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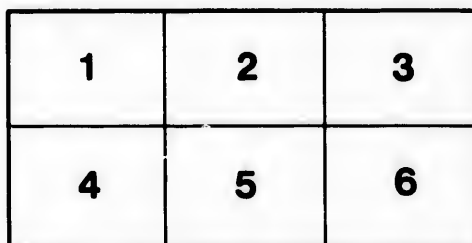
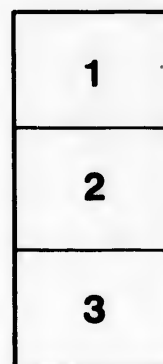
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RULES
AND
FORMS OF PROCEDURE
IN THE
CHURCH COURTS
OF THE
CANADA PRESBYTERIAN CHURCH.

ADOPTED AD INTERIM BY THE SYNOD.

Montreal :
JOHN LOVELL, PRINTER, ST. NICHOLAS STREET.
AND MAY BE HAD AT THE OFFICE OF THE CHURCH,
KNOX COLLEGE, TORONTO.
1865.

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NOTE.

The Committee entrusted with the preparation of a book of "Rules and Forms of Procedure," reported to the Synod of 1865 that, in carrying out the object of their appointment, they had adopted the book in use in the United Presbyterian Church in Scotland as a basis, making such alterations on it and additions to it as appeared necessary to adapt it to our necessities in this Province.

On this report the Synod came to the following decision :

"RECEIVE THE REPORT OF THE COMMITTEE, COMMEND THEM FOR THEIR DILIGENCE; REAPPOINT THEM, WITH INSTRUCTIONS TO GIVE THE BOOK GREATER COMPLETION, IN ORDER THAT IN THE AMENDED STATE IT BE SENT DOWN TO PRESBYTERIES, WITH INSTRUCTIONS TO REPORT TO NEXT SYNOD; THE SYNOD FURTHER ADOPT THE RULES AND FORMS OF PROCEDURE, *ad interim*."

In accordance with these instructions, the Committee have now completed their work, have published a sufficient number of copies to meet immediate demands, affixing to them only such a price as will suffice to cover the cost of

printing this edition, and now send the book to Presbyteries. Presbytery clerks will please attend to the distribution of the copies now transmitted, and remit the amount charged to the Rev. Wm. Reid, Knox College, Toronto, from whom also additional copies may be obtained.

ALEX. F. KEMP, M.A.,
Convener.

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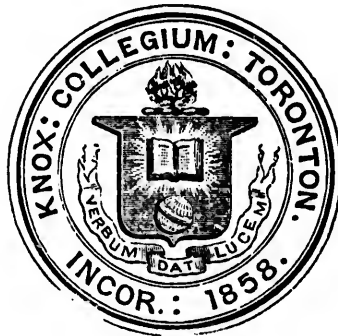
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INTRODUCTION.

BASIS OF UNION BETWEEN THE PRESBYTERIAN CHURCH OF CANADA, AND THE UNITED PRESBYTERIAN CHURCH IN CANADA.

The Presbyterian Church of Canada and the United Presbyterian Church in Canada, believing that it would be for the glory of God, and for the advancement of the cause of Christ in the land, that they should be united, and form one Church, do hereby agree to unite on the following Basis, to be subscribed by the Moderators of the respective Synods in their name and behalf; declaring, at the same time, that no inference from the fourth article of said Basis is held to be legitimate, which asserts that the Civil Magistrate has the right to prescribe the faith of the Church, or to interfere with the freedom of her ecclesiastical action; further that unanimity of sentiment is not required in regard to the practical applications of the principle embodied in the said fourth article and that whatever differences of sentiment may arise on these subjects, all action in reference thereto shall be regulated by, and be subject to, the recognised principles of Presbyterian Church order.

I. OF HOLY SCRIPTURE.—That the Scriptures of the Old and New Testaments, being the inspired Word of God, are the supreme and infallible rule of faith and life.

II. OF THE SUBORDINATE STANDARDS.—That the Westminster Confession of Faith, with the Larger and Shorter Catechisms, are received by this Church as her Subordinate Standards.

But whereas certain sections of the said Confession of Faith, which treat of the power or duty of the Civil Magistrate, have been objected to, as teaching principles adverse both to the right of private judgment in religious matters,

and to the prerogative which Christ has vested in his Church, it is to be understood :

1. That no interpretation or reception of these sections is held by this Church, which would interfere with the fullest forbearance as to any difference of opinion which may prevail on the question of the endowment of the Church by the State.

2. That no interpretation or reception of these sections is required by this Church, which would accord to the State any authority to violate the liberty of conscience and right of private judgment which are asserted in cap. xx. sec. 2, of the Confession : and in accordance with the statements of which this Church holds that every person ought to be at full liberty to search the Scriptures for himself, and to follow out what he conscientiously believes to be the teaching of Scripture, without let or hindrance ; provided that no one is to be allowed under the pretext of following the dictates of conscience, to interfere with the peace and good order of society.

3. That no interpretation or reception of these sections is required by this Church, which would admit of any interference on the part of the State with the spiritual independence of the Church, as set forth in cap. xxx. of the Confession.

III. OF THE HEADSHIP OF CHRIST OVER THE CHURCH.

—That the Lord Jesus Christ is the only King and Head of His Church ; that He has made her free from all external or secular authority, in the administration of her affairs, and that she is bound to assert and defend this liberty to the utmost, and ought not to enter into such engagements with any party as would be prejudicial thereto.

IV. OF THE HEADSHIP OF CHRIST OVER THE NATIONS AND THE DUTY OF THE CIVIL MAGISTRATE.—That the Lord Jesus Christ, as Mediator, is invested with universal sovereignty, and is therefore King of Nations, and that all men, in every capacity and relation, are bound to obey his will as revealed in His Word ; and particularly, that the Civil Magistrate (including under that term all who are in any way concerned in the Legislative or Administrative action of the State) is bound to regulate his official procedure, as well as his personal conduct, by the revealed will of Christ.

V. OF CHURCH GOVERNMENT.—That the system of polity established in the Westminster form of Presbyterian Church Government, in so far as it declares a plurality of Elders for each congregation, the official equality of Presbyters, without any officers in the Church superior to the said Presbyters, and the unity of the Church, in a due subordination of a smaller part to a larger, and of a larger to the whole, is the Government of this Church, and is, in the features of it herein set forth, believed by this Church to be founded on and agreeable to the Word of God.

VI. OF WORSHIP.—That the ordinances of worship shall be administered in this Church, as they have heretofore been, by the respective bodies of which it is composed, in a general accordance with the directions contained in the Westminster Directory of Worship.

Concluding Minute of each of the Synods.

The Synod of the Presbyterian Church of Canada, considering that a Basis of Union with the United Presbyterian Church in Canada has been prepared and adopted by the Synods of both the Churches, and upon being remitted for the consideration of Presbyteries and Sessions, has been by them accepted and approved; and considering that all other preliminary arrangements have been, by the help of God, completed, Do now, recounting with fervent gratitude all the goodness and mercy which her Divine Head has vouchsafed in the past to the Presbyterian Church of Canada blessing His holy name for having led them and their brethren of the United Presbyterian Church in Canada to such a measure of harmony of sentiment and cordiality of feeling; humbly trusting that the God of all peace will accord His sanction to the solemn and interesting step which they are about to take, and earnestly praying that the reviving, sanctifying, and comforting influences of the Holy Spirit may largely descend on the united Church, to enable her Ministers, Elders and People to value and improve the privileges they enjoy, and perform the duties incumbent on them: RESOLVE, and hereby record their resolution, forthwith to repair as a constituted Synod to the Wesleyan Church, Great St. James Street, the appointed place of meeting, that they may there, as arranged, unite with their

brethren of the United Presbyterian Church in Canada, and form one Synod, to be designated and known as the Synod of THE CANADA PRESBYTERIAN CHURCH; praying that henceforth they may be enabled to walk together in the fear of God and in the comfort of the Holy Ghost, striving together for the faith of the Gospel, for the purity of divine ordinances, and for the increase of the Church of Christ: and the Synod declare that the united Synod shall be considered identical with the Synod of the Presbyterian Church of Canada, and shall be entitled to, and shall have all the authority, rights, privileges, and benefits to which this Synod is now entitled, and declaring further that each of the congregations under its inspection, whether it shall adopt a name to be hereafter agreed upon, or shall retain, as it shall be permitted to do, the name by which it has hitherto been designated, shall not be held, though coming, in consequence of this union, under the inspection of the Synod of the united Church, as in any way changing its ecclesiastical connexion, or impairing any civil rights which it now possesses and enjoys.

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RULES

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CHAPTER I.

ON THE CONSTITUTION, POWERS, AND DUTIES OF THE
DIFFERENT CHURCH COURTS.*

Section I.—Sessions.

1. A SESSION is composed of the Minister or Ministers and Elders of a congregation.

BUSINESS. 2. The duty of a session is to examine and admit members into the communion of the church, or receive the certificates of persons coming from other congregations—to grant certificates to members leaving the congregation—to watch over the Christian deportment of the members of the congregation—to exercise discipline over them when required, by admonition, rebuke, suspension, or exclusion—to restore members who have been suspended or cut off from privileges—to care for the Christian instruction of the young—to fix the hours and

* The "Court," as used here, and throughout these pages, simply denotes ministers and elders, regularly met for the discharge of their deliberative duties, in session, presbytery, Synod, or General Assembly, and it conveys no idea of authority beyond that of spiritual administration.

order of public worship—to appoint the time of the dispensation of the Lord's Supper, and make provision for it—to appoint congregational fasts or thanksgivings—and in the absence of Deacons to provide for the necessities of the poor—to call congregational meetings when they see it necessary—to examine and judge of the qualifications of persons elected to the eldership and deaconship—to receive and judge of petitions from the members—to transmit papers to the presbytery—and, in general, to superintend the religious interests of the congregation.

3. The minister, as teaching elder, is the MODERATOR. perpetual moderator. When there are two ministers, they preside alternately, or otherwise as may be settled between them; the one who is not presiding sits as an ordinary member.

4. The duty of the moderator is to constitute and conclude each meeting with prayer—to preserve order—to take the votes of the members—to announce their decisions—to see that they are properly recorded, and to administer censure in accordance with them. The moderator may deliver his sentiments from the chair, and has a casting vote in case of an equality; but no deliberative vote.

5. In the absence of the minister, any other minister having authority from him presides. When the minister dies, or is removed, or temporarily suspended from his charge, the presbytery nominates one of its members to moderate in the session. Without the presence of a minister, no meeting of session can be held.

6. The session appoints a clerk, whose CLERK, ETC. duty is to keep regular minutes of the meetings fairly transcribed into a book kept for the purpose; and a treasurer, if necessary, to take charge of the funds at the disposal of the session.

7. The moderator and two elders constitute QUORUM. a quorum.

8. Sessions, so far as practicable, hold stated MEETINGS. meetings for the transaction of ordinary business, and it is the duty of every member to attend to them; they may also hold frequent meetings for devotional exercises and religious conference.

9. The moderator has the power to convene the session whenever he may judge requisite, and he is bound to do so when required by one-third of the elders. The session is bound also to convene when directed so to do by the presbytery. All meetings must be summoned either by intimation from the pulpit, or by personal notice to the members, on the authority of the moderator.

PROCEDURE AT MEETINGS. 10. After a meeting is constituted, the names of the members present are taken down, and the minutes of last ordinary meeting, and of any occasional meetings which have intervened, are read, and when found correct, are signed by the moderator and clerk.

PRIVILEGES, POWERS, AND DUTIES. 11. Sessions have the right of representation and petition to the presbytery, and through it to the Synod and General Assembly. They may also originate overtures to the presbytery, Synod, or Assembly. These petitions or overtures are in writing, and if addressed to the Synod or Assembly are presented to the presbytery for transmission.

12. It is the right and duty of every session, whether in a settled or a vacant congregation, to appoint one of the elders to sit as its representative in the presbytery and Synod. The commission for this purpose is renewed at least once a-year. The elder appointed should be punctual in his attendance at these courts, and his expenses, as well as those of the minister, ought to be defrayed by the congregation. When the congregation is vacant, it is his duty, where no commissioners are specially appointed for the purpose, to apply to the presbytery for regular supply of sermon. An extract of the session's appointment is produced to the presbytery; and the roll of the presbytery, certified by its clerk, is sufficient evidence of the elder's authority to sit in the Synod. In cases in which one minister has charge of two or more congregations having separate sessions, such sessions shall be regarded as one for the purpose of representation in the Church courts.

13. The moderator, being a teaching as well as a ruling elder, and being the only person who can preside in the session, it cannot entertain complaints against him. These

must be brought before the presbytery, to which direct access is in that case competent, previous notice of the intention to complain being always given to the session.

14. One session has no right to interfere with, or review the proceedings of another; but it may transmit to it a remonstrance or other communication, or it may complain of any of its proceedings to the presbytery of the bounds, always transmitting to the session complained of a copy of the complaint in due time before the meeting of presbytery, that it may appoint commissioners to appear on its behalf to answer the same.

ADMISSION OF MEMBERS. 15. Persons applying for admission into the fellowship of the church, converse with the minister, and, if circumstances permit, the elder of the district in which they reside. It is the special duty of the former to ascertain the extent of their knowledge of Divine truth, and of the latter to make such inquiries as may be necessary in regard to their moral character and Christian deportment. The minister and elder severally report to the session; and on its being agreed to admit the applicants, they signify, either to the minister or the session, their readiness to submit themselves to the session, as set over them in the Lord, and faithfully to discharge all the duties of a Christian.

DISJUNCTIONS. 16. Certificates of disjunction from the congregation ought regularly to be granted by the session; but in the intervals of session the moderator has authority to grant them to ordinary members. Individual elders have no power to grant disjunctions.

ROLL. 17. Sessions keep a roll of the members of the congregation, which is accessible at all its regular meetings, and is altered from time to time as circumstances require. The roll is, at least, annually revised, and it is specially revised when the congregation has it in view to apply for a moderation in a call. The session also exercises a faithful superintendence over the members of the church who have not yet been received into full communion, taking care that, when they leave the bounds, they be transferred to the superintendence of the session of the congregation into whose bounds they pass.

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DISTRICTS. 18. For the better discharge of his duty, each elder has, in ordinary cases, a district of the congregation assigned to him, of the members in which he ought to keep a roll; and it is his duty to cultivate acquaintance with the members, by visiting them not only in affliction, but at other times—to be ready to counsel and encourage them in every good work, and to give seasonable warning against all appearance of evil.

Sect. II.—Presbyteries.

1. A Presbytery consists of the ministers of the several congregations within the bounds fixed by the supreme court together with an elder from each ministerial charge.

**POWERS AND
DUTIES.**

2. The duty of the presbytery is to receive and judge in petitions from the sessions of the congregations within its bounds, in complaints or appeals against their sentences, or in references from them—to transmit petitions or overtures addressed to the Synod or General Assembly—to grant supplies of sermon on the application of persons within the district, or to congregations within their bounds, either during a vacancy, or in the event of the illness or absence of the minister—to erect new congregations—to grant admission to the Theological Colleges—to superintend the education of students of theology—to try candidates for license to preach the Gospel—to license those who, after examination and the required course of study, are found qualified—to grant moderations in Calls to congregations and to receive, sustain, or reject the same—to try the qualifications of candidates for the ministry, and ordain them to the pastoral office—to receive and judge of complaints against ministers or preachers—to inquire into reports affecting their character—to admonish, rebuke, suspend, depose, or excommunicate offenders—to receive demissions and loose ministers from their charges—to examine, approve or censure the records of sessions, and generally to superintend the congregations and sessions within their bounds.

HOW FORMED. 3. A new presbytery is formed by the supreme court and in the deed or act constituting it, the bounds are fixed, the time and place of

its first meeting are appointed, and one of the ministers is nominated to be its moderator at said meeting.

MODERATOR. 4. After being constituted by the moderator appointed, the presbytery has a right to choose its own moderator. It is usual to appoint a new moderator every six or twelve months.

5. The moderator's duty is to constitute and conclude each meeting with prayer—to preserve order—to take the votes of the members—to announce the decisions—to see that they are properly recorded—and to execute the presbytery's sentences in censuring offenders. In the event of an equality he has a casting vote, but no deliberate vote; he is, however, entitled to deliver his sentiments on any subject before the presbytery; but if he wishes to do so, or is a party concerned, he leaves the chair.

6. In the absence of the moderator, or in the case of his leaving the chair, his predecessor in office takes it for the time; failing him, the last moderator present; and failing him, the oldest minister; it being always in the power of the presbytery, after being constituted, to appoint any other as it pleases.

CLERK, ETC. 7. The presbytery also chooses a clerk, whose duty it is to keep the record or minute-book of its proceedings, to preserve its papers, and to give out and certify extracts of its decisions when instructed by the presbytery; and a treasurer, to take charge of pecuniary matters.

QUORUM. 8. Three members—two of whom, at least, must be ministers—are necessary to form a quorum, and to constitute a regular meeting.

PROCEDURE AT MEETINGS. 9 After a meeting of presbytery is constituted, the roll is called, and alterations are made on it when rendered necessary by the death, removal, or admission of ministers, or by the appointment by sessions of new representative elders. The sederunt is then taken down, and the minutes of last meeting are read, and, if found correctly recorded, are approved of.

10. After sustaining the minutes of the preceding meeting, all petitions, references, and papers to be submitted to the presbytery are laid on the table. Intimation is then

given by the clerk of all cases and business to be brought before it; and the presbytery determines the order in which business is to be taken up; but if any business has been left over from a preceding meeting, it has the precedence in ordinary cases; and if any matter has, at a previous meeting, been specially appointed for consideration at a particular sederunt, it is to be taken up at the time fixed.

11. Presbyteries should regulate their proceedings, as nearly as circumstances will permit, by the rules of order laid down for the supreme court, (see Standing Orders.) And it is recommended to them to devote a part of their time to devotional exercises, as circumstances require.

12. The presbytery meets at stated intervals, and at other times as frequently as is necessary for the efficient discharge of its duties. It is the duty of every member to attend, and absentees may be called to account, or censured, when necessary. Before dismission, the time and place of next meeting are fixed and recorded; if this be omitted, or if a meeting be not held at the time appointed, the moderator has power to convene a meeting for the resumption of business, which is intimated to all the members, as mentioned in rule 15. When such an event occurs, the presbytery specially reports the circumstances to the Synod at its next meeting.

13. At the meeting of the presbytery preceding the meeting of Synod, the roll is adjusted, so as to exhibit the names of the elders holding commissions from sessions for the time, and a copy certified by the clerk is transmitted by him to the Synod's clerk, at latest, eight days before the meeting of Synod, to enable him to make up the roll of Synod. The Clerk shall also transmit, at the time appointed, to the Clerk of the General Assembly, the names of members appointed as its representatives.

14. The presbytery, besides its ordinary meetings, holds occasional meetings for transacting particular business, at which meetings (denominated *in hunc effectum*) no other business than that for which they were appointed can be entered upon.

Pro re nata 15. If a case of emergency, requiring the immediate interference of the presbytery, occur during the interval between its ordinary meetings, the moderator for the time being has the power of calling a meeting, either on his own authority, or in consequence of a requisition from some of the members. This is denominated a *pro re nata* meeting. Such meetings are intimated by the moderator himself, or by the clerk upon his authority, to all the members of the presbytery, both ministers and representative elders. The notices specify the time and place of meeting, together with the business to be entered on, and should be delivered, or put into the post-office, at least ten free days before the time fixed. No other business, except what is specified in the notice, can regularly be entered upon. For the manner in which the moderator exercises this power, or for his refusal to exercise it when required, he is responsible to the presbytery.

16. A presbytery is entitled, when circumstances require it, from rumours of divisions, or irregularities in practice, or otherwise, to order a presbyterial visitation of any of the congregations within its bounds—to call sessions before it—to examine their minutes, and to interfere in any matter which may arise, or which may seem to call for such interference.

17. The minutes of the presbytery are submitted annually to the Synod for examination.

18. The whole members of a presbytery being supposed to be present at every meeting of Synod, it is competent for any of the presbyteries to hold a special meeting under the authority of the Synod, intimation being always publicly made of the time and the place of meeting at one of the sederunts of Synod. Unless in very exceptional cases, and for reasons publicly given in court, presbyteries are not allowed to meet during synodical hours.

19. The Synod has the power of authorising members of one presbytery to sit and vote as constituent members of another, on any particular business, or at any particular time.

20. When a member of one presbytery is present at a meeting of another, he may be invited to sit and corre-

spond; and, whenever so invited, is entitled to give his opinion or advice in any matter which may be under discussion, but he has no vote.

21. One presbytery has no right to interfere with or review the proceedings of another, but it may transmit to it a remonstrance or other communication, or it may complain of any of its proceedings to the Synod. In this last case, however, a copy of the complaint should be transmitted to the presbytery complained of, in due time before the meeting of Synod, in order that that presbytery may be prepared with its defence.

Sect. III.—Synods.

1. A Synod is a court of the church next superior to the presbytery, and is composed of the whole ministers and elders on the rolls of the presbyteries within its bounds.

2. It pertains to the Synod to inspect presbyteries—**POWERS.** to examine their records—to consider references from them—to give them advice or instructions when required—to judge of complaints or appeals against their sentences—to affirm, reverse, or vary these;—to stir up, exhort, advise, or rebuke presbyteries when necessary, to dispose of overtures, to grant leave to presbyteries to take students on trials for license, and, in general, to attend to all matters relating to the interests of the church within its bounds.

3. Like the inferior courts, the Synod **MODERATOR, ETC.** has a moderator, who presides at its meetings, preserves order, takes the votes, announces the decisions, administers censures, and opens and closes each sederunt with prayer; a clerk who attends to the preparation of, and keeps, the roll of members, frames the minutes of Synod, engrosses them in the records, and is bound to give undivided attention to the business of Synod, to preserve its papers, and write out and attest extracts of its resolutions or decisions when ordered by the court. The moderator is chosen at each meeting.

4. The ordinary meetings of the Synod are **TIMES OF MEETING.** held annually or semi-annually, as may be arranged at the preceding meeting. Special meetings may also be called by the moderator on the requi-

sition of fifteen members, of which ten days notice shall be given.

5. Any seven members constitute a quorum, capable of transacting business, provided there are in said quorum a member or members of at least two different presbyteries and three ministers.

ROLL. 6. The clerks of the several presbyteries send certified rolls of their presbyteries to the clerks of their respective Synods, at least eight days before the meetings of said Synods; and such rolls are the rolls respectively of the several Synods.

7. The moderators of said Synods are nominated and appointed by open vote, or in such other manner as the Synod itself may from time to time determine. The business is conducted in the same manner, *mutatis mutandis*, as is the business of the General Assembly; and the Synods have power from time to time to frame, alter, and amend such other and additional standing orders as they may deem necessary for their own orderly procedure.

8. 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 the Assembly the number and membership of its presbyteries, together with the censures, ordinations, inductions, admissions, translations, demissions, deaths, and depositions of their ministers.

*Sect. IV.—The General Assembly.**

1. The General Assembly is the highest judicatory of the Canada Presbyterian Church. It represents in one body, all the particular churches of the denomination, and bears the title of THE GENERAL ASSEMBLY OF THE CANADA PRESBYTERIAN CHURCH.

2. The General Assembly consists of CONSTITUTION. *one-half* of the whole number of the ministers on the roll of the several presbyteries, with an equal number of representative elders, or of such other proportion as may at any time be lawfully determined on; and said members are appointed in the manner following, viz.:

* Until the General Assembly is organised, the Rules applicable to it are applicable to the Synod *mutatis mutandis*—the General Synod possessing all the powers of the Synod and the General Assembly.

(1). At an ordinary meeting of the presbytery, held at least thirty days before the meeting of the General Assembly, one-half of the proportional number of ministers which any presbytery may have to send are appointed by election; the other half by rotation, beginning at the top of the presbytery roll, and so on in rotation from year to year. The elders are appointed by election from the roll of the presbytery, provided always that it shall be lawful to appoint one-fifth of the number from the acting elders of any of the congregations of the Church; and the persons so appointed are styled *Commissioners to the General Assembly*.

(2). The presbytery forthwith grants to the ministers and elders thus elected and appointed, commissions in due form, attested by their clerk, which commissions said members forward to the clerk of the General Assembly at least eight days before its meeting; and the clerk from such commissions prepares an interim roll, to be called at the opening of the Assembly, and which, being amended and corrected, if necessary, is confirmed as the roll of the General Assembly.

(3). If uneven numbers should occur in the rolls of presbyteries, they then make an equitable adjustment of the representation thereto, subject always to the review of the Assembly.

(4). Any fourteen of these commissioners, one-half of whom shall be ministers, being met on the day, and at the place appointed, are a quorum for the transaction of business.

3. The General Assembly receives and issues all appeals and references which may be regularly brought before it from the inferior judicatories. It reviews the records of every Synod, and approves or censures them: it gives advice and instruction in all cases submitted to it in conformity with the constitution of the Church; and it constitutes the bond of union, peace, correspondence, and mutual confidence, among all the Churches.

4. To the General Assembly also belongs the power of deciding in all controversies respecting doctrine and discipline; of reproving, warning, or bearing testimony against

error in doctrine, or immorality in practice, in any church, presbytery, or Synod; of superintending the education of theological students; of erecting new Synods and presbyteries when it may be judged necessary; of superintending the concerns of the whole Church; of corresponding with foreign churches, on such terms as may be agreed upon by the Assembly and the corresponding body; of suppressing schismatical contentions and disputations; and, in general, of recommending and attempting reformation of manners; and the promotion of charity, truth, and holiness through all the churches under its care.

SERMON, ADJUSTMENT OF ROLL, ETC. 5. The General Assembly meets at least once every year. On the day appointed for that purpose, a

sermon is preached by the moderator of the last Assembly, if present, or in his absence by the previous moderator; and immediately thereafter the General Assembly is constituted by him in the name of the Lord Jesus Christ; reports are then received from the various Synods of the licensures, admissions, inductions, ordinations, translations, deaths, demissions, or deposition of ministers, which may have taken place within their bounds, with the dates of these events, which are recorded. The roll is then called and the names of those present marked thereon. No commissioner has a right to deliberate or vote in the Assembly until his commission has been presented and his name enrolled by the clerk. A new moderator is then chosen from among the members present, and the person elected immediately takes the chair.

6. It is the duty of the moderator to make himself thoroughly acquainted with the rules, and on no occasion to allow their infraction, but to see that the business is conducted in accordance with them;* and the Assembly supports him on all occasions in the exercise of his legitimate authority. The moderator has a casting vote in all cases of equality, but no deliberative vote. He is not entitled to speak on any subject before the court, or to make any motion, unless he leaves the chair, which he can only do by permission of the Assembly; and in this case, or in the

* The moderator for this purpose should always have before him a copy of the Rules, as well as the Holy Scriptures and the Confession of Faith.

event of his necessary absence, the chair is taken by any member whom the Assembly may appoint. In any case in which the moderator is interested as a party, he must leave the chair, which is filled as above mentioned. When called upon to nominate a committee, the moderator is not required (except in cases where it is obviously necessary) to nominate the members thereof on the instant; but may do so at some convenient time afterwards, or, in cases of importance, at the following sederunt.

SEDERUNTS. 7. Each sederunt is commenced with praise, reading a portion of Scripture, and prayer. The first business of each sederunt after the first, is to read the minutes of the preceding sederunt, after which an opportunity is afforded to any member to move the correction of any inaccuracy he may have observed.

COMMITTEES. 8. Every committee of Assembly has a chairman or convener, and a clerk, who are nominated by itself, if not appointed by the Assembly. Committees cannot meet during the hours of the Assembly's sittings, without leave from the court, and their reports to the Assembly are always in writing. Of all committees regular minutes are kept by their respective clerks, and these minutes in general form their reports to the Assembly.

COMMITTEE OF BILLS 9. Every paper proposed to be submitted to the Assembly must, in the first instance, be laid before the committee on bills and overtures as provided in standing orders. For the purpose of enabling the committee more deliberately to discharge its duties, it is ordered that extracts of the minutes appointing the members of committee, and all papers to be laid before the Assembly, shall be forwarded from the respective Synods and presbyteries to the clerk of the committee, at least eight days before the day of the Assembly's meeting. It is the duty of the clerk to arrange these papers and lay them before the committee, and parties having causes have a right to attend for their interest. The committee has also the power of meeting and reporting from time to time during the Assembly's meeting, as it may find to be necessary or be directed; all such meetings being announced from the chair.

10. The duties of this committee are the following, viz :

(1.) To see that all the papers forwarded to their clerk, and laid before them, have been duly transmitted, and are in all respects regular and proper to be laid before the Assembly, ere they decide on their transmission. Before refusing to transmit, they give the parties notice of the objections to transmission, and liberty to amend their papers, or otherwise obviate the objections, if practicable. The committee's resolutions for or against transmission, may be brought under review of the Assembly by appeal or complaint.

(2.) To fix at their first meeting the order of business for at least the first and second days of the Assembly. They are charged with the arrangement of the whole business to be brought before the Assembly, including not merely those causes, the papers in which require to pass under their examination, but also other matters, such as reports of other committees, which are to engage the attention of the Assembly. For the purpose of enabling the committee to execute this part of their duty, conveners of committees having reports to make are required to communicate to the clerk the nature of these reports, and how far discussion thereon is to be anticipated.

(3.) To fix not merely the order of the whole business, but also, as far as practicable, the time when each particular cause or matter shall be taken up. After all the papers and documents belonging to the causes have been read, the committee consider and decide on the arrangement of business. It is also an instruction to the committee, that the causes be set down for each day as much as possible in the order of their importance, and that minor matters be not introduced to the prejudice of those which are more important.

(4.) The committee are authorised, whenever they may think it conducive to the dispatch of business, to report their opinion to the Assembly on the form in which any particular cause should be taken up; and when any case appears to them suitable for being remitted to a special committee, or to be taken up by a committee of the whole house, they may give a recommendation to that effect. They have also power to order any important overtures or

other papers to be printed at the Assembly's expense, and copies to be distributed to the members of court.

(5). So soon as practicable after the Assembly is constituted, the committee report the causes transmitted, and the order and other arrangements made. As soon as the arrangement of business is fixed upon, a roll of causes is affixed to the door of the Assembly house, and may be printed for the information of the members and parties.

(6). The convener of the committee gives regular attendance on the Assembly, introduces the causes transmitted, reads the papers to the court, and makes such explanations, as the committee may have directed, for the purpose of putting the Assembly more fully in possession of the case.

11. Parties, in drawing up their papers, are to avoid all acrimonious expressions, and study brevity; and in causes in which commissioners appear, no more than two on each side are permitted to speak. A reply is allowed on each side, but this is confined to the statement or explanation of facts, without argument.

12. When parties in a case have been fully heard, any member of Assembly or Synod may put questions to them relative to facts pertinent to the cause, through the moderator; they are then declared removed, and are not afterwards allowed to interfere in the discussion.

13. When an overture comes from a presbytery, not more than two members are heard in support of it, and only one in reply. If there be several overtures on substantially the same subject from different presbyteries or Synods only one member from each court is heard in support of them, and only one speech in reply, the speaker being fixed on by the supporters of the overtures. This rule applies to all cases in which presbyteries or Synods are parties before the Assembly.

14. The moderator has authority to interrupt and call to order any member of the court, or party at the bar, who departs from the subject, or infringes the rules of procedure.

15. Any member of court has a right to call to order, and, immediately on his doing so, the speaker stops until the question of order is determined. The member calling

to order is then allowed briefly to state the grounds on which the call has been made; but no other member is entitled to speak to the point of order, unless with the permission or at the request of the moderator, with whom the decision of the point entirely rests; and members calling to order unnecessarily are liable to the censure of the court.

For the further management of business, see the Standing Orders of Assembly in the Appendix.

16. Members of Assembly who have been absent without a sustained excuse, during the consideration and decision of a case, have no right afterwards to re-introduce it, or to dissent from the decision. This rule applies also to Synods presbyteries and sessions.

17. The Assembly, for the greater freedom of discussion, has the power of resolving itself into a committee of the whole house, in which case the moderator leaves the chair, and a chairman is appointed. A separate minute is taken of the proceedings of the committee. When the Assembly resumes, the moderator takes the chair, and the minutes of the committee are read. The resolution or resolutions formed by it are then approved of, amended, or rejected.

18. Assemblies, Synods, and presbyteries, are open courts, but they have a right to deliberate with closed doors, when the matter under discussion appears to require privacy.

19. The Assembly being the supreme court of the church, its decisions are final, and cannot be protested against or appealed from; nor can they be reviewed by any other court. For the same reason it is entitled, when circumstances seem to require it, not only to alter from time to time any of its forms of procedure, but also in a case of urgent necessity to dispense with the observance of them. These forms are merely intended to point out the most advisable and orderly course to be followed in ordinary circumstances, and are not designed to abridge or limit the undoubted and inalienable right of the church rulers to exert the authority conferred on them by the Great Head of the Church, for the maintenance of her purity, and the edification of her members.

20. The whole of the business of the Assembly being

finished the minutes of the last sederunt are then read and sanctioned. The Moderator may then address the Assembly; after which he declares its present meeting dissolved, and in the name of the Lord Jesus Christ the King and Head of his church appoints another General Assembly to be held at _____ on the _____ day of _____ A. D. The Assembly is then concluded with prayer praise and the benediction.

Sect. V.—Admission of Ministers and Licentiates from other Churches.

1. Ministers and licentiates, of other evangelical Presbyterian churches, who hold and accept the Westminster Standards, in terms of the Articles of Union, and who come in the way of orderly translation, or are expressly designated or commissioned as ministers or missionaries to this church, are, on application to any presbytery, and on producing the proper documentary evidence, at once admitted as ministers or probationers of this church.

2. In all cases in which an applicant for admission does not come in the manner provided above, but with presbyterial or private certificates only, he is not received into full standing as a minister or probationer of the church, unless with the express sanction of the Synod. But if on examination of the certificates of such party, at an ordinary meeting of presbytery, and on due consideration of the whole case, the presbytery be unanimous, it may avail itself of the services of the applicant, in the meantime.

3. The certificates of such last mentioned applicant are presented to the presbytery at an ordinary meeting thereof, and he is dealt with as the presbytery sees fit, in the way of private conference, examination, and hearing his discourses, with the view of ascertaining his soundness in the faith, personal piety, knowledge, ministerial gifts, prudence, and propriety of deportment; and if satisfied on all these points, the presbytery records its judgment, and instructs its clerk to issue circular letters to the presbyteries, in the usual form, as soon as possible, and to transmit the application with relative documents, to the next ensuing Synod. In the event of the Synod granting permission, such

applicant is received by the presbytery and recognised as a minister or probationer, as the case may be, of this Church.

4. Ministers from other churches applying for admission, require to appear personally at the meeting of Synod at which such application is made.

Sect. VI.—Licensing of Students.

1. No student shall apply for license until the last session of his theological course is concluded.

2. When a student applies to any presbytery to be taken on trial for license, he produces certificates from the professors and senate of the college, or from the professors of any theological college in connection with churches in communion with this church: (1), That he has completed the theological curriculum. (2), That he has delivered the five discourses prescribed to him in the course of his studies. (3), That his character and conduct during his attendance at college, were suitable to his views of life.

3. The presbytery then examines said student in Latin, Greek, Philosophy, Theology, and Practical Religion. If the examination be sustained, the clerk is directed to make application to the next Synod for leave to take such student on trial for license, certifying at the same time that the requisite certificates had been produced, and the examination had been sustained.

4. Leave having been obtained from the Synod, the student then undergoes his public probationary trials. These are examinations: 1, On Biblical Hebrew and Greek. 2, On Theology, Church History, and Government, and on Personal Religion. 3, He also reads before the Presbytery: (1,) A Latin exercise. (2), A Greek critical exercise. (3), A Homily. (4), A popular lecture. (5), A popular sermon. The presbytery may reject any or all of these trials, and may examine the student on his various discourses, if it sees cause.

5. The trials being finished, the presbytery takes a conjunct view of the whole, and records its opinion. If not satisfied therewith, the licensing is deferred, and the presbytery acts in the matter as it sees for edification; if the trials be sustained, the court proceeds to license said stu-

dent to preach the Gospel. This is done in the following manner:

6. (1), He gives his assent to the questions required by the Church to be put in such cases, and either signs the formula, or agrees to sign it when required. (2, The moderator then gives him a suitable address, and after prayer for the divine blessing, does, in the name of the Lord Jesus Christ, and by the authority of the presbytery, license him to preach the Gospel wherever he may be orderly called. The clerk is then instructed to grant an extract of license when asked.

Sect. VII,—Questions and Formula for Ordination and License.

1.—Questions to be put to a Minister at his Ordination.

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

2. Do you sincerely own and believe the whole doctrine contained in the Confession of Faith, approved by this church in terms of the Articles of Union, to be founded upon the Word of God; and do you acknowledge the same as the confession of your faith; and will you firmly and constantly adhere thereto, and to the utmost of your power assert, maintain, and defend the same, and the purity of worship as presently practised in this church?

3. Are you persuaded that the Lord Jesus Christ, the only king and head of the Church, has therein appointed a government, distinct from, and not subordinate to that of the civil magistrate; and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church?

4. Do you acknowledge the Presbyterian form of government, as authorised and acted on in this church, to be founded on and agreeable to the Word of God, and do you promise to submit to the said government and discipline, and to concur with the same, and not endeavour, directly or indirectly, the prejudice or subversion thereof, but to the utmost of your power, in your station, to assert, maintain, and defend the same discipline and presbyterian government by church sessions, presbyteries, Synods, and Assemblies?

5. Do you promise to give a conscientious attendance on the courts of this church, to submit yourself willingly and humbly, in the spirit of meekness, unto the admonitions of the brethren of this presbytery, and to be subject to them and all other presbyteries, and the superior judicatories of this church, where God in his providence shall cast your lot; and that according to your power, you will maintain the unity and peace of this church against error and schism, whatever trouble or persecution may arise, and that you will follow no divisive course from the present doctrine, worship, discipline, and government of this church?

6. Are not zeal for the honour of God, love to Jesus Christ, and desire of saving souls, your great motives and chief inducements to enter into the functions of the holy ministry, and not worldly designs and interests?

7. Do you engage, in the strength and grace of Jesus Christ, our Lord and Master, to rule well your own family, to live a holy and circumspect life, and faithfully, diligently, and cheerfully to discharge all the parts of the ministerial work, to the edification of the body of Christ?

8. Have you used any undue methods, either by yourself or others, in procuring this call?

The members of the Church being requested to stand up, they may signify their assent to the following questions by holding up their right hand.

9. Do you, the members of this church, testify your adherence to the call which you have given to Mr. A. B., to be your minister, and do you receive him with all gladness, and promise to provide for him a suitable maintenance, and to give him all due respect, subjection and encouragement in the Lord?

To the Minister.

10. Do you adhere to your acceptance of the call, to become minister of this church?

11. All these things you profess and promise, through grace, as you shall be answerable at the coming of the Lord Jesus Christ with his saints, and as you would be found in that happy company?

II.—Questions for the Licensing of Students.

1, 2, and 3. The same as the foregoing.

4. Do you promise to submit yourself in the Lord to the authority of the several judicatories of this church, and to the presbytery within whose bounds you may be called upon to labour?

5. Do you engage, in the strength of Divine grace to live a holy and circumspect life, and faithfully, diligently, and cheerfully to perform all the parts of the work of a probationer for the office of the ministry?

III.—Questions for the Ordination of Elders.

1, 2, and 3. The same as foregoing.

4. Do you engage, in the strength of the grace that is in Jesus Christ, to perform with diligence and faithfulness the duties of a ruling elder, watching over the flock of which you are called to be an overseer, in all things showing yourself a pattern of good works?

IV.—Questions for the Ordination of Deacons.

1, 2, and 3. The same as the foregoing.

4. Do you accept the office of a deacon of this church, and promise through grace, faithfully and cheerfully, to discharge the duties thereof?

V.—Formula to be signed by Ministers, Probationers, Elders, and Deacons.

I do hereby declare that I do sincerely own and believe the whole doctrine contained in the Westminster Confession of Faith, as approved by this Church, in terms of the Articles of Union, to be the truth of God; and I do own the purity of worship presently authorised and practised in this Church, and also the Presbyterian government and discipline thereof; which doctrine, worship, and church government I am persuaded are founded upon the Word of God and agreeable thereto; and I promise that, through the grace of God, I shall firmly and constantly adhere to the same, and to the utmost of my power shall, in my station, assert, maintain, and defend the said doctrine, worship, and discipline of this Church, and the government

thereof, by sessions, presbyteries, Synods, and Assemblies; that I shall, in my practice, conform myself to the said worship, and submit to the said discipline and government, and not endeavour, directly or indirectly, the prejudice or subversion of the same; and I promise that I shall follow no divisive course from the present order in the Church; renouncing all doctrines, tenets, and opinions whatsoever, contrary to or inconsistent with the said doctrines, worship, discipline, or government of this Church.

CHAPTER. II.

REFERENCES, APPEALS, COMPLAINTS, PETITIONS, AND OVERTURES.

1. In cases of difficulty or importance, a session, instead of itself deciding, may refer the cause to the **REFERENCES.** presbytery, either *for advice* or *for judgment*; a presbytery, in like manner, may make a reference to a Synod, but in the event of no meeting of Synod occurring before the meeting of the supreme court, then directly to the General Assembly; a Synod may also refer a case to the Assembly.

2. When reference is made merely *for advice*, the particular point on which advice is requested should be distinctly stated in writing, and the procedure (so far as concerns the point, or anything depending on it) is suspended till the advice is given, after which it is resumed. If reference is made *for judgment*, the case is "*simpliciter* referred," and thenceforward depends before the superior court to which the reference is made, unless it be sent back with instructions. When the reference is for judgment, all the papers connected with the cause must be regularly transmitted to the upper court in time for its meeting, with an extract of the deed of reference; and the parties concerned are warned to appear before that court, by intimation to them personally, if present, or by timely notice sent to them, that they may be heard for their interest. It is also

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the duty of the court making the reference, to appoint commissioners to be present, and explain the matter referred, and the reasons for the reference.

3. A reference does not prevent the members of the court by which it is made from sitting, deliberating, and voting on it in the superior court.

4. References are not to be made without good cause. It is the duty of the inferior courts to exercise their own judgment, and not to apply to the superior courts, except on points of difficulty or general importance, and after having travelled in the cause as far as practicable.

5. When a member of a court who has
DISSENTS. voted in a cause is dissatisfied with any decision, he may enter his *dissent* from it, either simply or for reasons to be given. If against the decision of a session or presbytery, the reasons are lodged with the clerk within ten days. If against that of the Synod or Assembly they must be lodged at the next sederunt, and may be recorded if required. A party who has brought a case by protest and appeal or by dissent and complaint before the supreme court, cannot enter his dissent against its judgment.

6. A mere dissent from the decision of an inferior court, does not give a member of that court a right to be heard in the case, should it afterwards come before a superior court, by protest and appeal of the party, or dissent and complaint of another member.

7. Any party in a cause, who may feel
PROTESTS AND aggrieved by the decision of a session,
APPEALS. presbytery or Synod, is entitled to have the decision subjected to the review of the immediate superior court; and if he does not avail himself of this privilege, he is held as submitting to and acquiescing in the sentence pronounced, whether as regards the merits of the case or the regularity of the proceedings. In order to secure the privilege of appeal, the party, on the decision being announced, must *protest and appeal* to the presbytery, Synod or General Assembly (as the case may be), and crave extracts.

8. If a member of an inferior court
DISSENTS AND who has moved or voted in the cause,
COMPLAINTS. is dissatisfied with its decision and wishes to bring said decision under the review of the superior court,

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he *dissents and complains* and craves extracts; by which means, as well as by the protest and appeal of a party, the case is brought before the court of review.

9. Parties complaining or appealing shall, if they demand them, be allowed copies of the whole proceedings at their own expense. And in case of references, appeals, or complaints, the judicatory from which the case issues shall send authentic copies of the whole process to the higher courts.

EFFECT OF
PROTESTS, &c.

10. A protest and appeal, or a dissent and complaint, duly followed by reasons, *sists* procedure in the inferior court, and the sentence or decision appealed from or complained against is not to be acted on, until the appeal or complaint is heard and determined. But if the inferior court shall consider that delay to act on or execute the sentence or deed appealed from or complained against would be inconsistent with justice or injurious to the interests concerned, it may resolve to disregard the same, and to act upon the sentence or deed just as if no appeal or complaint had been taken, subject always to the risk of the consequent procedure being annulled, and the censure of the superior court; or it may pronounce such interim order as the circumstances of the case, and the good order and discipline of the church seem to require; which interim order, in all cases, takes effect, notwithstanding of any complaint or appeal against it. An appeal or complaint against a judgment which is merely on a branch of the cause, or relates to an incidental point occurring in the course of it, and is not on the merits of the case itself, does not prevent the inferior court from proceeding with the cause and ripening it to a final judgment.

REASONS. 11. When a *protest and appeal* by a party is taken, reasons of appeal are to be lodged with the clerk of the inferior court within ten days, unless longer time has been allowed. If this be not done, the appeal falls, and the party making it is held to have departed from it. No member of court can join in the appeal of a party, but where, having moved or voted in the cause, he *dissents and complains* he must also give in reasons according to this rule.

ANSWERS. 12. When an appeal or complaint is made, the court whose sentence is thereby brought under review, appoints a committee of its number to prepare answers to the reasons of appeal or complaint, and afterwards to defend and vindicate its decision. The answers, after being prepared, are read and approved of by the court, and then transmitted to the superior court, along with the extracts of minutes, and all other papers belonging to the cause. Members of court who have complained against the decision, or only dissented from it, have no right to take part in the preparation of the answers, or discussion thereon.

PARTIES. 13. When other parties are interested in a case thus carried to a superior court, they are necessarily carried along with it, and intimation is made to them, that they may appear for their interest. If present, they receive intimation from the moderator in the presence of the court. If absent, official notice is sent to them by the clerk.

JUDGMENT. 14. When the appeal or complaint is entered on in the superior court, it is necessary, first of all, to ascertain that it has come regularly before the court, and that the parties have all been cited and are present. The papers connected with it are then read : first, the sentence appealed from or complained against ; second, the reasons of appeal or complaint and answers ; and, third, the whole record of the proceedings in the court below ; after which the appellant or complainant is heard : then the commissioner from the session, presbytery, or Synod, whose decision is under review ; then any other parties having an interest. The appellant or complainant being heard in reply, the court proceeds to deliberate, and to give its decision.

15. If the appeal or complaint be judged to be ill founded (or *male appellatum*), it is dismissed and the decision of the inferior court stands affirmed ; but if it be sustained, the judgment is not necessarily reversed. The sustaining of the appeal or complaint opens the cause for the decision of the court, and may be followed by an alteration either partial or total, or by a remit to the inferior court with instructions, or by other findings or orders suitable to the

circumstances. It is also competent to the court, after it is fully in possession of the merits of a cause brought before it, to waive the consideration of the merits of the appeal or complaint altogether, and without pronouncing it either well or ill founded, to give such decision in the original cause as may appear to be consistent with the interests of truth and justice.

**ABSENCE
OF PARTIES.**

16. If the party appealing or complaining does not attend when the case is called, or send a sufficient reason for absence, the court may refuse to enter upon it; and such a refusal is equivalent to a dismissal of the appeal.

PETITIONS.

17. Every member of the church has access to the different courts by petition or memorial. He has direct access to the session of the congregation to which he belongs, and he has also access to the presbytery, Synod, or General Assembly, but his petition or memorial to the presbytery, Synod, or General Assembly must be presented, in the first instance, to the session of the congregation to which he belongs, with a request that they will transmit it to the presbytery, and the presbytery to the Synod or General Assembly.

18. Transmission of a petition does not apply approbation of its object, or concurrence in it; but it is the duty of the inferior courts, in transmitting petitions, to see that they are regular, and expressed in respectful terms. Sessions or presbyteries may refuse to transmit, in which case the petitioner is entitled to protest and appeal in the manner above directed, and thus bring the matter before the next superior court.

19. The same rules apply to the case of a petition by any number of parties, or by a congregation as such.

20. Sessions have a right of direct representation and petition to the presbytery of the bounds, and through it to the Synod and Assembly.

21. Ministers have direct access to the presbytery by petition for advice in any matter connected with their office.

OVERTURES. 22. Overtures are proposals made to the supreme court to enact rules binding upon the whole church, or to pass resolutions on any matter of general importance.

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23. They may be originated by a presbytery, session, Synod, minister, elder, or private member of the church, but must be submitted in writing, and regularly transmitted in the same way as petitions. They may also be brought in by a committee of Synod or Assembly appointed for the purpose.

24. An overture which contemplates a material change on the constitution of the church, if entertained by the Assembly, is to be very leisurely and carefully considered, and should be remitted to presbyteries for their consideration, before being finally adopted, but the Synod may order it to be acted on *ad interim* in the manner following:

BARRIER ACT. (1.) No standing law, or rule shall be made, by overture or otherwise, relative to matters of doctrine, discipline, government, or worship, until first such shall be submitted to all the presbyteries of the church for their approbation; that such approbation be given by each presbytery at an ordinary meeting thereof; and that the decision of presbyteries be recorded in the minutes, and an extract of the same be sent to the clerk of the General Assembly before its next meeting.

(2.) The Assembly, if it sees cause, may, by a majority of two-thirds of those present, pass such proposed law or rule into an interim act, which shall possess the force of a law, aye and until the presbyteries have, as herein required, expressed their judgment upon it.

(3.) When a majority of presbyteries have expressed their approbation, the Assembly may pass such proposed law or rule, into a standing law of the Church.

(4.) When a majority of the presbyteries have expressed disapprobation, then the Assembly shall reject such proposed law or rule, or again remit it to presbyteries.

CHAP. III.

ON THE FORMATION OF CONGREGATIONS, THE RIGHTS OF
CHURCH MEMBERS, AND MANAGEMENT OF CONGREGA-
TIONAL AFFAIRS.

*Sect. I.—Formation of Congregations and Erection of
Churches.*

1. Any number of persons approving of the principles of our church, may apply to be formed into a congregation or mission station by the presbytery of the bounds.

2. When application for this purpose is made, intimation is first of all given to the sessions of the congregations in the neighbourhood who may be affected by the erection of the proposed new one, that they may appear and be heard for their interest.

3. This intimation being made, the presbytery appoints one of its number to preach in the place from which the application is made. The member so appointed holds a meeting with the people, and reports to the presbytery at its next meeting concerning the necessities and religious prospects of the locality. If, after hearing the petitioners, and the report of its deputy as to the circumstances of the case, and also any objections which may be offered, the presbytery deems the request proper, it may at once (provided the petitioners are already members of the Canada Presbyterian Church and have certificates of membership) declare them to be a congregation, make up a communion roll, and grant them a supply of sermon. But if the petitioners are persons not already in communion with the church, the presbytery appoints a committee of its number to meet with them, to explain to them the principles and constitution of the church, to receive attestations of their Christian deportment, to examine them individually as to their Christian attainments; and, on obtaining satisfaction on these points, to admit them into the fellowship of the church. The committee report to the presbytery, and the persons admitted by it are then declared to be a congregation of our church, and the

roll of their names is kept by the presbytery, until elders are elected, to whom the charge of the roll is committed.

DUTY WHEN FORMED. 4. As soon as is expedient after the congregation or station is formed they ought to take measures for the election of elders. When

prepared for this, they apply to the presbytery, which appoints a minister to preside at an election. The moderator, having performed this duty, reports the proceedings to the presbytery, and if the elders elect are found qualified, an edict is served and returned to the presbytery, which thereafter appoints a minister to ordain the parties elected, provided no objections be offered. If objections be offered, the matter is referred to the presbytery and action stayed.

5. Before a new congregation can have a moderation granted for obtaining a minister, it presents its trust deed or constitution to the presbytery, which the presbytery examines and sanctions, if found agreeable to the rules of the church.

PLACES OF WORSHIP. 6. In the formation of new congregations, it is extremely desirable that the parties interested should not fix on a locality for the erection of a place of worship, or on the plans for the same, without first having obtained the sanction of the presbytery. And in the event of any existing congregation deeming it necessary to remove from their present site, or to build a new edifice, the same should, before being finally determined on, be submitted to the consideration of the presbytery.

Sect. II.—Rights of Members.

MEMBERS. 1. The members of a congregation are the persons, male and female, who have been received into full communion. In the sense of enjoying the superintendence, and if need be, the discipline of the church, the children of members are also members of it, and, when they arrive at the years of discretion, they ought to make a personal profession of religion, and seek to enjoy the privileges, and perform the duties, of church members in full communion.

ADMISSION. 2. Persons are admitted into full communion with the church by the session of the congregation to which they apply after examination

into their purity of deportment, their soundness in the faith, and their acquaintance with vital godliness and our principles as a church. They are required to make a cordial profession of the faith of Christ as held by this church, and to signify their readiness to submit themselves to the session and other church courts as set over them in the Lord.

RIGHTS. 3. When thus admitted, they have a right to the full enjoyment of church privileges, unless charges are made, or reports are in circulation, of irregularities of conduct, which may induce the session to withhold these until inquiry is made, and satisfaction obtained, according to the rules of the church.

4. Members in full possession of their privileges, and they only, have a right to vote at congregational meetings, whether in matters of an exclusively ecclesiastical character, such as the election of ministers or elders, or in the secular affairs of the congregation.*

5. In all cases, members of the church have direct access to the session with complaints against fellow-members of the congregation, or in matters connected with the doctrine, discipline, and government either of the church as a whole, or of the congregation with which they are more immediately connected. In the case of complaints against fellow-members, (Chap. vi., Sect. ii., Rule 2,) must have been previously observed. In the case of complaints against ministers, they have direct access to the presbytery. See Chap. I., Sec. I., Rule 13.

6. They have also access to the presbytery, Synod, and General Assembly by petition, appeal, or overture, according to the rules laid down under that head. See Chap. II.

7. When a member of the church wishes to submit any matter to the presbytery, Synod or Assembly, especially if it be one of general importance, he is in the first instance to

* In some few cases it is believed the title-deeds impose limitations on the right of voting, or provide that seat-holders or others shall be entitled to vote in matters relating to the disposal of the property. Where this is the case, a meeting at which such provisions come into operation, is not to be regarded as a congregational meeting, in the strict sense of the term, but as one of the civil society, interested in the property. It is desirable, however, to terminate such distinctions.

submit it for consideration to his session, who may possibly concur in his views ; if they do not, he may then present a petition to the presbytery, Synod, or Assembly, and apply for its transmission through the session, as formerly directed.

8. A member wishing to leave one congregation, and to connect himself with another, is entitled to receive a certificate of membership from the session on applying for the same, unless there be matters connected with his conduct as a member of the church which seem to the session to call for inquiry ; in which case he has a right to insist that inquiry be immediately entered upon, and brought to a conclusion without unnecessary delay.

9. While such is the recognised right of church members arising from the voluntary nature of the association, yet the spirit of the Gospel requires that the members of a congregation shall not abandon it for slight or frivolous causes of offence.

10. The members of a congregation are under the inspection, and subject to the authority of the session, till they are either disjoined by certificate, or cut off from the membership in the exercise of discipline ; and it is the duty of sessions in granting certificates in the case of members who have withdrawn in an irregular manner from the congregation, not merely to attest the fact, that up to a certain period they were in full communion, but also to state what they know, or have reason to believe, of their character and deportment till the time when certificates of membership are granted.

11. On obtaining a certificate of membership from the session of one congregation, a member may attach himself to any other congregation in the body, by lodging the certificate with its minister or session, when he forthwith becomes entitled to all the privileges, and pledges himself to discharge all the duties, of a member in that congregation ; but if the certificate contains any specialty, such as that indicated in the last rule, it is the duty of the session applied to, to inquire into the circumstances connected with it before admitting.

12. A member of one congregation cannot be admitted

into another, until he produces from the session of the former a regular certificate of membership.

13. A member becoming disconnected with a congregation either by allowing his name to be dropped from its roll, or by declining the authority of the session, cannot be restored to the fellowship of the church by another session until it corresponds with the session whose authority he has declined, or by whose deed he has been set aside, and obtain its consent to deal with him with a view to restoration. If that consent be refused, the case ought to be referred to the presbytery.

Sect. III.—Management of Congregational Affairs.

1. All congregational meetings must be duly intimated. This is done by public notice on the Sabbath-day before the congregation is dismissed. In the case of meetings with a view to apply for a moderation, or for the election of a minister or elders, the notice must specify the object of the meeting, and be made to the congregation on two successive Sabbaths immediately preceding the day of meeting. In the case of meetings connected with the management of the congregation's secular affairs, the notice is sufficient if made on one Sabbath immediately preceding the day of meeting, unless otherwise provided for in the Rules or Constitution adopted by the congregation. Ordinary stated meetings for secular purposes are called by the Managers or Deacons, as the case may be; but meetings for special purposes are called by, or with the sanction of, the session; and meetings for proper ecclesiastical purposes are called by the session only.

2. At congregational meetings for proper ecclesiastical purposes, the minister of the congregation, or minister appointed by the presbytery, presides, and the session-clerk officiates as clerk. At ordinary or special meetings held for secular purposes, the minister, if present, takes the chair; and when not present, the congregation choose a chairman for the time (who may either be one of the elders or managers, or a private member), and also a clerk.

3. The precentor may be chosen by the congregation, or by the deacons or managers, or a committee chosen for the purpose; but he must be fitted by his character for con-

ducting the psalmody, and in this as well as in other matters connected with his situation, he is subject to the control, and bound to obey the orders, of the session by whom also he may be removed for any cause deemed sufficient by them.

4. The management of the financial or secular concerns of a congregation has necessarily an intimate connection with its general prosperity, and the prudence exercised in this department must involve, to a large extent, the comfort of the people, and their harmony and edification, as well as the usefulness and happiness of the minister. Care in the framing of proper rules, and the punctual observance of them, are, therefore, points of great importance. The Constitution or Rules to be observed, are in some measure left to the discretion of each congregation, to be modified according to the plan which seems best adapted to circumstances; but they must always be consistent with the general principles of church order, and be sanctioned by the presbytery of the bounds.

5. Care should be taken that the title-deeds of the property belonging to the congregation are correctly framed. Trustees must be appointed, in the names of whom, and of their successors, the title deeds should be taken; and it is of great importance that the purposes of the trust, and the powers, duties, and obligations of the trustees, should be clearly defined, in the title-deeds. The trustees ought to be members of the Canada Presbyterian Church, and at the time of their election should not be far advanced in life, and care should be taken that the manner of appointing their successors be specified in the trust deed.

6. Where the congregation judges it proper to have deacons ordained to serve the church in regard to its secularities, they are intrusted with the management of the whole financial concerns, as well as the distribution of the contributions made for the poor, subject always to the observance of the Rules or Constitution sanctioned by the presbytery.

7. When there are no deacons, or their duties are limited to the distribution of the poor's fund, the management of the secular affairs (other than the poor's money) is intrusted to a committee of management.

8. The following Rules or Constitution for the regulation of congregational affairs, are recommended as suitable. They are framed as applicable to the case where there is a committee of management, but, with slight alterations, may be adjusted to apply to cases where the management is assigned to deacons. No rules materially different in spirit or tendency from these, will receive the sanction of the presbytery.

- (1.) The congregation shall hold an annual meeting on the day of [or on one or other of the lawful days of the month of], of which meeting due notice shall be given by the officiating minister from the pulpit, or precentor from the desk, before the congregation is dismissed, on the Sabbath immediately preceding.
- (2.) All the members, male and female, in the full enjoyment of their privileges, and they only, shall be entitled to attend this meeting, or other meetings of the congregation, and vote upon any matters which may be competently brought forward.
- (3.) The management of the secular affairs of the congregation, including the care of the property—the ordering of repairs or alterations thereon—the letting of the seats, the collection of the rents, or of other contributions for the support of ordinances—the payment of the minister's stipend, and allowances to precentor, doorkeepers, etc., and other expenditure, shall be committed to the charge of deacons or managers,* who shall be bound to regulate their administration of the matters committed to their charge by these rules; and also to observe any special directions which may from time to time be given to them by the congregation.
- (4.) One-third of the managers shall annually retire from the management by rotation, and their places, with the places of any who may die or vacate their office during the year, shall be filled up at the

* The number of managers should never be less than five. Nine, twelve, or fifteen, are suitable numbers. And care should be taken that they are men of prudence and sound judgment. Members of session are eligible as well as ordinary members.

annual meeting. The retiring managers shall be re-eligible.

- (5.) Out of the managers, the congregation shall annually elect a treasurer and clerk.† They also annually elect two persons, members of the congregation, as auditors of accounts, who shall, previous to next annual meeting, examine the treasurer's books and vouchers for the current year, and report thereon to said meeting. The president shall be appointed at each meeting.
- (6.) Should any manager be suspended, or cut off from privileges by the session, or leave the congregation, he shall cease to be entitled to act as a manager.
- (7.) The managers shall hold regular meetings at least once every quarter, and oftener, when necessary. These meetings shall be called by the secretary, either by intimation from the desk on the Sabbath preceding, or by personal notice to the individual managers; and the secretary shall be bound to convene a meeting, whenever required to do so, by one-third of the managers.
- (8.) At these meetings three shall be a quorum. The president shall not have a deliberative vote, but in case of an equality of votes on any matter, he shall have a casting vote.
- (9.) The treasurer shall keep a regular book of debit and credit; and shall produce the same, with the vouchers, at the annual meeting, audited and documented by the auditors appointed by the congregation, or failing them, by a committee of the managers.
- (10.) The clerk shall keep a regular minute-book, accessible to the managers at all times, wherein all the minutes of the meetings of the managers, and of the congregation, shall be faithfully entered; and these shall be signed by himself.
- (11.) At each annual meeting of the congregation, the managers shall report their whole proceedings

† It is desirable that the persons holding the situations of treasurer and clerk should not be frequently changed.

and management during the year, and shall also lay before the congregation an abstract of the receipts and expenditure during the year; with a statement of the pecuniary affairs as they then stand; and shall afford all information which may be required thereon; after which the congregation shall proceed to the election of the managers for the next year, as before provided for.

(12.) The managers, on obtaining the concurrence of the session, shall have power to call meetings of the congregation for special purposes when they deem it necessary, which meetings shall be duly intimated as above provided for, the purpose of the meeting being at same time notified.

(13.) The managers shall have no power to contract debt on the security of the property, or for which it may be attached, without the special authority of the congregation, given either at the annual meeting, or at a special meeting called for the purpose. They shall not make any repair or alteration in one year, exceeding the value of £ , nor shall they alter the stipend of the minister without such authority.

(14.) The constitutional right of the session to watch over all the interests of the congregation, and to interfere whenever, in their opinion, its welfare calls on them to do so, by convening meetings of the congregation for any purpose connected with its affairs, or in any other competent manner, is expressly reserved to them.

(15.) When a proposal for any alteration of these rules is made, it shall not be competent to adopt it at the meeting at which it was first proposed; but, if entertained it shall lie over to be decided upon at the next annual meeting, or at a special meeting to be called for the purpose, not earlier than three weeks after being so entertained; and, before taking effect, it shall be submitted to, and receive the sanction of, the presbytery.

9. Members dissatisfied with resolutions passed at a congregational meeting, are not to have recourse to the

civil authorities for redress. In general, it is the duty of the minority to submit to the majority; but if it is apprehended that the voice of the majority has not been fairly ascertained, or if any objection lie to the regularity of the meeting, of the competency or tendency of the resolutions which have been passed, the parties dissatisfied may at once dissent and complain to the presbytery, and crave extracts; in which case, the majority supporting the resolutions complained of, appoint commissioners to appear before the presbytery to answer the complaint; and the complaint itself, with reasons, is lodged by the complainants with the session at its first meeting, for transmission to the presbytery. On the case being heard, the presbytery may either proceed to judge in the matter, or may appoint a committee to meet with the parties, and endeavour to bring them to a right understanding.

SETTLEMENT 10. Before a congregation apply for a moderation with a view to the call of a
OF STIPEND. minister, they agree what provision they are able to make for his support, and they empower the commissioners sent to the presbytery with their petition, as mentioned in the next chapter, to report said resolution, and to give any other information the presbytery may require in regard to their number and pecuniary affairs, and the prospects they have of being able to fulfil their intentions. Presbyteries are enjoined not to grant moderations to congregations who offer an amount of stipend disproportioned to their ability.

11. This resolution is the estimate made by the congregations themselves of the sum they are able in existing circumstances to raise by their voluntary exertions for the support of the Gospel among them. It should be made in good faith, and it is the duty of individual members to exert themselves, by contributing severally, as God has prospered them, to the raising of the sum, and increasing it so far as is necessary, for the supply of the temporal wants of their pastor, remembering that it is Christ who has "ordained that they which preach the Gospel should live of the Gospel."

12. Should the congregation feel themselves afterwards unable to raise the sum which, on receiving a moderation,

they resolved to provide for their minister, they are not entitled of themselves to reduce the amount, but should, as soon as the deficiency becomes apparent, communicate the same to the presbytery, with a statement of the circumstances which have caused it. The presbytery then institutes the necessary inquiry, and takes such steps as it thinks proper, either in the way of stimulating the congregation to a discharge of their duty, or of modifying the amount of the stipend, or recommending the congregation to aid from the funds of the church.

13. Should the presbytery have reason to suspect that a congregation is falling into arrears, although no communication has been made as above, it ought to institute inquiries of itself, with the view of ascertaining the facts; and in cases of supplemented congregations, the presbytery is enjoined to use diligence to ascertain that the stipend promised is regularly paid.

CHAP. IV.

PROCEDURE IN MODERATIONS, AND IN THE ORDINATION OF MINISTERS.

Sect. I.—Procedure in Moderations.

PETITION FOR MODERATION. 1. When a congregation, either vacant, or requiring a second minister, wish to ascertain if they are prepared for electing one, they hold a meeting for the purpose, which is presided over by their minister, or by the minister authorised to moderate in the session for the time; and if prepared, they apply, by petition, to the presbytery, for the appointment of one of its number to *moderate in a call*; and, at the same time, they appoint commissioners to appear before the presbytery, and give such information as may be required. This petition is transmitted through the session to the presbytery, along with the roll of the congregation, or a certified copy thereof.

INQUIRIES BY PRESBYTERY. 2. Before granting the moderation, the presbytery, after hearing the petition, inquires not only into the unanimity existing

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in the congregation, and the means taken to hear a sufficient number of candidates, but also into the state of their pecuniary concerns—their ability to support the ordinances of the Gospel—the amount of stipend they propose to give to their minister—its proportion to their ability—and whether a manse is provided for him or not. If the presbytery shall resolve to grant the moderation, it appoints one of its number to moderate in a call, or it agrees itself to meet for this purpose on a day which it may then fix, and intimation of this meeting is made from the pulpit to the congregation, on two Sabbaths before it takes place. The roll, or certified copy of the roll of members, is handed to the person moderating, for his guidance on the day of moderation.

3. Upon the day fixed, the minister appointed by the presbytery, or the presbytery itself, meets with the congregation, and after sermon the moderator intimates the object of the meeting, narrates the steps previously taken, and asks if the congregation is prepared to go forward. In case of its appearing by a vote that the congregation is not prepared to proceed, the moderator closes the meeting, and reports to the presbytery, or the presbytery itself sists procedure. If the congregation is prepared to go forward, the call is proceeded with.

4. The first proceeding is to read the call, which it is the duty of the session to have previously prepared, with a blank left for the name of the person to whom it shall be addressed. The moderator then announces that only members in full communion are entitled to take part in the business of the meeting, and calls upon any of them to name, as candidate, any preacher or minister in communion with the Canada Presbyterian Church, of whose qualifications they have had an opportunity of judging, or good evidence concerning.

5. After all the candidates put in nomination are proposed and seconded, the moderator engages in prayer. Before taking the votes, the moderator may ask, if he thinks it necessary, two individuals to assist him in counting them. If only one candidate is named, the choice of the congregation is signified by holding up their right

hands;—if two candidates are nominated, the votes for each, in the order in which he was proposed, are taken by a show of hands, and the individual having the greatest number of votes is declared duly elected; if more than two are nominated, the votes are taken in the way pointed out in standing orders in reference to motions. When any doubt exists as to the state of the vote thus taken, or when there is an apparent equality or close approximation of votes, it is the duty of the moderator to ascertain the true state of the vote by calling the roll of members furnished by the session, or by dividing the house, or by taking the votes one by one as the members come forward.

SIGNING OF CALL. 6. After the moderator has announced the result of the vote, he declares the individual upon whom the election has fallen to be duly elected, inserts his name in the call, reads it over as thus filled up, and invites the elders and members to come forward and affix their names to it.

7. It is the duty of the elders to see that none are allowed to subscribe the call, but such as are members of the congregation in full communion and two of their number at least should superintend the subscription of the call, along with the moderator. After sufficient time has been allowed for parties to come forward and sign the call, the signatures are attested by the moderator. Adherents of the congregation may sign a concurrence to the call either on a separate column or a separate paper.

8. Before being dismissed, if the presbytery be not present, the congregation resolve on a petition to the presbytery, praying that their call may be proceeded with according to the rules of the church, and nominate commissioners to prosecute it; or they may may do this at a subsequent meeting, as may be most convenient.

9. The call thus signed, is committed to the charge of the elders. Although canvassing for signatures to the call is not allowed, members or adherents of the congregation who have not had an opportunity of subscribing it on the day of moderation, may afterwards subscribe it, such subscription being attested by two of the elders. The attestation of these papers by the elders is in the same form as that of the moderator to the call itself.

PROCEDURE
ON CALL.

10. At the next meeting of presbytery, the call, with the papers of adherence and concurrence, and the congregation's petition in regard to it, are laid on the table, and the minister who moderated gives an account of his proceedings. His conduct is approved or disapproved. It is approved if, in conducting the moderation, he be found to have proceeded according to the rules of the church. The presbytery then takes up the petition of the congregation that their call be sustained and proceeded in; and if there be no dissent or complaint from members of the congregation, the presbytery sustains the call, and proceeds accordingly. If there be such a dissent and complaint, the parties on both sides are fully heard, and if no valid ground is shown against sustaining the call and proceeding with it, the presbytery sustains the call as a regular Gospel call, and takes the steps detailed in next section. If the presbytery itself moderates in the call it thereafter proceeds in the manner herein prescribed.

11. As the peace and freedom of election are of pre-eminent importance, canvassing of all kinds is discountenanced; and it is unlawful for a minister or preacher, by himself or others, to use any undue methods, or to make any private arrangements with any member or members, of a congregation, to procure a call from them.

12. If it be made evident to the presbytery, that undue methods have been employed by any minister, or preacher, to procure a call, the call is not concurred in, but is declared null, and the minister or preacher guilty of such an offence, may be visited with suspension for such a period as the presbytery shall judge meet.

Sect. II.—Procedure with a view to the Settlement of a Minister duly called.

CALL TO PREACHER
OR MINISTER NOT
HAVING A CHARGE.

1. If the individual called be a preacher or minister not having a charge, the presbytery, after sustaining the call, immediately causes official notice of it to be sent to him; and he is bound to intimate his acceptance or non-acceptance of it to the presbytery, within one month after receiving such notice, unless in the mean time he shall have received another call; in which

case, he is allowed one month from the time of the last call being intimated to him; but if that other call is from a congregation in another presbytery, he is bound, without loss of time, to intimate the fact of its having been received to the clerk, in order to account for the delay. He is entitled to accompany the intimation of his resolution with reasons, or not, as he judges best. If he wishes the advice of the presbytery in the matter, he must appear personally at its bar and ask its counsel.

2. The resolution accepting or refusing the call is forthwith communicated by the presbytery to the congregation concerned, who, in case it be a refusal, and they conceive themselves aggrieved, are entitled to complain to the presbytery by petition, stating the circumstances. If this be done, the presbytery appoints a day for hearing the congregation by their commissioners, at the same time summoning the party called to attend.

COMPETING
CALLS. 3. When *two or more calls* have been received, the preacher or minister is bound to intimate his acceptance or refusal of them, to each of the presbyteries to whom the congregations belong, as in Rule 1.

4. If a call be accepted, and there have been other calls sustained to the same individual, either in the same or in other presbyteries, the presbytery in which the call has been accepted then gives notice of the time and place of its next ordinary meeting to the other congregation or congregations concerned, if within its own bounds, or if not, to the presbytery, or presbyteries, in which such congregation or congregations are situated; and if no complaint against the individual's conduct is then received, although sufficient time has been allowed, the presbytery takes the necessary steps towards the settlement.

5. When a disappointed congregation in a different presbytery from the congregation whose call has been accepted, wishes to lodge a complaint, it does so with its own presbytery, and that presbytery refers the complaint to the presbytery in whose bounds the call has been accepted, before which the commissioners of the complaining congregation are heard, and with which the decision lies. If a complaint is lodged by a disappointed congregation in the same pres-

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bytery, or transmitted from any other presbytery, the presbytery intimates to the preacher and the congregations concerned, when they are to determine the complaint, and until it is determined the settlement cannot be proceeded with.

6. When the preacher or minister called wishes advice before deciding, he may

REFERE
ADVISE. refer the matter to the presbytery in whose bounds he has been called; and this being done, the presbytery referred to fixes a time for giving said advice, of which notice is sent to the preacher or minister himself, and to the congregation or congregations concerned, through their respective presbyteries; and after hearing the reasons of preference urged by the commissioners for the respective congregations, and inquiring into other circumstances, the presbytery gives him such advice as appears most for edification.

7. If the person chosen by a vacant con- gregation be an ordained minister, such con- gregation, after the presbytery sustains their call, prepare reasons why said minister should be translated, of which two copies are lodged. If the call be to a member of presbytery, he is then summoned *apud acta*, or by letter if he is not present, to appear at next meeting, to be held not less than fifteen days thereafter, and one copy of the reasons is handed or sent to him. A member of presbytery is at the same time appointed to preach to his congregation, and give notice of the election which has taken place, lodge with them the other copy of the reasons of translation, and summon them to appear with answers to the same at next presbytery, with certification that, failing to do so, they shall be held as consenting to the translation of their minister.

8. At the next meeting of presbytery the reasons of translation, and answers, if any, are read, and the commissioners of the two congregations are heard. The presbytery then invites the minister called to express his views and feelings. If he decline acceptance of the call, and the presbytery concur, the matter is ended, and the call is laid aside. If he expresses himself in favour of acceptance the presbytery may dissolve the connection between him and his congregation, appoint one of its number to preach, and declare

his church vacant, fix the day of his admission to his new charge, appoint his edict to be served, and nominate the ministers who shall induct him into the charge.

9. If the minister called belong to another presbytery, the presbytery, so soon as it shall have sustained the call to him, immediately sends notice of the same, with a copy of the reasons of translation, to the clerk of the presbytery in which the minister called resides. Thereupon said clerk of presbytery transmits notice of the call to the minister and to the session-clerk of the congregation, and on the Sabbath following, personally or by substitute, holds a meeting with the session and congregation at a diet of public worship, and puts into their hands one copy of the reasons of translation, summoning at the same time a special meeting of the congregation, convened according to the rules of the church, to adopt answers to the same if they shall see cause, and to appear by commissioners at the next meeting of presbytery, of which due notice shall be given to the other parties interested. At said meeting of presbytery, the call is put into the hands of the minister—the reasons of translation, with answers thereto, are read, and commissioners from the respective congregations are heard, and the members of presbytery, if requested by the minister called, may express their views on the case. Pleadings in the cause are then held to be finally concluded, and the minister may either give his decision then or at a meeting of presbytery, to be held not earlier than fifteen days, and not later than four weeks thereafter. If the connection between the minister and his congregation be dissolved, a member of presbytery is appointed to preach to them, and declare the church vacant, and the minister repairs to the presbytery in whose bounds the charge to which he is to be admitted lies. Said presbytery, on being furnished with an extract of the proceedings, admits him to his new charge in due form, as before detailed.

10. When a call to a licentiate has been accepted, the presbytery appoints him subjects for his trial discourses; viz. a Thesis; a Homily; a Lecture on a passage of Scripture; a Greek or Hebrew critical exercise; and a Sermon. He is further examined on personal Religion, Systematic

Theology, Church History, and Biblical Greek and Hebrew.

11. When a preacher is appointed to go out to any foreign mission field, or as a minister to any congregation in a foreign country, and is remitted for ordination to the presbytery from whom he obtained license, it is in its power to prescribe the usual trials for ordination or not, as it shall see cause.

Sect. III.—Proceedings at Ordination and Induction.

APPOINTMENT
OF ORDINATION.

1. After all the prescribed trials have been gone through and sustained, a day for the ordination is fixed. Some of the ministers of the presbytery are appointed respectively to preside in the ordination and conduct the other services. An edict is at the same time appointed to be publicly read in the congregation by the officiating minister or preacher, at least two Sabbath days before the day of ordination.

PROCEDURE
AT ORDINATION.

2. Upon the day fixed, the presbytery meets at the appointed time and place, and is constituted by the appointed moderator. Intimation is then sent to the assembled congregation, that the presbytery has met, and requiring all who have any valid objections to the ordination being proceeded with, immediately to appear before the presbytery and state them. The messenger having returned, and no objectors appearing, the presbytery then proceeds to the place of worship. If objections be made, the objector must have his evidence in support of his objection in readiness, that the presbytery may on the spot hear it, and decide upon the objection before the ordination takes place.

3. After sermon, the moderator gives a brief narrative of the different steps of procedure regarding the call. He then requests the candidate for ordination to stand up, and in presence of the congregation puts to him the questions of the formula. But after proposing the eighth question, he asks the members of the congregation to signify their assent to the ninth question by holding up their right hands. These steps being taken, the moderator comes down to the platform, and surrounded by the other brethren of the presbytery, engages in solemn prayer, during which the

candidate kneels, and towards the conclusion of the prayer, the moderator, by the imposition of hands (in which all the brethren of the presbytery join,) ordains him to the office of the holy ministry, commending him for countenance and success to the grace of God, in all the duties incumbent upon him as a minister of the Gospel. After which, the moderator, giving him the right hand of fellowship, in the name of the presbytery inducts him into the pastoral charge of the congregation by whom he has been chosen and regularly called.

4. After the ordination is thus completed, the members of presbytery give to the newly ordained pastor the right hand of fellowship, and appropriate addresses to minister and people are then delivered. These services being concluded, the moderator accompanies the newly ordained pastor to some convenient place, where the members of the congregation may acknowledge him as their minister, by taking him by the right hand. The presbytery then returns to its place of meeting, when, on his signing, or agreeing to sign when required, the Formula, the newly ordained minister's name is entered on the roll, and he takes his seat as a member of the presbytery. A deputation from the managers or deacons is expected to attend, and make the first payment of the stipulated stipend. The whole procedure of the day is entered on the presbytery's record.

INDUCTION. 5. In admitting to the pastoral charge of a congregation a person previously ordained to the ministry, no new trials are prescribed, nor is the act of ordination by the imposition of hands repeated. In all other respects the procedure is exactly as above.

RESIGNATION OF CHARGE. 6. After being ordained or admitted pastor of a congregation, a minister can resign his charge only to the presbytery. Should his resignation be tendered, the presbytery makes inquiry into the circumstances, and orders intimation to be made to the congregation, that they may have an opportunity of being heard before the case is decided. It is proper in many cases, before receiving a demission, to appoint a committee to meet with the minister, and his congregation.

7. Every minister of the Canada Presbyterian Church is

bound to submit in the matter of temporal support, as well as in all other matters connected with his office, to the decision of the presbytery, Synod or Assembly, and should not prosecute for stipend in courts of civil law, the high and sacred claim which Christ has given ministers on the consciences of their people for a suitable maintenance being a security perfectly adequate.

8. Ministers ordained at large, as missionaries either at home or abroad, but without reference to the exercise of their office in a particular charge, are set apart to the office in the same manner as above stated, with the necessary alterations arising from the circumstances.*

CHAPTER V.

ELECTION AND ORDINATION OF ELDERS.

1. THE right of electing elders is vested solely in the members of the congregation who are in full communion.

2. No fixed number of elders is required, but the number is regulated by the circumstances of the congregation. Two, however, along with the minister, are required to constitute a session. The number of elders to be chosen is fixed by the session, if there is one, or, if there is none, by the presbytery.

3. It is competent for members of the congregation to petition the session to add to its number, and its decision on this, as on other matters, is subject to review in the superior courts. Vacancies in a session should be filled up as soon as convenient after they occur.

4. When the session judges it expedient that an addition should be made to its number, the first step is to intimate its desire to the congregation. The election may be conducted in the manner following.

5. A meeting of the congregation is held some weeks previous to the election, for the

* See Appendix for Formula.

purpose of nominating individuals considered qualified to fill the office. At this meeting, the name of every individual proposed and seconded is put down, and after giving sufficient time for nomination, the meet is declared closed. In the interval between this meeting and the day of election, the names of those nominated are either publicly announced or presented in a printed form to the congregation, and the election of the number required is made by written papers signed by the voters and handed in to the session on a day appointed. The session thereafter examines these lists, and orders public announcement to be made of the names of the persons elected.

6. A meeting for election may, however, be held, at which a discourse is generally delivered suitable to the occasion. The moderator of the session presides at this, as well as the previous meeting for nomination (where one is held), and the session-clerk officiates as clerk. Where there has been no previous meeting for nomination, full opportunity is first of all given to the members to propose candidates, and when all the names proposed have been taken down, the meet is declared closed. The names of all on the list, whether made up at a previous meeting or at this, are then read over; and, after prayer for the Divine direction, the votes are taken, either by show of hands, or otherwise; and the individuals, to the number previously fixed upon, having the greatest number of votes, are declared to be duly elected.

7. After the election, the call of the congregation is intimated to the elders elect, a declaration of their willingness to accept of the office is asked, and the session deals with them as to the propriety of their accepting it. Their willingness to accept being expressed, the session, at a meeting appointed for the purpose, proceeds to satisfy itself in regard to their religious knowledge, piety, and prudence, and their knowledge of the government and discipline of the church, and the duties of their office; and, on the session being satisfied on these points, an edict is appointed to be publicly read in the congregation.*

8. At the time mentioned in the edict, which must be

* For form of Edict, see Appendix.

read to the congregation on two Sabbath days, the session meets, the elders-elect being present. After the session is constituted, if no objections are brought forward, the day of ordination is fixed for as early a day as possible. If objections are made, the session proceeds to inquire into the grounds of them, and decides on them, after leading evidence, if necessary.

PROCEDURE AT
ORDINATION.

9. On the day of ordination, which may either be a Sabbath or week-day, as thought most suitable, the session being constituted, and sermon being concluded, the moderator gives a short narrative of the previous proceedings; which, being done, he calls on the elders-elect to stand forward, and puts to them the questions of the formula.† Satisfactory answers being given to these questions by them, the minister proceeds to ordain or set them apart by prayer to the office of the eldership, and to take part with their brethren in the inspection of the congregation, and commends them to the grace of God for comfort, aid, and countenance in the exercise of their office. Immediately afterwards the right hand of fellowship is given to the persons thus ordained, by the minister and by the other elders present, and the whole is followed by suitable exhortations to them, and to the people.

10. After the services are over, the session assembles, when the newly ordained brethren take their seats, and have their names added to the session roll.

ELECTION IN
VACANT CON-
GREGATIONS.

11. When an addition to the eldership is desired during a vacancy, application is made to the presbytery, which, if the proceeding appears proper in the circumstances, appoints a minister to preside in the necessary meetings of the session and congregation, and at the ordination.

GENERAL
RULES.

12. Elders coming into a congregation from other parts of the church, although received into full Christian communion, cannot be admitted into the session, unless regularly elected by the voice of the congregation. When they are so elected, being

† See page 21.

already invested with the office of eldership, the act of ordination is not repeated, but in other respects the rules of procedure are the same; and for the satisfaction of the congregation, they publicly answer the questions in the formula, before being inducted into the exercise of office.

13. Ruling elders retain their office for life, except when their demission is accepted, or they are deposed. If they demit their office, the congregation should be very cautious in calling them again to exercise it.

CHAPTER. VI.

CHURCH DISCIPLINE.

Sect. I.—Of Discipline in General, and the different kinds of Church Censure.

GROUND OF DISCIPLINE.

1. THE proper ground of discipline, or church censure, is *scandal*. Nothing can be the subject of church censure which is not condemned by the law of God; but everything which is in itself sinful does not necessarily fall under the denomination of scandal, or form the proper subject of discipline. For those sins which are not publicly known, private admonition, counsel, and reproof, are in general the proper remedies. Church censure is only to be administered when, by the publicity which attended the commission of sin, or which has been subsequently given to it: it is calculated to bring a reproach on religion, or to mar edification, and when it cannot be overlooked without incurring the danger of hardening the individual, emboldening others to follow his example, and grieving the minds of the godly.

2. In the exercise of discipline, there ought to be no officious intermeddling with matters which are purely civil, or indeed with any matters which do not involve scandal, as above defined. And while watchfulness is exercised over the flock, no undue solicitude should be discovered to pry into the private conduct or family concerns of individuals, to interfere officially in personal quarrels, or to engage in the investigation of secret wickedness.

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SUBJECTS OF DISCIPLINE.

3. Discipline is personal, and its proper subjects are individual church members; congregations as such are not subjects of discipline. It embraces not only members in full communion, but also baptized children who are hearers in the church, and have arrived at an age at which they are responsible to society. Inquiry into scandal can be made only by the session, or, in the case of a minister, by the presbytery to which he belongs at the time of its becoming known; and if, during the lapse of five years, and the same being known to the session or presbytery, no judicial notice has been taken of it, it is improper then to revive it by making it the subject of public censure,

ENDS OF DISCIPLINE. 4. The ends contemplated by discipline are, in subordination to the glory of God, the maintenance of the church's purity, respect for the authority of the institutions of her Divine Head, and the spiritual benefit of church members. It is not of the nature of a penance or punishment, but is to be regarded as a precious privilege,—one of the ordinances of the New Testament, appointed by our Lord Jesus Christ, and blessed by the Spirit, for the reformation of transgressors, the edification of His people, and their growth in grace.

5. In order to effect these important ends, no case is to be rashly made a matter of sessional inquiry. The conduct of church rulers should be uniformly guided by prudence, kindness towards offenders, and anxiety for their spiritual welfare. Rash and uncharitable judgments, undue severity, and respect of persons, are carefully to be avoided, and the whole proceedings are to be distinguished by gentleness and long-suffering, by impartiality, and faithfulness.

CENSURES. 6. The censures of the church are admonition, rebuke, suspension, deposition from office, and excommunication.

ADMONITION. 7. *Admonition* is the lowest degree of church censure. It consists in solemnly addressing the offender, placing his sin before him, warning him of his danger, and exhorting him to greater circumspection. In the case of a private member or elder, this is done in the session; in the case of a minister, in the presbytery. In both cases it is done by the moderator of the

court,—should be administered with all solemnity and seriousness, as well as fidelity and kindness,—and should be wisely adapted to the peculiar circumstances of the case.

8. *Rebuke* is a higher form of censure, REBUKE. resorted to after conviction or confession of scandalous sins. It is administered by the moderator, in the name of the Lord Jesus Christ, as the only King and Head of the Church; it is to be given with the utmost seriousness, and accompanied with a suitable address. Circumstances may render it necessary, owing to the aggravations or publicity of the offence, that rebuke should be administered publicly before the congregation, but in all other cases rebuke in the session or presbytery will be found sufficient.

9. *Suspension* from the privilege of full SUSPENSION. communion, or, as it has been improperly called, the lesser excommunication, in like manner follows conviction or confession of guilt, and is more or less extended in its continuance according to circumstances. Its object is more deeply to impress the mind of the offender, to afford opportunity of judging of his professions of repentance, and to give a public testimony against the offence to the church and to the world. The suspension is accompanied with rebuke, and the restoration with solemn admonition.

10. While under suspension, the individual ought to be the object of peculiar solicitude and care on the part of the rulers of the church. Every seasonable opportunity of dealing with his conscience, impressing him with right views of his sin, and leading him to genuine repentance, should be diligently improved by them. When satisfactory proofs of penitence are exhibited, he is restored in presence of the court by whom the sentence was inflicted.

11. *Suspension from office*, is an inter- dict against the exercise of the office with FROM OFFICE. which the party falling under censure is invested, and is inflicted either for a limited time, or till cause appears for its being removed. Suspension of an office-bearer from the privilege of full communion, is uniformly accompanied with suspension from office: but there may be cases in which the latter is expedient while

no grounds exist for the former; and, in like manner, restoration to the privileges of the church may take place, while good reason exists for continuing suspension from office.

12. Suspension from both fellowship and office may take place, in some cases, during the investigation of a scandal; but in this view it is not to be regarded as a censure, but a measure deemed necessary to guard the interests of the church and religion.

13. *Deposition* can take place only in the case of an office-bearer, and consists

in depriving him of the office with which he was previously invested, in consequence of conviction or confession of some gross immorality, or dangerous heresy. Contumacious resistance of the authority of the church courts may also warrant a sentence cutting off the offender from, or declaring him to be no longer an office-bearer in, the church.

14. *Excommunication* is the highest censure of the church, and is not to be resorted to till all other means of reclaiming the offender have failed,—in cases, namely, of peculiar aggravation, where the offence is obstinately denied, although fully proved; or if acknowledged, is justified, and where the individual continues impenitent and contumacious. It consists in solemnly casting the offender out of the church. The sentence may, if deemed expedient, be publicly intimated to the church. Because it involves no civil pains, the world and the individual himself may ridicule the sentence, and regard it with indifference; but to a mind properly impressed with its solemnity, it will be viewed in a very different light; and it is calculated, by the blessing of God, and by its operation on the conscience, to lead to the happiest results, being the institution of infallible wisdom “for the destruction of the flesh, that the spirit may be saved in the day of the Lord Jesus.”

Sect. II.—Rules for the Exercise of Discipline against Private Members of the Church.

1. A session may take up a case of discipline, either upon a complaint or charge brought against the individual, or on the ground of public report, or its own motion.

2. In all cases of private offence, it is the duty of a member of the church, before bringing a charge against a brother before the church courts, to have recourse to private dealing with him, agreeably to our Lord's precept in Matt. xviii. 15-17. And he is only warranted in bringing his complaint before the eldership, after having followed this course of conduct without obtaining satisfaction.

3. When any case for discipline is introduced into a session, inquiry is first of all made whether it is fit for being the subject of sessional consideration, and whether the party, if the case be private, has been privately dealt with. If he has not, the elder of the district or a committee of the session is appointed to converse, both with the party bringing the complaint, and the party complained against, in regard to the same, and to dispose of it as a case of private discipline; and unless the case is of an aggravated character, the session does not proceed farther, until private admonition and reproof have been resorted to.

4. As church courts are entirely spiritual, and their decisions are unattended with any civil effect, the nature of the procedure, and the ends to be promoted by it, seem to render it unnecessary that they should be bound down by minute forms. It is enough if care be taken that substantial justice be done to the party, and full opportunity allowed him to vindicate his innocence, or extenuate his guilt.

5. With this view, the party is fully apprised of the charge brought against him; due notice is given to him of the time and place of meeting; and when there, he is fully heard and affectionately dealt with. If he confesses, it may often be expedient that he be required to subscribe the minute recording his confession, or give in a written document to the same effect.

6. When the accused appears, the charge is read to him, and he is interrogated as to its truth. When the charges are denied, and circumstances seem to demand investigation, it will generally be expedient that procedure should be delayed till another meeting, when witnesses may be brought forward and examined.

7. All church members are bound to attend, when called as witnesses to give evidence. While it is not their duty

in any case to give publicity to scandal, they are in all cases, when asked, to give information to the church rulers, and are liable to censure if they refuse.

8. When special formality of procedure is considered necessary, the charge is made in the form of libel, for the nature of which, the mode in which it is to be served, and the order of proceedings consequent upon it, reference is made to the next section, the directions in which can easily be accommodated to the case of a formal process before the session.

9. The refusal of the party to appear is no just reason why the process should not go on. And in case of flagrant scandal or where there is an obvious design to avoid conviction and censure, the ends of discipline require that the process should be brought to an end.

10. Witnesses are examined in the presence of the accused unless he has refused to appear, and the court notwithstanding thinks it proper to proceed. Their declarations are taken down in writing, and subscribed by them. If the accused requires that the witnesses should be put on oath, it is the province of the court to consider whether the circumstances call for this solemnity.* Wherever the personal attendance of witnesses can be obtained, it is required;—where it cannot, the session may appoint two or more of its number to take the evidence, or it may request another session in the vicinity of the witnesses to do so. Certificates or affidavits are never received except when access cannot be had to the individuals themselves, and even then with great caution. The accused is allowed full opportunity to object either to the admissibility or credibility of witnesses, and to cross-examine them, as well as to adduce witnesses in exculpation; and when the evidence on both sides is closed, he is at liberty to comment on it as he may see cause; the court having always the power to prevent an improper use of these privileges.

11. The evidence and defence being closed, the session next deliberates on the proof laid before it, and the defence pleaded, and if possible comes to a decision, acquitting or condemning the accused altogether, or to such an

* For the form of oath, see Appendix.

extent as the evidence seems to demand. If it feels particular difficulty, it may delay sentence, from which, however, the accused may appeal, or it may refer the whole case to the superior court.

12. Throughout the whole inquiry, in whatever form conducted, the session should be impressed with the importance of cherishing the spirit of meekness, patience, and forbearance. By this means, and by a calm and impartial investigation of every circumstance, the truth will, in almost every instance, be ascertained, even amidst a contrariety of evidence; while by a display of firmness in abiding by the decision which it may have formed, combined with affectionate earnestness in impressing on the party the unhappy situation in which he is placed, both before God and before the church, it will rarely fail in satisfactorily terminating the inquiry, and in bringing the party to a sense of the justice of the sentence it has seen cause to pronounce.

13. No law agents or advisers are allowed, either in sessions or other courts of the church; but, as many parties may be ignorant of the forms of judicial procedure, it is incumbent on sessions and presbyteries to explain these fully and distinctly to them, and to show them how, if dissatisfied with the judgment, they can bring it under review in the superior court. Nevertheless any minister, elder or member of the church may, by permission of the court, act as adviser of the party and assist in the pleading, but in such a case a member of the court loses his vote as a judge.

14. Care should be always taken to proportion the discipline to the real merits of the case, and to inflict no severer censure than seems indispensably necessary for removing the scandal, and for promoting the benefit of the offender. As in every case there is a diversity either in the offence itself, or in its attendant circumstances, it is impossible to frame rules to guide office-bearers in the exercise of this very painful part of their duty; even the same offence cannot always be treated in the same way; but they must be regulated by the specialties of case as they occur. A discretionary power must therefore devolve on sessions and presbyteries; and in the discharge of this duty, they have apostolic authority: "Of some have com-

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passion, making a difference, and others save with fear." But while this power is granted to them, they are in no case to be actuated by partiality or worldly policy, but must strive conscientiously to gain the great ends of church discipline; and it becomes the members of the church to extend to them their sympathy, rather than rashly to impeach their wisdom or fidelity. Sessions do not proceed to the extreme sentence of deposition of office-bearers or excommunication of members, without first referring the case to the presbytery.

15. When a charge is made at the instance of a private party, and not founded on public report, the charge is prosecuted throughout in the name of that party, and he is bound to make out the proof of it; failing in which, if there is reason to suspect that he is actuated by malice, he incurs censure, and is in his turn dealt with as an offender. In such cases, greater strictness is observed than where the process is instituted by the session itself. Should the accuser abandon the process, the ends of justice may in some cases require the session to proceed with it, and bring it to a conclusion.

16. When, after the fullest investigation has taken place, there does not appear evidence to warrant conviction, while at the same time there are strong suspicions of guilt, the session may sist procedure, till God in His providence gives farther light; or it may administer an oath of purgation. This last procedure, however, should rarely be resorted to, and only after taking the advice of the presbytery.

17. As cases may arise in which many days or weeks may intervene before it is practicable to commence process against an accused church member, the session may, in such cases, and if the offence be such as, if proved, would imply suspension, if they think the edification of the church requires it, debar the accused from the Lord's table until the offence charged against him can be examined.

18. Disjunction is not to be granted to members under discipline, until restoration has taken place; and although the party may remove from the bounds, the investigation is still to proceed until brought to an end; but in case a

member under the censure of suspension removes to a distant congregation, the circumstances are to be reported to the session of that congregation, and it is empowered to grant restoration on satisfactory evidence of penitence.

19. Where scandal arises against a member of the church between the time of his obtaining his certificate of disjunction from one session and lodging it with another, the offence is to be purged by the session he wishes to join. Should he, after the offence, apply for admission to no session, the session that dismissed him can take up the case and determine it.

Sect. III.—Rules for the Trial of Office-Bearers.

1. Charges against elders, or deacons, are tried before the session to which they belong; but the presbytery is the only competent court for the trial of ministers.

2. In consequence of their official standing, and the effects which may result from proceedings against them, much caution is to be exercised before instituting proceedings against office-bearers; and when commenced, they ought to be conducted with greater attention to form than is usually necessary in the case of private members of the church. Bearing this in view, reference may be made to the preceding section, as containing the rules which ought to regulate sessions in their inquiries into charges against elders and deacons. What follows in this section, relates to persons invested with the ministerial office; but it may easily be adapted to other cases where greater formality of procedure is necessary.

3. Every report injuriously affecting the character of a minister, is not to be made the subject of judicial inquiry. It ought to be a report involving a serious accusation, and so prevalent, that the interests of religion require the investigation of it.

4. When such a report does not exist, no accusation made by a private party should be listened to, unless it is reduced to writing, accompanied with some account of its probability, and an offer of proof. When a charge made by a private party is distinctly stated, and steadily adhered to, the presbytery cannot refuse to inquire into it, but

they are entitled to call on the party to proceed by libel, and undertake to prove his averments.

5. When an injurious report is in circulation, the presbytery in the first place institutes a private inquiry by precognition, either before itself or by means of a committee, respecting its rise, the persons originating it, and the grounds on which it rests; but justice requires that the party accused should be made aware of the intention to institute this inquiry, and have an opportunity of making such explanations as he thinks necessary. It is not necessary that the person against whom there is a *fama* should be present during the precognition. The favour, if asked, may be granted. Witnesses should not be precognosed in each other's presence, otherwise their evidence is vitiated.

6. On its appearing, from the inquiry or precognition, that there exists probable ground for the charge, the party accused is then closely and affectionately interrogated regarding the circumstances, and dealt with to make a full and candid declaration of the truth.

7. When the accused confesses either the whole charge against him, or so much of it as appears to warrant censure, the presbytery may at once proceed to inflict such censure as the circumstances require, whether it be rebuke, suspension, or deposition from office. But in every case where confession is made, at any stage of the investigation, it is reduced to writing, recorded in the minutes of presbytery, and signed by the party.

8. When, on the other hand, the charges are denied, or the admissions made are not satisfactory, and the case appears to require serious investigation, the presbytery proceeds by libel; and where the presbytery resolves on this course, the party accused is, after the libel is served, *ipso facto* suspended from the exercise of his office till the proceedings are terminated. He may also be suspended, if thought proper, at any stage of the preliminary proceedings. Where a private party prosecutes by libel, the presbytery may also suspend the accused during the proceedings, if they consider this step called for in the circumstances. If the suspension be disregarded, he is summarily dealt with as contumacious, and may be deposed or cast out of connection with the church.

9. When a presbytery resolves to proceed by libel, it is expedient that it should nominate one or more of its members as a committee to prepare the libel, and afterwards to act as public prosecutors, and conduct the examinations and other proceedings; and this committee are not allowed a vote on the ultimate judgment.

10. The libel, when drawn according to ancient usage, consists of three parts, which together form a regular syllogism. The first, or *major* proposition, sets forth the appellation or nature of the crime charged, and characterizes it as one of a heinous nature, and condemned by the Word of God and the laws of the church; the second, or *minor* proposition, states that the party is guilty of this crime, and specifies distinctly the facts attending it, the time when, place where and circumstances under which it was committed; and the third, or *conclusion*, deduces the justice of sentence being pronounced on the accused, provided the accusation is found proven. For all the purposes of substantial justice, however, it is sufficient if the libel is so framed as distinctly to state the crime of which the party is accused, with the time and place when it was committed, and the main circumstances attending it. When the accusation is made and insisted on by a private party who undertakes to prove it, the framing of the libel is left to him.*

11. The libel, when prepared by the committee acting by direction of the presbytery, or by a private party, is signed by the committee or party, and presented to the presbytery, who examine whether it is regular and sufficiently precise. If regular, the authority of the presbytery for service of it upon the accused is granted as provided in chap. vi, sect. v.

12. If appearance be made, the first step is to read over the libel. This being done, the accused is asked if he has any objections to state to the relevancy.† When objections to the relevancy are stated, they must be considered and

* See forms in Appendix.

† By relevancy is meant whether the charge made be truly a subject for church censure, as being contrary to the law of Christ, or opposed to sound doctrine, and the church's standards: and, 2, whether supposing it be so, the facts alleged, if proved, would be sufficient to convict the party of the sin or heresy charged.

disposed of before any further procedure takes place. When the libel is at the instance of a private party, the presbytery is entitled, though no objection should be made by the accused, to require the accuser at this stage to speak to the relevancy, and, after hearing him and the accused, to dispose of this matter. If not objected to, or if, when objected to, found relevant, the accused is called to plead to the charge brought against him. Should he make confession, the presbytery, if satisfied with it, proceeds to inflict censure; or, if not satisfied or he plead "not guilty" it proceeds to take evidence. For the manner of taking evidence, vid. Sect. IV.

13. If the charge or charges be found *not proven*, or the accused *not guilty*, he is then restored to the exercise of his office, with admonition, if the presbytery thinks necessary. If the charge or charges be found proven, in whole or in part, the presbytery then proceeds to the infliction of censure adequate to the guilt established.

14. In cases where a party is accused of heresy, it *may* not be necessary to proceed to a formal libel and proof. He is entitled, however, to have the particular erroneous doctrines imputed to him, or the truth he is supposed to have called in question, articulately stated; and that being done, he may be examined at once as to his views on these particulars, by questions being propounded to him to be answered; or the manuscripts of his discourses, or the publication alleged to contain the heresy may be called for and examined. In these ways the truth or falsehood of the charge against him may be ascertained. When these means fail of satisfying the presbytery, it may then proceed with a libel.

15. When disputes arise between a minister and his session or congregation, connected with his general deportment as their minister, a presbyterial visitation of the congregation may be held, to examine into the circumstances, either on application from the parties concerned, or at the instance of the presbytery itself; and if it appear that, in consequence of his imprudence, such feelings have arisen out of differences between him and his people, as have destroyed his ministerial usefulness in that particular congregation, the presbytery are entitled, after due inquiry,

and having used all proper means for reconciliation, to declare his connection with it at an end, and loose him from his charge. In no case, however, is a presbytery to countenance measures tending to sacrifice a reputable Christian minister to the unreasonable feelings of his session, or of a party in the congregation.

16. In cases where divisive courses are followed, where a minister leaves his charge, disowns the authority of the church courts, or is otherwise contumacious, the presbytery to which he belongs, the Synod, or the Assembly, may summarily remove him from his charge, declare him cut off from, or to be no longer in communion with, the church, or suspend or depose him from office in it.

17. When proceedings have terminated in a sentence of deposition, or the presbytery has seen it proper to loose a minister from his congregation, or cut him off from the communion of the church, the charge is declared vacant, and a member of presbytery is appointed to preach to the congregation on the first Sabbath ensuing, and make known to them the decision which has been pronounced.

18. In recording the proceedings in cases of judicial process, the reasons for all decisions, except on questions of order, shall be recorded at length, that the record may exhibit everything that had an influence on the judgment of the court. And nothing but what is contained in the records and relative papers may be taken into consideration in reviewing the proceedings in a superior court.

Sect. IV.—On Evidence.

1. Judicatories ought to be very careful and impartial in receiving testimony. All persons are not competent as witnesses; and all witnesses who are competent are not credible. All persons, whether parties or otherwise, are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments, or have not sufficient intelligence to understand the obligation of an oath.

2. Husband and wife cannot be witnesses for or against each other, except in the special case of injury to either by the other. Parties in the relation of parent and child have the option to give evidence, either for or against each other.

3. The credibility of a witness may be affected by relationship to either of the parties; by interest in the result of the trial; by weakness of understanding; by infamy of character; by being under church censure; by general rashness, indiscretion, or malignity of character, and by whatever appears to affect his veracity or knowledge.

4. The testimony of more than one witness is necessary to establish any charge; yet if several credible witnesses bear testimony to different similar acts, or to confirmatory circumstances, the crime may be considered as proved.

5. No witness, afterward to be examined, except a member of the judicatory, shall be present during the examination of another witness on the same case, unless by consent of the parties.

6. 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 questions. The court shall not permit frivolous or irrelevant questions to be put.

7. Witnesses shall generally be examined on oath, and the same shall be administered by the Moderator, or the presiding member of a commission, in the following terms: "I solemnly declare, in the presence of the Omniscient and heart-searching God, that I will declare the truth so far as I know or shall be asked, as I shall answer to God at the great day of judgment." The witness in swearing shall hold up his right-hand. The court may at its discretion accept a solemn affirmation instead of this oath.

8. The testimony given by witnesses must be faithfully recorded and read to them for their approval and subscription. Every question shall, if required, be reduced to writing, together with the answer.

9. The records of a judicatory, whether original or transcribed, if regularly authenticated by the clerk, shall be deemed good and sufficient evidence in every other judicatory. In like manner, testimony taken by one judicatory and certified by the clerk thereof, shall be received by every other judicatory as no less valid than if it had been taken by themselves.

10. Any judicatory before which a cause may be pending shall have power, on the application of either party, to

appoint a commission to examine witnesses. The testimony shall be taken by such commission in the same manner as is required when taken in the court. The depositions when taken shall be signed by the commissioners and transmitted to the clerk of the judicatory before which the case is pending. All questions as to the relevancy or competency of the testimony so taken shall be determined by the court itself.

11 A member of the judicatory may be called on to give testimony in a case before it. In which case he shall be qualified as other witnesses, but he shall not be deprived of his right to deliberate and judge in the cause.

12. If, after trial, new testimony be discovered or become available, which is considered important to the exculpation of the accused, he may, if the case be not appealed, ask for, and the judicatory grant, a new trial. If, also, 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, the court may remit the case to the inferior judicatory to take the testimony and issue the case anew.

13. The questions put to a witness must be more or less pertinent to the cause. A witness must depose not only to his knowledge but to his cause of knowledge. He must speak to what he himself knows, not to what he has heard; it is not competent for a witness to tell what a third party has told him. This is hearsay and not evidence, and such questions ought neither to be asked nor answered, with the following exceptions, viz: A witness may speak to what he has heard said by a party deceased; by the accused, or by any one in the presence of the accused; or to what was said at the time the act charged took place, if such observations form part of the *res gestæ*; or to a common rumour or fama.

14. A witness cannot be competently asked his opinion generally, but he may be asked what belief or impression was produced at the time by the facts sworn to; persons of skill, such as medical men, may be asked their opinion on the facts, or on incidental points of the cause.

15. A witness may look at writings or memoranda of his own, made at the time, to refresh his memory, but not

at those of another. Leading questions are incompetent. A witness must not be asked, "Did he do so and so?" but "What did he do?"

16. Although no witness is bound to criminate himself, it is competent to ask questions having a criminatory tendency, he being warned by the court, that he is not bound to answer. If the witness declines to answer, the circumstance is of course taken as an element of proof.

17. In taking evidence either party is entitled to object to the admissibility of witnesses, or to any particular questions put to them, and may appeal to the Synod against the judgment which may be given on such objections; which appeal in the meantime sists procedure, only so far as regards the particular point protested against. If there be any danger of evidence being lost by delay, the presbytery may take it and seal it up till the appeal is decided.

18. When the witnesses in support of the charge have been examined, the accused is entitled to offer proof in exculpation, or of any facts and circumstances tending thereto; and the exculpatory proof being concluded, the presbytery may, if it think necessary, order further proof to be adduced to clear any difficulties arising from the proof in exculpation, the accused being always entitled to additional proof in exculpation when this is done. When such further proof is led, and the whole evidence on both sides is concluded, each party is heard upon the evidence adduced, before the presbytery proceeds to give its deliverance.

Sect. V.—On Citations.

OF PERSONS. 1. When it is judged proper by a judicatory to libel an accused person, a copy of the libel must be delivered to him either in the presence of the Court (which is called citation *apud acta*), or, in his absence, by any person appointed by the Court. In this last case the citation must be in writing, signed by the Clerk of the judicatory, and served, at least ten days before the time appointed for hearing the case.

2. Every citation must specify; 1st, the judicatory before which the accused is to appear; 2nd, the name

of the accused person ; 3rd, the time and place of appearance ; 4th, the name of the prosecutor ; and 5th, a general declaration of the offence charged. It must also be accompanied, in the first instance, with a certified copy of the libel, and a list of witnesses and documents to be used in evidence.

3. Citations are also to be sent by appointment of the judicatory, and signed by its Clerk, to all witnesses who are members of the Church, specifying the purpose for which they are cited, and the time and place at which they are to appear ; other persons can only be requested to appear and give evidence.

4. If the accused refuses to obey the first citation, he must be again cited to appear within a reasonable time specified. A second refusal should be followed by a third citation, with certification, that if the accused do not appear at the time specified, the judicatory, besides dealing with him for contumacy, may proceed to try the case as if he were present.

5. Judicatories ought to be well assured before they order a second or third citation, that the first and second respectively have been duly served ; and for this purpose, the person or persons appointed to serve the same must certify the court of such service.

6. Congregations may be cited by the
OF CONGREGATIONS. Presbytery, Synod, or General Assembly, to appear before it in regard to any matter in which they may be interested.

7. When it is deemed necessary to cite a congregation, the citation must be directed to the session, through its moderator, with instructions to call a meeting of the congregation, that they may appoint and instruct representatives to answer such citation ; for this purpose the citation shall be read from the pulpit on the Sabbath preceding the meeting of the congregation. In the case, however, of a translation, and when a church is vacant or has no session, the judicatory may appoint one of its own number to serve the citation, to hold a meeting of the congregation, and to preside in the same.

8. Citations addressed to congregations must be issued in name and by authority of the judicatory citing, and be

signed by its Clerk, and should specify the object of the citation, together with the time and place at which appearance is to be made.

9. When congregations are duly cited, it is their duty to appear by their representatives, if the nature of the case demands it. It may, however, be only necessary for them to send a written communication to the judicatory, stating their wishes in the premises. If, however, no appearance be made, they shall, if the case require it, be cited a second and third time as in the case of persons, or otherwise they may be held as acquiescing in the decision of the court.

10. A superior court, for sufficient cause, OF CHURCH may cite an inferior court to appear before COURTS. it, and that either by representation or jointly and severally. In the latter case the citation shall contain the names of the several members of the court, and be served on each person, as well as on the moderator and clerk. In all such cases, however, at least thirty days should intervene between the issuing of the first citation and the time of appearance. If an inferior court fails to appear when cited, or to give a good reason for its absence, a second and a third citation may be issued; and if no appearance be then made, the members of such court so acting, should be held as contumacious, and dealt with accordingly.

11. A Synod may summarily cite any of the presbyteries within its bounds (*apud acta*) to appear before it for sufficient cause. In this case the citation must be issued verbally, by the moderator, on the day preceding the time of appearance, and the same should be minuted by the Synod Clerk.

Sect. VI.—Restoration from Church Censure.

1. Restoration is the removing of a sentence of suspension, deposition, or excommunication; and cannot be effected by a court subordinate to that by which the sentence was passed, without special permission.

2. When a party has been suspended from the privilege

of full communion, or from the exercise of office for a specific period, he ought, at the expiry of that period, to appear before the court which inflicted the censure, and if no new scandal has arisen, and it is satisfied with the evidence of his penitence, he is, after such admonition or rebuke as circumstances may warrant, restored to the enjoyment of his privileges, or the exercise of his office.

3. When the sentence has been for an indefinite period, application must be made to the court, praying for a removal of the censure; and, when this is done, it is its duty to ascertain whether the censure has gained its great design, by bringing the party to give hopeful evidence of repentance. Being satisfied on these points, the court proceeds to restore him as above.

4. Persons refusing submission to discipline, and betaking themselves to other churches to evade censure, should not be received back into the fellowship of the church, unless they submit to the proceedings which were interrupted by their former refusal.

5. Office-bearers who have been suspended or deposed, may be restored; but this should be done with great caution, and with a due regard to the principle, that though, as personal edification is the primary object of *membership*, restoration to it takes place as soon as true penitence is discovered; yet, as public edification is the primary object of *office*, restoration to it is not to take place, however satisfactory may be the evidence of penitence, unless it be obvious that the general interests of religion will be advanced, and not injured, by that step. The restoration of a minister from suspension is publicly intimated to the congregation over which he presided, if he still retains his connection with it, and is accompanied, when necessary, with a suitable admonition or rebuke, administered in presence of the congregation. Where he has been loosed from his charge, this intimation is not necessary, and the rebuke is administered in the court.

6. In the case of *deposition* from the office of the ministry, restoration can take place only after advising with the supreme court, even when the sentence was pronounced by the presbytery, and should never be granted without

the most satisfactory evidence of deep sorrow for sin, and after a lengthened period of exemplary, humble, and edifying conduct.

7. A church member, or office-bearer, who has been regularly tried, and has submitted to discipline, and been restored, ought never to be upbraided for his former crime, but is to be treated in all respects as if it had never been committed; but if he relapses into scandal, he contracts aggravated guilt, and incurs higher censure.

8. As the sentence of excommunication is never pronounced except in cases of peculiar aggravation and continued impenitence, restoration is not to take place till after frequent dealing with the conscience of the individual, and the most complete, unequivocal, and continued evidence of genuine repentance. Public intimation may also be made to the congregation, of the purpose of restoration before it takes place, to afford an opportunity for objections being made; and the restoration itself, when finally resolved on, may be publicly intimated.

CHAPTER. VII.

ON COLLEGES.

Sect. I.—Knox College.

ACT OF INCORPORATION, 22 VIC.,
CAP. 69, 1860.

Whereas a Theological Institution has been for some time, and is now, in operation in Toronto, in this Province, under the authority of the Synod of the Presbyterian Church of Canada. And whereas the property now held in trust for the said Institution has been acquired from persons who granted or conveyed the same for the purpose of creating an educational establishment, wherein the Theological principles and doctrines of the Presbyterian Church of Canada should be taught, and the said Synod has petitioned the Legislature for an Act to incorporate the said Institution, under the name of "Knox

College;" And whereas it is expedient to comply with the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. James Gibb, of Quebec; James Court, John Redpath, and the Reverend Alexander F. Kemp, of Montreal; John R. Dickson and James Stewart, of Kingston; George Hay, of Ottawa; Andrew Jeffrey, of Cobourg; William Heron and the Reverend Thomas Lowry, of Whitby; Donald McLellan, James Osborne, and the Reverend David Inglis, of Hamilton; Morris C. Lutz, of Galt; Charles Allan, of Eglar; Alexander D. Ferrier, of Fergus; Andrew Smith, of Woodstock; William Clarke and the Reverend John Scott, of London; Archibald Youg, of Port Sarnia; George Brown, Christopher S. Patterson, the Reverend Michael Willis, D.D., and the Reverend William Reid, of Toronto, and all and every such other person or persons as now is or are or shall at any time hereafter be ministers of the Presbyterian Church of Canada or members of the said Church in full communion therewith, shall henceforth be a body corporate under the name of "Knox College," and shall continue to be a body corporate, with perpetual succession, and a common seal, and with the powers vested in corporate bodies by "The Interpretation Act," and also with power under the said corporate name, and without license in mortmain, to hold all property now held by the said Institution, or by one or more persons in trust for the benefit of the said Institution, and to purchase, acquire, have, take, hold, and enjoy, by gift, grant, conveyance, devise, bequest, or otherwise, to them and their successors, any estate or property, real or personal, to and for the use of the said College, in trust for the promotion of theological learning and education of youth for the holy ministry, under the authority and according to the principles and standards of the Presbyterian Church of Canada aforesaid, and also with power to let, convey, or otherwise dispose of such real or personal estate, from time to time, as may be deemed expedient, with the written consent of the Synod; Provided always that such real estate so held by the said College hereby incorporated, shall

be such and such only as may be required for the purposes of college buildings and offices, residences for the professors, tutors, students, and officers, with gardens or pleasure grounds pertaining thereto; Provided also, that the said College may acquire any other real estate, or any interest therein, by gift, devise, or bequest, if made at least six months before the death of the party making the same, and the College may hold such estate for a period of not more than three years, and the same or any part or portion thereof or interest therein which may not, within the said period, have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or or other representatives; and provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of the chartered banks, or other approved securities, for the use of the said College.

2. It shall be lawful for the Synod of the Presbyterian Church of Canada, at its next ordinary meeting after the passing of this Act, to declare, by a resolution or a by-law to that effect and record in the register of proceedings of the said Synod, the Theological doctrines and principles which shall be taught in the said College, or what are the books and documents in which the said principles and doctrines are contained; and such declaration so made and recorded shall be irrevocable in so far as the said College shall be concerned, and shall be held at all times thereafter to contain the Theological doctrines and principles to be taught in the said College, and for the propagation of which the property now held for the said College, or hereafter acquired for the same, shall be appropriated, and to no other.

3. And the said Synod of the Presbyterian Church of Canada shall have power at its next or any subsequent meeting, to appoint and remove professors and tutors in such way and manner as to them shall seem good; and shall also have power to make rules and by-laws for the government of the said College, and to alter, amend, and annul the same and make other rules instead thereof, and also to constitute a senate for the said College, with such

powers as they may deem from time to time expedient ; also to constitute a board of management for the financial and other affairs of the said College not otherwise provided for, in such manner and with such powers and under such conditions as to the said Synod shall from time to time seem expedient ; Provided always that such by-laws, rules, and regulations be not contrary to this Act, or repugnant to the laws of this Province.

4. In case the body of Christians known under the name of the Presbyterian Church of Canada, shall at any time or times hereafter, under that or any other name, unite itself with any other body or bodies of Presbyterians adhering to the principles and doctrines mentioned in the declaration to be made according to the second section of this Act, or in the books and documents therein mentioned as containing the said principles and doctrines, or take such other body or bodies of Presbyterians into union with itself, and in case such united body of Presbyterians shall agree to hold and shall hold a Synod once or oftener in each year according to the manner now in use in the said Presbyterian Church of Canada, then and in every such case this Act shall apply to such united body of Presbyterians under whatever name they shall have formed such union, and all rights, powers, and authorities by this Act vested in the Synod of the Presbyterian Church of Canada shall be vested in and apply to the Synod of such united body under whatever name or designation such united body may be known.

5. In case the said Presbyterian Church of Canada, or such united body as aforesaid shall determine to form itself into two or more Synods, and to form one General Assembly which shall have supreme jurisdiction in such Church or united body, then all the rights, powers, and authorities by this Act vested in the Synod of the Presbyterian Church of Canada, or in the Synod of such united body as aforesaid, shall be diverted from the said Synod and be applied to and be vested in such General Assembly ; and for the purposes of this Act such General Assembly or Supreme Court shall thenceforth exclusively exercise all the rights, powers, and authorities conferred by this Act on the Synod of the Presbyterian Church of Canada.

6. This Act shall be deemed a Public Act.

DECLARATION OF PRINCIPLES. The Synod in accordance with the terms of the Act for the incorporation of Knox College, at its first session after the passing of the Act, resolved and declared,—

That the principles and doctrines to be taught in Knox College by the professors and tutors, or other persons who shall from time to time, and at all times hereafter, be employed or appointed in giving instruction in the said College, shall be such and such only as are consistent with and agreeable to the 'Confession of Faith,' the 'Larger and Shorter Catechisms,' and the 'Form of Church Government,' all which are called 'The Westminster Standards,' and shall comprise all theological learning consistent with said Standards; Provided always, that the said 'Confession of Faith,' be understood and taken with the explanatory note thereto, agreed upon by the Synod of the Presbyterian Church of Canada, met at Toronto in the year year of our Lord, 1854: Provided also, that the said 'Westminster Standards' be taken and understood with such other, or further directions and rules as to Church government, discipline, or worship, as may from time to time be prescribed or ordained by the Synod of the said Presbyterian Church of Canada, with the concurrence of a majority of the Presbyteries of the said Church, to be ascertained in such manner as the Synod shall prescribe, and that such regulations and rules be duly recorded in the minute book of the said Synod, and signed by the Moderator and clerk for the time being of such Synod.

The Synod further instruct their Clerk to register this resolution and declaration in the records of the Synod and in the public Records of the City of Toronto.

Sect. II.—Government and Administration.

1. There shall be a Board of Management, composed of thirty-five persons, ordained ministers and elders of the Church, of whom seven shall be a quorum for the transaction of all business. The said Board shall be annually

appointed by the Synod, and its members shall hold office until their successors be appointed. They shall appoint their own Secretary and Treasurer, who shall keep records and accounts which shall be open to the inspection of the Synod. The Chairman of the Board shall be appointed annually by the Synod, and in the event of no such appointment being made, or of the death, removal, or resignation of said Chairman, his place shall be supplied by the Board itself.

2. The Board shall be convened, by the Chairman, at least three times a year, and at such time, and in such manner as may be determined by the Synod or by the Board itself.

3. The Board shall have the whole management of the financial affairs of the said College, shall receive and disburse all its moneys, keep and manage all its property, and transact all its business relating to property and money committed to its care, by the Synod or otherwise, and shall exercise all the powers, in regard to property and money, vested in the Corporation of Knox College, by the Act 22 Vic., Cap. 69. In cases where special instructions shall be given by the Synod, in writing under the hand of their Clerk, it shall be the duty of the said Board to act according to such instructions.

4. The Board shall receive annual Reports from the Senate in reference to the departments under the care of said Senate, and shall transmit the same to the Synod along with a Report on all matters entrusted to said Board, and an audited balance sheet of the property and financial affairs of the College.

5. The Board shall further take general cognizance of all matters pertaining to the interest of the College, and co-operate with the Senate in maintaining its discipline. They shall also take charge of the Boarding department of the College, and make such regulations for its management as they may see fit, and shall appoint all subordinate servants, and dismiss and remove the same as they shall see fit.

6. The Board shall have power to appoint an acting sub-committee with such powers as they may deem requisite.

7. The Chairman of the Board shall have charge of the Corporation Seal, shall affix it to such documents as he may be directed by the special instructions of the Board.

THE SENATE.

8. The Principal and Professors of the College, together with seven members of Synod, shall be annually appointed by the Synod as a "COLLEGE SENATE," to whom shall be entrusted the reception, academical superintendence, and discipline of the students, and of all other persons within the said College. The SENATE shall take a general inspection of the whole internal arrangements of the College, and of the studies of the students, and shall place said students in that year of the Curriculum to which they may be certified by Presbyteries, or by such other body as the Synod may determine, and shall have charge of the Library and Museum.

9. The Senate shall at the close of each College Session, hold an examination of the students and present to the Board of Management a Report on the studies of the classes, and on any other matters under its supervision.

10. The Title of the Principal shall be—
THE "The Reverend the Principal of Knox College."
PRINCIPAL.

11. He shall preside in all meetings of the College Senate, and summon such meetings at stated or convenient times. In the unavoidable absence or inability of the Principal, the senior Professor shall summon and preside at necessary meetings of the Senate with the consent of the other Professors. In case of a division, the Principal shall only have a casting vote.

12. He shall preside at the public opening and closing of the College Session.

13. He shall be the medium of communication with, and conduct the official correspondence of the College Senate.

14. He shall have a general superintendence of the studies of the students in accordance with the instructions of the Senate; it being understood that the other Professors shall be responsible only to the Synod for the discharge of the duties entrusted to them.

APPOINTMENT OF PROFESSORS AND TUTORS.

15. That no person shall at any time be employed or inducted into office as a Professor of Theology who is not at the time of his

employment or induction an ordained Minister of the Presbyterian Church of Canada; and if a Licentiate shall at any time be appointed, he shall, before induction, be ordained to the Holy Ministry in the usual manner by the Presbytery of Toronto, or by a Commission specially appointed for that purpose by the Synod; and all persons, if any, who shall be appointed or employed as Tutors, shall at the time of their entrance into office be members of the said Church in full communion therewith, and that said Professors and Tutors shall sign the *Formula* appointed to be signed by Ministers, &c., of the Church.

16. That all professors and tutors who shall hereafter be appointed or employed in the said college, shall be appointed by the said Synod at its ordinary annual session, or at any special meeting of the said Synod to be called for the purpose of making such appointments or appointment by notice from the moderator of Synod for the time being, to be sent to each member of Synod at least fifteen days before the day appointed for such special meeting, such appointment to be made by open vote of the majority of members present at the Sederunt of the said Synod at which the appointment shall be made, or in such other manner as the said Synod shall from time to time by resolution determine and direct to be pursued in making such appointments; provided always, that any such professor or tutor may resign, or may by the said Synod be removed, suspended or deposed from office, according to the laws of the church, and in case of any such tutor resigning or ceasing to be such as aforesaid, or in case any such professor being removed or being deposed from the ministry in due process of discipline, such tutor or professor so resigning, ceasing to be a member, or being removed, or deposed as aforesaid, shall *ipso facto* cease to be a professor or tutor in the said college, and cease to have any emolument or privilege belonging to the said college, and his office shall be vacant.

OF SESSIONS AND
ADMISSIONS.

17. The session or academical year shall commence on the first Wednesday of October, and end on the first Wednesday of April. There shall be such recess at the end of December as may be fixed by the Senate.

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18. No person shall be entitled to rank as a student who has not been certified to the Senate by some presbytery of the church, or such other body as the Synod may appoint, and who has not signed the Album of the College, and agreed to submit to its discipline in such form as may be determined by the Senate.

19. Every student shall, at the end of each Session, apply to the professors on whose instructions he has attended, for certificates attesting the regularity of his attendance, his proficiency, diligence and general conduct, which certificates shall be presented to the presbytery of the church, by whom the said student may be examined for license, or to the Board of Examiners for entrance upon the next year of the Curriculum; and before any student shall be taken on trials for license, he shall present to his presbytery a certificate from the Senate, signed by the Principal, attesting that he has attended all the classes and performed all the duties required by the church.

20. Cases of an urgent or peculiar nature of attendance on, or absence from the classes of any particular year shall be adjudged upon by the Senate according to the circumstances of each case.

Sect. III.—The Curriculum.

1. The Curriculum of study shall be THEOLOGICAL, such as may at any time be determined by the Synod, and for the present is for the Theological course:—

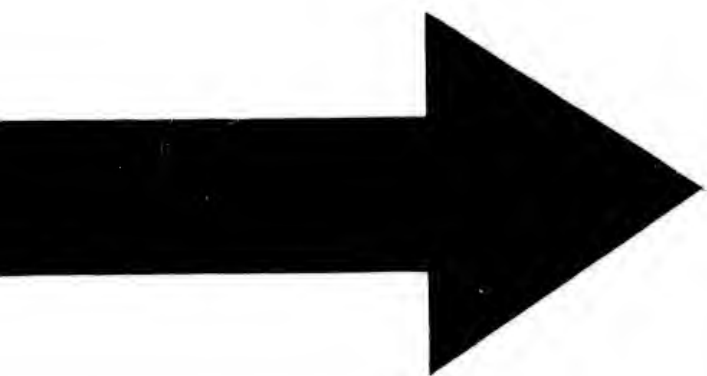
2. First year—Evidences of Natural and Revealed Religion; Senior Hebrew; Church History; Study of New Testament, (Greek.)

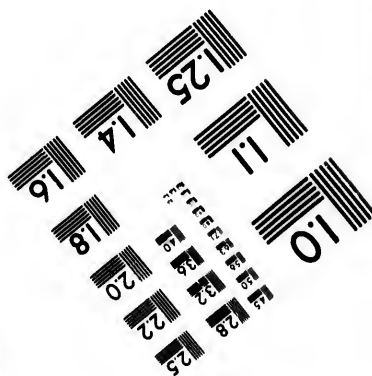
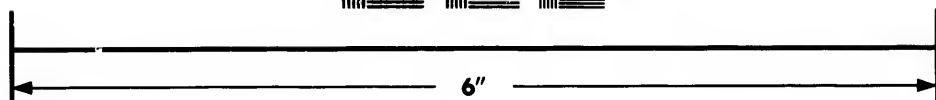
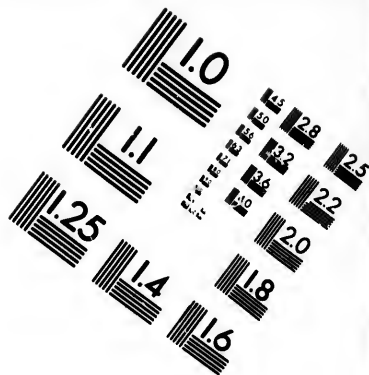
3. Second year—Systematic Theology; Church History; Hermeneutics and Biblical Criticism; Exegesis.

4. Third year—Systematic Theology; Hermeneutics and Biblical Criticism; Exegesis; Pastoral Theology.

NOTE.—A committee has been appointed to prepare a curriculum of Literary Studies to be reported to the next meeting of Synod—1866.







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Sect. IV.—The Presbyterian College of Montreal.

ACT OF Whereas petitions have been presented
INCORPORATION; on behalf of the Canada Presbyterian
1865. Church, setting forth that the said church
is desirous of creating an educational establishment in
Montreal, in connection with the same, and praying for an
Act of Incorporation, and it is expedient to comply with
the said petitions; Therefore, Her Majesty, by and with
the advice and consent of the Legislative Council and
Assembly of Canada, enacts as follows:

1. John Redpath, George Rogers, Warden King, the Reverend William Taylor, D.D., the Reverend Alexander F. Kemp, M.A., the Reverend D. H. McVicar, Joseph Mackay, Frederick W. Torrance, James Court, Andrew Robertson, Peter Redpath, William D. McLaren, J. Watson, and Alexander McGibbon, all of Montreal; James Ross, the Reverend William B. Clarke, John Ross, and James Hossack, all of Quebec; Charles Benedict and the Reverend Daniel Paterson, M.A., both of Saint Andrews, and the Reverend John Crombie, M.A., of Inverness, and such persons as may, from time to time, be and become members of the Canada Presbyterian Church, within the limits of Lower Canada, shall henceforth be a body corporate, under the name of "The Presbyterian College of Montreal."

[The remainder of clause 1, as also clauses 2, 3, 4, and 5, are the same as the Act for Knox College.]

6. The said Presbyterian College of Montreal may at any time become affiliated to the University of McGill College upon such terms as the said University and the said Presbyterian College of Montreal may agree upon.

Declaration of Principles.

The Synod, in accordance with the terms of the Act passed last session of the Legislature for the Incorporation of the Presbyterian College of Montreal, at this its first session after the passing of the Act, resolved and declared—

That the principles and doctrines to be taught in the Presbyterian College of Montreal by the professors and

tutors, or other persons who shall from time to time, and at all times hereafter, be employed or appointed in giving instruction in the said College, shall be such and such only as are consistent with and agreeable to the "Confession of Faith," the "Larger and Shorter Catechisms," and the "Form of Church Government," all of which are called "The Westminster Standards," and shall comprise all theological learning consistent with the said Standards; Provided always that the said Standards be understood and taken in terms of the Articles of Union agreed upon by the Synod of the Canada Presbyterian Church at Montreal in the year of our Lord 1861; Provided also, that the said "Westminster Standards" be taken and understood with such other or further directions and rules as to Church government, discipline or worship, as may from time to time be prescribed or ordained by the Synod of the said Canada Presbyterian Church, with the concurrence of a majority of the Presbyteries of the said Church, to be ascertained in such manner as the Synod shall prescribe, and that such regulations and rules be duly recorded in the minute-book of the said Synod, and signed by the Moderator and Clerk for the time being of such Synod.

The Synod further instruct their Clerk to register this resolution and declaration in the records of the Synod.

NOTE.—The Rules and Regulations for the government of the Montreal College have not yet (1865) been passed, and the Synod has deferred organizing it for another year.

Sect. V.—Board of Examiners.

1. The Board of Examiners shall consist of ten members, to be appointed annually by the Synod.

2. The Synod recommends students for the ministry to take, when possible, a full course in some approved College (say University or McGill College) and obtain the degree of B.A., before entering on their Theological studies.

3. Students not taking a full course, are required to give three years attendance on such classes at University or McGill College or Colleges affiliated with either, as the Synod may direct, and to pass the terminal examinations connected with these classes.

4. Such last mentioned students are required to pass an entrance examination before this Board and to lay before it, at the close of each session, certificates of attendance on the prescribed classes.

5. In the case of students who have passed their entrance examination, the Board is empowered to dispense with attendance on the prescribed classes for one or more years, where special circumstances may seem to require it, provided that students thus exempted pass an examination before this Board on the subjects of study in these classes ; all such cases to be reported to the Synod.

6. The place of students in the curriculum is to be determined by the Board according to their attainments.

7. Students applying to the Board for examination are required to bring certificates from the Presbytery, within whose bounds they reside, of their fitness as candidates for the Ministry.

8. The Board is instructed to prepare a curriculum suited to the case of students who do not take the full College course, and to report to the next Synod ; the Board itself to determine for the present year what classes shall be attended by students of the several years.

9. All students purposing to enter the Theological Classes, duly certified by the Presbyteries of their bounds as fit candidates for the ministry, are required to pass an entrance examination on the subjects prescribed, and also at the beginning of the second and third sessions of their Theological course ; and further, the Senate shall receive no student to the regular course of Theological study unless he is certified by the Board.

10. Theological students are required to appear before the Presbyteries within which they reside, between the sessions of Knox College, and deliver at least one written exercise.

11. In order to encourage students to take a full University course, the Board of Examination is empowered to take the necessary steps for instituting Scholarships, open for competition to such students in the various years of their attendance. Competitors for these Scholarships to give a declaration of their intention to enter the Ministry of this church, and satisfactory assurance that, in the event

of not carrying out this intention, the sums thus received shall be refunded.

12. Students to be employed in Home Missions only after they have attended one session in the Theological Classes. No student shall go out to preach during the College Session, without first obtaining the consent of the Senate, and this permission shall not be granted more than three times in each term while the classes are in session.

13. All rules and regulations inconsistent with the above are repealed.

APPENDIX OF FORMS, ETC.

1. *Form of Intimation appointing a Moderation in a Call.*

It is hereby intimated in name and by the appointment of the Presbytery of _____ that in terms of an application from this congregation, a meeting will be held within this Church on _____ the _____ day of _____ next, at _____ o'clock, for the purpose of moderating in a call to a minister. The Rev. A. B. to preach and preside.

(Place and date,)

Presbytery Clerk.

2. *Form of a Call to a Minister.*

WE the office-bearers, members and adherents, of the congregation of _____ under the care of the Presbytery of _____ in connection with the Canada Presbyterian Church desirous of promoting the glory of God and the good of the Church; being destitute of a fixed pastor, and being assured by good information and our own experience, of the ministerial abilities, piety, literature and prudence, as also of the suitability of the gifts of you Mr. A. B., preacher (or minister) of the Gospel, for this charge, have agreed to invite, call, and entreat, like as we, by these presents, do heartily invite, call, and entreat you to undertake the office of pastor among us, and the oversight of our souls, and further upon your accepting this our Call, we promise you all due respect, encouragement, and subjection in the Lord, and to contribute to your suitable maintenance as God may prosper us.

IN WITNESS whereof we have subscribed these presents at
this _____ day of _____ one thousand eight
hundred and _____ years.

3. *Call to a Colleague and Successor.*

The same as the preceding excepting that instead of the words being destitute of a fixed pastor" say "taking into consideration the age and infirmity of the Rev. A. B. _____, our present beloved pastor, and the necessity of having a colleague to him

in his charge;" or, "the size and extent of our congregation and our need of a colleague to the Rev. A. B., our present beloved pastor, in his charge." And after the word "Souls" introduce "as colleague and successor" (or simply "colleague"), to the said A. B."

4. *Concurrence by persons not in full Communion.*

We, the subscribers, ordinary hearers in the congregation of _____, hereby declare our hearty concurrence in the call addressed by the members of the said congregation to Mr. _____, to be their pastor.

The signatures to this to be attested.

5. *Adherence to the Call by Members not present on the Day of Moderation, usually appended to the Call.*

We, the undersigned, members of the congregation of _____ do hereby signify our adherence to, and entire concurrence in the above call, addressed to Mr. _____, to be minister of the said congregation.

6. *Attestation of Call.*

BY THE MODERATOR.

That the above names, to the number of _____ persons certified to be members of, and in full communion with, the congregation of _____, were subscribed by the parties themselves, or by me at their special request, this _____ day of _____ 18____, is attested by _____ A. B., Moderator.

BY THE ELDERS.

The above names, to the number of _____ of persons, members of, and in full communion with, the congregation of _____, were subscribed by the parties themselves in our presence, or by one of us, at their special request, this _____ day of _____

W. X., Elder.

Y. Z., Elder.

7. *Edict for Ordination of a Minister.*

Whereas the Presbytery of _____ of the Canada Presbyterian Church, have received a call from this congregation, addressed to A. B., preacher (or minister) of the gospel, to be their minister, and the said call has been sustained as a regular gospel call, and been accepted by the said A. B. [and he has undergone trials for ordination]; and whereas the said presbytery having judged the said A. B. qualified for the ministry of the gospel, and the pastoral charge of this congregation, have

resolved to proceed to his ordination on the _____ day of _____ Notice is hereby given to all concerned, that if they, or any of them, have anything to object why the said A. B. should not be ordained pastor of this congregation, they may repair to the presbytery, which is to meet at _____ on the said _____ day of _____; with certification, that if no valid objection be then made, the presbytery will proceed without further delay.

By order of the presbytery,

(Place and Date.)

C. D., Clerk.

When the person to be settled is already a minister, leave out the words within [], and, instead of "ordination" and "ordained," say "induction" and "inducted."

8. Citation in Cases of Translation.

A Call from the congregation of _____ to Mr. C. D. minister of this congregation, having been laid before the presbytery of _____ at their last meeting, they have agreed to take the steps usual in such a case, and accordingly hereby summon the Church Session and members of this congregation, to appear at a meeting of the presbytery to be held at _____ on the _____ day of _____ next at _____ o'clock that they may give reasons if they have any why Mr. C. D.'s translation may not proceed; with certification that if no appearance be made they shall be held as consenting to said translation.

(Place and date.)

Presbytery Clerk.

In the case of a resignation the edict is *mutatis mutandis* the same.

9. Declaration of Pastoral Charge Vacant.

In consequence of the translation (Resignation or death, as the case may be) of Mr. C. D. which occurred on the _____ day of _____ last, the presbytery of _____ hereby intimate and declare that the pastoral charge of this congregation is now vacant, and further call upon all parties having interest in the same to proceed to fill up the vacancy with all convenient speed, and according to the laws and practice of the church.

(Place and Date.)

Presbytery Clerk.

10. Formula for the Ordination of Missionaries.

Questions 1, 2, 3, 4, 5, 6, and 7, the same as for the ordination of Ministers.

8. Do you devote yourself to the office of a Missionary of this Church, engaging in this solemn undertaking with a deep sense of the responsibilities of one to whom this grace is given of preaching the unsearchable riches of Christ; and in this arduous work of turning men from darkness to light, and from the power of Satan to God, do you resolve to endure hardness as a good soldier of Jesus Christ, that, when the Chief Shepherd shall appear, you may receive a crown of glory that fadeth not away?

9. And all these things you profess and promise, through grace, as you shall be answerable at the coming of the Lord Jesus Christ, with all His saints, and as you would be found in that happy company?

11. *Edict for the Ordination of Elders.*

Whereas A, B, C, and D, members of this congregation, and lately elected to be Elders in the same, have declared their acceptance of said call, and have been examined by the Session as to their religious knowledge, and the government and discipline of the church, and the duties of their office, and have been approved of as persons worthy and fit to be ordained to the office of the Eldership.—Notice is hereby given, that if any person or persons have objections why the said A, B, C, and D, or any of them, should not be ordained to the office of Elders, they may repair to the Session appointed to meet in the session house, on the day of at o'clock, to state the same; with certification, that if no valid objection be then made, the Session will proceed to the ordination without delay.

By order of the Session,

(Place and Date.)

C. D., Clerk.

12. *Certificate of License to a Preacher.*

At , the day of one thousand eight hundred and : The which day the Presbytery of of the Canada Presbyterian Church, having taken into consideration, that A. B., Student of Divinity had passed the usual and required course of literature and philosophy previously to being received as a theological student; that he had thereafter studied Divinity during the space of three years at College, and delivered the discourses prescribed by the Professors; that having completed said course of study he was, by permission of Synod taken upon trials by the Presbytery for license as a preacher of the Gospel; and having finished the trials allotted to him, each of which has been severally approved of, and satisfied the presbytery as to his personal piety. and

motives for seeking to enter the ministerial office ; the Presbytery, on a review of the whole appearances, declared their satisfaction with the evidences which he had given of his qualifications for becoming a licentiate of this Church, and agreed that he should be licensed to preach the gospel ; Whereupon the questions of the Formula appointed to be put to such as are to be licensed, were put to him, and he gave satisfying answers to all the same ; wherefore the said Presbytery of _____ did, and hereby do, license the said A. B. to preach the Gospel of Christ, and exercise his gifts as a Probationer for the holy ministry in this church, and agreed to grant him an extract of license and testimonials in common form.

Extracted and certified this _____ day
one thousand eight hundred _____ and sixty

C. D., *Presbytery Clerk.*

13. *Form of Transference for Students on Trials for License.*

The Presbytery of _____ having applied for and obtained permission from the Synod of _____ which met at _____, in the year _____, to take Mr. S. M. on public probationary trials, did accordingly prescribe to him subjects of examination, as the Act for the Licensing of Students directs. (State what, if any, of the trials were heard.) At this stage, Mr. S. M. requested to be transferred to the Presbytery of _____ ; and this Presbytery agreed to grant said transfer ; and hereby do transfer Mr. S. M. to the Presbytery of _____, for the completion of said trials, with a view to License.

Attested this _____ day of _____ one thousand eight
hundred and sixty _____, at _____

M. N., *Pres. Clerk.*

14. *Presbyterial Certificate to a Licentiate.*

That the bearer Mr. C. D. who was duly licensed to preach the Gospel, has resided within the bounds of this Presbytery for the past _____ ; that he has faithfully discharged the duties assigned to him and conducted himself, so far as known to the Presbytery, in a way becoming his position and his views of the Holy Ministry : all which is certified in name and by authority of the Presbytery of _____ this _____ day of _____ one thousand eight hundred and _____ years by _____

M. N., *Pres. Clerk.*

15. *Form of Elder's Commission.*

At _____ the _____ day of _____ one thousand eight hundred
and _____ years the Session of _____ congregation being met and

constituted with prayer; *Inter alia* the Session did, and hereby do, choose and appoint Mr. _____ a faithful acting elder in this congregation to be their Commissioner to represent them in the Presbytery (and Synod) for the ensuing twelve (or six) months willing him to attend all the diets thereof and to have in view in all his actings the glory of God and the best interests of the Church; and they authorise the Moderator or Clerk to subscribe this as his Commission.

(Place and Date.)

M.N. Mod. (or Clerk.)

16. Forms of Libel.

No. 1. Libel for Immorality.

Mr. A. B., Minister of the congregation of _____ under the care of the presbytery of _____ You are indicted and accused at the instance of C. and D., Members of the said presbytery, THAT ALBERT by the Word of God and the laws of the Canada Presbyterian Church, (here state the denomination of the offence, as drunkenness, &c.,) is an offence of a heinous nature unbecoming the character and sacred profession of a minister of the Gospel, and severely punishable by the laws and rules of this church: Yet true it is and of verity that you, the said A. B., are guilty of the said offence in so far as on the _____ day of _____ one thousand eight hundred and sixty _____ years, or on one or other of the days of that month, or of the month preceding or following, you the said A. B. did at (here describe the place and circumstances of the offence); All which or part thereof being confessed by you, or being found proven against you the said A. B. by the said presbytery of _____ before which you are to be tried, you the said A. B. ought to be punished according to the rules and discipline of the church and the usages observed in such cases, for the glory of God, the edification of the church, and to the terror of others holding the same sacred office. Signed at _____ in name, presence and by appointment of the presbytery of _____ this _____ day of _____ 186 _____ years by

C.

D.

To be signed by the parties libeling.

Where the offence, besides being sinful in itself, is aggravated by particular circumstances,—such as by being committed on the Lord's day,—the aggravation should be expressed, thus,—"drunkenness, aggravated by its having been committed on the Lord's day;" and, "it, being the Lord's day."

Where a course of conduct is charged, the complaint will run thus, "drunkenness, habitually indulged in;" and after specifying the special acts charged, if any, there should be added "And further, he, the said C. D., is a habitual drunkard, and during the period between the _____ day of _____, and

the _____ day of _____, he indulged in the said habit of intoxication, and was seen, on various occasions within that period, under the influence of liquor. In particular" (here specify the particular occasions to which the proof is to be directed.)

No. 2. Libel for Heresy.

Mr. A. B. Minister of the congregation of _____ under the care of the presbytery of _____ You are indicted and accused at the instance of C. D., members of the said presbytery. That ALBERT to hold and teach that (*here state the doctrine ascribed to the party*) is contrary to the Word of God and the subordinate Standards of the Canada Presbyterian Church. (*Here it is desirable to refer to the particular passages of Scripture and of the standards founded upon.*)

Yet true it is and of verity that you, the Rev. C. D., minister of the congregation of _____, hold and have taught the erroneous doctrine above stated. In so far as in a book, pamphlet, or sermon, written and published by you (*here describe the publication on which the complaint is founded*), on pages _____ thereof, you have stated (*here quote the language complained of, with such argument or deductions from it as may appear necessary to prove that it in effect amounts to the error alleged*).

All which or part thereof being confessed by you or being found proven against you, the said A. B., by the said presbytery of _____ before which you are to be tried, you the said A. B. ought to be visited with such censure as the laws and discipline of the church in such cases prescribe, in order that the pure doctrine of God's Holy Word, as held by this church, may be vindicated and maintained, or to do otherwise in the premises, as to said presbytery may appear expedient and proper.

(Place and Date.)

To be signed by the parties prosecuting.

C.
D.

If the charge be founded on oral statements, then the libel will run, "In so far as in a sermon or discourse preached by you in the church of _____ on the _____ day of _____, or about that time, you stated that" (*here give the language, etc., as above directed*).

Or the charge may run in a somewhat different form, thus, "That it is the doctrine of God's holy Word, and of the subordinate standards of this church, that (*here state the doctrine impugned, and give the necessary references.*) That this doctrine, has been denied, or at least views and opinions inconsistent therewith, and subversive of the same, have been promulgated by you, the Rev. C. D., minister of the congregation of _____ in so far as in a book," etc. (*as in the above style.*)

Accompanying either of these libels must be sent a list of witnesses and a specification of documents.

17. *Order by the Presbytery on the Libel.*

At E., 18 The presbytery appoint a copy of the foregoing libel, list of witnesses, specification of documents, and this deliverance, to be served on the said Rev. A. B., and him to appear before the presbytery within at , on the day of , to answer to said libel; said service being always made at least ten days prior to the day of compareance, and grant warrant for citing witnesses for both parties.

18. *Form of Citation.*

To the Rev. A. B.: Take notice that you are summoned to appear before the presbytery of , at and within , at o'clock on the day of 18 , to answer to the libel, a copy of which is prefixed. Served this day of 18 , by appointment of said Presbytery.

M. N., officer or other.

A similar citation will suit for witnesses, only inserting that they are "summoned to give evidence in the charge now pending against A. B. before the Presbytery."

19. *Form of Oath to be administered to a Witness.*

I swear by Almighty God, as I shall answer to God at the great day of judgment, that I will tell the truth, the whole truth, and nothing but the truth, in so far as I know, or as the same shall be asked at me.

(The Witness in swearing holds up his right hand.)

20. *Oath of Purgation to be administered to a party accused.*

I, A. B., now under process before the Session of the Congregation of C, for the sin of , alleged to have been committed by me, and lying under that grievous slander, being reputed as one guilty of that sin, for ending said process, and giving satisfaction to all, do declare before God and this Session that I am innocent and free of the said sin of , charged against me. And I hereby call the great God, the judge and avenger of all falsehood, to be witness and judge against me in this matter if I be guilty. And this I do by taking His blessed name in my mouth, and swearing by Him who is the Searcher of the heart, and that in sincerity, according to the truth of the matter, and my own innocence, as I shall answer at the great day of judgment, when I stand before Him to answer for all that I have done in the flesh, and as I would partake of His glory in heaven after this life is at an end.

21. *Form of Deposition.*

In the name of the Lord Jesus Christ the sole King and Head of this Church, and by virtue of the power and authority committed by Him to it, I do now solemnly depose you M. A. B., Minister of the Congregation of _____ from the office of the holy Ministry, prohibiting and discharging you from exercising the same or any part thereof, under the pain of the highest censure of the Church, and I do declare the congregation of vacant from and after the day and date of this sentence.

22. *Form of Overture.*

At London, C. W., the 20th day May, 1864. The Presbytery of London being met and duly constituted, unanimously approved of the following overture :

WHEREAS it is the duty of the General Assembly, in the exercise of its superintending care over the religious interests of the people of the Canada Presbyterian Church, to adopt every means within its power by which these interests may be advanced ; and WHEREAS an affectionate address would be calculated to promote piety, foster a godly zeal among the members of the Church, and strengthen the hands of the ministers of Christ ; WHEREAS, moreover, the intercourse thereby upheld between the Supreme Court of the Church, and those under its charge might contribute to that reciprocal good feeling and regard for the duties of religion which are ever so desirable and necessary, it is therefore, HUMBLY OVERTURED to the Venerable the General Assembly of the Canada Presbyterian Church that arrangements may be made whereby a suitable pastoral letter may be prepared and issued to the people under its charge.

Transmitted and attested by order of the Presbytery.

A. B., *Pres. clerk.*

When the overture is to the "Presbytery" or "Synod" the form of address is "to the Reverend the Presbytery" or "Synod" and where it is by individuals and not by a Church Court, the introduction runs thus :

"The undersigned Members, Ministers or Elders, (as the case may be) of the Canada Presbyterian Church would respectfully present the following Overture to the Presbytery" (Synod or Assembly, as the case may be). The names of the parties being signed at the end of the document. In the event of private members overturing any of the Superior Courts the overture must be transmitted through their Session. For this purpose a short petition is sent to the Session with the overture, praying them to transmit it.

23. *Form of Memorial and Petition.*

To the Reverend the Synod of the Canada Presbyterian Church assembled at

The Memorial and Petition of the undersigned Members and adherents of the congregation of

HUMBLY SHEWETH.

1st. That your Memorialist view with much satisfaction the rapid and orderly extension of the Church in this province, and the zeal of its pastors in preaching the Word and promoting the interests of true religion.

2nd. That there are still large districts of the country open to the labours of missionaries, and soliciting the planting of churches.

3rd. That the more complete organisation of the Church by the institution of a General Assembly and District Synods would, in the opinion of your petitioners, give greater vigour and strength to the church, and enable it more effectively to undertake the work assigned to it in providence.

4th. May it therefore please the Reverend the Synod of the Canada Presbyterian Church to take such steps as, in its wisdom, it may see fit, for instituting such General Assembly and District Synods at as early a period as possible.

And your petitioners will ever pray that all your deliberations and discussions may be blessed by the Great Head of the Church for the furtherance of His Kingdom in this province.

The signatures follow.

(Place and Date,)

NOTE.—Parties overturing or petitioning any of the Courts of the Church should give written authority to two or more of their number to appear on their behalf and to present their case before the Court.

24. *Presbyterial Certificate to a Student to the Board of Examiners.*

The Presbytery of _____ having considered the application of C. D., a member in full communion of the Canada Presbyterian Church, to be received as a Candidate for the Ministry, and finding that his religious character and general acquirements are such as to warrant the hope of his being fit to enter on the prescribed course of study, agree to grant him this certificate, commending him to the Board for the Examination of Students.

Pres. Clerk.

(Place and date,)

25. *Ordinary Certificate of Membership.*

This certifies that the Bearer C. D., leaves the Congregation of _____, at this date, a member in full communion with the Canada Presbyterian Church.

Attested by

Moderator.

(Place and date,)

26. *Standing Orders.*

1. Reports of Moderations, Inductions, Licensure, Deaths, Demissions, and depositions, within the respective Synods, shall be sent up by their Clerks, so as to be in the hands of the Clerk of Assembly at least eight days before the Assembly meets.

2. The second diet of the Assembly's meeting shall be chiefly spent in devotional exercises, and such portion of the time of other diets as the Moderator of Assembly shall think proper.

3. There shall be a Standing Committee on Business, consisting of the Clerks of the Assembly and of Presbyteries who may be commissioners, who shall arrange all such business as may be requisite prior to the first diet of the annual meeting of Assembly; and such Committee, together with a Minister and Elder from each Presbytery, appointed by the Presbytery itself, shall constitute the Committee of Bills and Overtures; but in the event of no such appointment being made, such representatives shall be appointed by the Assembly. The Assembly Clerks shall be Joint Conveners of the said Committee. After the arrangement of business has been reported by the Committee of Bills and Overtures, and disposed of by the Assembly, the Engrossing Clerk shall write out a legible copy of the business according to the order in which it is to be taken up from time to time, and shall fix up the same in the vestibule of the place of meeting for the due information of all parties.

4. All papers for the Assembly or notification of the same, shall be transmitted to the Convener of the Committee on business at least eight days before the meeting of Assembly; and all such papers shall pass through the Committee on Bills and Overtures before presentation to the Assembly.

5. Every motion, whether original or amended, shall be given to the Clerk in writing, as soon as it shall have been made to the House.

6. When a motion is duly seconded, and in possession of the House, it shall not be altered without the permission of the Assembly.

7. No member shall be allowed to speak more than once on the same subject, unless it be in explanation, or by permission of the Assembly.

8. The mover of the first motion shall be entitled to the privi-

lege of giving a reply, in which new matter must not be introduced; thereafter the debate shall be held to be definitely closed, and no person shall be entitled to speak, excepting with regard to the manner of putting the vote.

9. All motions after the first shall be considered as amendments on the first, and disposed of accordingly.

10. When there are only two motions before the House, the amendment shall be put first and the motion afterwards; but if the Roll be called, the question shall be "Amendment or Motion," and the motion which so carries shall then be put to the House; the question being "Aye or No."

11. When there are more than two motions, the last shall be put against that immediately preceding it, and so on till only two remain, when they shall be disposed of as above in No. 10.

12. The vote may ordinarily be taken by a show of hands, but at the call of any member, the Roll shall be called and votes marked.

13. The previous question may be moved, and when moved no further discussion shall be allowed until it shall have been decided. The previous question shall be, whether the vote on the resolution or resolutions before the House be now taken. Should it be carried, the vote shall be immediately taken, but should it be lost, the discussion may proceed.

14. Dissents when taken must be given in immediately after the decision in the case is announced from the Chair. Reasons of dissent may be given in not later than the next sederunt, and such reasons shall be recorded in the minutes, if required.

15. No Committee or Court shall continue to sit after the Moderator shall have taken the Chair, at any diet of the Assembly's meeting, unless the special permission of the Assembly shall have been obtained to that effect.

16. The Committee of Bills and Overtures shall have the power of printing the Reports of the Standing Committees, or such portions, or abstracts of them, as they shall see fit, in order to their circulating among the members of the Assembly, before such reports are taken up.

17. The Conveners of Standing Committees shall give in their Reports to the Committee on Bills and Overtures not later than the second sederunt of the meeting of Assembly.

18. The Synod shall appoint a small Committee to suggest the names of members for the Standing Committees of Assembly.

19. The Moderator of the General Assembly shall be appointed in the manner following: that is to say, each Presbytery shall nominate for the Moderatorship a minister, either one of their own number, or a member of any other Presbytery of the Church, and the Presbytery Clerk shall return the name of the minister so nominated to the Clerk of the Assembly, together with the Presbytery Roll, prior to the annual meeting of Assembly. A list shall be formed of the members thus nominated, and the

Assembly shall from such list, by open vote, appoint the Moderator. In the event of no nomination being made, the Assembly shall elect the Moderator by the usual process of motion.

27. *Regulations anent Presbytery Records.*

Regulations adopted by the Synod as to points of form, which are to be observed in the keeping of Presbytery Records.

1. That the number of every page be given in words, as well as in figures.
2. That every page have the signature of the Presbytery Clerk at the foot of it.
3. That the time at which a Presbytery meets be given in words, and the building, as well as the town or village in which the meeting is held, be stated.
4. That all erasures, or other changes on the Records, be noticed on the margin, with the initials of the Clerk's name.
5. That all items of recorded business, &c., be indexed on the margin.
6. That the place and date of each meeting of Presbytery be put on the margin, at the head of the page.
7. That all sums of money be given in words, as well as in figures.
8. That no unnecessary vacant spaces be left between the minutes of seditments.

28. *Distribution of Probationers and Ministers without Charges.*

The Synod (1865) appointed a small Committee to arrange with the Presbyteries for the orderly hearing of probationers in the vacancies and to fix the terms of remuneration, and, in order to define who are on the list of probationers, re-enacted in terms of the regulations of 1861, as follows :

1. That the roll of probationers shall consist of preachers who have been licensed less than three years ; and Ministers who have been loosed from their Charges, or who have been received from other churches, and been receiving appointments from the Committee less than two years (reckoning in both cases from the date of their admission to the roll.)
2. Preachers who have been on the roll for three years, and ministers for two years without settlement, shall have their names removed from the list ;—allowance being made for all cases of sickness, leave of absence, or time occupied in the public business of the Church, or mission work apart from fulfilling regular appointments :—Provided also that the Synod alone may order the retention of a probationer's name on the list beyond the above specified times.
3. Probationers, concerning whom complaints of inefficiency

have been received from their Presbyteries by the Committee, may have their appointments withdrawn, till a decision of the Synod shall be given in the case.

29. *Home Mission Regulations.*

1. The Synod shall appoint annually a Committee, consisting of eighteen members.

II. The operations of the Committee shall have respect to—

1. Mission Stations, which having been recommended by Presbyteries and approved by the Committee, shall be placed on the list of *Aid-Receiving Stations*. Provided always, that no application for aid shall be entertained by the Committee on behalf of any station, unless the Presbytery of the bounds shall have made arrangements with the people, for paying according to their ability, the salary of the Missionary; and the Presbytery shall see to the implementing of such engagements.—

2. Mission Stations reported by Presbyteries, but *Not receiving Aid*.—

3. Weak congregations, not self-sustaining, but able to contribute at least \$300 per annum, and in which, in the judgment of the Presbytery, a fixed Pastor is desirable. Such congregations, having made application to the Presbytery of the bounds and furnished satisfactory information in regard to their statistics and financial position and prospects (which application and information shall also be laid before the Committee), may be placed on the list of *Congregations receiving Supplement*.

III. The list of *Missionaries* shall consist of Ordained Ministers and Licentiates of this Church; and Students of Divinity, and Catechists, duly approved as the Synod may direct. Each of these Missionaries shall be recommended to the Committee by some Presbytery.

IV. The Synod's *Central Home Mission Fund* shall consist of all moneys contributed for that Fund, whether by annual contributions from the congregations and mission stations of the Church, or by grants of money from Foreign Churches, or moneys accruing from other sources, such as legacies, donations, &c.

V. The duties of the Committee shall be—

1. To prepare annually and send down to Presbyteries and Missionaries a blank form for their reports, so as to ascertain the particular circumstances, necessities, and generally the state of the mission stations and weak congregations throughout the Church.—

2. To consider the reports thus rendered by Presbyteries, and to distribute the Missionaries among the Presbyteries as in view of the detailed information before them may be deemed advisable.

3. To give such aid to mission stations and weak congrega-

tions, in paying their Missionaries or Pastors, as in view of the detailed information before them may be deemed advisable.

4 To prepare a full annual report of all the Home Mission operations of the Church, to be submitted to the Synod; and to publish from time to time such information as may serve to call forth the interest and liberality of the Church.—

VI. Additional regulations.

1. The Committee shall not be responsible for the salary of Missionaries beyond the amount of aid promised to the stations or congregations by it, and for the time during which they may have labored in said stations or congregations.

2. The amount of salary to be paid by each congregation, station or group of stations, shall be determined by the Presbytery of the bounds, and specified to the Committee; and it is recommended that a minimum be aimed at by the Presbytery and Committee conjointly, of \$400 for an Ordained Minister, or a Licentiate, and \$300 for a Student or Catechist, per annum.

3. The amount of aid granted to any congregation receiving supplement, shall in no case exceed the amount necessary to make the salary of the minister \$500.

4. Presbyteries of the Church are enjoined to furnish information to this Committee in accordance with the requirements of the above scheme, and co-operate with the Committee.

5. Congregations and mission stations are enjoined to make an annual contribution to the central fund.

6. The Committee are instructed to assume the existing obligations of Presbyteries arising from grants in aid promised to weak congregations, or arrears of salaries due to missionaries for services rendered, at least to the amount furnished by such Presbyteries.

7. This, one of the principle departments of the Church, is earnestly recommended to the prayers and liberality of the members of the Church, in the hope that due attention to this work will, under the blessing of God, tend to the advancement of the cause of Christ in the land.

30. *Widows' and Orphans' Fund.*

1. Ministers shall be admitted to an interest in the Fund on the following terms, viz:—Those under the age of 35, shall pay annually \$8; those who are 35, and under 40, \$10; 40, and under 50, \$12; 50, and under 60, \$24. No minister whose age is 60 or over shall be admitted.

Ministers falling into arrears shall pay in addition to the regular rate, \$2 for the first year, \$4 for the second year, and \$6 for the third year, but failing for four years, they shall forfeit all claim in connection with the Fund.

2. The first November in each year shall be the period for the payment of the annual rate. In the case of entrants into the

ministry, who may desire to secure an interest in the Fund previous to 1st November, immediately following their ordination and induction, they may be admitted on the following terms, viz: If their ordination or induction has been within six months of the 1st November, they shall pay one half-rate; if their ordination or induction has taken place six months or more before the 1st November, they shall pay a full rate for that year. In no case shall any have an interest in the Fund until payment has been made. Ministers who shall not avail themselves of the benefits of the scheme within four years of their ordination, cannot be admitted afterwards.

3. In the event of any minister ceasing to labor as such in the capacity of pastor, professor, or missionary of this church, he shall no longer (except in the case of infirmity or old age,) have an interest in or right to the benefits of the Fund; always providing that one-half of the amount paid by him into the Fund shall be returned.

4. Any minister who may have, according to the provision of the foregoing regulation, ceased to have an interest in the Fund, and have received back one-half of the amount paid by him to the Fund, and who may again, on resuming his connection with the church as pastor, professor, or missionary, desire to have an interest in the Fund, may be admitted on re-payment of the amount withdrawn, together with the amount of rates from the time he ceased to have an interest in the Fund until again connected with it; or he may be re-admitted at an advanced rate, on payment of the sum withdrawn only.

The graduated scale of rates will only apply to those who shall hereafter become connected with the Fund, and not to those now connected with it.

5. Each widow or orphan family shall receive their annuity half-yearly, by equal instalments, on the 1st May and 1st November—their warrants in each case for drawing such annuity, being the certificate of the Presbytery Clerk or Minister, or Session Clerk of the congregation to which they may belong. The claim of the widow shall date from the first term following the death of her husband, and the annuity cease at the term next following her death or marriage. The claim of each orphan child shall terminate at the completion of its fourteenth year.

6. Payment of Annuities shall be made directly into the hands of the annuitants, or of persons duly authorised to act for them, upon production of the certificate of the Presbytery or Session Clerk, in such manner as annuitants may desire. Children's annuities shall be payable to their natural, legal, or authorised guardians, only on the committee's being satisfied that such annuities will be administered with a due regard to the best interest of the children.

7. There shall be a treasurer appointed by the Synod, who shall give such security as the committee shall think proper,

and who shall receive such remuneration as the committee shall determine, whose duties shall be to receive and manage the funds of the Scheme, invest moneys, pay annuities, subject to the foregoing rules, and lay a full statement of his proceedings annually before the Synod.

8. A Committee of Management shall be appointed from year to year, by the Synod, whose duties shall be to take a general superintendency of the Scheme between the meetings of Synod—direct and aid the treasurer in the investment of moneys, or in any other important business—to examine his books and vouchers at the close of the year, and report thereon to the Synod.

9. Presbytery Clerks shall be enjoined to forward, annually, on the 1st January, to the treasurer of the Fund, a list of all the ministers within their bounds, their condition, married or unmarried; also the number and ages of their children, and all changes in their families made by births, marriages, or deaths.

10. The Synod to provide that the operations of the Scheme be more particularly investigated once in five years, or oftener, should there appear any probability of an inroad on the capital by unlooked for emergencies, and to provide for the same should they occur.

11. In case any difference or dispute shall arise in relation to the Fund and its affairs between the Committee of Management and Annuitants, or those claiming to be connected with them, the same shall be determined by Arbitrators mutually chosen.

12. The proposed rates payable to Widows and Orphans, were agreed to, viz: That each Widow having no children shall receive £30 per annum; a Widow with one child, £35; a Widow with two children, £37 10s.; a Widow having three or more children, £40. A single orphan shall receive an annuity of £10; a family of two Orphans, £15; of three, £20; and of four, or a greater number, £25. After the age of fourteen, the charge of the children shall not be considered as devolving any longer upon the Fund. The annuity of the Widow, however, shall be for life, or until a second marriage; but in no case, whatever may be the number of children or their ages, shall the sum allotted to one family exceed £40.

31. *Aged and Infirm Ministers' Fund.*

1. That no minister shall have a claim on the Fund who enters the service of the church after the age of fifty years.

2. That no one shall have such claim until he has served in it for ten years.

3. That every minister invalidated after ten years' service shall receive from the Fund a sum not exceeding \$100 yearly.

4. That for every year over ten which a minister serves in it before he is invalidated he shall receive, if the Fund admits of his, the sum of \$8 yearly, till the sum of \$200 is reached.

5. That no one who is admitted to the benefits of the Fund shall engage in any employment without the approval of the committee.

6. That when application is made to admit a minister to the benefits of this Fund the committee shall have power to deal with his congregation through the Presbytery, in order to arrange with them what he is to receive from said congregation as a retiring allowance, and that no Presbytery dissolve a pastoral relation on the ground of age or infirmity, in any case in which aid from the fund is required, without first communicating with the committee.

7. Exceptional cases may occur which these regulations do not provide for, to be determined and provided for as they emerge by the Synod.

32. *Act for the Constitution of a General Assembly and District Synods.*

Whereas it is of importance for the welfare and good government of the Church, that a General Assembly and certain District Synods should forthwith be instituted in the Canada Presbyterian Church:—

Be it therefore resolved and enacted, by and with the consent of the Presbyteries, in terms of the barrier act, viz :

I.—That, in the year , there shall be constituted a Supreme Court of this church, instead of the present Synod, which shall be styled and entitled the General Assembly of the Canada Presbyterian Church, and which shall possess and enjoy all the powers, privileges and immunities which at present belong to the Synod of the said Church.

II.—The General Assembly shall consist of *one-half* of the whole number of the ministers on the Roll of the several Presbyteries, with an equal number of representative Elders, or of such other proportion as may at any time be lawfully determined on; and said members shall be appointed in the manner following, viz :

1. A an ordinary meeting of the Presbytery, held at least thirty days before the meeting of the General Assembly, one-half of the proportional number of Ministers which any Presbytery may have to send shall be appointed by election; the other half by rotation, beginning at the top of the Presbytery roll, and so on in rotation from year to year. The Elders shall be appointed by election from the roll of the Presbytery, provided always that it shall be lawful to appoint one-fifth of the number from the acting Elders of any of the congregations of the Church.

2. The Presbytery shall forthwith grant to the Ministers and Elders thus elected and appointed, Commissions in due form, attested by their clerk, which Commissions said members shall forward to the Clerk of the General Assembly, at least eight

days before its meeting; and said Clerk shall from such Commissions prepare an interim Roll, to be called at the opening of said Assembly, and which being amended and corrected if necessary, shall be confirmed as the Roll of the General Assembly.

3. If uneven numbers should occur in the Rolls of Presbyteries, then they shall in every such case make an equitable adjustment of the representation thereto, subject always to the review of the Assembly.

III.—The General Assembly shall hold its first meeting at Toronto, C. W., on such day and in such place as may on adjournment be determined by the Synod, and thereafter as the Assembly itself shall determine; and the Moderator shall be nominated and appointed in the same manner as the Moderator of the Synod has heretofore been, or as may otherwise be hereafter determined.

IV.—There shall be constituted three District Synods, immediately subordinate to the General Assembly, but having superior and appellate jurisdiction over Presbyteries, Sessions and Congregations, within their respective bounds; and which shall possess and enjoy all such other subordinate powers and privileges as may from time to time be granted them by the General Assembly. There shall also be the right of appeal, reference, petition and overture from and to said Synods; and they shall be styled and constituted as follows, viz:

1. The Synod of Toronto, which shall comprise all the Ministers and Elders on the Rolls of the Presbyteries of Toronto, Hamilton, Grey, Ontario, and Coburg, and shall meet at Toronto, within Knox Church, on the day of , one thousand eight hundred and sixty , at o'clock, , and thereafter by regular adjournment at such time and place as the Synod itself may determine and appoint. The first Moderator shall be the Rev——.

2. The Synod of London, which shall comprise all the Ministers and Elders on the Rolls of the Presbyteries of London, Huron, Stratford, Paris, and Guelph, and shall meet at London, within Church, on the day of , one thousand eight hundred and sixty , at o'clock, and thereafter by regular adjournment at such time and place as the Synod itself may determine and appoint. The first Moderator shall be the Rev .

3. The Synod of Montreal, which shall comprise all the Ministers and Elders on the Rolls of the Presbyteries of Montreal, Ottawa, Brockville, and Kingston, and shall meet at Montreal in Church, on the day of , one thousand eight hundred and sixty , at o'clock, and thereafter by regular adjournment at such time and place as the Synod itself may determine and appoint. The first Moderator shall be the Rev .

4. The clerks of the several presbyteries shall send certified

Rolls of their Presbyteries to the clerks of their respective Synods, at least eight days before the meetings of said Synods; and such rolls shall be the rolls respectively of the several Synods.

5. The Moderators of said Synods shall, in all meetings after the first, be nominated and appointed by open vote, or in such other manner as the Synod itself may from time to time determine. The business shall be conducted in the same manner *mutatis mutandis*, as is the business of the General Assembly; provided, nevertheless, that the Synods shall have power from time to time to frame, alter, and amend such other and additional standing orders as they may deem necessary for their own orderly procedure.

6. Said Synods shall meet once and not oftener than twice during the ecclesiastical year, and shall annually send up their Minute Books for examination to the General Assembly.

33. *Declaratory Act on Baptism.*

The Synod having had their attention directed to the subject of Baptism, and the relation in which this initiatory Sacrament of the Church of Christ, stands to the other Sacrament of the New Testament; also to the question of public or private administration of the initiatory ordinance, *Declare and Resolve*—

That, as is already in our excellent subordinate Standards set forth, "a Sacrament is an Holy Ordinance instituted by Christ, to signify, seal, and exhibit unto those that are within the covenant of grace, the benefits of his mediation; to distinguish them from those who are without; and to oblige the partakers of such ordinances to obedience."

That "Baptism is not to be administered to any that are out of the visible Church, and so strangers from the covenant of promise, till they profess their faith in Christ, and obedience to Him; but infants descending from parents, either both or but one of them professing faith in Christ and obedience to him, are in that respect within the covenant, and to be baptized."

That, adhering to these principles, the Synod earnestly urge on all ministers and Sessions, to be careful, in administering Baptism, that they who receive this privilege at their hands, be such only of whom there is good reason to believe that they are consistently professing the name of Christ, and obedience to him: and inasmuch as one appointed method of solemnly confessing the Saviour, and acknowledging ourselves to be in communion with his followers, is by commemorating his love and death in the holy ordinance of the Supper; they shall satisfy themselves that parents receiving Baptism for their children be not neglecting this command of Christ, but that at the least they be equally in the intention, as God may afford opportunity, to comply with both ordinances, and giving token of this by willingly waiting on such instructions as it may be judged necessary to impart to them on the nature and design of the Sacraments.

Parties soliciting the privilege should be informed that as every one taking on himself the baptismal vow, or seeking Baptism for another, does thereby say "I am the Lord's," and does profess to value the blood and Spirit of Christ, signified in the waters of Baptism, they ought to know that in receiving this seal and token of spiritual cleansing, they do as truly declare their acceptance of Christ and fellowship with him, as in the ordinance of the Supper;—so a declining or evading of this latter ordinance by any, being adults, who have received the privilege of the initiatory Sacrament for themselves and their children, is, except good cause be shown for their neglect, in circumstances not under their control, presumptive evidence either of an imperfect apprehension of the design of the Sacraments, or of an inexcusable unwillingness to follow the Lord fully: Therefore ministers and Church Sessions are warranted to decline, except on good and special cause shown, the administration of Baptism to the children of such as are living in the neglect of the Lord's Supper, or do not avail themselves of instructions offered towards a right preparing of them for its observance.

That while due tenderness is recommended to be used in dealing with individuals who withhold themselves from the Table of the Lord, rather from misapprehension and solemn awe, than from blameable indifference to the same covenant, and the like necessity both for faith and resolutions of holy living, to the right observance of both.

The Synod do anxiously caution against a too easy or indiscriminate admission to the baptismal ordinance. And both as tending the better to ensure purity of communion, and as required by a regard to the design of Baptism as a seal of fellowship in the Church, as well as of engrafting into Christ, the Synod recommend as much as possible, that the ordinance be dispensed publicly;—not precluding cases in which it may be judged necessary to baptize in dwelling houses or cases in which the attendance at the ordinary place of public worship may be greatly inconvenient. But the Synod earnestly advise, that as rarely as possible, the privilege be given without public notification from the pulpit, and never without the word of exhortation or exposition:—That if at any time application be made for the administration suddenly and hastily of the ordinance of Baptism, the circumstances be well considered; and care exercised mildly and faithfully to distinguish what is essential from what may be desirable—between the relation of Baptism to salvation and to Church fellowship; explaining where it may be necessary so to explain, that as the privilege of Baptism is not to be without good reason neglected, so neither is its administration indispensable where God in his Providence has not afforded opportunity for observing it in due order, or in a manner edifying to the individual or to the Church in general. And if in peculiar circumstances of locality or otherwise, it shall be judged for edifi-

education to administer this seal of the covenant, without a Session having had regular opportunity to confer with the parties applying, or formally to receive them into the fellowship of any congregation, that the minister so receiving to Baptism shall, at the earliest opportunity, report the case to his Session, and that the individuals thus recognised shall be duly enrolled and considered within the range of the inspection of the pastors and elders, and as being *bona fide* members of the congregation, in connection with which the privilege has been received, (generally—it may be presumed—that which is nearest in locality)—although precluded by distance, or other lawful cause, from giving regular attendance on the weekly ministrations of the Sanctuary: This participation in the privileges of the Church being always understood to imply also the obligation to conform to the ordinary rules of the Church, and responsibility to its tribunals.

34. *An Act respecting the Union of certain Presbyterian Churches therein named.*

Whereas the Moderators of the Synod of the "Presbyterian Church of Canada," and the "United Presbyterian Church in Canada" respectively, by and with the authority of such Synods, have, by their petition, stated, that the Presbyterian Church of Canada and the United Presbyterian Church in Canada, have agreed to unite together and to form one body or denomination of Christians under the name of "The Canada Presbyterian Church;" And for the furtherance of this their purpose and to remove any obstruction to such Union, which may arise out of the present form and designation of the several trusts or Acts of Incorporation by which the property of the said Churches and of the several Congregations connected with the said Churches respectively, are held and administered or otherwise, and for the better administration of the said Trusts, the said Petitioners have prayed for certain Legislative provisions to be made in reference to the property of the said Churches and other matters affecting the same in view of such Union: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. As soon as the said Union takes place, all property, real, or personal, now belonging to, or held in trust for, or to the use of any Congregation in connection or communion with either of the said existing Churches, may thenceforth be held, used, and administered for the benefit of the same congregation in connection or communion with the united Body, under the name of the Canada Presbyterian Church, or any other name the said Church may adopt.

2. Provided always, that where the Trust Deed or conveyance under which any property is held by or for the use of, or in

trust for any congregation in connection or communion with either of the said existing Churches, sufficiently provides for the case of such a union as that agreed upon as aforesaid, and stipulates for any consent thereto by such congregation or the members or adherents thereof, or by any specified proportion of such congregation or the members or adherents thereof, nothing in this Act shall be construed to affect the right of such congregation or the members and adherents thereof, in such behalf.

3. The names of "the Presbyterian Church of Canada" and "United Presbyterian Synod in Canada" (the latter being the said United Presbyterian Church in Canada) mentioned in the Act of the Provincial Parliament, sixteenth Victoria, chapter two hundred and sixteen, and intituled : *An Act for the relief of the Presbyterian Church of Canada as regards the keeping of Registers of Baptisms, Marriages, and Burials in Lower Canada,*" shall be taken and understood respectively to apply to the said united Body as soon as it shall have been formed, and all the provisions of the said Act, and all other Acts of the Provincial Parliament applicable to the said Churches respectively, whether in Lower Canada or in Upper Canada, shall equally apply to the said united Church so soon as the said intended union shall have been effected.

4. For the relief of certain of the said congregations so in connection or communion with the Churches aforesaid in this Province, whose Deeds of Trust heretofore executed, or Acts of incorporation heretofore obtained, made no provisions for the filling up from time to time of trusteeships vacant by death, removal from the Province, or resignation of Trustees, and whose property is held under a conveyance to the Trustees and their heirs, or to the Trustees and their successors or otherwise, any such congregation may, from time to time, meet together, upon notice by the Minister, from the pulpit, or at the requisition in writing, of any ten persons entitled to vote as hereinafter mentioned, (notice of the day, hour and place of such meeting, in either case, being first publicly made in the church or place of meeting for public worship on two Sabbath days next before such meeting shall be held,) then and there by a majority of those present, and entitled to vote, to elect and appoint new trustees in the room of such trustees as shall have removed from the Province, resigned, or died, and thereupon the property of the congregation shall *ipso facto* become vested in such newly elected Trustees, and their successors to be appointed as aforesaid shall have full power and authority to hold and administer the trust or corporate property of such congregation ; Provided, always, that the said newly elected trustees shall be members in communion with the said united body, and those entitled to vote, where there is no provision on the subject as aforesaid, shall be all persons who are members in communion with the said congregation and Church.

5. In case of deeds made to Trustees for a congregation in connection or communion with either of the said Churches more than twelve months ago, but not registered within twelve months after the execution thereof, such deeds shall nevertheless be valid if they have been registered before the passing of this Act, or if the same be registered within three months after the passing of this Act; but this enactment shall not give effect to such deeds against subsequent purchasers or mortgagees for valuable consideration without notice, who have registered or shall register their conveyances or mortgages before the registration of the said deeds to Trustees.

6. Conveyances heretofore made in Upper Canada to trustees and their successors for the use of a congregation in connection or communion with either of the said churches, shall be deemed valid conveyances in fee, notwithstanding that the heirs of the trustees are not named, and notwithstanding that the manner of appointing successors is not provided in such conveyances.

7. Trustees or other administrators of corporate or trust property of any congregation in connection or communion with the said united Body may, with the consent of the congregation, or of a majority present of those entitled to vote at a meeting convened to consider the matter (as provided either by their trust deeds, or by section number four of this Act, for the election of trustees in case of vacancies, as the case may be) mortgage, sell, or exchange any real estate belonging to, or holden for the use, or in trust for the said congregation, for the purpose of repairing or securing the debt on any building thereon erected, or of erecting other or more suitable churches, manses, or glebes, or schools, in any other locality that they may deem best, or of purchasing other and more suitable churches, manses, glebes, or schools; provided, nevertheless, that such mortgage, sale, or exchange, be first sanctioned by the Presbytery under whose care such congregation is placed, and not otherwise, and provided further, that in Upper Canada this clause shall only apply where the Deed of Trust or Act of Incorporation contains no provision for mortgaging, selling, or exchanging for the purpose for which such mortgage, sale, or exchange is desired.

8. All other property, real or personal, belonging to or held in trust for the use of either of the said Churches, either generally or for any special purpose or subject, shall from the time the contemplated union takes place, and thenceforth belong to, and be held in trust for, and to the use in like manner of the united Body.

9. But all such property, real or personal, as is effected by this Act, shall in all respects, save as aforesaid, be held and administered as nearly as may be in the same manner and subject to the same conditions as provided by the Deeds of Trust, Acts of Incorporation, or other instruments, or authority under which the same is now held or administered.

10. Provided always, that nothing in the present Act contained shall be construed to impair or in any manner affect any rights or claims of the Church of Scotland or of the Presbyterian Church of Canada in connection with the Church of Scotland, or any congregation or any number of adherents of any congregation of the said Presbyterian Church of Canada in connection with the Church of Scotland, to any property acquired before the formation of the Synod of the Presbyterian Church of Canada, or to any other property whatsoever.

11. This Act shall be deemed a Public Act.

35. *Model Trust Deed for Canada West.*

This Indenture, made the _____ day of _____
 One thousand Eight Hundred and _____, in pursuance of the Act
 to facilitate the conveyance of Real Property, Between

 of the first part,
Wife of the said party of the first part,
of the second part. and the Trustees of the _____ Church, at

1. **Whereas** the Congregation of the _____ Church at _____
 are a Religious Congregation of Presbyterians in connection with
 the Canada Presbyterian Church ; And whereas the said Con-
 gregation desire to take a conveyance of the lands hereinafter
 mentioned, under the provisions of the Act respecting the pro-
 perty of Religious Institutions in Upper Canada, Being Chapter
 sixty-nine of the Consolidated Statutes of Upper Canada, and
 subject also to the provisions of the Act passed in the twenty-
 fourth year of Her Majesty's reign, intituled, "An Act respecting
 the Union of certain Presbyterian Churches therein named ;

And whereas the said congregation have appointed as Trustees,
 to whom and their successors, to be appointed in the manner here-
 inafter specified, the said lands may be conveyed, and who
 may take, hold and possess the same by the said name of *The*
trustees of the _____ Church at _____
 under the provisions of the said Acts.

2. **Now this Indenture Witnesseth**, that in consideration of the
 premises and of the sum of _____ dollars, of lawful
 money of Canada, now paid by the said parties of the *third* part
 to the said party of the first part, the receipt whereof is hereby
 by *him* acknowledged, *he*, the said party of the first part, **DOTH**
GRANT unto the said parties of the *third* part, and their succes-
 sors forever, **ALL AND SINGULAR,**

TO HAVE AND TO HOLD the
 said lands to the said parties of the *third* part, and their succes-
 sors, forever, upon the Trusts hereinafter expressed and declar-
 ed ; **AND** the said party of the first part covenants with the

said parties of the *third* part that *he* has the right to convey the said lands to the said parties of the *third* part, notwithstanding any act of the said party of the first part ; And that the said parties of the *third* part shall have quiet possession of the said lands : free from all incumbrances ; And that the said party of the first part will produce the title deeds enumerated hereunder, and allow copies to be made of them at the expense of the said parties of the *third* part ; And that *he*, the said party of the first part, has done no act to encumber the said lands, and that *he* will execute such further assurances of the said lands as may be requisite ; And the said party of the second part hereby bars *her* Dower in the said lands.

3. And it is hereby declared, that the said parties of the *third* part and their successors shall hold the said lands for the sole use and benefit of the said Congregation as well for the site of a Church, Chapel or School House, Burial Ground, and residence for the Minister (as the said Congregation may direct), as for the use of the said Congregation, for the support and maintenance of Public Worship and the propagation of Christian Knowledge, ACCORDING TO THE DOCTRINES, DISCIPLINE AND MODES OF WORSHIP OF THE SAID CANADA PRESBYTERIAN CHURCH.

4. And upon further trust that the said parties of the *third* part and their successors shall and will well and truly obey, perform and fulfil, and permit and suffer to be obeyed, performed and fulfilled, with respect to the said lands, and to any Church, Chapel, or other building or buildings, now erected or to be erected upon the said lands, or to any Burial Ground, if the said lands or any part thereof shall be used as a Burial Ground, the lawful orders and directions of, respectively, the said Congregation, Deacons' Court if any, the Kirk Session of the said Congregation, the Presbytery within whose bounds and under whose inspection and Ecclesiastical jurisdiction the said Congregation shall from time to time be, and the Synod or other Supreme Court of the Canada Presbyterian Church, whether under its present name or any other name it may from time to time hereafter assume. Provided that, and so far only as, such orders and directions respectively are and shall be within the scope of the authority of such persons and bodies respectively, ACCORDING TO THE LAWS, CUSTOMS AND USAGES OF THE SAID CHURCH.

5. AND WITH RESPECT TO THE ELECTION AND APPOINTMENT OF SUCCESSORS of the said parties of the *third* part, it is hereby declared, that a General Meeting of the said Congregation shall be held annually on the *First Monday in February* in each year, or if from any cause the Meeting shall not be held on that day, then it shall be held on some other day, and shall, in either case, be called by notice given from the pulpit at each diet of Worship on each of the two Sabbaths next preceding the day so fixed ; by the minister officiating for the time being,

by the Trustees, or at the requisition in writing of any five members of the Congregation in full communion and any such Meeting may be adjourned as occasion shall require,—and at such annual or adjourned Meeting the said Congregation shall elect and appoint Trustees for the ensuing year by the votes of a majority of the Members of the Congregation, *in full communion*, present at such Meeting, who are respectively of the age of twenty-one years or upwards, and are holders, each, of one or more sittings in the said Church, and have been entered as such on the books of the Congregation for at least three months before *the said First Monday in February*, and who shall not, when such vote is taken, be in arrears for pew-rent. Such Trustees so to be elected and appointed to be Members of the said Canada Presbyterian church *either in full communion or not*, and to be not fewer than *three* nor more than twelve; three of whom shall be a quorum for the transaction of all business. AND it shall not be necessary in making such appointment expressly to state that the persons so elected and appointed are elected and appointed for the purposes aforesaid; But unless it shall be otherwise expressly declared in the resolution or minute recording such election or appointment, the persons elected or appointed at any such Meeting for the management of the financial affairs of the Congregation for the ensuing year, whether such Managers shall be usually known as Trustees, or by whatever name they shall be usually known, except they be Deacons' or a Deacons' Court, shall be and are hereby declared to be the Trustees for the purposes of these presents. AND IT IS HEREBY FURTHER DECLARED, that the Trustees above-named and each board of Trustees to be appointed hereunder, shall respectively hold office until the appointment of their successors, except in case of death, resignation, or ceasing to be a Member of the Canada Presbyterian Church. And that in case any Trustee shall, during his term of office, die, resign, or cease to be a member of the Canada Presbyterian Church, the remaining Trustees shall have all the powers of the full board; and shall for all purposes of these presents constitute the Trustees of the said Congregation, unless the Congregation shall think fit to appoint a new Trustee or new Trustees in the place of any Trustee or Trustees so dying, resigning, or ceasing to be a member of the Canada Presbyterian Church; But the said Congregation may at any Special Meeting called by notice given from the pulpit on the two Sabbaths next preceding the day appointed for such Meeting, in the manner hereinbefore provided, appoint a new Trustee or new Trustees to fill, for the residue of such term of office, any vacancy or vacancies caused as aforesaid; AND IT IS HEREBY FURTHER DECLARED that a minute of every such election or appointment, whether made at the Annual General Meeting or at a Special Meeting, shall be entered in a book, to be kept for the

purpose, and shall be signed by the person who presided at the meeting ; and such minute so signed shall, for all purposes connected with these presents, be sufficient evidence of the fact that the persons therein named were elected and appointed at the said meeting ; but the omission or neglect to make or sign such minute, shall not invalidate the election or appointment ; AND every such meeting at which any such election or appointment is made, shall be deemed to have been duly and regularly held and conducted, and the election or appointment made thereat shall be taken to be valid and unimpeachable.

And in the case of such vacancies as aforesaid in the office of Trustees shall arise from any cause whatever, and such appointment of Trustee or Trustees to fill such a vacancy or vacancies, shall not be made as aforesaid by the said Congregation and in consequence thereof there shall be a complete vacancy in the office of Trustees or their number shall be reduced to less than the legal quorum, then such trust shall vest in, the elders of the said congregation, if any such there be, along with the remaining Trustees, if any, and if there be no elders, the Presbytery of the Canada Presbyterian Church within the bounds of which the said Congregation shall be comprised, along with the remaining Trustees, if any, until such time as a meeting of the said Congregation shall be held, and Trustees shall be by the said Congregation appointed after notice given, and in manner as hereinbefore provided and for the purposes aforesaid : and in case of any vacancy or vacancies not being then filled up by the said congregation, it is hereby declared, that it shall be competent for, and authority and full power are hereby given to the said Presbytery of the Canada Presbyterian Church within the bounds of which said congregation shall be comprised, to call a meeting of the said congregation by a notice under the hand of their clerk, given in manner aforesaid, for the purpose of electing a Trustee or Trustees to fill any vacancy or vacancies in the office of Trustees from whatever cause arising, and the said Congregation shall then proceed to elect a Trustee or Trustees as hereinbefore provided ; Provided always in case the said congregation omit to fill such vacancy or vacancies, and appoint such Trustee or Trustees, then in that case it shall be lawful for the said Presbytery of the said church, within the bounds of which Presbytery the said congregation is comprised to nominate and appoint a Trustee or Trustees to fill such vacancy or vacancies, and such Trustee or Trustees shall be a Trustee or Trustees, and shall be entitled to do all acts by the said Trustees to be done as if now appointed, or as if appointed by the said congregation.

6. It is nevertheless hereby specified and declared that the Congregation may constitute a Deacons' Court, to whom and their successors the administration of the whole ordinary income of the Church may be intrusted provided always that such Deacons' Court shall be constituted in accordance with the

general usage or requirements of the Canada Presbyterian Church; shall report annually their proceedings to the congregation, and shall carry out any directions as to the property or finances which may be competent for the congregation to give in accordance with the conditions of this Indenture. In case such Deacons' Court be constituted, then the Trustees aforesaid shall cease to have any control or management of the financial affairs of the Congregation so long as the Deacons' Court shall exist.

IN WITNESS WHEREOF the said parties have hereunto set their hands and seals the day and year first above written.

(Memorandum to be Endorsed on Deed.)

At a meeting of the Congregation within mentioned, held at
on the day of A.D.
, the following resolution was adopted by the
Congregation :—

"Resolved that the Deed from of the first part,
and , his Wife, of the second part, to the
Trustees of the Church at
, having been submitted to this Congregation, they
do hereby express their approval of the same, and do direct that
this resolution, signed by , on their behalf,
be endorsed on the said Deed."

36. Model Trust Deed for Canada East.

On this day of one thousand eight hundred
and Before the undersigned public notaries, duly com-
missioned and sworn in and for that part of the Province of
Canada, heretofore constituting the Province of Lower Canada
residing in the city of in the said Province.

Personally came and appeared *(the Vendor)*
of the first part and *(the Trustees)* of the second
part which said parties declared unto us said notaries that

Whereas the Congregation of the Church at
are a religious congregation of Presbyterians in connection
with the Canada Presbyterian Church.

And whereas the said congregation desire to take a conveyance
of the lands hereinafter mentioned and for that purpose (as
appears by the minute of appointment hereto annexed), have
pursuant to the Act respecting lands held by religious Con-
gregations, being chapter nineteen of the Consolidated Statutes
for Lower Canada, appointed the parties of the second part
Trustees to take such conveyance under the provisions of the said
Act, and subject also to the provisions of the Act passed in the
twenty fourth year of her Majesty's reign, intituled "An act
respecting the Union of certain Presbyterian Churches therein
named," and to hold and possess the same to themselves and their

successors by the name of "The Trustees of the church at _____" under the provisions of the said acts.

Now these presents and we the said notaries witness that the said party of the first part, hath bargained, sold, assigned and made over, and by these presents doth bargain, sell, assign and make over, from henceforth and for ever, with promise of warranty against all gifts, dowers, mortgages, substitutions, alienations, disturbances and other hindrances whatsoever, to the said parties of the second part, here present and accepting thereof for themselves and their successors for ever, all that description of land, &c. with all and every the members and appurtenances thereunto belonging without any reservation on the part of the said vendor who is lawfully seized thereof in virtue of good and sufficient Title deeds having acquired the same from _____ by virtue of a deed of sale passed before _____ and colleague notaries public, bearing date _____

The aforesaid premises formerly depending of the Seigniorship of _____ but are now held by the tenure of *franc alleu roturier* having been commuted by deed passed before _____ and colleague notaries public bearing date _____ and are free and clear (*franc et quitte*) of all and every other charge, burden and incumbrance, as the vendor now hereby declares.

To have, hold, use and enjoy the aforesaid and premises hereinbefore sold and transferred or intended so to be with all and every their rights members and appurtenances unto the said parties of the second part and their successors for ever as their own proper freehold for ever by virtue of these presents and to enter upon and take possession of the same forthwith.

The present bargain and sale is so made in manner aforesaid and for and in consideration of the sum of _____ currency of Canada, which the said vendor acknowledges to have had and received from the parties of the second part in good and lawful money at the passing of these presents whereof quit.

And it is hereby declared, that the said parties of the second part and their successors shall hold the said lands for the sole use and benefit of the said Congregation as well for the site of a Church, Chapel or School House, Burial Ground, and residence for the Minister (as the said Congregation may direct), as for the use of the said Congregation, for the support and maintenance of Public Worship and the propagation of Christian Knowledge, ACCORDING TO THE DOCTRINES, DISCIPLINE AND MODES OF WORSHIP OF THE SAID CANADA PRESBYTERIAN CHURCH.

And upon further trust, etc., (add clause (4) in preceding deed, substituting "second part" for "third part.")

And with Respect to, etc., (add clause (5) in preceding deed, substituting "second part" for "third part.")

(After clause five of preceding deed add as follows :)

And at the passing of these presents intervened
 wife of the said vendor and by him for the
 purposes hereof especially authorized, who as well on behalf
 of herself as of all and every the children and child born or to
 be born issue of her marriage with the said

doth hereby renounce all dower, right and title
 of dower or other marital claim in or upon the premises in favour
 of the parties of the second part their successors and assigns.

And in consideration of the premises the said vendor doth
 hereby transfer and set over to the parties of the second part all
 right of property, claim, title, interest demand seizin possession
 and other rights whatsoever which the said vendor can have
 demand or pretend in or upon the aforesaid hereby bargained
 and sold premises of which he hereby divests himself in favour of
 the parties of the second part their successors and assigns con-
 senting and agreeing that they be and remain seized and invested
 with the full and entire possession thereof as of right; and for
 that purpose hereby constituting the bearer of these presents
 their attorney to whom all necessary power and authority to
 that affect is hereby given and granted. For thus, &c.

And for the enregistration of these presents when and where
 necessary the parties have constituted the bearer of an authentic
 copy thereof their attorney to whom they give all necessary
 power in that behalf.

And for the due execution of these presents and of every the
 premises the said parties have elected domicile at their respective
 places of abode abovementioned; Where, &c., Notwithstanding,
 &c., Promising, &c., Obliging, &c., Renouncing, &c.

Done and passed at the said city of
 in the office of one of the said notaries,
 on the day and year first above written under the number
 and signed by
 the parties hereto in the presence of us said notaries also here-
 unto subscribing, by one of whom these presents were first duly
 read to the said parties.

37. *Memoranda regarding Trust Deeds.*

The Acts regulating the holding of real estate by Churches
 in Upper Canada, are chapter 69, Consolidated Statutes, U. C.,
 intituled "An Act respecting the property of religious institu-
 tions in U. C."; and 24 Vict., cap. 124, being "An Act respect-
 ing the union of certain Presbyterian Churches therein named." In
 Lower Canada the Acts are chapter 19, Consolidated Statutes
 of L. C., intituled "An Act respecting lands held by religious
 Congregations;" and the aforesaid 24 Vict., cap. 124.

In order to the acquisition of real estate under these Acts, the
 following directions may be useful :

1. Let a meeting of the Congregation be publicly summoned.
2. At such meeting let Trustees be appointed and the name adopted by which such Trustees are to be known; any convenient name may be assumed.
3. Let a minute of such appointment be drawn out and signed by the chairman of said meeting and inscribed in a proper book. The form may be as follows:

At and within there this day of one
 thousand eight hundred and sixty the congregation of
 met, and was opened with prayer. Mr. C. D. was ap-
 pointed chairman, and Mr. M. N., clerk.

The chairman stated that the object of the meeting was for the purpose of electing Trustees to take a conveyance of land for the uses of the Congregation.

Whereupon it was resolved that the number of Trustees shall be and that Messrs. be the Trustees for the ensuing year, and to hold office until their successors are elected; that, further, the name by which they shall be known shall be the Trustees of Church.

Resolved, also, that the Model Trust Deed now submitted to the congregation be hereby approved of, and the above Trustees authorized to execute the same

C. D., *Chairman.*

N. B. For U. C. adopt the endorsement which will be found at the end of the deed for that Province, but for L. C. a certified copy of the above minute had better be appended to the Deed itself and registered along with it.

4. In U. C. the Deed may be signed and sealed before witnesses, but in L. C. it must be passed before a regular Notary.

5. In U. C. the Deed to be valid must be registered within twelve months after the execution; in L. C. the Act requires that it be registered within two years.

6. The proceedings to acquire, sell, mortgage, or exchange lands should always be conducted under competent legal advice.

7. Copies of the Model Trust Deed for either Province, printed on large paper, with blanks to be filled up, can be obtained by congregations from the Rev. Wm. Reid, at the office of the Church, Knox College, Toronto.

8. Churches whose Trust Deeds make no provision for the succession of the Trustees are directed to the "Union Act" in this Appendix for instructions how to proceed in this matter.

