this office with us." It is important to notice that not only the Minister, but all the members of the Session, lay on their hands upon the candidate; but the Deacons do not, nor any Ruling Elder or Minister not sitting in the Session as a member or by courtesy, for the ordination is a sessional act.

113.—III. The offices of Ruling Elder and Deacon are perpetual; nor can they be laid aside at pleasure; nor can any person be degraded from either office but by deposition after regular trial. Yet a Ruling Elder or Deacon may, though chargeable with neither heresy nor immorality, become unacceptable in his official character to a majority of the church which he serves. In such a case, it is competent for the Session, upon application, either from the officer or from the church, to dissolve the relation. But no such application from either party shall be granted without affording to the other party full opportunity for stating objections.

See Rules of Discipline, Chap. VIII., Sec. X. The office is perpetual in the same sense as the status of communicating member is perpetual; as one cannot come into either dignity without the coaction of the Church, so one cannot pass out of either obligation without the coaction of the Church. And the Church cannot deprive any one of either status without regular trial. But just as the pastoral relation between a Minister and a particular church may be dissolved without degrading him from the offiice of Minister, so the official relation between a Ruling Elder or Deacon and a particular church may be dissolved without degrading him from his office. When called again to serve in his office in the same or another particular church, he needs not to be ordained again, but only to be installed. And as it is the Presbytery that dissolves

the relation in the case of a Minister, so it is the Session that dissolves the relation in the case of a Ruling Elder or Deacon. Either party may request the dissolution, but the court may not act without first hearing from the other party. How the church can initiate proceedings in such a case is not pointed out, and there seems to be no way provided, unless one of these two be resorted to: a majority of those entitled to vote may request the Session to convene the Church for the purpose of taking action on the question of the official relation of such or such, and then the Session would be bound to convene the Church as requested (102); or the Session itself, without request from either party, may present the question of the continuance of his official relations either to an officer or to the church, as the Presbytery might present such a question to a Pastor or to his church. Our paragraph suggests unacceptability in his official capacity to a majority of the church as a reason for the dissolution of one's official relation; but, of course, unacceptability to a minority, or other reason, might be sufficient ground, as in the case of a Pastor, of which the Session must judge. But by analogy (cf. par. 128), the Session has no option but to dissolve the relation when both parties request it.

114.—IV. When a Ruling Elder or Deacon removes permanently beyond the bounds of the church which he serves, his official relation shall be thereby dissolved, and the Session shall record the fact.

The relation is dissolved by the removal, whether the officer obtains a certificate of dismission or not; and the Session should make record of the

fact of permanent removal and the consequent dissolution of official relation, without waiting for an application for dismissal.

There is no provision for releasing a Ruling Elder or Deacon from his official relation on the ground of old age or physical inability (unless so far as paragraph 113 may be construed thus); nor may his official relation be dissolved on such ground except under paragraph 113.

115.—V. When a Ruling Elder or Deacon who has been released from his official relations is again elected to his office in the same or another church, he shall be installed after the above form, with the omission of ordination.

All the questions would be asked, and everything done as prescribed in paragraph 112, omitting the words "shall proceed to set apart. . . . After which he." If a Ruling Elder thus released is afterwards elected a Deacon in the same or another church, he would be installed simply, since a Ruling Elder is *ex-officio* a Deacon. (See last paragraph of remarks on 112.)

SECTION V.—*Of the Ordination of Ministers, and the Formation and Dissolution of the Pastoral Relation.*

The relation of a Minister to a church as one of its officers is treated apart from the like relation of a Ruling Elder or Deacon, because this the Session controls, and that the Presbytery. The section falls into three parts—seven paragraphs on the ordination of Pastors; six paragraphs of special regulations to cover cases not provided for in the preceding paragraphs; and one paragraph on the dissolution of the pastoral relation. The seven paragraphs on the ordination of Pastors have three on the steps antecedent to the ordination, one on

the placing of the call, one on the acceptance of it, and one on trials with a view to ordination; and three on the ordination itself, one on the obligations of the candidate, one on the obligations of the church, one on the act of ordination, and one on the recognition of the new Pastor.

116.—I. No Minister or Probationer shall receive a call from a church but by the permission of his Presbytery. When a call has been presented to the Presbytery, if found in order and the Presbytery deem it for the good of the Church, they shall place it in the hands of the person to whom it is addressed.

The principle is fundamental, that neither Minister nor church may enter into the pastoral relation without the consent of Presbytery; and the establishment of what is virtually the pastoral relation without the regular process and installation, whatever the relation may be called, is subversive of our system. Even for the Minister to signify his own mind concerning his proposed relation to the church before the Presbytery has acted will often tend to render the interposition of the Presbytery impracticable. The ideal would be for the called to give no indication of his own mind, and not to be consulted at all, until after the Presbytery has put the call into his hands.

117.—II. When a call for the pastoral services of a Probationer has been accepted by him, the Presbytery shall take immediate steps for his ordination.

When the three parties—the church and the Presbytery and the man called—have all agreed that the relation should be established, no pleas of convenience or of other ground shall be permitted to delay it, in the case of a probationer; but in the

case of an ordained Minister other interests may justify a delay.

118.—III. The trials for ordination, especially in a different Presbytery from that in which the candidate was licensed, shall consist of a careful examination as to his acquaintance with experimental religion; as to his knowledge of philosophy, theology, ecclesiastical history, the Greek and Hebrew languages, and such other branches of learning as to the Presbytery shall appear requisite, and as to his knowledge of the doctrine of the sacraments, and the principles and rules of the government and discipline of the Church. He shall further be required to preach a sermon before the Presbytery. The Presbytery being fully satisfied of his qualifications for the sacred office, shall appoint a day for his ordination, which ought, if practicable, to be in that church of which he is to be the Pastor.

It must be borne in mind that the one object of these trials is to satisfy the Presbytery of the probationer's qualifications for the ministry; Presbytery is not to ordain until fully satisfied as to qualifications, and the trials should continue until this full satisfaction is reached, and need continue no further. But the Presbytery is not at liberty to omit altogether any part of the trials here prescribed, unless it be such part as has been had already before the Presbytery in trials for licensure; and these need not be omitted.

These trials fall into three groups. The first is a *careful* examination as to his own inward experience. The question, not merely whether the probationer gives credible evidence of faith in Christ, but whether, having such faith, his religious experience is such as a Minister needs to have as a qualification for his office. For one may have some acquaintance with genuine experimental religion, and not have sufficient acquaintance for this office. As this is immeasurably more important

than any learning, so upon this the chief stress ought to be laid. Whatever other trial is abridged or given little attention, this, which is put first and is first, should be thorough, and too great deficiency here should always arrest the trials for ordination, it not being worth while to go further, unless the probationer is qualified in this respect.

The second group is a *careful* examination as to knowledge. And the branches of knowledge are specified in three specifications. The first specification is philosophy, theology, ecclesiastical history, the Greek and Hebrew languages. Philosophy is named before theology, a man's philosophy having more to reveal of his mental make-up, and more to do with determining his theology, than his theology has to reveal of his mental make-up, or to do with his philosophy. And yet theology is the central subject, to which philosophy contributes on the one hand, and ecclesiastical history and the original languages of Scripture on the other. It must appear strange that knowledge of the Scriptures is not distinctly named, unless theology is understood to be another term for it. The second specification is such other branches of learning as to the Presbytery shall appear requisite. Requisite for what? Requisite for showing whether he has the qualifications for the office of the ministry. For one might be destitute of learning in some of the subjects named, and yet have such learning in subjects not named as would make him superior, in point of human learning, to many that have satisfactory learning in the subjects named. Now, it is manifest that the requirement to examine in these branches of learning that are

named, is not a requirement that the probationer shall show a knowledge of them all. The Presbytery is to examine as to his knowledge; but how much knowledge of this or that will be necessary to satisfy Presbytery of his qualifications the Presbytery must decide. The third specification is the sacraments and the government and discipline. These items are thrown off to themselves, that they may the more certainly receive distinct attention before Presbytery.

The third group of trials is the sermon; and this the Presbytery is not at liberty to omit. For he is being tested as to his qualifications to preach.

The ordination must be in the presence of the church (paragraph 120) that he is to be pastor of, and therefore ought, if practicable, to be in the church building in which this church is accustomed to worship.

119.—IV. The day appointed for the ordination having come, and the Presbytery being convened, a member of the Presbytery, previously appointed to that duty, shall preach a sermon adapted to the occasion. The same, or another member appointed to preside, shall afterwards briefly recite from the pulpit the proceedings of the Presbytery preparatory to the ordination; he shall point out the nature and importance of the ordinance, and endeavor to impress the audience with a proper sense of the solemnity of the transaction.

Then addressing himself to the candidate, he shall propose to him the following questions, viz.:

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice?

2. Do you sincerely receive and adopt the Confession of Faith and the Catechisms of this Church as containing the system of doctrine taught in the Holy Scriptures?

3. Do you approve of the government and discipline of the Presbyterian Church in the United States?

4. Do you promise subjection to your brethren in the Lord?

5. Have you been induced, as far as you know your own

heart, to seek the office of the holy ministry from love of God and a sincere desire to promote his glory in the gospel of his Son?

The purport of the first three questions was set forth under paragraph 112, but questions 4, 5, and 7 are additional to the questions asked of Ruling Elders and Deacons at their ordination. What the Minister here explicitly professes and promises is all implied in the obligations assumed by those lower officers; but the superior dignity and importance of the Ministerial office is indicated in making these elements of the obligation explicit. Subjection to one's brethren is, of course, qualified by such teachings as are contained in Section I. of Chapter II., and by the particular provisions of the Book of Church Order; but within these limits the obligation of obedience to ecclesiastical authority is assumed, and should be humbly and strictly kept. And so many are the temptations to enter the Ministry from unworthy motives, so impossible is it to do the work of this office efficiently except from love to God, and so great is the guilt of prostituting this office to the service of lower motives, that each one is put upon searching his own conscience to see and to declare this pure motive his real motive.

6. Do you promise to be zealous and faithful in maintaining the truths of the gospel and the purity and peace of the Church, whatever persecution or opposition may arise to you on that account?

This is substantially the same as question 5 in paragraph 112, put to Ruling Elders and Deacons; but lays more emphasis upon fidelity in the face of opposition and persecution; and for this there is the fact that a Minister may lose his means of

living and professional standing by such fidelity, if he thereby encounters opposition from the worldly and ignorant in the Church. Perhaps this part of the Ministerial vow is more often violated than any other, on this very account.

7. Do you engage to be faithful and diligent in the exercise of all your duties as a Christian and a Minister of the gospel, whether personal or relative, private or public; and to endeavor by the grace of God to adorn the profession of the gospel in your conversation, and to walk with exemplary piety before the flock of which God shall make you overseer?

See comments under question 5. Emphasis is thus put upon the preëminent importance of the Minister's life as distinguished from his teaching.

8 Are you now willing to take the charge of this church, agreeably to your declaration at accepting their call? And do you, relying upon God for strength, promise to discharge to it the duties of a Pastor?

This is parallel with question 4 in paragraph 112.

If the candidate should fail to answer any of these questions in the affirmative, that failure would arrest the ordination service.

120.—V. The candidate having answered these questions in the affirmative, the presiding Minister shall propose to the church the following questions:

It appears that only a Minister may preside on such an occasion.

1. Do you, the people of this congregation, continue to profess your readiness to receive . . . whom you have called to be your Pastor?

These four questions replace the one question asked the church, paragraph 112, at the installation of Ruling Elders and Deacons, and, by laying more emphasis upon these obligations to a Minister than upon the like obligations to them, again indi-

cate the greater dignity and importance of the order of Ministers.

It is conceivable that the church may change its mind between the election and the installation; and if so, here would be the place, if it has not been done already, to show this change of mind by refusing to answer affirmatively. And should there be such a refusal by the members generally, or by so large a number as to indicate such a change of mind, the Presbytery should not proceed with the installation.

2. Do you promise to receive the word of truth from his mouth with meekness and love, and to submit to him in the due exercise of discipline?

This is a specific promise not to do what members of the church are so liable to do, receive the preaching with adverse criticism, and resist or disapprove discipline.

3. Do you promise to encourage him in his labors, and to assist his endeavors for your instruction and spiritual edification?

Here is emphasized a thing so commonly neglected by the members of the church, and yet so much needed by the Pastor, an obligation the more sacred because indefinable.

4. And do you engage to continue to him while he is your Pastor that competent worldly maintenance which you have promised, and to furnish him with whatever you may see needful for the honor of religion and for his comfort among you?

It being assumed that the church in its call has promised a competent worldly maintenance, it here repeats that promise, especially promising not to discontinue or diminish the same on account of any disaffection arising, until discharged from this obligation by the dissolution of the pastoral rela-

tion; and to this is added a promise that to this minimum shall be added whatever, if anything, is needful to the honor of religion or the comfort of the Pastor.

A beautiful undertaking! But who is bound to do this? Each individual to the extent of his particular promise already made? Yes and No. The individual is bound in just the sense and to just the extent in which every member of a body is bound for its obligations; his obligation is not limited or measured by the *pro rata* which he may have undertaken to pay, except so far as the terms or conditions of that promise may define his relations to his fellow members; for his obligation is not immediately to the Pastor, but to the church. It is the church that is under obligation to the Pastor; and its whole ability in property and in its resources of contributions from its members is under pledge.

This being true, a church ought not to enter into an obligation beyond its reasonable ability to meet, nor ought a Presbytery to permit it. But since a church ought not to promise anything less than a competent support, a church not really able to give such a support ought not to continue as a distinct church. By sharing the support of a Pastor with one or more neighboring churches, or by receiving a fixed aid from Presbytery or other source, a church not able alone to have a Pastor may yet have a Pastor agreeably to these principles.

121.—VI. The people having answered these questions in the affirmative, by holding up their right hands, the candidate shall kneel, and the presiding Minister shall, with prayer and

the laying on of the hands of the Presbytery, according to the apostolic example, solemnly set him apart to the holy office of the gospel ministry. Prayer being ended, he shall rise from his knees; and the Minister who presides shall first, and afterwards all the members of Presbytery in their order, take him by the right hand, saying, in words to this effect: "We give you the right hand of fellowship, to take part in this ministry with us." The Moderator shall then say: "I now pronounce and declare that A. B. has been regularly elected, ordained, and installed Pastor of this congregation, agreeably to the word of God, and according to the Constitution of the Presbyterian Church in the United States; and that as such he is entitled to all support, encouragement, honor, and obedience in the Lord. In the name of the Father, and of the Son, and of the Holy Ghost. Amen." After which the Minister presiding, or some other appointed for the purpose, shall give a solemn charge to the Pastor and to the congregation to persevere in the discharge of their reciprocal duties; and then by prayer recommend them both to the grace of God and his holy keeping; and finally, after singing a psalm or hymn, shall dismiss the congregation with the usual blessing. And the Presbytery shall duly record the transaction.

It is to be noted that the Minister presiding is to do everything but preach the sermon and deliver the charge, and he may also deliver the sermon or the charge, or both; that the charge to the Pastor and to the people is to be delivered by one Minister, there being prescribed here only one charge by one Minister, and not two charges by two Ministers; and that a Ruling Elder cannot be an appointee for any of these functions. As there is nowhere any rule for determining an order of precedence between the members of Presbytery, the phrase "members of the Presbytery in their order" must mean simply one after another. Ruling Elders, members of the Presbytery, lay their hands on the head of the candidate, and extend to him the right hand of fellowship, as well as the Ministers. It is proper for them also to use the

words "to take part in this ministry with us," although these words can mean, in their mouth, only the ministry of ruling. (Cf. also par. 112 and comments.)

122.—VII. After the installation, the heads of families of the congregation then present, or at least the Ruling Elders and Deacons, should come forward to their Pastor, and give him their right hand, in token of cordial reception and affectionate regard.

Others are not forbidden to do the same; nor is it wrong to extend like welcome to a Ruling Elder or Deacon.

123.—VIII. In the ordination of Probationers as Evangelists, the eighth of the preceding questions shall be omitted, and the following substituted for it, namely:

Do you now undertake the work of an Evangelist, and do you promise, in reliance on God for strength, to be faithful in the discharge of all the duties incumbent on you as a Minister of the gospel of the Lord Jesus Christ?

While it would be according to the principles of the Form of Government to substitute a similar question in ordination to the office of Teacher or other sort of labor as Minister, no express provision is made for such cases. (Cf. remarks at beginning of Sec. III.)

124.—IX. No Presbytery shall ordain any Probationer to the office of the gospel ministry, with reference to his laboring within the bounds of another Presbytery, but shall furnish him with the necessary testimonials, and require him to repair to the Presbytery within whose bounds he expects to labor, that he may submit himself to its authority, according to the Constitution of the Church.

This accords with paragraphs 101 and 62.

125.—X. In the installation of an ordained Minister, the following questions are to be substituted for those addressed to a candidate for ordination, namely:

1. Are you now willing to take charge of this congregation

as their Pastor, agreeably to your declaration at accepting its call?

This is identical with the first part of question 8 in paragraph 119.

2. Do you conscientiously believe and declare, as far as you know your own heart, that, in taking upon you this charge, you are influenced by a sincere desire to promote the glory of God and the good of the Church?

This is a particular application of the principle of question 5 in 119.

3. Do you solemnly promise that, by the assistance of the grace of God, you will endeavor faithfully to discharge all the duties of a Pastor to this congregation, and will be careful to maintain a deportment in all respects becoming a Minister of the gospel of Christ, agreeably to your ordination engagements?

This is substantially the same as question 7 in 119, with a reiteration of all the ordinary obligations.

126 —XI. A congregation desiring to call a Pastor from his charge, shall, by its commissioners,

109,

represent to the Presbytery the ground on which it pleads his removal. The Presbytery having heard all the parties,

The Pastor himself, as well as his church and the church calling, is one of the parties; but he is not obliged to indicate his opinion.

may, upon viewing the whole case, either recommend them to desist from prosecuting the call,

This recommendation the calling church is not obliged to follow,

or may order it to be delivered to the Minister to whom it is addressed, with or without advice;

The Presbytery may be unwilling to prevent his

translation without his consent, and yet may feel constrained to advise him to decline the call; or the Presbytery may be so strongly persuaded that his translation is desirable for the general good as to advise him to accept, although it is without authority to command.

or may decline to place the call in his hands,

however much any or all the parties may desire the translation,

as it shall appear most for the peace and edification of the Church at large; or it may refer the whole matter to the Synod for advice and direction;

As a lower court may refer any question according to 247-254,

and no Pastor shall be translated without his consent,

Although he may, without his consent, be removed, that is, have his pastoral relation dissolved.

If the parties are not ready to have the matter issued at the meeting then in progress, a written citation shall be given the Minister and his church to appear before the Presbytery at its next meeting, which citation shall be read from the pulpit

of his church

on the Sabbath after sermon, at least two Sabbaths before the intended meeting.

The meaning is not that the citation shall be read at least twice, but that it shall be read once as much as two Sabbaths before. This gives the church ample time in which to meet as a congregation and send its answer, by commissioners or otherwise. The next meeting of Presbytery may be its next regular meeting or an adjourned meeting. The principle is, that the Presbytery must not, unless in such extraordinary cases as are

meant in the latter part of 77 : 6, dissolve a pastoral relation without giving both the Pastor and the church opportunity to show why it should not be dissolved.

127.—XII. If the congregation, or other field of labor, to which a Minister or Probationer is called, be under the jurisdiction of a different Presbytery,

from that of the Minister or Probationer,

on his acceptance of a call he shall be furnished with the proper testimonials, and required to repair immediately to that Presbytery, in order that he may be regularly inducted into his office according to the preceding directions.

This would not require the dismissal of one who had come under charges, nor would it forbid the dismissal of one in whose hands a call had been placed and not yet accepted or declined.

It may be remarked here that a church that has called a Pastor may withdraw that call at any time before his acceptance, and even at any time after his acceptance and before his installation is consummated ; but, of course, if done between his acceptance and installation, the withdrawal could be morally justified only upon the discovery of important facts forbidding the institution of the proposed relation.

128.—XIII. When any Minister shall tender the resignation of his pastoral charge to his Presbytery, the Presbytery shall cite the church, as in the preceding directions, to appear by its commissioners at the next meeting, to show cause, if any it has, why the Presbytery should not accept the resignation. If the church fail to appear, or if its reasons for retaining its Pastor be deemed insufficient, his resignation shall be accepted, and the pastoral relation be dissolved. If any church desires to be relieved of its Pastor, a similar process shall be observed. But whether the Minister or the church initiate proceedings for a dissolution of the relation, there shall always be a meet-

ing of the church, called and conducted precisely in the same manner as when the call of a Pastor is to be made out.

A Pastor resigns to the Presbytery, and not to the church; and the church applies to the Presbytery for a dissolution, and does not ask the Pastor to resign. It is the Presbytery that establishes and dissolves the pastoral relation, and not the Minister and the church. These two parties have no negotiations with each other directly concerning the pastoral relation, but only through the Presbytery.

At the same time, according to the principle indicated in paragraph 126, that the church may have already had a meeting and prepared its answer to Presbytery, in case some other church has made out a call that aims at the removal of the Pastor, the church may likewise, if its Pastor gives notice of his intention of tendering his resignation to the Presbytery, hold a congregational meeting and appoint its commissioners to answer in the matter to Presbytery, before that meeting of Presbytery at which the Pastor's resignation is to be presented; and the issue may then be determined.

The church, when cited by Presbytery, must be convened in congregational meeting, but it may decide to make no opposition, and in that case may decide not to send any answer to the Presbytery. And this requirement of a congregational meeting does not forbid the Presbytery to dissolve the pastoral relation on its own motion, without consulting either Pastor or church, "where the interests of religion imperatively demand it." (See 77:6.)

How a church can initiate proceedings is explained in remarks under paragraph 113.

SECTION VI.—*Of the Licensure of Probationers for the Gospel Ministry.*

The section contains two preliminary paragraphs, one defining the object of licensure and one prescribing what Presbytery, and upon what conditions, shall take up the question of licensing a candidate; four on evidences of fitness for licensure, of which the first prescribes three preliminary tests, the next outlines the body of the trials, the third states the end and limit of these examinations, and the last permits licensure in extraordinary cases; two on the act of licensure, one prescribing the obligations to be demanded of the licentiate, and one the form of licensure; two on transfer of candidates in process of examination for licensure, and of unordained licentiates; and two concerning the duties of the licensed probationer, and the withdrawal of license.

129.—I. Presbyteries shall license Probationers to preach the gospel, in order that, after sufficiently trying their gifts, and receiving from the Church a good report, they may, in due time, ordain them to the sacred office.

Licensure is a tentative ordination; for the essence of ordination does not lie in the ceremony of the imposition of hands, but in the decision of the ordaining court to recognize a man as appointed by Christ to an office. And licensure is a tentative recognition. But it is tentative. The candidate is licensed as a *Probationer*. Especially is it necessary to bring into use the test of the call of the Spirit through the people of God; and the special

object of licensure is in order to the application of this test.

130.—II. The trials of a candidate for licensure shall ordinarily be had by the Presbytery having jurisdiction of the church of which he is a member; but should any one find it more convenient to put himself under the care of a Presbytery at a distance from that to which he most naturally belongs, he may be received by the said Presbytery on his producing testimonials, either from the Presbytery in the bounds of which he has usually resided, or from any two Ministers of that Presbytery in good standing, of his exemplary piety and other requisite qualifications.

It is a striking fact that, in this provision for applying for licensure outside the Presbytery to which the applicant's church belongs, no mention is made of the Session; nor does the Constitution anywhere give the Session any function in connection with the induction of men into the ministerial office.

131.—III. Candidates applying to the Presbytery to be licensed to preach the gospel shall produce satisfactory testimonials of their good moral character, and of their being communicating members of the Church in regular standing. And the Presbytery shall examine them respecting their experimental acquaintance with religion, and the motives which influence them to desire the sacred office. This examination shall be close and particular, and shall ordinarily be conducted in the presence of the Presbytery only. And it is recommended that the candidate be also required to produce a diploma of Bachelor or Master of Arts from some college or university, or at least authentic testimonials of his having gone through a regular course of learning.

Here are three preliminary requirements, the first two of which are imperative. The first is evidence, apart from the applicant's word, that he has a good moral character and is a communicating member of the Church. It is striking that neither of these facts is regarded as involving the other.

The decision of Presbytery that the evidence submitted on these points is satisfactory constitutes the applicant a candidate under the care of the Presbytery.

The next requirement is independent of testimony concerning the candidate: it is a personal examination of the candidate on his experimental acquaintance with religion, in general, and on his motives for seeking the office of the ministry, in particular. Three things are contained here concerning this examination. The first is that it shall be an examination of the candidate. The Presbytery may examine through a committee and by writing; but the Presbytery must examine the candidate himself, and examine to form a judgment of its own concerning his religious experience and inner mind; not, indeed, simply to determine whether he gives credible evidence of regeneration, but of spiritual fitness for the ministry. And it lies in the nature of the case that the Presbytery need not conclude this part of the examination on the first occasion, but may take it up again and again until licensure is granted. In the second place, this examination is to be close and particular. However much individual members of the Presbytery may be persuaded of the candidate's piety, or even of his fitness for the ministry, the principle is, that the court will be led to perceive and attest this fitness, upon a thorough examination conducted in the humility and wisdom of the Spirit, if it exists; or, if it does not exist, to discern and declare the lack of it. In the third place, that the examination may be such as this principle requires, the examination is ordinarily to be con-

ducted in the presence of the Presbytery only, that there may be no embarrassment to the candidate in answering, nor restraint to the members of Presbytery in asking, such questions as are proper to a thorough examination.

The third requirement Presbyteries are not enjoined to make. Presbytery may not license any one without satisfying itself that he has "learning" (paragraph 133); but Presbytery may proceed by examination to ascertain whether he has the learning without requiring external proof that he has had the opportunity to acquire the learning. It is recommended, however, that this precaution be not omitted; for no one has learning naturally, however able he may be, and it is useless to examine a man to determine whether he has *learning*, if he has not gone through the only sort of course that leads to learning. The Constitution means to require learning in all cases.

It is remarkable that Ruling Elders and Deacons are presumed by the Constitution to receive their call from the people (and the court) first, and the inward call afterward; but Ministers are presumed to receive the inward call first, and that of the court and of the people afterward.

132.—IV. The Presbytery shall try each candidate as to his knowledge of the Latin language and the original languages of the Holy Scriptures.

This knowledge of the languages is set first and to itself, as lying at the basis of learning in general (that is, of the sort of learning required, which is rather that of the classical than of the scientific course), and of biblical learning in particular.

It shall also examine him on mental philosophy, logic, and rhetoric;

Teachers need to understand psychology, since they are to work upon mind; logic, that they may be able to interpret, expound, and maintain their doctrines; and rhetoric, that they may be able effectively to present their teachings.

on ethics;

This must be understood here to include metaphysics; and the singular importance of this branch of study as underlying theology is not to be overlooked.

on the natural and exact sciences;

While the mental and ethical sciences are more important for the minister, the training of the mathematical and physical sciences may not be dispensed with in a regular course of learning; and not only is this element of training needful for the minister, but the knowledge of the physical sciences is now of practical importance.

on theology, natural and revealed;

This means not only a systematic arrangement of the doctrines of Scripture, but also a comprehensive philosophy of the system of doctrines taught in the Scriptures and otherwise known concerning God and man's relations to him.

and

not only is it indispensable that the candidate stand a satisfactory examination on theology in general, but, for practical reasons, especially

on ecclesiastical history, the sacraments, and church government.

It is noteworthy that the Presbytery is never at

liberty to omit trying each candidate on these subjects. How much he shall know on these subjects is left to the Presbytery's discretion under the guidance of paragraph 133; but it is not left to the Presbytery's discretion whether to ascertain, *by examination*, some just measure of his knowledge and discipline in each of these subjects; nor may the Presbytery omit any of the exercises following.

Moreover, the Presbytery shall require of him—

1. A discussion in Latin of a *thesis* on some common head in divinity.

This will test his knowledge of the Latin language, of theology, and of logic and rhetoric.

2. An *exegesis* or *critical exercise*, in which the candidate shall give a specimen of his taste and judgment in sacred criticism; presenting an explication of the original text, stating its connection, illustrating its force and beauties, removing its difficulties, and solving any important questions which it may present.

This will test his acquaintance with one, if not with both, of the original languages of the Scriptures, with almost the whole list of branches of learning, and especially with the Bible itself in the original.

3. A *lecture* or exposition of several verses of Scripture.

Besides serving largely the same purposes as the critical exercise, this will especially test his acquaintance with the English Bible and his ability as an expositor.

4. A *sermon*.

Lying back of the sermon there needs to be a grasp of theological truth in system, and the power to set it forth, as is to be shown in the thesis; a

command of the instruments of critical exegesis, as is to be shown in the critical exercise; and the power of expounding the Scriptures in accord with the principles of sound theology and criticism, but so as to instruct and help popular assemblies, as is to be shown in the lecture; but the sermon itself is the preacher's great work, by which he works the truth of Scripture into the lives of men. Men may be profound theologians, correct exegetes and clear expositors, and still fail as preachers; and such men should not be licensed to preach.

133.—V. These and other similar exercises

Not these *or* other, etc.

at the discretion of the Presbytery, shall be exhibited until it shall have obtained satisfaction as to the candidate's piety, learning and aptness to teach in the Church.

The discretion of Presbytery extends to the "other similar exercises," and to the extent of the exercises and their repetition; but the process of testing must continue until the Presbytery satisfies its mind whether the candidate has piety, learning and aptness to teach in the Church, that is, such piety and learning and aptness as the Minister should have.

134.—VI. No candidate, except in extraordinary cases, shall be licensed unless he shall have completed the usual course of academical studies, and shall also have studied divinity at least two years under some approved teacher of theology; and whenever any Presbytery shall see reason to depart from this rule, it shall always make a record of the fact upon its minutes, with the reasons therefor.

The exception is not an exception from attainments, but from the ordinary conditions of getting the attainments. Ordinarily, one cannot have the re-

quisite learning, secular and sacred, without completing the usual course of academical studies and studying divinity two years or more under an approved guide; but there are extraordinary cases of men that, without having followed the usual academical and theological courses, have, in unusual ways, acquired the required knowledge and discipline (namely, the three languages; mental philosophy, logic and rhetoric; ethics; natural and exact sciences; theology; and ecclesiastical history, the sacraments and church government), and such extraordinary cases may be constitutionally licensed. But the facts and reasons must always be recorded. But may no candidate be licensed who is deficient in one or more branches of the prescribed learning? Not according to the Constitution, except on this ground: It belongs to Christ himself through his Holy Spirit to appoint men to office in his Church (pars. 8–11 and 96), and the regulations prescribed in paragraph 132 are prudential in their nature, precautions against the admission of unqualified men to the ministry rather than an enumeration of the qualifications that Christ has revealed specifically; and, consequently, whenever a Presbytery perceives that Christ has qualified a man for the office of the ministry who is ignorant of one or more of these particular branches of learning, the Presbytery ought not to refuse to recognize the manifest will of the King, and issue the license. Of course, such an extraordinary case should be recorded, the principle that excepts some from the requirements of prescribed courses of study excepting some also from prescribed branches of study, which principle is, that no man is to be

excluded whom Christ has duly qualified, and no man admitted whom Christ has not qualified, whether he has or has not complied with the prudential requirements for getting these qualifications. Cf. also par. 118 and remarks thereon.

135.—VII. If the Presbytery be satisfied with his trials, it shall then proceed to license him in the following manner: the Moderator shall propose to him the following questions, viz.:

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, the only infallible rule of faith and practice?

2. Do you sincerely receive and adopt the Confession of Faith and the Catechisms of this Church as containing the system of doctrine taught in the Holy Scriptures?

3. Do you promise to study the peace, unity and purity of the Church?

These questions are identical with questions 1 and 2, and (nearly) question 5, put to Ruling Elders and Deacons, and contain the fundamental obligations of all admitted to office. (Cf. 112 and 119.) The word edification, inserted in question 5 named above, is omitted here, it being yet undetermined whether the licentiate shall be able to edify the Church. (Cf. pars. 139 and 140.)

4. Do you promise to submit yourself, in the Lord, to the government of this Presbytery, or any other in the bounds of which you may be called?

This is substantially the same as the fourth question in the ordination of Ministers; but that is made more comprehensive, as the Minister comes into more complex relations with his brother Elders (through his membership in the courts), and the candidate is simply in subjection to the Presbytery alone without being a member of it.

136.—VIII. The candidate having answered these questions in the affirmative, and the Moderator having offered up a

prayer suitable to the occasion, he shall address the candidate to the following purpose: "In the name of the Lord Jesus Christ, and by that authority which he has given to the Church for its edification, we do license you to preach the gospel as a probationer for the holy ministry wherever God in his providence may call you; and for this purpose may the blessing of God rest upon you, and the Spirit of Christ fill your heart. Amen." And record shall be made of the licensure in the following or like form, viz.:

At . . . . . , the . . . day of . . . . . , the Presbytery of . . . . . , having received testimonials in favor of . . . . . , of his having gone through a regular course of literature, of his good moral character, and of his being in the communion of the Church, proceeded to take the usual parts of trial for his licensure. And he having given satisfaction as to his accomplishments in literature, as to his experimental acquaintance with religion, and as to his proficiency in divinity and other studies, the Presbytery did, and hereby does, express its approbation of all these parts of trial. And he having adopted the Confession of Faith and the Catechisms of this Church, and satisfactorily answered the questions appointed to be put to candidates to be licensed, the Presbytery did, and hereby does, license him, the said . . . . . , to preach the gospel of Christ, as a Probationer for the holy ministry, within the bounds of this Presbytery, or wherever else he shall be orderly called.

This form represents that the Presbytery proceeded to take the usual parts of trial and passed the formal act of licensure on the same date; and for this reason it will be necessary, in many cases, to change it. This might be done by omitting the date at the beginning, and inserting it before the word "license."

137.—IX. When any candidate for licensure shall have occasion, while his trials are going on, to remove from the bounds of his own Presbytery into the bounds of another, it shall be considered regular for the latter Presbytery, on his producing proper testimonials from the former, to take up his trials at the point at which they were left, and conduct them to a conclusion in the same manner as if they had been commenced by itself.

But the latter Presbytery may, if it thinks best, repeat any or all of his former trials.

138.—X. In like manner, when any Probationer, after licensure, shall by the permission of his Presbytery remove beyond its limits, an extract of the record of his licensure, and a Presbyterial recommendation, signed by the Clerk, shall be his testimonials to the Presbytery under whose care he shall come.

The refusal of this Presbytery to receive him would leave him, as would the refusal to receive an unlicensed candidate, *in statu quo* under his former Presbytery. It is noticeable that he is not supposed to remove without his Presbytery's permission.

139.—XI. Presbyteries should require Probationers to devote themselves diligently to the trial of their gifts; and no one should be ordained to the work of the gospel ministry until he has given evidence of his ability to edify the Church.

It is extremely important that the probationary character of the licentiate's status should not be forgotten, either by himself or the Presbytery.

140.—XII. When a Probationer shall have been preaching for a long time, and his services do not appear to be edifying to the Church, the Presbytery may, if it thinks proper, recall his license; and it shall be its duty to do so whenever the Probationer shall without necessity devote himself to such pursuits as interfere with a full trial of his gifts, according to his license.

The dignity of a licensed Probationer should be kept inseparable from the obligation and aim of this tentative status.

CHAPTER VII.

OF THE CONSTITUTION OF THE PRESBYTERIAN CHURCH.

Of the three paragraphs the first defines the Constitution; the second shows how one part of the Constitution may be amended; and the third, how the other part may be amended.

141.—I. The Constitution of the Presbyterian Church in the United States consists of its doctrinal symbols, embraced in the Confession of Faith, and the Larger and Shorter Catechisms, together with the Book of Church Order, which comprises the Form of Government, the Rules of Discipline, and the Directory for Worship.

No other deliverances of church courts or of individuals form any part of the Constitution. Nor is the Bible any part of the Constitution. As a distinct organization, organizationally distinct from other church organizations, the parts of this Church *stand together* in this Constitution, accepted as binding law and covenant by all the constituent parts of this Church; and the Bible is to this Church what this Constitution defines it to be. The fact that this Constitution subordinates itself to the Bible in every sense does not make the Bible technically the Constitution of the denomination. No one is compelled to become a constituent of this society, and no one ought to assume to do so, or to continue to do so, who is not willing to stand together with the others in this Constitution. But such acceptance does not mean the holding of this Constitution as infallible, or as in any sense equal in authority with the Bible, or as not needing improvement.

142.—II. The Book of Church Order may be amended on the recommendation of one General Assembly, when a majority of the Presbyteries advise and consent thereunto, and a succeeding General Assembly shall enact the same.

The last clause is not a part of the "when" clause, as shown by the change of tense, but is co-ordinate with the first principal clause. The first statement, then, is that the Book *may* be amended when the requisite number of Presbyteries advise and consent to a recommendation of amendment by a General Assembly. But the amendment is not yet enacted, it is not yet in the Constitution; only the amendment has been recommended to be made, and the required advice and consent that it be made have been given. It remains for a succeeding General Assembly to make it. But does the word "shall" take away discretion from a subsequent Assembly? Certainly not; for it does not command some particular Assembly to enact the amendment, and, therefore, commands no Assembly to enact it. The whole paragraph means that, before any amendment becomes in force, it shall be enacted by a General Assembly after a majority of the Presbyteries have advised and consented that the amendment be made, and have given this advice and consent, not in response to the motion of one or more individuals or other courts, but in response to a recommendation of a General Assembly. The Presbyteries must not only consent, but advise. The enacting Assembly may be any Assembly regularly convening after a majority of the Presbyteries existing at the time of the enactment have given their advice and consent. The amendment enacted must be precisely that which was recommended and was advised and consented to.

142 (*a*).—III. Amendments to the Confession of Faith and the Catechisms of this Church may be made only upon the recommendation of one General Assembly, the concurrence of at least three-fourths of the Presbyteries, and the enactment of the same by a subsequent Assembly.

The only real difference from the preceding paragraph is that three-fourths of the Presbyteries must concur instead of a majority. In acting on these amendments, too, Presbyteries should vote to concur or not to concur, but, in acting on those, to advise and consent or not to advise and consent.

The provision contained in the preceding paragraph for the amendment of the Book of Church Order shall not apply to this paragraph; but this paragraph shall be amended or altered only in the way in which itself provides for the amendment of the Confession of Faith and Catechisms of the Church.

Without some such sentence as this the whole paragraph would fail of its end, since it might be wiped out by a majority of the Presbyteries.

These provisions for amending the Constitution settle two things beyond question: this Book of Church Order cannot mean to impose any obligation upon any person inconsistent with his keeping an open mind for improvement of the doctrinal standards and of the Book of Church Order by changes of omission, addition or modification; and nothing said by any Minister or Ruling Elder of the Church in any court in relation to any proposition to amend the Constitution ought ever to be pleaded against him in charging him with an offence. This unwritten immunity takes away excuse for willingly agitating the Church generally in opposition to its Constitution before one endeavors in this constitutional way to have the Constitution amended.

The Rules of Discipline.

Discipline is such an important function of church courts that a special treatment of it and specific regulations of it are deemed necessary in the Constitution of this Church.

After a chapter of preliminary definitions, and a chapter concerning the discipline of non-communicating members, these Rules contain, first, three chapters on the Principles underlying Judicial Procedure: one treating of Offences; one of the Censures that may be used upon Offenders; and one on the Parties in cases of Process. In the second place, there follow Regulations concerning Process. In four chapters are Regulations governing the Conduct of Process: one containing General Provisions; two containing Special Provisions pertaining to Process before Sessions, and to Process before Presbyteries; and one on Evidence. Then are two chapters on Administration of Censures; one on their Infliction, and one on their Removal. And there is appended a chapter on Cases without Process. Following these two parts, the one on Principles and the other on Process in the courts of Original Jurisdiction, comes the third part of the Rules, which defines exactly the Jurisdiction of the various courts, and in which is much matter that might as well have been put in the Form of Government. This part has three chapters: one on appellate jurisdiction; one on

substitutes for carrying an issue to a higher court; and one on the determination of the jurisdiction to which any given person is subject.

CHAPTER I.

OF DISCIPLINE—ITS NATURE, SUBJECTS, AND ENDS.

The first paragraph defines discipline; the second specifies its subjects; and the other two treat of the ends of discipline, one especially of the ends of the one kind of discipline, and the other of the ends of discipline in general.

143.—I. Discipline is the exercise of that authority and the application of that system of laws which the Lord Jesus Christ has appointed in his Church. The term has two senses: the one referring to the whole government, inspection, training, guardianship, and control which the Church maintains over its members, its officers, and its courts; the other a restricted and technical sense, signifying judicial prosecution.

It is noticeable that technical discipline is simply a means or form of discipline in the larger sense, and that it includes all the parts of judicial prosecution, as well as the infliction and removal of censures.

144.—II. In the one sense, all baptized persons, being members of the Church, are subject to its discipline and entitled to the benefits thereof; but in the other, it refers only to those who have made a profession of their faith in Christ.

The exception of non-professing members from judicial prosecution is justified by the consideration that the Church, already excluding them from the Lord's supper for not accepting and professing Christ, has no higher censure to inflict. The subjection of them to judicial process for other sins

would only irritate them and exaggerate the heinousness of other sins as compared with not accepting Christ.

145.—III. The ends of discipline, as it involves judicial prosecution, are the rebuke of offences, the removal of scandal, the vindication of the honor of Christ, the promotion of the purity and general edification of the Church, and the spiritual good of offenders themselves.

These five ends run into each other. Judicial prosecution always aims at the rebuke of offences, if offences are found to exist; at the removal of the scandal of supposed offences, either by ascertaining their non-existence, or by rebuking them if they do exist; at the vindication of the honor of Christ by his Church's thus clearing itself of approving or allowing the offences; and at the purity and general edification of the Church by separating offenders, and by teaching in this particular way. But always it aims, too, at the good of offenders themselves, by leading them to forsake their sins, so long as there is hope of their reformation. But their good is not the sole end of discipline, and other ends may demand discipline where there is no hope of doing the offender good.

146.—IV. The power which Christ has given to the rulers of his Church is for edification, and not for destruction; it is a dispensation of mercy, and not of wrath. As in the preaching of the Word the wicked are doctrinally separated from the good, so by discipline, the Church authoritatively separates between the holy and the profane. In this it acts the part of a tender mother, correcting her children for their good, that every one of them may be presented faultless in the day of the Lord Jesus.

This paragraph speaks of discipline in general, and not of technical discipline alone. The holy

are all consecrated persons, whether by reason of the consecration of themselves of their own free-will, or by reason of their standing in a sacred relation through their connection with others, as children with their parents; and those who have once become holy are, by the discipline of the church, in both its aspects as defined in paragraph 143, separated from the profane—that is, from those who are not thus holy—unless and until such persons, by their own actual rebellion against Christ, and by violation of their sacred obligations, show that they belong among the profane. The baptized child is thus classed as holy, and is so treated; and yet, as it grows up and neglects to acknowledge Christ, it is not admitted to the most sacred intimacy of fellowship at the Lord's table. If those persons who have been admitted into the number of the holy in the fullest ecclesiastical sense show that they really do not belong there, discipline puts them in their proper class. All the steps toward the admission to full membership, or toward exclusion from it, are in the nature of separation between the holy and the profane. The Church is not a society of "good" people in contrast with "wicked" people (for its infant members are not of either class), but the society of "holy" people; and the obscuring or the effacement of this distinction is the obscuring or effacement of the distinction between the people of God and the people of the world, and is fatal, in its tendency, to the distinct existence of the Church. The maintenance of the holiness of the Church, which is the very essence of its character, is not in order to destroy her children, but in order to save them; for

the purity of the Church as a holy society is in order to its efficiency as the instrumental agency of salvation.

CHAPTER II.

OF THE DISCIPLINE OF NON-COMMUNICATING MEMBERS.

After stating the obligations of parents to children in the Church, in the first paragraph, the rest of the chapter has to do with the duty of the Church, as such: first, to instruct her children; second, to recognize or to plead with them on their arrival at years of discretion; and third, to continue to seek them. A paragraph is appended to determine as to the jurisdiction of what particular church given non-communicating members belong.

147.—I. The oversight of the children of the Church is committed by God primarily to believing parents, who are responsible to the Church for the faithful discharge of this duty. The responsibility of parents continues during the minority of their children, and extends to all such conduct contrary to the purity and sobriety of the gospel as parents may and ought to restrain and control.

This paragraph defines, not the full responsibility of parents to God, but their responsibility to the Church, for the behavior of their children; and while judicial prosecution may not be had of non-communicating children, it may be had of their communicating parents for such conduct of their children contrary to the purity and sobriety of the gospel as parents may and ought to restrain and control.

148.—II. The Church should make special provision for the instruction of its youth in the doctrines of the Bible as set forth in the Catechisms. Hence, church Sessions ought to establish, under their own authority, Bible classes and Sabbath-schools for this object, or to adopt such other methods as shall secure the same end.

(Cf. 67: 8.) It is noticeable that the Catechisms (and not the Shorter Catechism only) are to be taught to the children of the Church; and the Session of each church should see that this is done. And somehow there should be a difference between the children of the Church and other children.

149.—III. When the children of the Church arrive at years of discretion, they are bound to discharge all the duties of church members. If they give evidence of saving faith in Christ, together with a correct walk and conversation, they should be informed that it is their privilege and duty to make a profession of faith in Christ, and to come to his table. If they exhibit a wayward disposition, and associate themselves with the profane, the Church should still cherish them in faith, and ought to use all such means as the Word of God warrants and the Christian prudence of church officers shall dictate for reclaiming them, and bringing them to appreciate their covenant privileges and to discharge their covenant obligations.

(Cf. 29.) It is not contemplated that the individual child will first ask admission to the Lord's table, but that the Pastor or other representative of the Session will inform the child that the Session advises it of its privilege and duty. At the same time, although there should be evidence of saving faith, but such behavior as would call for censure of a communicating member, the child is not to be thus advised. Yet all proper means are to be used to bring even the most wayward to fulfill their covenant obligations. The theory lying back of this paragraph is, that the children of the Church will, normally, as they grow into responsi-

ble persons, find themselves having faith in Christ and living in obedience to him; and that, where this result does not appear, the church and the parents should be filled with solicitude to bring them to this personal submission, working in the expectation that God will effectually call them.

150.—IV. Those adult non-communicating members who submit with meekness and gratitude to the government and instruction of the Church, are entitled to special attention. Their rights under the covenant should be frequently and fully explained, and their duties enforced on their consciences; they should be warned of the sin and danger of neglecting their covenant obligations, and urged by the mercies of Christ to come up to their full discharge.

(Cf. 30.) The exemption of non-communicating members from judicial prosecution does not exempt the Church from exercising watchful discipline over them in other forms of discipline; and their privilege and obligation as church members should never be lost sight of.

151.—V. All non-communicating members shall be deemed under the care of the church to which their parents belong, if they live under the parental roof and are minors: or otherwise, under that of the church where they reside, or with which they ordinarily worship.

When their parents cease to be responsible to the Church (147) for their conduct, they cease to be under the jurisdiction of their parents' church as such.

CHAPTER III.

OF OFFENCES.

After defining offence in the first paragraph, offences are classified: the second paragraph spe-

cifying what is common to them all; the third, the distinction of offences into two classes according to the persons whom they injure; and the fourth, their distinction into two classes according to the persons to whom they are known.

152.—I. An offence, the proper object of judicial process, is anything in the principles or practice of a church member professing faith in Christ which is contrary to the Word of God.

The meaning is not that there ought to be judicial prosecution of every offence in every instance, this paragraph not being intended to constrain the court to prosecute where judicial prosecution is not advisable; but the meaning is that there may be judicial prosecution for any principle or practice contrary to the Word of God, taking away from the accused every plea but that his principle or practice is not contrary to the Word of God. What is contrary to a custom of the Church, or to some deliverance of a church court, or even to a symbol of doctrine or government, is not an offence unless it is contrary to the Word of God; but anything contrary to the Word of God is an offence. Even to this, however, there is one practical modification in this Church:

The Confession of Faith and the Larger and Shorter Catechisms of the Westminster Assembly,

slightly amended, cf. 141 and remarks,

together with the formularies of government, discipline and worship, are accepted by the Presbyterian Church in the United States as standard expositions of the teachings of Scripture in relation to both faith and practice. Nothing, therefore, ought to be considered as an offence, or admitted as a matter of accusation, which cannot be proved to be such from Scripture, as interpreted in our standards.

To the general statement that our courts may treat anything contrary to the Scriptures as an offence, there is the exception of that which, though contrary to the Scriptures, is not contrary to the standards. This is on the ground that the Church is restrained by her covenant with all her members in the Constitution. If it be objected that then the Church thus cuts herself off from obeying Christ by enforcing his law in every part of it, the answer is, that the Church retains the liberty of amending her standards so as to make them exact and complete, if at any time she should discover any error or defect in them.

But if she should be on the point of judicially prosecuting for something contrary to the standards indeed, but not to the Word of God, she must not enforce the standards as law rather than the Scriptures; for only the Scripture is law in this Church. (Cf. pars. 9, 10, 17, 19, 60, the first question in 112, 119 and 135, and many other passages in the Book of Church Order as well as in the doctrinal standards.) In human government, where the legislature is as fallible as the judiciary, the interpretation of the law by courts may be treated as itself law, within certain limitations; but not in the Church, whose law, the Scriptures, is infallible, but whose standard interpretation, the symbols of doctrine and order, are fallible. If it be said that the Constitution is a covenant, and that by its acceptance we are all bound to treat its interpretation of the Word as being the Word of God, the answer is threefold. The members generally have not accepted this Constitution in the same comprehensive sense as the officers, and have

not even been asked whether they accept our doctrinal standards as containing the system of doctrine taught in the Scriptures, or whether they approve the government and discipline; and yet the definition of an offence is the same for unofficial as for official members. In the second place, the officers have accepted the standards as fallible and amendable, over against the Scriptures as infallible and incapable of amendment; and this vow of belief can bind no Presbyter to find any one guilty of an offence, of a sin against God (153), because of something which the Presbyter believes not contrary to Scripture. And in the third place, the Constitution subordinates itself to the Scriptures, and it would be disloyalty to the Constitution itself to let it displace the Scriptures in controlling one's thinking or action. The Constitution is not afraid to be thus brought back continually to the very Word of God; thus will its scripturalness become more and more manifest.

The form of indictment is not treated or prescribed in this paragraph, but the principle is laid down in this and in the following paragraph, that an offence is something contrary to the Word of God, a sin against God; and "the Supreme Judge, by which all controversies of religion are to be determined, and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits, are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit speaking in the Scriptures." (Confession of Faith, Chap. I., Par. 10.) And it is unconstitutional to make the Constitution, which is itself decrees of

councils, the supreme judge in controversies that involve judicial prosecution.

At the same time if one holds an interpretation of the Scriptures different from that of the Church as expressed in her standards, and fails to convince the courts of the Church that her interpretation is error (as, of course, he most probably will fail), he must not expect the court to judge him according to his interpretation. As long as his ordination vows are fulfilled in his own conscience, he need not, from his point of view, surrender anything that he has received from the Church upon taking those vows; but if, from change of views, or from any cause, he ceases to fulfill those vows, he must, as a covenant-keeper, stand ready to surrender whatever dignity he got in the Church by making the vows. No man can, by vows of any sort, make it his duty to disbelieve the Word of God, or to disobey his commandments; but no man has a right to obtain any honor in an organization upon condition of certain promises, and then insist on retaining it while breaking those promises. When the individual and the Church differ on the question whether he is fulfilling his vows, each party must decide and act, knowing that Christ is the only Lord. Yet both parties, and no less the individual than the Church, must remember that to maintain the truth of Christ, in way and temper contrary to Christ, is to misrepresent, and, it may be, to betray his truth.

153.—II. Offences are either personal or general, private or public, but all of them being sins against God, are, therefore, grounds of discipline.

The meaning is not that every offence should be

judicially prosecuted, for judicial prosecution is not the only method of discipline, nor is the only end of judicial prosecution the rebuke of offences; but the meaning is, that the real ground of discipline is that the offence is a sin against God, and not its mere relation to the rights or knowledge of men.

154.—III. Personal offences are violations of the Divine law, considered in the special relation of wrongs or injuries to particular individuals. General offences are heresies, or immoralities, having no such relation, or considered apart from it.

One may not plead that his offence was against a particular individual, and that for this reason the Church should not intermeddle in the matter; nor that his offence is not a wrong to any one, and that for this reason the courts should not intervene. The Church is enforcing Divine law, and not protecting personal rights.

155.—IV. Private offences are those which are known only to a few persons. Public offences are those which are notorious.

The offender cannot plead that his offence should be overlooked because it is of either sort.

CHAPTER IV.

OF CHURCH CENSURES.

The first paragraph classifies the censures that may be inflicted, and the remaining paragraphs define each sort of censure.

156.—I. The censures which may be inflicted by church courts are admonition, suspension, excommunication, and deposition. When a lower censure fails to reclaim the delinquent, it may become the duty of the court to proceed to the infliction of a higher censure.

When such becomes its duty, the court must determine in each case, having regard to the principle that no censure is to be administered except upon conviction by process, or upon acknowledgment of guilt.

157.—II. Admonition is the formal reproof of an offender by a church court, warning him of his guilt and danger, and exhorting him to be more circumspect and watchful in the future.

Admonition does not impair the offender's ecclesiastical standing, and as soon as the admonition has been inflicted, he is no longer under censure, and he cannot be censured again unless after another conviction or confession. Should one convicted of an offence and sentenced to admonition refuse to receive the admonition and do not appeal (par. 255), the court may not change the sentence and inflict another censure without first finding him guilty, in a regular way, of an offence in refusing to hear the censure. Admonition may be conjoined with other censure.

158.—III. Suspension, with respect to church members, is their temporary exclusion from sealing ordinances; with respect to church officers, it is their temporary exclusion from the exercise of their office. It may be either definite or indefinite as to its duration. Definite suspension is administered when the credit of religion, the honor of Christ, and the good of the delinquent demand it, even though he may have given satisfaction to the court. Indefinite suspension is the exclusion of an offender from sealing ordinances, or from his office, until he exhibit signs of repentance, or until, by his conduct, the necessity of the highest censure be made manifest.

The sealing ordinances are baptism and the Lord's supper; and exclusion from them is the exclusion of him from partaking of the Lord's supper himself and from having his children baptized upon his

profession of faith. His child might be baptized while he is under censure upon the faith of the other parent.

The language requires that three conditions must exist before definite suspension is inflicted: that the credit of religion, the honor of Christ, and the good of the delinquent demand it. Definite suspension terminates at the time set, without formal act; and the suspended person, being no longer under censure, resumes his use of the sealing ordinances or of his office. Definite suspension may be inflicted whether the offender has given satisfaction to the court or not; as when, for instance, the censured is not convinced in his own conscience of sin, and the court is not willing either to indefinitely suspend or to stop with mere admonition.

A person under indefinite suspension may be excommunicated or deposed, without another trial, whenever it shall seem necessary to the court to proceed so far.

In the case of officers, suspension from sealing ordinances and suspension from office may be conjoined, or suspension from office may be inflicted without the other.

159.—IV. Excommunication is the excision of an offender from the communion of the Church. This censure is to be inflicted only on account of gross crime or heresy, when the offender shows himself incorrigible and contumacious. The design of this censure is to operate on the offender as a means of reclaiming him, to deliver the Church from the scandal of his offence, and to inspire all with fear by the example of his discipline.

One might be incorrigible in the sense that he cannot be convinced of his error, and at the same

time show no contumaciousness; such a one is not to be excommunicated. And since this censure is to be inflicted only in the case of gross crime or heresy, and indefinite suspension from the sacraments is expected to issue in excommunication or repentance, courts should be careful not to inflict this suspension except for gross crime or heresy.

160.—V. Deposition is the degradation of an officer from his office, and may or may not be accompanied with the infliction of other censure.

Courts should be careful not to suspend indefinitely from office unless in cases in which deposition should follow if there is not repentance.

CHAPTER V.

OF THE PARTIES IN CASES OF PROCESS.

PROCESS is a technical term for the whole procedure from the determination of the court to put on trial to the end of the trial in sentence.

The first paragraph states what courts may try causes; the second, within what limitations the court itself may appoint a prosecutor; the third, which is the heart of the chapter, who are the "parties"; the fourth, what shall be the form of indictment; the fifth, who may not become prosecutor of personal or private offences; the sixth, the absence of these limitations in the case of general offences; the seventh, what special limitation the court may put upon itself before instituting process; the eighth, what cautions the court should observe against receiving accusations; the ninth,

what warnings should be given to voluntary prosecutors; the tenth, what is the status of an officer pending process over him; and the eleventh, what are the rights of the accused pending process. The parties being the Church and the accused, the chapter shows how the Church may come to stand as accuser in a prosecutor, the responsibilities of the court and the prosecutor, and the status of the accused.

161—I. Original jurisdiction in relation to Ministers of the Gospel pertains exclusively to the Presbytery (62 and 77), and in relation to other church members to the Session (62 and 67), unless the Session shall be unable to try the person or persons accused, in which case the Presbytery shall have the right of jurisdiction (77: 2).

Yet a Presbytery for a Session, or a Synod for a Presbytery, may try a cause upon reference from the lower court (247–254).

162.—II. It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority; and they shall, with due diligence and great discretion, demand from such persons satisfactory explanations concerning reports affecting their Christian character. This duty is more imperative when those who deem themselves aggrieved by injurious reports shall ask an investigation. If such investigation, however originating, should result in raising a strong presumption of the guilt of the party involved, the court shall institute process, and shall appoint a prosecutor to prepare the indictment and to conduct the case. This prosecutor shall be a member of the court, except that, in a case before the Session, he may be any communicating member of the same congregation with the accused.

The phrase, "with due diligence and great discretion," qualifies the imperative "shall demand" to this extent, that the court may, for satisfactory reasons, omit such demand in some cases when there are injurious reports; but only for extreme

reasons would a court be justified in refusing a request for an investigation, if made by a party claiming to be aggrieved by injurious reports. The principle, however, remains, that the court is bound to preserve the honor of religion (173) at whatever cost; and it cannot but fail of its most important function as a court of the Lord Jesus Christ, if it does not use its power of discipline to preserve the Church. But it is the court itself, and not any individual, that determines, in every instance, whether there shall be an investigation.

When, however, the court, by committee or otherwise, makes a demand or begins an inquiry, the object of such demand or inquiry being to determine whether there is ground of vindication or of instituting process, then "investigation" has originated (and investigation may originate and conclude at the same meeting, or even at the same session, of the court).

And after an investigation is once originated, the court no longer has discretion not to institute process, if the investigation results in raising a strong presumption of the guilt of the accused. It appears, then, that, after an investigation, the court must always institute process, except where the court judges that the investigation fails to result in raising a strong presumption of guilt, and, of course, the court may institute process, even when the members of the court believe that there is no guilt, if they are persuaded that this is desirable for the vindication of innocence or for other reasons. The sum of the matter is, that the court has unlimited discretion (subject, as in all matters, to the review of higher courts),

only that it has not discretion to raise by investigation a strong presumption of guilt and then not institute process. A strong presumption means a belief by the members of the court that evidence as then known to them would indicate that guilt probably exists, unless evidence to the contrary can be produced not then known to them.

The court institutes process by appointing a prosecutor. It is the duty of the prosecutor thus appointed to prepare the indictment and to conduct the case; that is, the court, after the appointment of the prosecutor, is simply a judge, and the whole responsibility of representing the Church as an accuser is on the prosecutor. This appointed prosecutor must be a member of the court, or, in the case of the Session, a communicating member in good standing in its church.

163.—III. The original and only parties in a case of process are the accuser and the accused. The accuser is always the Presbyterian Church in the United States, whose honor and purity are to be maintained. The prosecutor, whether voluntary or appointed, is always the representative of the Church, and as such has all its rights in the case. In appellate courts the parties are known as appellant and appellee.

The original parties are the only parties; for the parties are not changed by the transference of the cause from court to court. In the appellate courts the party appealing is to be known as the appellant, and the other, the appellee; but in the court of original jurisdiction, the parties are known as accuser and accused. The accuser is always the Church; for whether the court appoints a prosecutor, or accepts as prosecutor some one volunteering to act as prosecutor, the prosecutor is, by that appointment or acceptance, made the representa-

tive of the Church. Henceforth the prosecutor represents the Church as accuser; the court, as judge. Of course, the court may change the personnel of the prosecutor pending the process, and the prosecutor may be more than one individual. Since the prosecutor represents the Church as accuser, having the same rights and responsibilities whether appointed or voluntary, he cannot sit as a judge pending the process. He therefore has no vote in the court, pending the process, on any question relating thereto.

164.—IV. Every indictment shall begin: "In the name of the Presbyterian Church in the United States," and shall conclude: "against the peace, unity and purity of the Church, and the honor and majesty of the Lord Jesus Christ as the King and Head thereof." In every case the Church is the injured and accusing party *versus* the accused.

This last sentence must hold, even when the court accepts a voluntary prosecutor prosecuting a personal offence against himself. His acceptance by the court of this Church constitutes him the representative of the Church; hence the form prescribed for the beginning of every indictment. The form prescribed for the ending of every indictment shows that the Church herself has no rights except as united with her King and Head. It matters not what specifications, or what references to the standards or to the Scriptures, may or may not come in the body of the indictment, the indictment must assert that the thing charged is a sin against Christ.

165.—V. An injured party shall not become a prosecutor of personal offences without having tried the means of reconciliation and of reclaiming the offender, required by Christ: "Moreover, if thy brother trespass against thee, go and tell him his

fault between thee and him alone; if he shall hear thee, thou hast gained thy brother; but if he will not hear thee, then take with thee one or more, that in the mouth of two or three witnesses every word may be established." (Matt. xviii. 15, 16.) A church court, however, may judicially investigate personal offences as if general, when the interests of religion seem to demand it. So, also, those to whom private offences are known cannot become prosecutors without having previously endeavored to remove the scandal by private means.

Whether the person proposing to act as voluntary prosecutor shall be accepted by the court is a question on which the accused should be heard, and he should be allowed to introduce evidence that the proposed prosecutor has not complied with the conditions here prescribed; for only the accused would be able to dispute his claim that he had. And courts should rigidly inquire whether this condition has been complied with before accepting a voluntary prosecutor.

166.—VI. When the offence is general, the cause may be conducted either by any person appearing as prosecutor, or by a prosecutor appointed by the court.

This is true also when the offence is personal, the previous paragraph not meaning that only the injured party could become voluntary prosecutor, but that he could not without previously complying with the conditions. This limitation applies only to the injured party.

"Any person" must be limited to "any member of the Church submitting to its authority" (267); for certainly no other could represent the Church and have all its rights in the case. But the appointed prosecutor must be a member of the particular church or of the court (162).

167.—VII. When the prosecution is instituted by the court, the previous steps required by our Lord in the case of personal

offences are not necessary. There are many cases, however, in which it will promote the interests of religion to send a committee to confer in a private manner with the offender, and endeavor to bring him to a sense of his guilt, before instituting actual process.

And the principle would seem to require this to be done in all cases where the offence appears to have been against the court, or its members as such.

168.—VIII. Great caution ought to be exercised in receiving accusations from any person who is known to indulge a malignant spirit towards the accused; who is not of good character; who is himself under censure or process; who is deeply interested in any respect in the conviction of the accused; or who is known to be litigious, rash, or highly imprudent.

This makes it clear that the court is not obliged, either itself to institute process by appointing a prosecutor, or to order the beginning of process by accepting a voluntary prosecutor; for, since the prosecutor represents the Church, it is a serious matter to give one such rights. But the court may, on the ground of accusations brought before it, originate an investigation, and institute process, without appointing as prosecutor him who volunteers to be prosecutor. The court is not bound to assign its reasons for not accepting one as a voluntary prosecutor.

169.—IX. Every voluntary prosecutor shall be previously warned, that if he fail to show probable cause of the charges, he must himself be censured as a slanderer of the brethren, in proportion to the malignity or rashness manifested in the prosecution.

This warning must be given when he is accepted as prosecutor; and the failure of the court to institute process against him after the trial is over is *ipso facto* acknowledgment by the court that he did show the probable cause here required. To

show probable cause means to show that he had probable evidence of the truth of the charges when he undertook the prosecution.

170.—X. When a member of a church court is under process, all his official functions may be suspended at its discretion; but this shall never be done in the way of censure.

This is a particular application of the principle that one may have the exercise of his official functions suspended without censure; but the court should be slow to do this, unless prudence requires it, lest it work to the prejudice of the accused or make the court appear precipitate.

171.—XI. In the discussion of all questions arising in his own case, the accused shall exercise the rights of defendant only, not of judge.

(Cf. rem. under 163 as to the prosecutor.) No one is accused, in the technical sense here meant, until the court has determined that there shall be process, otherwise, a designing man could by accusation sift the court to suit his own plans.

CHAPTER VI.

Of General Provisions Applicable to all Cases of Process.

Twenty provisions are given. The first ten look rather to the protection of the accused. The first two guard the court against a wrong temper in conducting a trial or commencing a process; the other eight require sufficient citations. Paragraph 3 prevents undue haste at the beginning; the fourth gives the accused, as well as the other party, the right of

official citation of all witnesses wanted; the fifth requires the indictment to be definite; the sixth gives the accused the benefit of a second citation; the seventh defines more closely the provision of the sixth; the eighth forbids the taking of evidence at a distance without reasonable notice to the accused; the ninth protects any person from being put on trial for offences alleged to have been committed at a distance without due investigation and safeguards; and the tenth requires that the citations be served as well as issued. The other ten paragraphs look to the impartiality and fairness of the trial after the issue is joined. Paragraph eleventh defines the functions of the judicial committee; the twelfth requires that a solemn charge be made to the members of the court as judges; the thirteenth lays down the rule for the examination of witnesses; the fourteenth prescribes how issues arising in the course of the trial shall be settled; the fifteenth prescribes the order of procedure in the trial of a cause in a court of original jurisdiction; the sixteenth lays down the rule to govern challenges; the seventeenth states some requirements that a member must observe or lose his qualification for continuing as a judge in the cause; the eighteenth defines the record of the cause and its uses; the nineteenth gives directions as to counsel; and the twentieth states and limits the time within which process must begin. These general regulations are not easily mastered and remembered always, but the observance of them is of great importance.

172.—I. It is incumbent on every member of a court of Jesus Christ engaged in a trial of offenders, to bear in mind

the inspired injunction: "If a man be overtaken in a fault, ye which are spiritual restore such an one in the spirit of meekness, considering thyself, lest thou also be tempted."

The trial proper begins with the charge of the Moderator to the court (183), while the process begins with the determination of the court that there shall be a judicial prosecution, and judicial procedure begins with the determination of the court to investigate; but this principle, while especially imperative during the trial proper, applies throughout the whole judicial procedure, as indeed in all dealing with offenders.

173.—II. Process against an offender shall not be commenced unless some person or persons undertake to make out the charge; or unless the court finds it necessary, for the honor of religion, itself to take the step provided for in Chapter V., paragraph II.

Since an offence is anything in principle or practice contrary to the Word of God, who of us is not an offender? Were it a duty to prosecute every offender, the Church would have no time or strength for anything else. Process shall not commence unless one of two conditions is fulfilled. The one of these conditions is, that some person or persons volunteer to prosecute in spite of the warning in 169 and after complying (if an injured party or one privy to a private offence) with 165; and even then the court may decline to allow process to commence, either from objection to the voluntary prosecutor (168), or because the thing charged is not an offence, or the evidence proposed is seen to be inadequate, or because the ends of discipline will not be promoted in the circumstances. The other of these conditions is that the court shall find it necessary, for the honor of religion, to

take the step provided for in 162. This phrase, "the honor of religion," is not to be pressed, but is to be taken as a brief equivalent of the ends of discipline mentioned in 145. The whole tone of these Rules is evidently this: that judicial prosecution is not to be originated, either by a court or by a voluntary prosecutor, unless the honor of religion requires this step, all other means to this end having been first exhausted; but that this means is, of course, to be resorted to when the honor of religion does require it, the honor of religion to be preserved at every cost. And the honor of religion is synonymous with the holiness of the Church. (Cf. remarks on 146.)

174.—III. When a charge is laid before the Session or Presbytery, it shall be reduced to writing, and nothing shall be done at the first meeting of the court, unless by consent of parties, except to appoint a prosecutor, and order an indictment to be drawn, a copy of which, with the witnesses then known to support it, shall be served on the accused, and to cite all parties and their witnesses to appear and be heard at another meeting, which shall not be sooner than ten days after such citation; at which meeting of the court the charges shall be read to the accused, if present, and he shall be called upon to say whether he be guilty or not. If he confess, the court may deal with him according to its discretion; if he plead and take issue, the trial shall proceed. Accused parties may plead in writing when they cannot be personally present, and parties necessarily absent should have counsel assigned to them.

A charge may be laid before the court either by a person proposing to be a voluntary prosecutor, or by a person not so proposing, or by the court itself at the conclusion of an investigation. The charge may, indeed, be first presented orally; but it is not to be considered as laid before the court until the court has possession of a written copy approved by the party that lays the charge before

the court. The "parties" whose consent is here spoken of are the Church and the accused, that is, the prosecutor and the accused; and hence the question of this consent cannot receive answer until after the prosecutor has been appointed or accepted. With the consent of the parties, the whole trial may be concluded at that meeting; but this could only be where both parties were then present, and all the witnesses. Without such consent, only two things may be done. The first of these is "to appoint a prosecutor, and order the indictment to be drawn" by him (cf. 162); and the second is "to cite all parties and their witnesses," that is, to order the Moderator or the Clerk to issue these citations (175). The citation to the accused must include a copy of the indictment as prepared by the prosecutor. He may prepare the indictment, and furnish a copy of it for this purpose to whichever officer has been instructed to issue the citation to the accused, after the meeting of the court is over; but the copy of the citation must reach the hands of the accused in due time (178). The citations to the witnesses need contain only the title of the cause, and the time and place of the meeting for trial, together with the official command or request to be present for giving evidence. The meeting for trial must be at least ten days after the day on which the citation to the accused is served upon him; but how many days after the citations reach the witnesses is left undetermined; but the principle is that the parties and witnesses shall have due time to prepare for the trial and to arrange for attendance. The charge, as first written, need not be in the form of

an indictment; but the "charges" to be read to the accused is synonymous with the indictment. The accused may, of course, object to the indictment, and may move that it be rejected by the court, as not in proper form (164), or as being too indefinite (176), or he may move that it be amended so as to eliminate imperfections; but if the court sustains the indictment, the accused must plead either "guilty" or "not guilty," or he may plead "guilty in part, and not guilty in part" (specifying what is admitted and what is denied). If a party is necessarily absent, he may take either of two courses. He may plead in writing. This plea he may accompany with requests that such or such be assigned as his counsel, that the trial be postponed, etc. He may send in an oral communication (which, however, should be reduced to writing and put on record), and this may be accepted by the court in lieu of a communication written by the accused himself; or he may send no communication, or may send a communication declining to plead; and in either case, even if he declines to plead at all, and not merely in his absence, the trial may not proceed at that meeting, or without a second citation. The court is obliged to assign, as counsel, whomsoever the accused may nominate (within the limits of paragraph 190), if such nominee consents; and no one may be tried in his absence without what the court considers proper counsel.

175.—IV. The citation shall be issued and signed by the Moderator or Clerk, by order and in the name of the court; he shall also issue citations to such witnesses as either party shall nominate to appear on his behalf.

At any time before the time set for trial, either party may nominate witnesses to the Moderator or Clerk; but it would be a sufficient objection to any witnesses nominated by the prosecutor after the meeting of the court ordering the indictment to be served, that the prosecution then knew this witness (174). Either party has the right all the while to know what witnesses the other party is having cited.

176.—V. In drawing the indictment, the times, places, and circumstances should, if possible, be particularly stated, that the accused may have an opportunity to make his defence.

The court may make inquisition before the commencement of process, but not afterward, and therefore, the indictment may not be used as an instrument of inquisition; and it must be so drawn as to give an innocent party every opportunity of proving his innocence, as well as of preventing his conviction.

177.—VI. When an accused person shall refuse to obey a citation, he shall be cited a second time; and this second citation shall be accompanied with a notice that if he do not appear at the time appointed (unless providentially hindered, which fact he must make known to the court), or that if he appear and refuse to plead, he shall be dealt with for his contumacy, as hereinafter provided.

His absence without sending in an excuse is presumptive evidence that he refuses. According to the principle here laid down, if he comes upon the first citation, but refuses to plead, the court would cite a second time, instead of then proceeding to deal with him for contumacy. (Cf. pars. 193 and 199.) The reason for this patient forbearance is, that the court of Christ may show his gentleness, and thereby save the accused, and that the course

enjoined upon the court in cases of contumacy is too severe to be entered upon without necessity.

178.—VII. The time which must elapse between the serving of the first citation on the accused person, and the meeting of the court at which he is to appear, shall be at least ten days. But the time allotted for his appearance on the second citation shall be left to the discretion of the court, provided that it be not less than is quite sufficient for a seasonable and convenient compliance with the citation.

The accused must really have a second opportunity.

179.—VIII. When the offence with which an accused person stands charged took place at a distance, and it is inconvenient for the witnesses to appear before the court having jurisdiction, that court may either appoint a commission of its body, or request the co-ordinate court contiguous to the place where the facts occurred, to take the testimony for it. The accused shall always have reasonable notice of the time and place of the meeting of this commission.

If the contiguous court takes the testimony, it acts as a commission of the other. It lies in the nature of the case, that the commission will be furnished with copies of the indictment and of all proceedings that it needs to be acquainted with in order to a due discharge of its commission. The reasonable notice should be given by the court, if it fixes the time and place; otherwise, by the commission.

180.—IX. When an offence, alleged to have been committed at a distance, is not likely otherwise to become known to the court having jurisdiction, it shall be the duty of the court within whose bounds the facts occurred, after satisfying itself that there is probable ground of accusation, to send notice to the court having jurisdiction, which shall at once proceed against the accused; or the whole case may be remitted for trial to the co-ordinate court within whose bounds the offence is alleged to have been committed.

Here the co-ordinate court, by sending notice to the court having jurisdiction, puts that court in the same relation to the matter as if it had made the investigation itself, and raised a strong presumption of guilt (162). The transfer of the case to the court best able to get the witnesses may be done without the consent of parties. The court having jurisdiction must first appoint or accept a prosecutor before transferring the case. (See 192.) Cases should not thus be transferred except for grave reasons, especially if the accused objects.

181.—X. Before proceeding to trial, courts ought to ascertain that their citations have been duly served.

It is not enough to ascertain that the citations were issued in due time, but also that they reached the persons cited in due time.

182.—XI. In every process, if deemed expedient, there may be a committee appointed, which shall be called the Judicial Committee, and whose duty it shall be to digest and arrange all the papers, and to prescribe, under the direction of the court, the whole order of proceedings. The members of this committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the case as members of the court.

Every court before which the case comes may have such a committee. This committee has nothing to do with the merits of the case whatever. The court may give directions beforehand to this committee as to the order of proceedings, and must approve its recommendations before they become in force. It is not by this paragraph made the business of this committee to recommend whether there shall be a process, but merely to formulate in detail the order of proceedings. But any question that may properly be decided previous to the commencement of process, or any question pertain-

ing to a case in any sense judicial, may be referred to a committee for consideration and report; and such a committee may be called a Judicial Committee.

183.—XII. When the trial is about to begin, it shall be the duty of the Moderator solemnly to announce from the chair that the court is about to pass to the consideration of the cause, and to enjoin on the members to recollect and regard their high character as judges of a court of Jesus Christ, and the solemn duty in which they are about to engage.

This charge marks the passage of the members of the court out of relation to the case as representatives of the Church accusing, and sets them free from every obligation but the one obligation to ascertain and declare the will of Jesus Christ in the case.

184.—XIII. In order that the trial may be fair and impartial, the witnesses shall be examined in the presence of the accused, or at least after he shall have received due citation to attend. Witnesses may be cross-examined by both parties, and any questions asked which are pertinent to the issue.

The prosecutor, too, must be present. Whether a question is pertinent the court must determine (but see 210) in case of dispute concerning its pertinency. Members of the court also may ask questions.

185.—XIV. On all questions arising in the progress of a trial, the discussion shall first be between the parties; and when they have been heard, they may be required to withdraw from the court until the members deliberate upon and decide the point.

Members of the court must not become counsel to either party, either formally or really; and the presence of the parties or any other hindrance must not embarrass the full counselling together of the members of the court as judges. If the parties

may be required to retire, certainly the court may exclude all other persons, if it thinks best; but seldom will it be best to exclude even the parties. Nothing can be done in the presence of one party while the other is excluded.

186.—XV. When a court of first resort proceeds to the trial of a cause, the following order shall be observed: 1, The Moderator shall charge the court; 2, The indictment shall be read, and the answer of the accused heard; 3, The witnesses for the prosecutor, and then those for the accused, shall be examined; 4, The parties shall be heard; first the prosecutor and then the accused, and the prosecutor shall close; 5, The roll shall be called, that the members may express their opinion in the cause; 6, The decision shall be made and judgment entered on record.

Here it may be well to set down the order of the whole judicial procedure: I. Before Process. 1, Raising the question of judicial procedure. This may be done by some member of the court calling its attention to prejudicial facts or rumors, or by a communication from any person to the same end. A request from one affected by reports would raise the question. 2, Taking up the question. This can be done only upon a motion. Here the question is whether there shall be an investigation, or, if some one proposes to be a voluntary prosecutor, the question may be whether to consider his proposition. 3, If the court has resolved to enter upon an investigation, or upon the consideration of some one's proposition to be a voluntary prosecutor, then such investigation or consideration is pending until the court decides for or against instituting process, or for or against accepting the proposing prosecutor. If the court decides against accepting the proposing prosecutor, it would still be in order to move that the court enter upon an

investigation. Pending this third head, the court may make such inquiries as are needful for its guidance. 4, If the court decides to institute process, it belongs here to appoint the prosecutor.

II. Process before Trial. Process being initiated by the appointment or acceptance of a prosecutor: 1, The court fixes the time and place of trial; 2, Orders the proper citations to be issued; 3, Ascertains whether the citations have been duly served; 4, Recognizes or appoints counsel for the accused, if needful; acts upon his objections to process under 191; and acts upon objections from the accused to the prosecutor under 162 or 165; and 5, Orders the trial to proceed, if the parties are present, or fixes the time and place of the next meeting and orders the second citations to be issued.

III. The Trial includes these parts in succession: 1, The charge to the court. At this time a roll of those present as sitting members of the court should be made, so that at every step a proper record of their attendance may be kept; and to this list none are to be added pending the trial, and none are to be taken away from it except upon order of the court. Challenges may be made at this point; and challenges may be made at any point subsequently upon grounds subsequently arising or coming to light. 2, Reading the indictment and hearing the pleading of the accused. When the indictment has been read, it is in order for the accused to object to the indictment, either on the ground that it does not conform to 164, or on the ground that it does not comply with 176; and after discussion between the parties, the court must decide the point. It

would also be in order for any member of the court to object to the indictment on either of these grounds, or on the ground that the indictment did not embody the charges upon which the court had ordered process to be conducted. But no one may attack the indictment upon the ground that the thing charged is not an offence; for both issues, whether the thing charged upon the accused is true, and whether, if true, it is an offence (that is something "against the peace, unity and purity of the Church, and the honor and majesty of the Lord Jesus Christ as the King and Head thereof"), are reserved for discussion and determination in the trial itself. If the indictment is set aside as defective, immediately the process is at the point where it was when the court appointed or accepted a prosecutor. But the indictment being sustained as sufficient, the accused must plead. If the accused plead guilty, 3, 4 and 5 would be skipped. 3, The witnesses for the prosecutor shall be called and examined in the order that he desires. After all the witnesses for the prosecution have been examined and cross-examined, and, if the court permits, recalled and re-examined, then the witnesses for the accused shall be similarly examined. But no witness for the prosecution may be examined after the examination of witnesses for the accused, unless by consent of the accused and the order of the court. Under this head come all challenges of witnesses. 4, Here shall come first the address or addresses of the prosecution, then of the accused, and finally of the prosecution again. It would be out of order for the prosecution, after the accused has spoken, to say anything except strictly in answer to what

the accused has said. 5, The roll shall be called, that the members may express their opinion in the cause. It is not intended that this shall become a discussion between the members. Accordingly it is proper to limit the members to a brief time; and it would not be inconsistent with the intention, to require that each one merely read his prepared opinion. Otherwise, it is a matter of much consequence in what order the members speak; for an influential and eloquent member speaking among the first will greatly modify the expressions that are to follow. The real end of this expression of individual opinion is that each may have the help of the separate opinion of each of the others. 6, The decision shall be made, and judgment entered on record. The decision is not made under item 5, but there the opinions of all are expressed for comparison and mutual guidance. Here, and not till this point, should the *decision* itself be made, although it may save time to let the expression of opinion and the voting coincide. Necessarily the decision must be guilty or not guilty, since that is the single issue; but if the indictment contains several specifications, the decision may be guilty in part. As members are not required to express their opinion under 5, so the method of voting here, where the court is making its decision, is not prescribed; and the vote may be by ballot, or by rising or lifted hand, or by yea and nay, as the court orders. After the decision is made, it still remains to determine what censure shall be inflicted, if the accused has been found guilty. The "judgment" is the acquittal, or else the condemnation with the censure; and the fixing of this cen-

sure may be a matter of debate in the court, but in this discussion the parties can have no part.

187.—XVI. Either party may, for cause, challenge the right of any member to sit in the trial of the case, which question shall be decided by the members of the court other than the one challenged.

Only one member can be challenged at a time, for otherwise a party could sift the court to suit himself. The right of the challenged member to sit must be determined before anything else is done in the trial. No challenge of a member's right to sit should be entertained after the reading of the indictment to the accused, unless for cause not known before that time to the challenging party.

188.—XVII. Pending the trial of a cause, any member of the court who shall express his opinion of its merits to either party, or to any person not a member of the court; or who shall absent himself from any sitting without the permission of the court, or satisfactory reasons rendered, shall be thereby disqualified from taking part in the subsequent proceedings.

A judge should hold his mind open to evidence and argument until he has heard all, and he needs to be present so as to hear all. The court should not excuse absence for light reasons, nor without giving the parties opportunity to state their objections (185). Of course, this paragraph does not forbid expression of opinion as provided for in 186:5.

189.—XVIII. The parties shall be allowed copies of the whole proceedings at their own expense, if they demand them. Minutes of the trial shall be kept by the clerk, which shall exhibit the charges, the answer, all the testimony, and all such acts, orders, and decisions of the court relating to the cause, as either party may desire, and also the judgment. The clerk shall, without delay, attach together the charges, the answer,

the citations and returns thereto, and the minutes herein required to be kept. These papers, when so attached, shall constitute "the record of the cause." When a cause is removed by appeal or complaint, the lower court shall transmit "the record" thus prepared to the higher court, with the addition of the notice of appeal or complaint, and the reasons thereof, if any have been filed. Nothing which is not contained in this "record" shall be taken into consideration in the higher court. On the final decision of a cause in a higher court, its judgment shall be sent down to the court in which the case originated.

"Copies of the whole proceedings" is synonymous with "copies of the record of the cause." What acts, orders, and decisions relate to the cause the court must decide, in case the clerk and either of the parties differ on this point; but the clerk, subject to the direction of the court, may omit such acts, orders, and decisions as neither party desires. Returns to citations are evidences that they were served in due time and on the proper persons. The final decision of a cause is not made until a decision is made from which no appeal or complaint is taken to a higher court.

190.—XIX. No professional counsel shall be permitted as such to appear and plead in cases of process in any court; but an accused person may, if he desires it, be represented before the Session by any communicating member of the same particular church; or before any other court, by any member of the court. A member of the court so employed shall not be allowed to sit in judgment in the cause.

The court is not bound to allow him to be so represented; nor can any act as counsel before a Session unless a member of the same particular church with the accused, or before any other court unless a member of it. It follows that no person condemned can have the same counsel through all the higher courts. And this limitation will tend to discourage appeals.

191.—XX. Process, in case of scandal, shall commence within the space of one year after the offence was committed, unless it has recently become flagrant. When, however, a church member shall commit an offence, after removing to a place far distant from his former residence, and where his connection with the Church is unknown, in consequence of which circumstances process cannot be instituted within the time above specified, the recent discovery of the church membership of the individual shall be considered as equivalent to the offence itself having recently become flagrant. The same principle, in like circumstances, shall also apply to Ministers.

The principle is that, if the Church neglects to commence process against scandal (which is any flagrant public offence of practice bringing disgrace on the Church) within a year, she is debarred from thereafter doing it. This is not to shield the offender, but to incite to the prompt prosecution of such offences. Offences not so serious or scandalous the Church may bear with the longer while seeking to prevent scandal; but for no consideration is the Church to tolerate such offences as are scandalous.

CHAPTER VII.

SPECIAL RULES PERTAINING TO PROCESS BEFORE SESSIONS.

The first paragraph defines the scope of original jurisdiction belonging to the Session; the second points out the course to be followed in cases of contumacy; the third gives a special rule on this subject in cases of gross crime or heresy; and the fourth authorizes the Session to prevent participation in the Lord's supper pending the examination of charges.

192.—I. Process against all church members, other than Ministers of the gospel, shall be entered before the Session of the church to which such members belong; except in cases in which the Session is rendered incapable of exercising jurisdiction, in which case process shall be entered before the Presbytery.

(Cf. 161.) After process has been entered, the court may transfer the case to another Session, according to 180, in cases to which that paragraph will apply. If a Session considers itself incapable in any case, it must refuse to let process commence before it, assigning its reason.

193.—II. When an accused person, having been twice duly cited, shall refuse to appear before the Session, or, appearing, shall refuse to plead, the court shall enter upon its records the facts, together with the nature of the offence charged, and he shall be suspended from sealing ordinances for his contumacy. This sentence shall be made public, and shall in no case be removed until he has not only repented of his contumacy, but given satisfaction in relation to the charges against him.

The entry upon the records is the "sentence" which is to be published; and the court should be careful in making it up. The court is allowed to put merely the nature of the offence in the sentence, omitting the details; but it may, in its discretion, copy the whole indictment into the sentence. If the accused repents of his contumacy, he then has the right to plead to the indictment as if he had not been contumacious; that is, if he satisfies the court concerning his contumacy. Should he plead "not guilty," the trial will proceed. But he remains suspended until his acquittal, or, if convicted, until the censure of the court for the offence charged in the indictment is exhausted.

194.—III. If the charge be one of gross crime or heresy,

and the accused persist in his contumacy, the court may proceed to inflict the highest censure.

Otherwise, one could always escape excommunication by being contumacious. The principle underlying these regulations may be stated thus: refusal to honor the court's citations or to plead at its bar—that is, refusal to recognize the court—is itself a sin against the Church and its Head so serious as to call for suspension, whether there is any other offence or not; and that persistence in this sin raises a presumption of guilt in respect to the charge of the indictment, a presumption strong enough to require the court to act upon it when the offence charged is so grave as to require excommunication for the honor of religion. It is assumed that there can be no *trial* in the absence of the accused; but the commencement of process is always preceded by inquiry that has resulted in the commencement of process.

195.—IV. When it is impracticable immediately to commence process against an accused church member, the Session may, if it think the edification of the church requires it, prevent the accused from approaching the Lord's table until the charges against him can be examined.

This is an extreme measure, to be resorted to only when the known evidence is strong, and the offence is such that for the accused to communicate before his guilt or innocence is established will bring reproach upon the Church as permitting it. It would be inexcusable in a Session to prolong this prudential suspension from the Lord's table without immediately instituting process or beginning investigation. Ordinarily, this prudential measure will be taken privately.

CHAPTER VIII.

SPECIAL RULES PERTAINING TO PROCESS AGAINST A MINISTER.

Paragraph 1 points out the court of first resort; paragraph 2 raises a caution in protection of Ministers; and paragraph 3 directs how Ministers guilty of private offences should be dealt with. The fourth paragraph contains the rule in case of contumacy. Paragraph 5 distinguishes offences of principle into the more and the less grave; paragraph 6 asserts the Presbytery's duty toward Ministers in removing the scandal of lighter infirmities; paragraph 7 guards against a Minister's escaping with too light a censure by confession; and paragraph 8 enjoins due caution in removing censure of suspension or deposition from Ministers. The ninth paragraph deals with the censured Minister's relation to his church, if a Pastor; and the tenth paragraph gives the special rule for divestiture.

196.—I. Process against a Minister shall be entered before the Presbytery of which he is a member.

197.—II. As no Minister ought, on account of his office, to be screened in his sin, or lightly censured, so scandalous charges ought not to be received against him on slight grounds.

The very fact that Presbyteries ought to feel most sensitively the importance of preserving the good name of Ministers justifies the fear that, on the one hand, they may be tempted to screen offenders, and, on the other hand, that they may be tempted to pay undue attention to charges not well grounded.

198.—III. If any one know a Minister to be guilty of a private offence, he should warn him in private. But if the offence be persisted in, or become public, he should bring the case to the attention of some other Minister of the Presbytery for his advice.

Any one proposing to be a voluntary prosecutor would be disqualified if he had failed to comply with these requirements. (Cf. also 165.) If the "any one" here spoken of is himself a Minister, the paragraph may not be disregarded by him; and he must not proceed beyond private remonstrance without first taking the advice of some other Minister of the Presbytery. The aim of the paragraph is to save the offender without bringing scandal on the Church.

199.—IV. If a Minister accused of an offence, having been twice duly cited, shall refuse to appear before the Presbytery, he shall be immediately suspended. And if, after another citation, he still refuse to attend, he shall be deposed as contumacious, and suspended or excommunicated from the Church. Record shall be made of the judgment and of the charges under which he was arraigned, and the sentence shall be made public.

As, in the second citation, he was given notice that, if he did not appear, or, appearing, did not plead, he would be dealt with for contumacy according to this paragraph (see par. 177), we must understand here "or refuse to plead" after "refuse to appear." After the second citation in the case of a private member, the Session suspends him and publishes sentence; but in the case of a Minister, the Presbytery suspends (from the ministry), and issues a third citation. After this third citation, the Minister is suspended or excommunicated from sealing ordinances, having been already suspended from office; and then the sentence is made public.

The Presbytery may publish the sentence without publishing even the nature of the charges (except so far as the sentence itself makes known the charges or their nature). If the accused is suspended after the third citation, there is no provision for proceeding afterward to deposition and excommunication without a trial. The difference between the Minister and the other sort of church member is this: the church member can only be suspended for contumacy at first, but may afterwards be excommunicated and deposed without trial if the contumacy continue (194); and the Minister may be excommunicated after the third citation without trial, but not later if not then. The Minister must be deposed after the third citation.

200.—V. Heresy and schism may be of such a nature as to warrant deposition; but errors ought to be carefully considered, whether they strike at the vitals of religion, and are industriously spread, or whether they arise from the weakness of the human understanding, and are likely to do much injury.

This paragraph should be observed by the Presbytery both in instituting or permitting process and in fixing the censure after conviction. It is constitutional to let men remain in the ministry with erroneous views, provided said views do not strike at the vitals of religion and are not industriously spread. If a view does logically strike at the vitals of religion, but is not industriously spread, and does not practically destroy the piety or usefulness of the Minister, it may be tolerated. But in the case of the Minister especially, the influence of his views upon his teaching must be considered.

201.—VI. If the Presbytery find on trial that the matter

complained of amounts to no more than such acts of infirmity as may be amended, so that little or nothing remains to hinder the Minister's usefulness, it shall take all prudent measures to remove the scandal.

All are subject to infirmity, and any Minister's usefulness is liable to be injured or destroyed by the malicious or inconsiderate exaggeration of his failings, when, on the whole, he is really a well-qualified Minister.

202.—VII. When a Minister, pending a trial, shall make confession, if the matter be flagitious, such as drunkenness, uncleanness, or crimes of a higher nature, however penitent he may appear to the satisfaction of all, the court shall, without delay, suspend him from the exercise of his office, or depose him from the ministry.

Confession shall not save him from deposition, or, at least, from suspension from office; for discipline is not only for the reformation of the offender, but also for the honor of religion.

203.—VIII. A Minister suspended or deposed for scandalous conduct shall not be restored, even on the deepest sorrow for his sin, until he shall exhibit for a considerable time such an eminently exemplary, humble, and edifying walk and conversation as shall heal the wound made by his scandal. And a deposed Minister shall in no case be restored until it shall appear that the general sentiment of the Church is strongly in his favor, and demands his restoration; and then only by the court inflicting the censure, or with its consent.

If scandalous conduct was the ground of suspension or deposition, there shall be no restoration until his behavior removes the scandal; and after deposition, whether the deposition was for conduct or doctrine, there shall be no restoration until both the general sentiment of the Church demands it and the original court consents thereto. This court is the more likely to know whether the reformation is likely to be permanent.

204.—IX. When a Minister is deposed his church shall be declared vacant; but when he is suspended, it shall be left to the discretion of Presbytery whether the sentence shall include the dissolution of the pastoral relation.

205.—X. Whenever a Minister of the gospel shall habitually fail to be engaged in the regular discharge of his official functions, it shall be the duty of the Presbytery, at a stated meeting, to inquire into the cause of such dereliction, and if necessary to institute judicial proceedings against him for breach of his covenant engagements. If it shall appear that his neglect proceeds only from his want of acceptance to the Church, Presbytery may, upon the principles upon which it withdraws license from a Probationer, for want of evidence of the Divine call, divest him of his office without censure, even against his will, a majority of two-thirds being necessary for this purpose.

In such a case the clerk shall, under the order of the Presbytery, forthwith deliver to the individual concerned a written notice that, at the next stated meeting, the question of his being so dealt with is to be considered. This notice shall distinctly state the grounds for this proceeding. The party thus notified shall be heard in his own defence; and if the decision pass against him he may appeal, as if he had been tried after the usual forms.

Whenever there is the habitual neglect, it is the duty of Presbytery to make inquiry, which is tantamount to an investigation under 162. This investigation must issue in failure to raise a strong presumption of habitual neglect, or in raising a strong presumption of such neglect. When it results in raising such presumption, then the Presbytery must either institute judicial process, if the neglect does not appear to proceed from want of acceptance, or give notice of proceedings to divest without censure. The party, when heard in his own defence, may be allowed to introduce evidence of his attention to his calling and of his acceptance; and in case of appeal or complaint, the record of such evidence should be sent up. It would not be improper for the Presbytery to ap-

point some one to present the evidence for the neglect and want of acceptability. The essential difference between this procedure and a judicial trial, process, lies in the absence of censure.

This principle may apply, *mutatis mutandis*, to Ruling Elders and Deacons.

That is, for Minister substitute Ruling Elder or Deacon, and for Presbytery substitute Session.

This divests of office; paragraph 113 and paragraphs 126 and 128 dissolve official relations without divesting of office. One divested of office could not resume his office without re-ordination.

CHAPTER IX.

OF EVIDENCE.

Paragraph 1 shows who are competent witnesses, but paragraph 2 exempts husband and wife from testifying against each other. Paragraph 3 lays down the rule requiring corroborative evidence, and paragraph 4 contains a regulation that aims to make witnesses independent of each other. Paragraph 5 prescribes the method of examining witnesses; 6, the form of oath or affirmation; and 7, the method of recording the testimony. Paragraph 8 shows how the records of one court are to be authenticated to another; paragraph 9, the value of such authenticated testimony; and paragraph 10, how testimony may be taken in the absence of the court. Paragraph 11 secures the use of the members of the court as witnesses, and paragraph 12 the use of all church officers and members as

witnesses. And paragraph 13 regulates the use of new evidence after trial, and paragraph 14 after appeal.

206.—I. All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments. The accused party may be allowed, but shall not be compelled, to testify; but the accuser shall be required to testify, on the demand of the accused. Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency. It belongs to the court to judge of the degree of credibility to be attached to all evidence.

Accuser here must be interpreted to mean the prosecutor. The only grounds of challenge of a witness are too great youth, too little intelligence (*i. e.*, ability), lack of belief in God, or lack of belief in a future state of rewards and punishments. The accused cannot be debarred from testifying.

207.—II. A husband or wife shall not be compelled to bear testimony the one against the other in any court.

A husband or wife may be cited, but it is optional with such an one to testify or not; and the citation should so state. This regulation protects the marriage relation from disturbance by inquisition even of the Church itself.

208.—III. The testimony of more than one witness shall be necessary in order to establish any charge; yet if, in addition to the testimony of one witness, corroborative evidence be produced, the offence may be considered to be proved.

It may be so considered, not must be; for the court, judging of the credibility of evidence (206), might not believe a witness or a number of witnesses. The testimony of more than one witness, or of one witness and corroborative evidence, is necessary to prove each charge, each separate fact

alleged, in the indictment. This rule setting the denial of the accused in counterpoise with the assertion of any single witness, and so protecting innocence, may also shield guilt, and even known guilt, from judicial conviction; and this limitation should be remembered before judicial prosecution is begun.

209.—IV. No witness afterward to be examined, except a member of the court, shall be present during the examination of another witness on the same case if either party objects.

Members of the court must remain in order to hear the evidence; but there may be danger that the listening witness will suffer his testimony to be influenced by the testimony that he hears. For this reason it may be advisable to take the testimony with all excluded but the court and the parties and the witness testifying, and to keep the testimony secret pending the trial.

210.—V. Witnesses shall be examined, first by the party introducing them, then cross-examined by the opposite party, after which any member of the court, or either party, may put additional interrogatories. But no question shall be put or answered except by permission of the Moderator, subject to an appeal to the court; and the court shall not permit questions frivolous or irrelevant to the charge at issue.

Here an appeal is allowed directly from the Moderator of the Session to the Session, otherwise the trial might be made inextricably complicated.

211.—VI. The oath or affirmation to a witness shall be administered by the Moderator in the following or like terms: "You solemnly promise, in the presence of God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge in the matter in which you are called to witness, as you shall answer it to the great Judge of quick and dead." If, however, at any time a witness should present himself before the court, who, for conscientious

reasons, prefers to swear or affirm in any other manner he should be allowed to do so.

But in no case should one be allowed to testify at all without agreeing to tell the truth, the whole truth and nothing but the truth, in answer to all questions that he answers.

212.—VII. Every question put to a witness shall, if required, be reduced to writing. When answered, it shall, together with the answer, be recorded, if deemed by the court, or by either party, of sufficient importance, and the testimony of the witness shall be read to him for his approbation and subscription.

No question is "put to a witness" until it has been approved as a proper question to be put. If required by either party or the court, it is then to be reduced to writing before being answered. Then, when the answer is given, the answer with the question must be recorded, if the court or either party desires it. When the testimony of a witness is all finished, he shall hear, revise and subscribe so much as goes on record.

213.—VIII. The records of a court, or any part of them, whether original or transcribed, if regularly authenticated by the Moderator and Clerk, or by either of them, shall be deemed good and sufficient evidence in every other court.

(Cf. 56 and 88.)

214.—IX. In like manner, testimony taken before one court and regularly certified, shall be received by every other court as no less valid than if taken by itself.

It may not have the same weight, but is no less valid.

215.—X. When it is not convenient for the court to have the whole, or perhaps any part of the testimony in any particular cause, taken in its presence, a commission shall be appointed to take the testimony in question, which shall be

considered as if taken in the presence of the court; of which comission, and of the time and place of its meeting, due notice shall be given to the opposite party, that he may have an opportunity of attending. And if the accused shall desire, on his part, to take testimony at a distance, for his own exculpation, he shall give notice to the court of the time and place at which it is proposed to take it, that a commission, as in the former case, may be appointed for the purpose. Or the testimony may be taken on written interrogatories, by filing the same with the clerk of the court having jurisdiction of the cause, and giving two weeks' notice thereof to the adverse party, during which time he may file cross interrogatories, if he desire it; and the testimony shall then be taken by the commission in answer to the direct and cross-interrogatories, if such are filed, and no notice need be given of the time and place of taking the testimony.

If the court refuses to appoint a commission to take evidence for the prosecution, the refusal must be based upon the ground that it is convenient to take the evidence in the presence of the court; but the court may refuse to appoint a commission to take evidence for the accused without assigning this ground. Otherwise, the accused might delay, or make practically impossible, the progress of the trial by claiming a necessity for taking distant evidence. If the court appoints a commission for the prosecution, the court fixes the time and place of the meeting of the commission, and gives due notice to the accused; but if the court appoints a commission for the accused, it does so in compliance with his request as to time and place. Or, in either case, the court may instruct the commission to take the testimony by written interrogatories. Neither party can take any evidence in any way except before the court, or before a commission of the court acting as the court, or by filing written interrogatories with the clerk to be used by a commission. In this case the commission shall put

the interrogatories to the witnesses, first the direct and then the cross interrogatories to each witness, observing all the regulations for taking testimony except that no questions are to be put but those filed; but the oath or affirmmation may be administered, the questions put, and the answers received, by mail or other written communication.

216.—XI. A member of the court shall not be disqualified from sitting as a judge by having given testimony in the case.

217.—XII. An officer or private member of the church refusing to testify may be censured for contumacy.

But not for refusing to testify against one's husband or wife or one's self. And no one can be censured for such contumacy except by the court having jurisdiction over him, and after conviction by process or after confession.

218.—XIII. If after a trial before any court new testimony be discovered, which is supposed to be highly important to the exculpation of the accused, it is proper for him to ask, and for the court to grant a new trial.

Even after technical acquittal, the accused may ask for a new trial, in order to make his vindication more certain. The court has discretion always to grant or refuse a request for a new trial, subject to appeal or complaint.

219.—XIV. If, in the prosecution of an appeal, new testimony be offered, which, in the judgment of the appellate court, has an important bearing on the case, it shall be competent for that court to refer the cause to the inferior court for a new trial; or, with the consent of parties, to take the testimony and proceed with the cause.

In case a new trial is ordered, the recorded evidence taken in the first trial is valid evidence, if the new trial is ordered simply that new evidence may be taken and considered. If the new evidence is

available before the reviewing court, it would save time for that court to take the new evidence and render decision and sentence as if the court of first resort; but this cannot be done if either party objects. At the same time this court has discretion to decide the case without sending it back for a new trial or taking the new evidence either; for without such discretion it would be possible to delay a final decision indefinitely.

CHAPTER X.

OF THE INFLICTION OF CHURCH CENSURES.

After a preliminary paragraph on the use of the different kinds of censure, and one on the spirit that should actuate the court in inflicting them, a paragraph on each censure follows: admonition, definite suspension, indefinite suspension, excommunication, and deposition.

220.—I Ecclesiastical censures ought to be suited to the nature of the offence; for private offences, censures should be administered in the presence of the court alone, or privately, by one or more members on its behalf; but for public offences, censures should be administered in open session, or publicly announced to the church. When there are peculiar and special reasons, the court may visit public offences, not very gross in their character, with private admonition, or with definite suspension in private; but the censure of indefinite suspension should ordinarily be announced to the church; whilst those of excommunication and deposition should be either administered before the church, or else announced to it, at the discretion of the court.

Admonition for private offences must be administered either by a committee in private, or before

the court in private session; all other censures must be administered in the presence of the court, but whether in open or private session is within the discretion of the court. Any censure, except private admonition, administered in private session, may be announced to the church (or Church, in the case of Ministers), and excommunication and disposition must be.

221.—II. When any member or officer of the Church shall be guilty of a fault deserving censure, the court shall proceed with all tenderness, and shall deal with the offending brother in the spirit of meekness, the members considering themselves, lest they also be tempted.

(Cf. 172.

222.—III. The censure of admonition ought to be administered in private, by one or more members, in behalf of the court, when the offence is not aggravated, and is known only to a few. When the scandal is public, the admonition sha'l be administered by the Moderator in the presence of the court, and ordinarily shall also be announced in public.

If administered in public, that is announcement in public.

223.—IV. Definite supension being an exemplary censure, ought ordinarily to be either administered in open session, or announced to the church.

"Ordinarily" leaves the court discretion. The announcement is to be made in such way and by such agent as the court may order.

224.—V. The censure of indefinite suspension ought to be inflicted with great solemnity, that it may be the means of impressing the mind of the delinquent with a proper sense of his danger, while he stands excluded from the sacraments of the Church of the living God, and that with the divine blessing, it may lead him to repentance. When the court has resolved to pass this sentence, the Moderator shall address the offending brother to the following purpose:

"Whereas, You, A. B. (here describe the person as a Min-

ister, Ruling Elder, Deacon, or private member of the Church), are convicted by sufficient proof [or, are guilty by your own confession], of the sin of —— (here insert the offence), we, the Presbytery [or church Session] of C. D., in the name and by the authority of the Lord Jesus Christ, do now declare you suspended from the sacraments of the Church [and from the exercise of your office], until you give satisfactory evidence of repentance."

To this shall be added such advice or admonition as shall be judged necessary, and the whole shall be concluded with prayer to Almighty God that he would follow this act of discipline with his blessing.

The language "when the court has resolved to pass this sentence," must be taken as equivalent to "when the sentence has been passed" (cf. 225); and this and all other censures are to be administered at such time and place as the court may designate, and in such terms as the court has ordered. The "and" in the parenthesis "and from the exercise of your office," must be taken as equivalent to "or" also, since an officer may be suspended from office without being suspended from sealing ordinances.

225.—VI. When the sentence of excommunication has been regularly passed, the Moderator of the Session shall make a public statement before the church of the several steps which have been taken with respect to the offending brother, and inform them that it has been found necessary to cut him off from the communion of the Church. He shall then show the authority of the Church to cast out unworthy members, from Matt. xviii. 15–18 and 1 Cor. v. 1–5, and shall explain the nature, use and consequence of this censure, warning the people, that they are to conduct themselves, in all their intercourse with him, as is proper toward one who is under the heaviest censure of the Church. He shall then pronounce sentence to the following effect:

"WHEREAS, A. B., a member of this church, has been, by sufficient proof, convicted of the sin of ———, and after much admonition and prayer, obstinately refuses to hear the Church, and has manifested no evidence of repentance: Therefore, in

the name and by the authority of the Lord Jesus Christ, we, the Session of the church of C. D., do pronounce him to be excluded from the sacraments, and cut off from the fellowship of the Church."

After which prayer shall be made that the blessing of God may follow his ordinance, for the conviction and reformation of the excommunicated, and for the establishment of all true believers.

For the excommunication of a Minister, see 226. Notwithstanding the language here used assumes that no one will be excommunicated who confesses his fault, yet, unless repentance accompany confession, the court may excommunicate; but no one is to be excommunicated who manifests repentance.

226.—VII. The sentence of deposition shall be pronounced by the Moderator in words of the following import:

"WHEREAS, A. B., a Minister of this Presbytery [or a Ruling Elder or Deacon of this Church], has been proved, by sufficient evidence, to be guilty of the sin of ———, we, the Presbytery [or church Session] of C. D., do adjudge him totally disqualified for the office of the Christian ministry [or Eldership or Deaconship], and therefore we do hereby, in the name and by the authority of the Lord Jesus Christ, depose from the office of a Christian Minister [or Elder, or Deacon], the said A. B., and do prohibit him from exercising any of the functions thereof."

If the sentence include suspension or excommunication, the Moderator shall proceed to say: "We do moreover, by the same authority, suspend the said A. B. from the sacraments of the Church, until he shall exhibit satisfactory evidence of sincere repentance," or "exclude the said A. B. from the sacraments, and cut him off from the fellowship of the Church."

The sentence of deposition ought to be inflicted with solemnities similar to those already prescribed in the case of excommunication.

Notwithstanding the literal implication of the language here used, an officer may be deposed upon his own confession, and even when he manifests repentance (202), but he may not be excommunicated if he manifests repentance.

It may be in place here to add the following observations:

1. The censure is always to be inflicted by the court having original jurisdiction. If the Presbytery takes the place of the Session, then the Presbytery is, for that case, the court having original jurisdiction. If it should be that the court, whose duty it is to inflict the sentence, does not approve the sentence, it is bound to obey the court rendering the final decision; but it may disclaim its own approval of the sentence even when inflicting it.

2. The court may appoint any member to act as Moderator of the court in administering censure, if the Moderator desires it; but if one finds himself required as Moderator to pronounce a sentence that he does not himself approve, he may disclaim his approval.

3. A sentence is inflicted when formally pronounced, whether the condemned person is present or not.

4. No sentence ought to be inflicted until after the time within which notice of an appeal can be given (258).

5. The sentence takes effect from its passage (subject to 258), whether it is ever formally inflicted or not, the formal infliction being a means of grace in addition to the real sentence itself.

CHAPTER XI.

OF THE REMOVAL OF CENSURES.

The censure of admonition not affecting one's standing, and the censure of definite suspension

terminating without further action at the time set, nothing is said in this chapter concerning the removal of these two censures. Paragraph 1 points out how the rulers of the church should deal with one suspended from the sacraments; and paragraph 2, how the court should proceed in restoring a suspended offender. Paragraph 3 treats of the restoration of an excommunicated offender; and paragraph 4, of one deposed. Special regulations are given in paragraph 5 concerning Elders and Deacons restored after deposition; in paragraph 6, concerning the restoration of offenders who have removed beyond the reach of the court; and in paragraph 7, concerning the restoration of a deposed Minister.

227.—I. After any person has been suspended from the sacraments, it is proper that the rulers of the church should frequently converse with him, as well as pray with him and for him, that it would please God to give him repentance.

Whether a suspended offender is going to be restored or excommunicated is a pending question, and never should the status of suspension be considered permanent. He is not yet cut off.

228.—II. When the court shall be satisfied as to the reality of the repentance of a suspended offender, he shall be admitted to profess his repentance, either in the presence of the court alone, or publicly, and be restored to the sacraments of the Church, and to his office, if such be the judgment of the court, which restoration shall be declared to the penitent in words of the following import:

"WHEREAS, You, A. B., have been debarred from the sacraments of the Church [and from the office of the gospel Ministry, or Eldership, or Deaconship], but have now manifested such repentance as satisfies the Church, we, the Session (or Presbytery) of C. D., do hereby, in the name and by the authority of the Lord Jesus Christ, absolve you from the said sentence of suspension, and do restore you to the full enjoy-

ment of sealing ordinances [and the exercise of your said office, and all the functions thereof]."

After which there shall be prayer and thanksgiving.

The court is not obliged to restore upon satisfactory repentance, since, in some cases, continuance of suspension may be necessary to remove all scandal; nor is restoration to office obliged to accompany restoration to the sacraments. The "and" at the beginning of each set of brackets must be interpreted as equivalent to "or" also. Cf. remarks on 224.

229.—III. When an excommunicated person shall be so affected with his state as to be brought to repentance, and to desire to be readmitted to the communion of the Church, the Session, having obtained sufficient evidence of his sincere repentance, shall proceed to restore him. In order to which, the presiding Minister shall inform the church of the measures which have been taken with the excommunicated person, and of the resolution of the Session to restore him.

On the day appointed for his restoration, the Minister shall call upon the excommunicated person, and propose to him in the presence of the congregation the following questions:

"Do you, from a deep sense of your great wickedness, freely confess your sin in thus rebelling against God, and in refusing to hear his Church; and do you acknowledge that you have been in justice and mercy cut off from the communion of the Church? *Answer.*—I do. Do you now voluntarily profess your sincere repentance and contrition for your sin and obstinacy; and do you humbly ask the forgiveness of God and his Church? *Answer.*—I do. Do you sincerely promise, through divine grace, to live in all humbleness of mind and circumspection; and to endeavor to adorn the doctrine of God our Saviour, by having your conversation as becometh the gospel? *Answer.*—I do."

Here the minister shall give the penitent a suitable exhortation, encouraging and comforting him. Then he shall pronounce the sentence of restoration in the following words:

"WHEREAS, You, A. B., have been shut out from the communion of the Church, but have now manifested such repentance as satisfies the Church; in the name of the Lord Jesus Christ, and by his authority, we, the Session of this church, do

declare you absolved from the sentence of excommunication formerly denounced against you; and we do restore you to the communion of the Church, that you may be a partaker of all the benefits of the Lord Jesus to your eternal salvation."

The whole shall be concluded with prayer and thanksgiving.

Here again it is to be noted that restoration is not necessarily to follow immediately after satisfactory evidence of repentance. (Remark under 228.) The presence of the offender in the congregation is not indispensable, in such a sense that he could not be restored while unable to attend; but in that case it should be certified to the church publicly that the offender is not able to be present and that he has given the right answers to these questions.

It is noteworthy that a suspended member is spoken of as suspended (224) or debarred (228) from the sacraments of the Church, and an excommunicated person as cut off from the communion of the Church (225, 229). The suspended offender is still a member of the Church, participating in the communion of life and sympathy of the brotherhood as one of them, while excluded from the sacraments for the time by way of reproof and in hope of his restoration; but the excommunicated member is no longer a member of the Church. Ought he, then, to be baptized at his restoration? By no means; since his baptism at first did not make him a member, but only recognized his membership (paragraph 3, remarks); and the sin that has unmade him a member, ceasing with repentance, ceases to effect this result. One does not shake off the obligations of membership by being excommunicated, but does definitely lose all its privileges. The suspended loses them tentatively.

230.—IV. The restoration of a deposed officer, after public confession has been made in a manner similar to that prescribed in the case of the removal of censure from an excommunicated person, shall be announced to him in the following form, viz.:

"WHEREAS, You, A. B., formerly a Minister of this Presbytery [or a Ruling Elder or Deacon of this church], have been deposed from your office, but have now manifested such repentance as satisfies the Church; in the name of the Lord Jesus Christ, and by his authority, we, the Presbytery of C. D. [or the Session of this church], do declare you absolved from the said sentence of deposition formerly pronounced against you; and we furthermore restore you to your said office and to the exercise of all the functions thereof, whenever you may be orderly called thereunto."

After which there shall be prayer and thanksgiving, and the members of the court shall extend to him the right hand of fellowship.

If an officer is restored to the communion and to office at the same time, then it would be proper to pronounce first the sentence of restoration at the end of 229, and then this sentence of restoration at the end of 230.

An officer does not need to be reordained at his restoration, the act of restoration being itself the undoing of the deposition.

231.—V. When an Elder or Deacon has been absolved from the censure of deposition, he cannot be allowed to resume the exercise of his office in the church without re-election by the people.

But when absolved from suspension from office, re-election of a Ruling Elder or Deacon, or of a Pastor whose pastoral relation was not dissolved, is not necessary. When re-election is necessary, then also is reinstallation.

232.—VI. When a person under censure shall remove to a part of the country remote from the court by which he was sentenced, and shall desire to profess repentance and obtain restoration, it shall be lawful for the court, if it deems it ex-

pedient, to transmit a certified copy of its proceedings to the Session (or Presbytery) where the delinquent resides, which shall take up the case and proceed with it as though it had originated with itself.

In other words, a member or officer under censure may be dismissed from one court to another, his exact standing, and the reasons therefor being certified; but the court dismissing a deposed Minister must certify its consent to his restoration. (Par. 203.)

233.—VII. In proceeding to restore a suspended or deposed Minister, it is the duty of the Presbytery to exercise great caution: first admitting him to the sacraments, if he has been debarred from the same; afterwards granting him the privilege of preaching for a season on probation, so as to test the sincerity of his repentance and the prospect of his usefulness; and finally restoring him to his office. But the case shall always be *sub judice* until the sentence of restoration has been pronounced.

This, of course, does not apply to suspension without censure.

Some observations are here added touching the removal of censures.

1. The court that acts in the removal of censure is not a court representing the Church as a judge, nor as an accuser, but rather as a parent. Hence, all the members of the court not under censure have voice and vote therein.

2. The court cannot remove a censure without repentance on the part of the offender. But if the Church should come to believe that she had erred in the sentence of censure, how can she rectify her wrong? By a new trial in the court of first resort, if new evidence has been discovered; and by reconsideration in the court that passed the final sentence.

3. The censure is not removed until the sentence of removal has been pronounced, after being ordered by the court.

CHAPTER XII.

OF CASES WITHOUT PROCESS.

These are not acts of technical discipline, as there is no judicial prosecution; and yet there is one part of process whenever a judgment of censure is rendered. Process is a means of determining whether to use censure, and may be dispensed with when not needed for this end.

Four cases are here enumerated: confession of guilt; confession of an unregenerate heart; confession of a lack of a call to office; and renunciation of the communion of the Church.

234.—I. When any person shall come forward and make his offence known to the court, a full statement of the facts shall be recorded, and judgment rendered without process.

It is essential that the person intends to confess and permit the court to render judgment without process. Statements made by him in the presence of the court must not be taken as the basis of judgment without process except by his consent; for that would be to deprive him of his right. And the full statement of facts should be approved by him as correct before the court proceeds to render judgment. Against the judgment rendered the person condemned may complain. Of course, the words "any person" must be interpreted as mean-

ing any person subject to judicial prosecution before the particular court.

235.—II. When a communicating member shall confess before the church Session an unregenerate heart, and there is no evidence of other offence, the court may transfer his name to the roll of non-communicating members, and he shall be faithfully warned of his guilt in disobeying the gospel, and encouraged to seek the redemption freely offered in Christ; and a statement of the case shall be made to the church. But this action shall not be taken until the church Session has ascertained, after mature inquiry and due delay, that this confession does not result from Satanic temptation or transient darkness of spirit. This rule, however, shall not be applied to those who wilfully absent themselves from the Lord's table, which is always an offence.

It is fundamental to the interpretation of this paragraph to remember that "communicating member" does not mean merely a member that really communicates or partakes of the Lord's supper, but any member whose name is on the roll of those that have been admitted to the Lord's supper, whether he communicates or not, therefore includes those who habitually absent themselves from the Lord's supper. It is manifest that an unregenerate heart is an offence in this case; for it is something in principle and practice contrary to the Word of God, is something contrary to the Word of God as interpreted in the standards, and is something in the principles or practice of a church member professing faith in Christ. For up to this confession of an unregenerate heart, the member was professing faith in Christ, the confession on which he was admitted to the communion of the Church still continuing until by this confession withdrawn. But if there is no evidence of other offence, the court may transfer his name to the roll of non-communi-

cating members. This is not admonition, for admonition is to be added to this, and mere admonition would not affect his standing or status as a member. It is not suspension, for that does not transfer his name from the roll of communicating members. It is not excommunication, for it is not for "gross crime or heresy, when the offender shows himself incorrigible and contumacious." But it is essentially suspension, since it does, like suspension, exclude from the sacraments. It is censure, but it is unique. It is the Church putting back one of its children under that censure under which she holds all of them that have come to years of discretion, at the same time with the acknowledgment that the Church's sole reason for this action is a confessed unregenerate heart. Suspension tentatively, and excommunication permanently, puts the offender under the same censure, but upon other grounds.

A statement of the case shall be made to the church. If one is not willing to have this statement made, he is not willing to confess far enough to preserve the Church from scandal at his absenting himself from the Lord's table. He is still willing to remain in a false light to some.

Since one may be led to make this confession, either by some extraordinary temptation of Satan, or by disease, when one is yet really regenerate, Sessions are to take due time and caution before acting lest they countenance a sinful disclaimer of that faith which one really has, or their action may make to the hurt of one already wounded.

"This rule" must mean the rule stated in the first sentence of the paragraph of which the

second sentence is simply a modification. The "however" refers to the second sentence, and implies that, however completely absent may be all evidence of special Satanic temptation, or transient darkness of spirit, still this transfer is not to be made upon confession of an unregenerate heart, in any case where the party wilfully absents himself from the Lord's table. This is always an offence, and hence it is "other offence" than simply an unregenerate heart. If the absence from the Lord's table appears to be due to scruples growing out of uncertainty as to the person's right to communicate, to be reluctant rather than wilful, then it is not to be considered an offence, and does not stand in the way of this transfer. And the Session is not bound to transfer, even when there is no evidence of other offence, and no "Satanic temptation or temporary darkness of spirit." The rule is not intended for any but those who, otherwise exemplary in their behavior, are, from a sense of their sin in not accepting Christ, constrained to deny themselves the privilege of communicating, and will be most likely won in this way. If there are other offences, regular suspension or excommunication should be the censure used, and one of these may be used even when there is no evidence of other offence. Whenever one makes this confession, the Session has a confession of an offence, a special case under paragraph 1; and the transfer, suspension, or excommunication must follow, after due delay, unless the court remains in doubt whether the confession proceeds from mistake.

This is not a convenient way for the disobedient or dissatisfied to free themselves from the obliga-

tions of church membership. This cannot be done. Their vows and covenants are between them and Christ, and there is no release from them in any way or at any time whatever. There is no way to get out of the Church; for even the excommunicated are still members. They are members excluded from the communion of the Church, but with the ligament of obligation still uncut.

236.—III. A Minister of the gospel, against whom there are no charges, if fully satisfied in his own conscience that God has not called him to the ministry, or if he has satisfactory evidence of his inability to serve the Church with acceptance, may report these facts at a stated meeting. At the next stated meeting, if after full deliberation the Presbytery shall concur with him in judgment, it may divest him of his office without censure, and shall assign him membership in some particular church. This provision shall in like manner apply, *mutatis mutandis*, to the case of Ruling Elders and Deacons; but in all such cases the Session of the church to which the Elder or Deacon who seeks demission belongs shall act as the Presbytery acts in similar cases where a Minister is concerned.

This provision for demission of office makes manifest that ordination does not put one, or recognize one as being, in an unchangeable status or in a fixed relation of obligation or dignity. Ordination is not an indelible mark. Therefore, if one divested of his office should be again put into the same office, it would be proper to ordain him again.

To divest of office, as here provided, is not the same as to dissolve official relations, as provided in 113 and 128. An officer whose official relations to a particular church are dissolved is still in the office in relation to the Church generally; but one divested of his office has henceforth no official relation, either to a particular church or to the Church generally. Hence the court may divest without consulting the particular church.

Three elements should concur in a call to the office, the man's inward conviction, the acceptance of him by the people, and the approval of the court. When one or both of the first two elements seem to be lacking, then the man himself or the court (205) may raise the question whether the man is really called of God; but if he requests the action, the court divests by a majority vote, whereas, if the court proceeds against his will, it requires a two-thirds vote to divest (205).

237.—IV. When a member or officer shall renounce the communion of this Church by joining some other evangelical Church, if in good standing, the irregularity shall be recorded, and his name erased. But if charges are pending against him, they shall be communicated to the church which he has joined. If the denomination be heretical, an officer shall have his name stricken from the roll, and all authority to exercise his office derived from this Church shall be withdrawn from him; but a private member shall not be otherwise noticed than as above prescribed.

This Church is a distinct "communion" in the sense that all its members have a certain communion with one another that they do not have with members of other denominations; but it is not out of communion with all other denominations in a broader sense. When, then, a member of this communion joins another communion he passes out of this communion, in the special sense in which the word is used here. The regular way of doing this is by obtaining testimonials for that purpose from the proper authorities of this Church (Chap. XV.); and if done without first obtaining such testimonials, it is an irregularity, and an irregularity so serious as to receive here the epithet of renouncing the communion of this Church.

In all cases, the fact is to be recorded and the name erased from our rolls. If charges are pending against him, they shall be communicated to the church or Church to which the renouncing member has gone. If he is an officer and that denomination is heretical, all authority to exercise his office shall be withdrawn, whether there are any charges to communicate or not. Charges are "pending," if they have been already presented to the proper court before information of the renunciation, and had not been finally disposed of; and charges may be considered as "pending" if already known, although no formal notice had been taken of them.

CHAPTER XIII.

OF THE MODES IN WHICH A CAUSE MAY BE CARRIED FROM A LOWER TO A HIGHER COURT.

A cause is not necessarily a case of judicial procedure. The chapter begins by defining the scope and modes of review by higher courts, and the right of members of the inferior court to sit as members of the higher court. Then the body of the chapter falls into four sections, one on each of the four ways in which causes may be carried up.

238.—I. Every decision which is made by any church court, except the highest, is subject to the review of a superior court, and may be brought before it by general review and control, reference, appeal, or complaint.

There is always some way to bring into a higher court whatever has been done or neglected by an inferior court, so that everything is done by the

whole Church through the court whose action is permitted to stand as final; for every action of a court is either the action of the Church in the General Assembly, or may be brought there for approval or disapproval.

239.—II. When a matter is transferred in any of these ways from an inferior to a superior court, the members of the the inferior court shall not lose their right to sit, deliberate, and vote in the case in the higher courts, except that either of the original parties may challenge the right of any member of the inferior court to sit, which question shall be decided by the vote of allthose members of the superior court who are not members of the inferior.

The only ground on which such a challenge can base itself is that the persons challenged are themselves a party, or for some other reason are incapacitated to be considered judicially competent. But even in the case of process against an inferior court, the members of that court are not parties, but only the court in the person or persons of its representatives appointed to appear for it in the case.

SECTION I.—*Of General Review and Control.*

The first four paragraphs, having to do with the review of the records, define the obligation of the inferior court to send up its records; what questions the higher court is to ask in its examination of the records; what action the higher court shall take by way of correction; and what limitation is put to its power of revision. The fifth paragraph asserts the power of the reviewing court to go outside of the records. And the two remaining sections treat of process against a court, the last particularly prescribing the rules of such process after the citation.

240.—I. It is the duty of every court above a church Session, at least once a year, to review the records of the proceedings of the courts next below.

The Assembly reviews the records of each of the Synods; each Synod, the records of each of its Presbyteries; and each Presbytery, the records of the Session of each of its churches.

And if any lower court shall omit to send up its records fo this purpose, the higher court may issue an order to produce them, either immediately, or at a particular time, as circum stances may require.

Incidentally, this assumes that a superior court may order the court next below it to convene at any time and place.

241.—II. In reviewing the records of an inferior court, it is proper to examine: *First*, Whether the proceedings have been constitutional and regular; *Secondly*, Whether they have been wise, equitable, and for the edification of the Church; *Thirdly*, Whether they have been correctly recorded; *Fourthly*, Whether the lawful injunctions of the superior courts have been obeyed.

While practically the superior court must usually make this examination through committees, these committees should be so selected that they will be superior in wisdom in each case to the court whose records they are to review.

An act may be constitutional in the main, but have been taken in disregard of certain regulations of the Constitution; irregular, then, means unconstitutional in a minor sense, that is, contrary to less important requirements of the Constitution. In all cases of unconstitutionality the fact is to be recorded in the review, even if the superior court should itself be persuaded that the more fundamental principles of the Constitution required the

action in contravention of its subordinate regulations. But even actions that are constitutional, that is, that are by the Constitution put in the discretion of the court, may not be advisable. When, therefore, an action is found to be constitutional and regular, it remains to inquire whether it is wise, and especially whether it is equitable; for foolish regularity and unjust constitutionality are prejudicial to the true edification of the Church. An action which is unobjectionable may not be correctly recorded; and this should always be noted, with an intelligible explanation of what the correct record would be. And the court may have done nothing objectionable, but may have omitted to obey lawful injunctions; and such neglect of obedience should never be passed over in silence by the superior court. It is important, indeed, that superior courts abstain from commanding, except where they have authority and reason for enjoining; but when they lay an injunction they should see that it is obeyed; otherwise, the unity and efficient working of the Church are impaired.

The feeling that the thorough examination and criticisim of the records of lower courts is merely perfunctory, a thing to be committed to such members of the superior court as may not be wise enough to take in hand more serious matters, must work great loss; and, on the other hand, thoroughness and wisdom here, without hypercriticism, of course, would be a great help to lower courts and a great gain to the harmonious and successful working of our system.

242.—III. In most cases the superior court may be considered as fulfilling its duty by simply recording on its own minutes

the approval, the correction of proceedings, or the censure which it may think proper to pass on the records under review; and also by making an entry of the same in the book reviewed. But should any irregular proceedings be found, such as demand the interference of the superior court, the inferior court may be required to review and correct them.

The action of an inferior court that is constitutional, however unwise, the inferior court cannot be required to review and correct, unless such action is brought before the superior court in some other way than by general review and control; but the superior court may record its disapproval. Disobedience to lawful injunctions of higher courts is irregular or unconstitutional.

243.—IV. In cases of process, however, no judgment of an inferior court shall be reversed unless it be regularly brought up by appeal or complaint.

However unconstitutional the judgment may be, the superior court cannot reverse it (or annul it) under general review and control, though it may censure such judgment and even institute process against the inferior court on the ground of it. (245.) If, however, the case is coming before the reviewing court by appeal or complaint, no opinion should be expressed on the case in its general review.

244.—V. Courts may sometimes entirely neglect to perform their duty, by which neglect heretical opinions or corrupt practices may be allowed to gain ground; or offenders of a very gross character may be suffered to escape; or some circumstances in their proceedings of very great irregularity may not be distinctly recorded by them; in any of which cases their records will by no means exhibit to the superior court a full view of their proceedings. If, therefore, the next superior court be well advised that any such neglect or irregularity has occurred on the part of the inferior court, it is incumbent on it to take cognizance of the same, and to examine, deliberate and

judge in the whole matter as completely as if it had been recorded, and thus brought up by the review of the records.

That is, in reviewing the proceedings of an inferior court, the superior court, proceeding upon sufficient evidence outside of the records, may record in its own and the inferior court's records, or send down to the inferior court, such corrections, censures and orders as if the full evidence had been in the records.

245.—VI. When any court having appellate jurisdiction shall be advised, either by the records of the court next below, or by memorial, either with or without protest, or by any other satisfactory method, of any important delinquency or grossly unconstitutional proceedings of such court, the first step shall be to cite the court alleged to have offended to appear by representative or in writing, at a specified time and place, and to show what it has done or failed to do in the case in question. The court thus issuing the citation may reverse or redress the proceedings of the court below in other than judicial cases; or it may censure the delinquent court; or it may remit the whole matter to the delinquent court, with an injunction to take it up and dispose of it in a constitutional manner; or it may stay all further proceedings in the case, as circumstances may require.

In the exercise of general review and control the superior court may go so far as to enter upon the records of the inferior court a censure of the records (but not of the court), or send to the inferior court an order to review and redress irregular proceedings; but in the exercise of its jurisdiction by process the superior court may censure the inferior court (and not its records merely), and may itself reverse and redress the proceedings (in other than judicial cases) instead of ordering the inferior court to reconsider and correct them. But the superior court is not obliged to redress wrongs by its own action; it may order the court to do so,

or to stop a wrong proceeding. And, of course, the result of process against an inferior court may be its acquital altogether. Three things should be borne in mind concerning the power of a superior court to try a next inferior court: first, the inferior court cannot be tried for its action as a court in deciding or conducting a judicial case, since judicial cases can come before the higher court only by reference, appeal or complaint; the lower court may be censured, but not its members, since the individual cannot be tried except in the court having original jurisdiction over him; and no inferior court may be censured except after conviction on regular trial, any more than an individual.

246—VII. In process against an inferior court, the trial shall be conducted according to the rules provided for process against individuals, so far as they may be practicable.

Of the rules in Chap. VI., 173–'78 are superseded by 245; 179 and 180 are not applicable, nor 191; and instead of 190 it lies in the nature of the case that the accused court must be represented by one or more persons appointed by itself or, in case of its failure to answer citation, by the superior court, and said counsel must have membership in one or both the courts. The general rules of evidence will be the same as in the trial of individuals.

SECTION II.—*Of References.*

The first paragraph defines reference, and the second paragraph states what are proper subjects of reference; the third paragraph prescribes the objects of references, and the fourth the effect of references upon the cases referred; the fifth paragraph discourages the resort to references; the

sixth gives liberty of abstaining from action to the superior court, and the seventh limits the right of referring to any but to the next highest court; and the eighth paragraph requires proper records to be sent up.

247.—I. A reference is a representation of a matter not yet decided, made by an inferior to a superior court, which representation ought always to be in writing.

Cf. 77:2. A matter decided goes to the superior court in the regular records sent up for general review, and may also be brought there by appeal or complaint; but the court itself, instead of making a decision, may refer the question. This applies also to judicial cases, and the court may refer without consent of parties; but the parties must be heard in the superior court just as in the inferior court on the same question.

248.—II. Cases which are new, important, difficult or of peculiar delicacy, the decision of which may establish principles or precedents of extensive influence; on which the sentiments of the inferior court are greatly divided; or on which for any reason it is desirable that a superior court should first decide, are proper subjects of reference.

It would be within the discretion of the superior court to decline to entertain a reference on the ground that it was not a proper case.

249.—III. References are either for mere advice, preparatory to a decision by the inferior court, or for ultimate decision by the superior court.

And the inferior court should always distinctly state its desire, whether for advice, merely, or for an ultimate decision. If the reference asks for advice only, the superior court cannot make an ultimate decision.

250.—IV. In the former case the reference only suspends the decision of the court from which it comes; in the latter, it submits the whole case to the final judgment of the superior court.

251.—V. Although references may, in some cases, be proper, yet it is generally conducive to the good of the Church that every court should fulfil its duty by exercising its judgment.

A thing should be done by the appropriate organ; and only when the special distribution of powers among the courts adopted in the Form of Government seems really to put a work upon an unfit organ, ought references to be resorted to.

252.—VI. A reference ought, generally, to procure advice from the superior court, yet that court is not bound to give a final judgment, but may remit the whole case, either with or without advice, to the court by which it was referred.

The superior is not bound to give a final judgment, even when the reference asks for it.

253.—VII. References by any court are to be made to the court immediately superior.

But the court to which a reference has come may refer the same question to the court next above it; but it may not ask the court above it to do more than it was itself asked to do; a court, for instance, asked for advice, cannot ask a superior court for an ultimate decision.

254.—VIII. When a court makes a reference, it ought to have all the testimony and other documents duly prepared, produced, and in perfect readiness, so that the superior court may be able to fully consider and issue the case with as little difficulty and delay as possible.

The inferior court may decide at any stage of its own consideration to make a reference; and all the testimony, etc., up to that stage should be put in

perfect readiness for the superior court. Manifestly, it is not contemplated that a judicial case will be referred before the evidence has all been taken; and yet this is not forbidden, since the very difficulty might hang around questions as to the taking and admission of evidence.

SECTION III.—*Of Appeals.*

Six paragraphs regulate the taking of an appeal; and the last six, the disposal of it. After defining an appeal, and the parties to whom it is permissible, in the first two paragraphs, the section enumerates the grounds upon which an appeal may be taken, in the third paragraph. And the fourth paragraph gives special regulations concerning the notice of appeal, the fifth prescribes to what court it may be taken, and the sixth controls the appearance of the parties before the superior court. Then the last six paragraphs present, first, the order of proceedings; second, the scope of the decision; third, when an appellant is to be regarded as abandoning his appeal; fourth, what is to be done with an appellant manifesting a wrong spirit; fifth, what effect the taking of the appeal has on the force of the judgment appealed from; and sixth, what shall be done with a court neglecting to send up the record of a case.

255.—I. An appeal is the removal of a cause already decided, from an inferior to a superior court, the effect of which is to arrest sentence until the matter is finally decided. It is allowable only after judgment has been rendered, and to the party against whom the decision has been rendered.

Appeal differs from general review in three particulars: first, it and general review cannot bring

the same issues before the superior court; the issue is brought by express action of a party, and not as a matter in course by the records, and it does not permit the inferior court to be censured for its decision. Appeal differs from reference in two particulars: it brings to the superior court an issue already decided; and it is a party that brings the issue, and not the court itself. The sentence appealed from cannot be pronounced until the judgement is confirmed in a higher court; that is, no one sentenced to be admonished, suspended, excommunicated or deposed, is to be admonished, suspended, excommunicated or deposed, after giving notice of his intention to appeal as required in paragraph 258; but see paragraph 265. No one can appeal before the judgment has been made, not even after the decision has been made. (186: 6.) In a judicial case there are always two parties, the accuser and the accused (163); and the decision can never go against the accuser, since he is not on trial. If the decision has gone against the accused, he may appeal. No one else may appeal; others may complain (267).

256.—II. Those who have not submitted to a regular trial are not entitled to an appeal.

If there has been no regular trial, but the court has decided without process, or if the court has dealt with the party as contumacious, he may complain (267), but he may not appeal. It is true that then the sentence, however unjust, is not arrested; but the Rules of Discipline assume that, while a court may err, it will more probably be right than the party that objects to its action; and especially

is it unlikely that a court will treat as contumacious one who really was not so, or proceed without process where the objector really desired process.

257.—III. Any irregularity in the proceedings of the inferior court; a refusal of reasonable indulgence to a party on trial; declining to receive important testimony; hurrying to a decision before the testimony is fully taken; a manifestation of prejudice in the cause; and mistake or injustice in the judgment, are all proper grounds of appeal.

The judgment has in it the decision of guilty, and this decision may be a mistake; and the judgment has in it the fixing of the censure, and this censure may be excessive, and therefore unjust. Such mistake or injustice must be the radical ground of appeal; but one may appeal from the judgment on account of how it was arrived at, and even without disputing its correctness or justice. Such subordinate grounds of appeal, or any infraction or neglect of the regulations laid down in the Rules of Discipline to govern judicial proceedings; a refusal to grant to the accused reasonable time and opportunity apart from the mere letter of such regulations (it being assumed that a court which has let process commence will grant the prosecution reasonable indulgence); rejecting important testimony (and the party desiring to introduce it can always get his reasons put into the record in his notice and reasons of appeal); haste in reaching a decision, that is, the really arriving at a decision before hearing all the testimony; and prejudice, which must have been somehow manifested or it could not be assigned with propriety. But the appellant may cite what grounds he will, it belongs to the superior court to determine the pro-

priety of his grounds of appeal, and of the evidence for them appearing in the record of the cause.

258.—IV. Every appellant is bound to give notice of his intention to appeal, and also to lay the reasons thereof in writing before the court appealed from, either before its rising or within ten days thereafter. If this notice or these reasons be not given the court while in session, they shall be lodged with the Moderator or Clerk.

The "rising" of the court is not necessarily the adjournment of all the sessions of that meeting, but the rising of the court from its work as a judicial body in the case. A court might remain in session with other business for more than ten days after "rising" from its judicial action. However, it would often work injury to enforce this distinction, unless the attention of the party were expressly called to it at the rising of the court, so generally will the party having right to appeal understand that he has ten days from the adjournment of the court. It would be contrary to the spirit of these Rules for a superior court to refuse to hear an appeal for a mere technicality that was designed for good. The notice enables the court to have the record of the cause in readiness, and also, if it so desires, to change the personnel of the accuser. For the court, as judge, is not a party to the cause. The court, as appointing or accepting the prosecutor, was the Church acting as prosecutor: and in this capacity it has the right to determine the personnel of the accuser in whatever court the cause is heard. The parties, however, remain the same, only the accuser is called appellee in the superior court, and the accused is there called appellant (163).

259.—V. No appeal shall be carried from an inferior to any other court than the one immediately superior, without its consent.

The "its" refers to "the one immediately superior"; that is, no court can be deprived of its appellate jurisdiction without its own consent.

260.—VI. The appellant shall lodge his appeal, and the reasons of it, with the clerk of the higher court before the close of the second day of its sessions; and the appearance of the appellant and appellee shall be either in person or by writing.

The appeal and reasons must be the same as he gave notice of. The sessions must be the sessions of the meeting next after the notice of appeal is given. Both appellant and appellee are bound to appear without further notice than the original notice of appeal.

261.—VII. In taking up an appeal, after ascertaining that the appellant on his part has conducted it regularly, the first step shall be to hear "the record of the cause"; the second, to hear the parties, first the appellant, then the appellee, and the appellant shall close; the third, to call the roll, that the members may express their opinion in the cause; and then the vote shall be taken.

Cf. 186. The vote must be according to the next paragraph.

262.—VIII. The decision may be either to confirm or reverse, in whole or in part, the judgment of the inferior court; or to remit the cause for the purpose of amending the record, should it appear to be incorrect or defective, or for a new trial.

Accordingly, the vote may be first to sustain, not to sustain, or to sustain in part, the appeal; and if the appeal is sustained or sustained in part, then that is done or is to be done which the appellant asked for in his appeal. But the vote may be upon a definite motion to confirm or reverse, to remit, or to order a new trial.

263.—IX. If an appellant, after entering his appeal to a superior court, fail to prosecute it, it shall be considered as abandoned, and the judgment appealed from shall be final. And an appellant shall be considered as abandoning his appeal if he do not appear before the appellate court by the second day of its meeting next ensuing the date of his notice of appeal, unless it shall appear that he was prevented by the providence of God from seasonably prosecuting it.

Entering his appeal means giving notice. Here, again, no one should be deprived of his right to prosecute his appeal upon a technicality; but, on the other hand, one wishing to appeal must be diligent to use the opportunity that the Church may not be unnecessarily disturbed.

264.—X. If an appellant is found to manifest a litigious or other unchristian spirit in the prosecution of his appeal, he shall be censured according to the degree of his offence.

The right of appeal is not given with any other intent than that those who sincerely believe wrong has been done may bring the higher courts to pass upon the issue; and to abuse this favor is a peculiarly censurable offence. Of course, no censure for such offence can be passed except after confession or process before the court having original jurisdiction over the offender; but the superior court before which the offence is committed should call the attention of the court of first resort to the question of dealing with the offender.

265.—XI. If the infliction of the sentence of suspension, or excommunication, or deposition be arrested by appeal, the judgment appealed from shall nevertheless be considered as in force until the appeal shall be issued.

That is, one on whom such sentence has been passed, and who has arrested the pronouncing of it by his appeal, is bound to abstain from the sac-

raments or from the exercise of his office until the superior court passes upon his appeal; and not to submit himself by thus abstaining would itself be an offence worthy of the highest censure, if wittingly committed. If one could arrest the force of a judgment, as well as the pronouncing of sentence, by appeal, the grossest offender could not be reached until after most hurtful delay.

266.—XII. If any court shall neglect to send up the record of the cause, especially if thereby an appellant who has proceeded with regularity shall be deprived of the privilege of having his appeal seasonably tried, it shall be censured according to the circumstances of the case, and the judgment appealed from shall be suspended until the record be produced, upon which the issue can be fairly tried.

The appeal itself suspends the pronouncing of sentence, and this failure of the court would suspend the force of the judgment, so that the accused would have the right, from this failure until the record is produced, to resume the privilege of communicating and the exercise of his office. It is a matter of course that the delinquent court could not be censured without process against the court (245).

SECTION IV.—*Of Complaints.*

After stating the nature and effect of a complaint, and the requirement as to notice, the order of proceeding is laid down, and the sphere of action permissible to the superior court is given. There is added the rule for sending up the records.

267.—I. A complaint is a representation to a superior court against some decision of an inferior court. Any member of the Church, submitting to its authority, may complain against every species of decision, except where a party, against whom a decision has been rendered, takes an appeal against it. But

the complaint shall not suspend, while pending, the effect of the decision complained of.

A complaint differs from general review in these particulars: it may bring a decision made in a judicial case (except where an appeal is taken) as well as any other decision; it brings the issue by express action of a party, and not by the records as a matter in course; and it does not permit the inferior court to be censured for its decision. It differs from reference in these particulars: it brings an issue already decided; and it is not the court itself that brings the issue. It differs from an appeal in these particulars: an appeal may be taken only from decisions in judicial processes, but a complaint may be taken against every sort of decision (for a complaint may be taken against a decision against which an appeal may be taken, if the appeal is not taken); an appeal may be taken only by the party condemned on trial, including a court, but a complaint may be taken by any person (though never by a court) who is a member of the Church and submissive to its authority; and an appeal suspends partially the effect of the decision against which it is taken, but a complaint does not suspend the effect of this decision at all. But the essential difference is this: that an appeal removes the cause to the superior court without changing the parties, but a complaint presents an issue with new parties. True, the court complained of cannot be censured, nor the complainant; for the complaint is not a continuance of process, as an appeal is; and no party can be censured without process or confession. But the court, as judge, is a party. In an ap-

peal, the court, as accuser, is a party, the appellee; but in a complaint, the court, as judge, is a party, the respondent. In an appeal, the accused is a party, the accused; but in a complaint, the accused is not a party at all. Even if the person that was accused should complain, he does not appear as the accused. And that a complaint is not judicial process is evident from these two considerations: that no one can be censured by the issue of a complaint; and that questions that were not connected with a judicial cause may be the subjects of complaint.

268.—II. Notice of complaint shall be given in the same form and time as notice of appeal.

There is the like reason that the court may send up the record in readiness, and still more that the court may appoint its representative to answer for it.

269.—III. The court against whose decision a complaint is taken shall appoint a representative to defend that decision, who shall be called the respondent. After the superior court has ascertained that the complaint is regular, its first step shall be to read the record of the case; its second to hear the complainant; its third to hear the respondent; its fourth to hear the complainant again, and then it shall consider and decide the case.

"The record" of the case will be the same as "the record of the cause" when the complaint is against a decision in a judicial case; but in other cases it will be so much of the records sent up for review as are needful to set the issue before the superior court. The complaint ought to specify precisely what is complained of, and, when the complaint is not against a judicial decision, what parts of the records the complainant desires to have read.

And such parts should be read as either party desires, within reasonable limits. The court, after hearing the parties, may debate the matter freely, which is not allowable in a case of process, either in the court of first resort or in the court appealed to.

270.—IV. The superior court has discretionary power either to annul any portion or the whole of the decision complained of, or to send it back to the inferior court for a new hearing.

The superior court does not confirm the decision complained of, the notice of complaint not bringing that decision into suspense. Nor may the superior court reverse the decision (in the sense in which reverse means more than annul). For instance, if the decision has been a decision finding guilty in a judicial case, on appeal the superior court may find the party not guilty; but on a complaint the superior court can only annul the finding of guilty, leaving the Church simply silent on the issue. Or if the complaint is against a decision of not guilty in a judicial case, the superior court could not reverse the decision on complaint; it could only annul the finding, leaving the Church silent on the issue. (A judicial case resulting in a decision of not guilty cannot be brought before a superior court on appeal.) Again, if the complaint is against the refusal to appoint a Minister to a certain work, a complaint cannot issue in an order from the superior court to appoint him to that work. But if the decision complained of was in a judicial case, whether the decision was guilty or not guilty, the superior court may order a new trial; and if the decision was not in a judicial case,

a reconsideration. Nothing is said about remitting for correction of the records, as in an appeal; for this reason: if the amending of the records is found to be necessary, then the inferior court would always be instructed to consider the question again; but, as an appeal transfers the case to the superior court, that court may wait for fuller records before deciding the issue.

271.—V. The court against whose decision complaint is taken is bound to send up its records in the case, as hereinbefore provided.

The provisions will be found in 189 and 240. But neglect of the court to send up the records does not permit the superior court to suspend the judgment complained of. A complainant is not given as much scope as an appellant.

CHAPTER XIV.

OF DISSENTS AND PROTESTS.

The four paragraphs define, first, a dissent, and then a protest, direct what shall and may be done with a protest, and determine who may join in making them.

272.—I. A dissent is a declaration on the part of one or more members of a minority in a court, expressing a different opinion from that of the majority in a particular case. A dissent unaccompanied with reasons shall be entered on the records of a court.

A mere dissent simply records the negative vote, or the names of those who wish to be recorded as favoring the negative. And the court has no option but to let the records show this.

273.—II. A protest is a more solemn and formal declaration by members of a minority, bearing their testimony against what they deem a mischievous or erroneous judgment, and is generally accompanied with a detail of the reasons on which it is founded.

A protest is a dissent in the form of a solemn testimony, with or without reasons.

274.—III. If a protest or dissent be couched in temperate language, and be respectful to the court, it shall be recorded; and the court may, if deemed necessary, put an answer to the protest on the records along with it. But here the matter shall end, unless the parties protesting obtain permission to withdraw their protest absolutely, or for the sake of amendment.

The words "or dissent" are here in place to cover a protest calling itself a dissent. For only two reasons may a court refuse to record a protest: that its language is intemperate or that it is disrespectful to the court. If the court should refuse to record a dissent or protest, there may be made a complaint against the refusal. The court may allow protestants to withdraw their protest, but is not bound to allow an amended form to be recorded if intemperate or disrespectful. Those joining in a protest should take no part in framing the answer to the protest, but they may vote upon the question of allowing their own protest to be recorded.

275.—IV. None can join in a protest against a decision of any court except those who had a right to vote in the case.

Hence, in a judicial case none can protest against, or dissent from, the judgment except those who sat as judges through the case.

CHAPTER XV.

OF JURISDICTION.

Besides what may be found on the subject before, here are gathered together the regulations for determining to what jurisdiction any member at any time belongs. The first paragraph prescribes the method of transfer of a member from one church to another, upon his own motion; the second, the method of transferring a member or officer from one jurisdiction to another without his consent; the third determines to which jurisdiction a member in course of transfer belongs; the fourth orders what is to be done with disappearing members; the fifth gives a special regulation as to the form of certificate of transfer from Presbytery to Presbytery; and the sixth limits the force of a certificate of good standing.

276.—I. When any member shall remove from one church to another, he shall produce satisfactory testimonials of his church-membership and dismission before he be admitted as a regular member of that congregation, unless the church Session has other satisfactory means of information.

"Any member" includes non-communicating members and suspended members. These may be transferred from one church to another, but with the same status. For the meaning of remove from one church to another, see next paragraph. When the member asks for admission into the church to which he has come, he shall produce satisfactory testimonials of two things: his church-membership (and the testimonial should certify his status), and his dismission. He may be admitted without such

testimonial, if the Session has other satisfactory evidence of his church-membership, and dismission; but the Session shall not receive without evidence that the other Session has dismissed him, during the first twelve months of his change of residence, nor ever without change of residence. So much is due to the Session from whose jurisdiction the transfer would take him.

While this rule is plain as to members of this Church passing from church to church, its principles should also be observed in receiving members from other Churches: namely, there should be no disrespectful haste in acting without the concurrence of the other ecclesiastical authority; and, where there is no change of residence, a member from another Church in correspondence with this Church, or willing to dismiss its members to this Church, should not be received without such dismission.

The disregard of this rule impairs the efficiency of discipline. And with this in view, no member under censure ought ever to be received without dismission from another church of this Church, or from a Church in correspondence with this Church, and not without imperative reasons from any church.

277.—II. When a church member or officer shall remove his residence beyond the bounds of the court to whose jurisdiction he belongs into the bounds of another, if he shall neglect for twelve months, without satisfactory reasons given to both these courts, to transfer his ecclesiastical relations, the court whose bounds he has left shall be required to transfer them. And should that court neglect this duty, the one into whose bounds he has removed shall assume jurisdiction, giving due notice to the other body.

Here, again, church member includes non-communicating members, but the paragraph does not apply to suspended members or officers (see 232). The bounds of a court are, for a Presbytery, the geographical limits of its district (72), and of a church Session, the geographical limits within which persons may meet together for divine worship. A member is within the bounds of a Session, if he is near enough to the usual place of worship of the church to attend its meetings for worship: and hence he may be in the bounds of two or more Sessions at the same time. And a man's residence is really within the bounds of a Presbytery, if, having a charge within its geograpical district, he is near enough thereto to attend to his duties in that charge. (See remarks on 72.) One removes his residence, in the intent of this paragraph, when, though his residence remains at the same geographical point, it yet becomes by changes of environment, or connection, out of the bounds of his court. If one removes his residence out of the bounds of one court without moving it into the bounds of another court, this paragraph does not apply; nor does this paragraph regulate transfers between this Church and any other Church. The twelve months of the paragraph must be calculated from the time of his entrance into the bounds of the court which is to be put in jurisdiction over him. Hence, the paragraph does not apply to those who do not remain as long as twelve months within one boundary. The "shall be required" is to be interpreted thus: if he shall neglect, the court shall be required by this paragraph. The requirement shall come into force

and applicability whenever the condition arises. And this is a duty concerning which the court has no option; to neglect it is to neglect a duty. Either court might be censured for such neglect under paragraph 245, or an order might be issued to it under 244. But there may be satisfactory reasons for not transferring. For instance, a member may retain his former ecclesiastical relation temporarily, in order to assist and encourage a weak church to which he expects soon to return; or an officer may have no work under the direction of the Presbytery into whose bounds he has come, and be expecting work elsewhere. And there may be other reasons. Especially would it seem undesirable to gather into one Presbytery a preponderance of Ministers without charge under it. But the transfer must be made, unless the reasons to the contrary are given by the person to both courts, and are satisfactory to both courts.

278.—III. Members of one church dismissed to join another shall be held to be under the jurisdiction of the Session dismissing them till they form a regular connection with that to which they have been dismissed.

The Session may dismiss to one church, or to one of several, or to one of a certian description, within or without this Church, according to the request of the member and the discretion of the Session.

Since dismission is an act of the Session, the Session may refuse dismission for sufficient reasons, of which it must judge, subject to correction by a superior court. Nor can any member demand as a right, dismission to a court without having his residence in the bounds of the court, which must be another court of this Church or of a Church in

correspondence with this Church, or, at least, of some evangelical church, and being himself not under censure or under charges.

279.—IV. If the residence of a communicating member be unknown for three years, he shall be retired upon a separate roll until he shall appear and give satisfaction, of which due record shall be made.

A note should be made of the fact at the time when his residence becomes unknown to the Session, upon the records of the Session, and then, at the end of three years, the residence being still unknown, his name should be retired to a separate roll. If the residence become known before the end of the three years, this fact should be entered upon the records. He may "reappear" in writing, or through a personal messenger, or in person, to give satisfaction. His residence becoming known after the three years does not itself restore his name to the roll; this can only be done by formal act of the Session after being made satisfied, by explanation, that there was no willing severance of connection with the Church, or by repentance, that it is safe to restore the offender. For this is a sort of tentative suspension without process. The Session has no discretion but to retire one to a separate roll after the residence has been three years unknown, whether note was made of the fact when the residence first became unknown or not.

The very least that a Session can show of interest in those under its care is to know where each of them is, or to know that it does not know.

280.—V. When a Presbytery shall dismiss a Minister, Probationer or candidate, the name of the Presbytery to which he is dismissed shall be given in the certificate, and he shall

remain under the jurisdiction of the Presbytery dismissing him until received by the other.

No one can demand as a right dismission to a Presbytery in which he is not going to reside, nor to a Presbytery not in this Church or in a Church in correspondence with this Church, or, at least, such as might be taken into such correspondence. Nor can one be dismissed to any ecclesiastical court or authority not a Presbytery, nor to more than one Presbytery at the same time.

If candidates and Probationers are under the jurisdiction of the Presbytery, are they under the jurisdiction of the Session also? Yes. For they are under the jurisdiction of the Presbytery only as to whether they shall be admitted to the ministry. At ordination, the Minister passes wholly from under the jurisdiction of the Session; and the Session should record the fact upon its minutes.

281.—VI. No certificate of dismission, from either a Session or a Presbytery shall be valid testimony of good standing for a longer period than one year, unless its earlier presentation be hindered by some providential cause; and such certificates given to persons who have left the bounds of the Session or Presbytery granting them, shall certify the standing of such persons only to the time of their leaving those bounds.

If the person to whom the certificate is granted has already left the bounds, the certificate should state when he left and his standing up to that time; but if the certificate fails to state the time of his leaving the bounds, the effect of the certificate is the same. The point is, that a person cannot be presumed to be in good standing if he has let a whole year pass since leaving the bounds of a court, or obtaining a certificate of dismission from

it, without presenting his certificate of dismission to the court to which he comes. The certificate is, however, valid evidence of dismission after it ceases to be valid presumptive evidence of good standing. The court receiving him upon it after a year assumes responsibility for his standing.

The principles underlying these provisions may be stated thus:

1. One is a member or officer of the Church, which exercises its jurisdiction over him through the appropriate court; and while the Church does not fix his residence, the Church does, with only limited choice to the individual, fix the court through which it exercises its jurisdiction. Members cannot arbitrarily choose the court to whose jurisdiction they will be subject.

2. Being subject to the jurisdiction of the Church, they cannot cast off that jurisdiction at will without sinning against the Church. And she may surrender her jurisdiction only in the way of censure by excommunication or deposition, or in the way of correcting a mistake made by both her and the person, as in demission, or in the way of fraternal recognition of some other Church by dismissing thereto. But no one may quit this Church without thereby violating his covenant with it, except with her consent; nor is she permitted to give her consent, except when transferring to some other Church of Christ that can, all things considered, do as well for the member.

3. Neither in dismissing to another court of this Church, nor in dismissing to another Church, ought any court to dismiss one as in good standing when, in the mind of the court, there is a strong presump-

tion that the person asking dismission is guilty of an offence deserving censure. (And an offence may just as truly lie in principle as in practice, in opinion as in deed.) When the strong presumption of guilt exists, the court should withhold dismission and institute process. The certificate ought to tell the truth.

ANALYTICAL INDEX.

ALPHABETICAL INDEX.

[Figures refer to paragraphs as numbered consecutively; when to pages, p. is prefixed.]

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