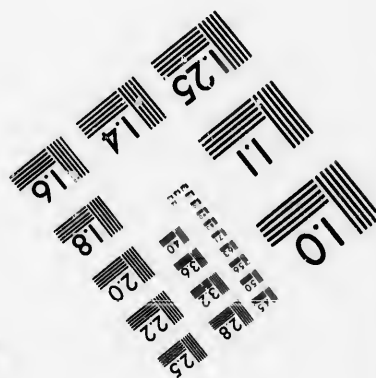
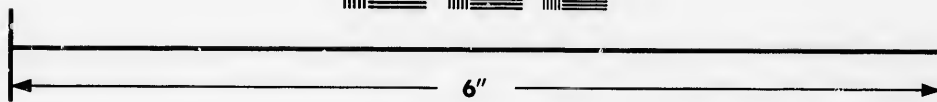
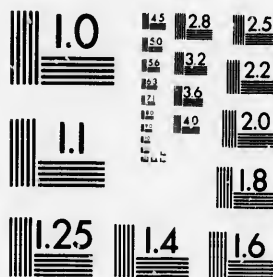


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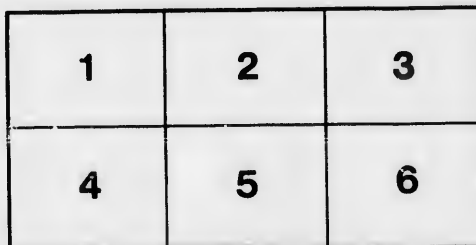
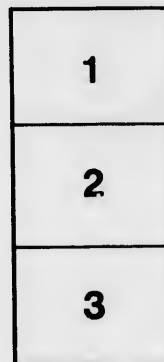
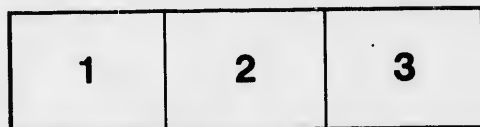
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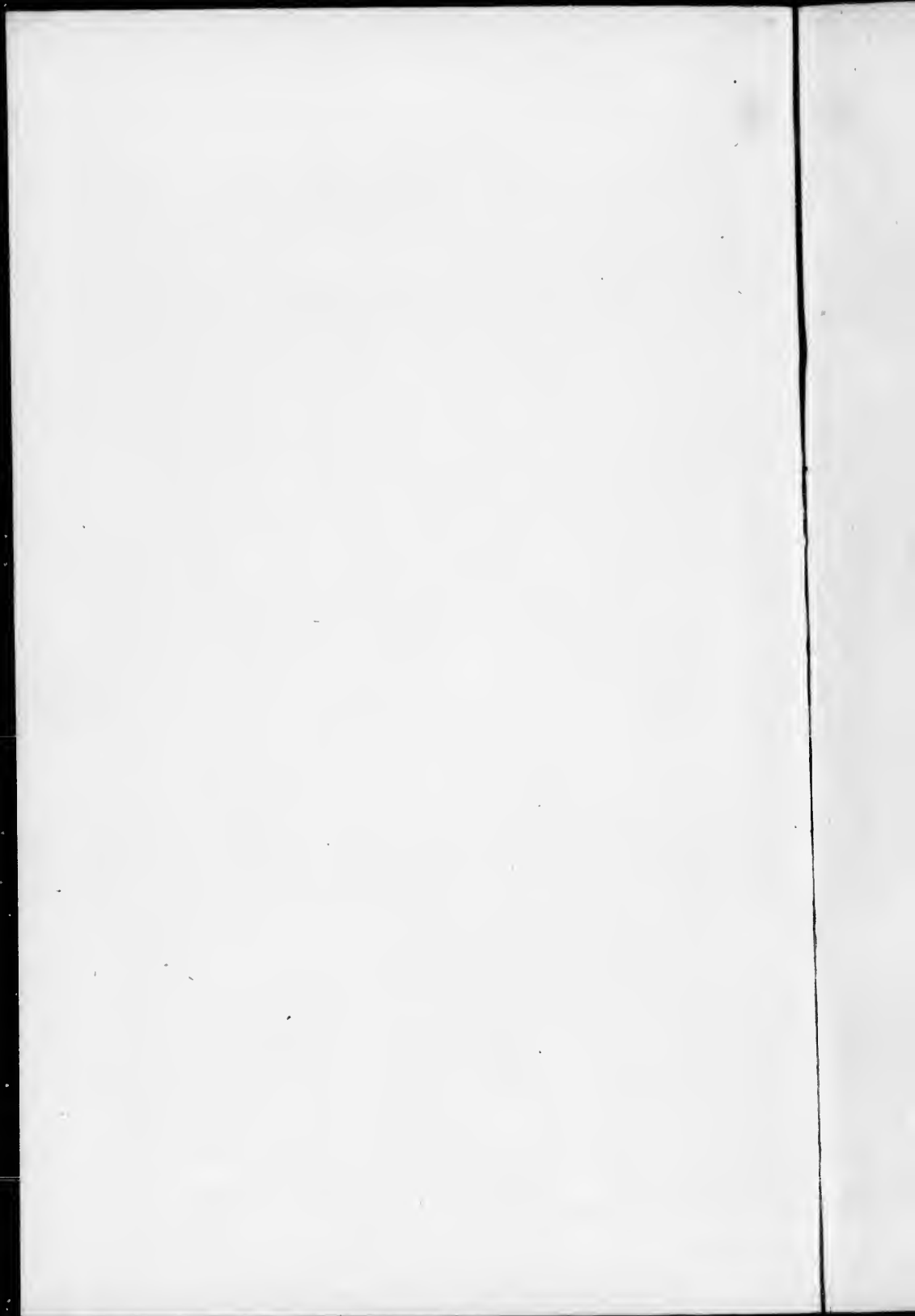
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THE  
CONSTITUTION AND PROCEDURE  
OF THE  
PRESBYTERIAN CHURCH  
IN CANADA.

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At Hamilton, and within the Central Church there, Saturday the twenty-second day of June, one thousand eight hundred and seventy-eight years, which day the General Assembly of the Presbyterian Church in Canada met, pursuant to adjournment, and was constituted by the Moderator.

*Inter alia.*—The Committee on Ecclesiastical Procedure having presented a Report through the Convener, the Rev. Dr. Bell, the Assembly adopted the following resolution, viz. :—“Receive the Report; re-appoint the Committee, with additional names, with instructions to avail themselves of the suggestions of Presbyteries, for the purpose of making the Book of Forms as complete as possible; and direct the Committee to publish the Book, thus amended, as a useful guide to the office-bearers of the Church.

Extracted from the Records of the General Assembly of the Presbyterian Church in Canada, by

WM. REID, D.D.	} <i>Joint Clerks of General Assembly.</i>
J. H. MACKERRAS, M.A.	
W. FRASER, D.D.	

## PREFATORY NOTE.

The General Assembly of 1878 instructed its Committee on Ecclesiastical Procedure to complete the work in preparation, and publish it as a useful guide to the office bearers of the Church. The book now issued has been prepared with much care; the books of Procedure, Discipline, Standing Orders, &c., of the leading Presbyterian Churches in Britain and America having been carefully consulted throughout, and the results of the experience of the separate branches of the Church in Canada, in applying the general principles of Presbyterianism, having been especially combined and applied to the circumstances of our own Church, the whole being condensed into a book of so small dimensions, will, it is hoped, render it very convenient for use. For convenient reference, instead of subdivisions under general heads, the whole has been arranged under one series of chapters, and a running number attached to the paragraphs throughout. The Committee send forth the book trusting that it will supply a felt want on the part of both office bearers and members, and with the prayer that the Great Head of the Church may abundantly bless it to the order, prosperity and extension of the Presbyterian Church in Canada.

GEORGE BELL, LL.D.,

*Convener of Committee.*

TORONTO, June 9th, 1879.



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# RULES

AND

## FORMS OF PROCEDURE.

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### CHAPTER I.—THE SESSION.

1. The Session is composed of the minister, or ministers, and elders of a congregation.

2. The duty of the Session is to watch over and promote in every Scriptural way the spiritual interests of the congregation, more particularly, to receive applicants for admission into the church, as well as to admit baptized persons into full communion, and to receive persons bringing certificates of membership 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 when required, by admonition, rebuke, suspension, or exclusion; to restore to privileges; to care for the religious instruction of the young, including the oversight of Sabbath Schools; to determine the hours and 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; to appoint the times and modes of making special collections, and where there are no 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 the 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 is the moderator of the Session. When there are two ministers, they preside alternately, or otherwise, as may be settled between them.

4. The duty of the moderator is to preside in the Session ; to constitute and conclude with prayer ; to preserve order ; to take the votes ; to announce the decisions of the court, and to administer censures. The moderator may bring any competent business before the Session ; he may express his views upon any matter under consideration ; and he has a casting vote in case of an equality, but no deliberative vote.

5. In the absence of the moderator any other minister of the church having authority from him presides. When the minister has been removed by death or otherwise, or is under suspension, the Presbytery appoints one of its members to moderate. Without the presence of a minister no meeting of Session can be held.

6. The Session appoints a clerk, whose duty is to keep a record of its proceedings, which record is transmitted annually to the Presbytery for examination. The Session may also appoint a treasurer to take charge of the funds at its disposal.

7. The moderator and two other members constitute a quorum. When from any cause the number of members is not sufficient to form a quorum, application is made to the Presbytery for the appointment of assessors, to act as members until new elders have been elected and inducted.

8. The Session, so far as practicable, holds stated meetings for the transaction of business ; it may also hold meetings for devotional exercise and religious conference. Meetings of Session are not usually open to the congregation ; but the Session may hold open meetings when it sees cause.

9. The moderator has power to convene the Session whenever he may judge requisite, and he is bound to do so when enjoined by a superior court, or requested by one-third of the elders. Meetings are called on the authority of the moderator, either by notice from the pulpit, or by personal notice to the members.

10. When the Session has been constituted, the names of the members present are taken down. The minutes of last stated meeting, and of any other meetings which have

intervened, are then read, and when sustained, are signed by the moderator and clerk.

11. The Session keeps a roll of members in full communion, which is revised as circumstances may require, and at least once a year. The Session should also keep with as much accuracy as possible, a roll of all baptized persons not in full communion, and others connected with the congregation.

12. Each elder should have a district assigned to him. It is his duty to keep a list of the communicants and adherents residing within the same. He should cultivate special acquaintance with them, visiting, counselling, encouraging or warning them as may be required.

13. Any person desiring to be received into full communion, first converses with the minister, and, if circumstances allow, with the elder of the district in which he resides. The application is then reported to the Session, and, when satisfied of the applicant's knowledge of Divine truth and of his christian character and deportment, the Session receives him in such manner as may be deemed for edification.

14. Certificates of disjunction from the congregation are usually granted by the Session; but, between meetings of Session, the moderator has authority to grant certificates to members in good standing, which action he reports to the Session.

15. The Session cannot entertain complaints against its moderator. 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.

16. One Session cannot interfere with or review the proceedings of another. When a Session feels aggrieved by the proceedings of another Session, it may remonstrate with it or ask explanation; if not satisfied it may bring the matter before its Presbytery, but this must be done by a written statement, a copy being furnished to the Session whose proceedings are called in question.

17. It is the right and duty of every Session, whether of a settled or a vacant congregation, to appoint one of the elders as its representative in the Presbytery and Synod.

The appointment is made once a year, and holds good for two months after the close of the annual meeting of the General Assembly, unless within that time a new election has been made. In the event of death, resignation, or removal, a new election is made without delay. 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 the duty of the representative elder, where no commissioners are specially appointed for the purpose, to apply to the Presbytery for supply of ordinances. An extract of the Session's appointment is presented to the Presbytery; and the roll of the Presbytery, certified by its clerk, is sufficient evidence of the elder's right to sit in the Synod. Where a charge consists of two or more congregations having separate Sessions, such Sessions shall be regarded as one for the purpose of representation in the church courts.

18. The Session has the right of petition to the Presbytery, and through it to the Synod and General Assembly. It may also overture the Presbytery Synod, or Assembly. Petitions or overtures must be in writing, and if addressed to the Synod or Assembly are presented to the Presbytery for transmission.

19 The Session is responsible to the Presbytery for the use made of the church edifice, and it is therefore entitled to the control thereof and to the custody of the key.

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## CHAPTER II.—THE PRESBYTERY.

20. The Presbytery consists of—

(1.) Ordained ministers within the bounds (*a*), who are pastors of congregations; (*b*), who are professors of Theology in the Church, and professors in Colleges connected with the Church; (*c*), who are employed by appointment of the Assembly in some department of the work of the Church; (*d*), who are entitled by special enactment of Assembly to have their names placed on the roll.

(2.) An elder from each pastoral charge.

21. The duties of the Presbytery are to receive and dispose of petitions, references, complaints, and appeals from Sessions; to transmit petitions and overtures addressed to the Synod or General Assembly; to see to the supply of ordinances in congregations; to form mission stations and erect new congregations; to certify students in order to their admission to the Theological Halls; to superintend the education of students having the ministry in view; to try candidates for license to preach the Gospel and license those found qualified; to moderate in calls, and to receive, sustain, or reject the same; to try candidates for the ministry and ordain them when found qualified; to induct into the pastoral office; to receive and judge of complaints against ministers and licentiates; to inquire into reports affecting their character; and to admonish, rebuke, suspend, depose, or excommunicate offenders; to receive demissions, and to loose ministers from their charges; to review the records of Sessions; and in general to superintend the congregations and Sessions within its bounds

22. A new Presbytery is formed by an act of the General Assembly, which fixes its bounds, appoints the time and place of its first meeting, as well as its first moderator. When constituted by the moderator so appointed, the Presbytery has a right to elect a moderator.

23. The moderator's duty is to preside in the Presbytery, constitute and conclude with prayer; to preserve order; to take the vote; to announce decisions, and administer censures. He is entitled to express his views on any matter under discussion; but if he wishes to do so, or is a party concerned in any case before the court, he leaves the chair. He has a casting vote, but not a deliberative vote.

24. It is usual to appoint a new moderator every six or twelve months. In the absence of the moderator, or in the case of his leaving the chair, the Presbytery appoints a moderator *pro tempore*.

25. The Presbytery appoints a clerk, whose duty it is to keep the record or minute-book of its proceedings, which record is transmitted annually to the Synod for examination; to preserve its papers; and, when instructed by the Presbytery, to give certified extracts of its decisions. The Presbytery also appoints a treasurer, and defines his duties.

26. Three members, two of whom are ministers, form a quorum.

27. After the Presbytery is constituted, the roll is called, and alterations are made in it as may be necessary. The names of representative elders are placed on the roll, on the presentation of extracts of their appointment; and it is competent for the Presbytery, at any meeting, ordinary, special, or *pro re nata*, to receive such extracts.

28. The Presbytery should regulate its proceedings by the rules of order laid down for the Supreme Court, so far as these may be applicable. (See Standing Orders.) It may also devote a part of its time to devotional exercises, as circumstances may render appropriate.

29. The Presbytery meets at stated intervals, and at other times as frequently as its business demands. It is the duty of every member to attend its meetings, and absentees may be called to account, and censured if necessary. The time and place of next meeting are fixed and recorded before adjournment.

30. If a Presbytery has neglected to appoint its next ordinary meeting, or if no meeting has been held on the day appointed, it shall be the duty of the moderator, or, in his necessary absence, of the clerk, to convene a meeting for the resumption of business, by letter addressed to every member on the roll of the Presbytery at the time of last meeting, and despatched at least ten days before the time fixed for the meeting; and, if a quorum of members shall attend on the day named, it shall be competent for them to proceed to business as at an ordinary meeting.

31. At the meeting of the Presbytery preceding the meeting of Synod, a certified copy of its roll is ordered to be transmitted to the clerk of Synod, at least eight days before the meeting of Synod.

32. The Presbytery, besides its ordinary meetings, may hold special meetings for transacting particular business, at which no business other than that for which they were appointed can be entered upon.

33. If a case of emergency occur during the interval between ordinary meetings of Presbytery, the moderator has the power of calling a meeting either on his own

authority, or upon the requisition of some of its members. This is a *pro re nata* meeting. Such meeting is called by the moderator himself, or by the clerk, on his authority, by letter to all the members of the Presbytery, both ministers and representative elders. The time and place of meeting, together with the business to be taken up, are specified in these letters, which should be despatched at least ten days before the time fixed for the meeting. No business other than what is specified can be transacted, and that business can be proceeded with, only in the event of the Presbytery approving of the conduct of the moderator in summoning the meeting. The letter calling the meeting shall be entered in the minutes. If the moderator decline to act on the requisition presented to him he is responsible to the Presbytery at its next ordinary meeting.

Special and *pro re nata* meetings may be adjourned, if necessary, from day to day, to complete the business for which they are held.

34. The Presbytery should visit the congregations under its care, as often as circumstances permit; call sessions and office-bearers before it; inquire into their affairs and deal with these as may be deemed for edification.

35. Any Presbytery may meet and transact competent business at any time during the meeting of Synod, when that court is not sitting; but notice of each meeting must be in writing, specifying the time and place of meeting, with the business to be transacted, and must be signed by the moderator, or in his absence by two members of Presbytery, and must be read by the moderator of Synod, and held *in retentis* by the clerk. A Presbytery cannot meet during the session of the General Assembly.

36. The Synod may appoint any of its members to act as assessors with any Presbytery other than their own, on particular business.

37. When a member of one Presbytery is present at a meeting of another, he may be invited to take part in the deliberations of the court, but he shall not have a vote.

38. One Presbytery cannot interfere with or review the proceedings of another. When a Presbytery feels aggrieved by the proceedings of another Presbytery, it may remon-



strate with it, or ask explanation; if not satisfied it may bring the matter before the Synod; but this must be done by a written statement, a copy being furnished to the Presbytery, whose proceedings are called in question. In the event of not obtaining satisfaction, the Presbytery deeming itself aggrieved may complain to its Synod, but the complaint must be in writing.

39. The leave of the Presbytery must be first obtained by any minister desiring to be absent for a longer period than two months.

---

### CHAPTER III.—THE SYNOD.

40. The Synod is composed of all the ministers and elders on the rolls of the Presbyteries within its bounds.

41. It pertains to the Synod to take the oversight of Presbyteries; to examine their records; to consider references and to give advice and instruction when deemed necessary; to judge and dispose of complaints or appeals; to dispose of overtures; to grant leave to Presbyteries to take students on public trials for license; and to attend to all matters assigned to it by the General Assembly.

42. The moderator presides at the meetings of Synod; opens and closes each sederunt with prayer, preserves order, takes the votes, announces decisions, and administers censures. The moderator is chosen at each ordinary meeting.

43. The Synod appoints a clerk, whose duty it is to keep the record or minute-book of its proceedings, which record is transmitted annually to the General Assembly for examination; to preserve its papers; and, when instructed by the Synod, to give certified extracts of its decisions. The Synod also appoints a treasurer and defines his duties.

44. The ordinary meetings of the Synod are held annually or semi-annually. A *pro re nata* meeting may be called by the moderator on a requisition from fifteen members. The procedure regarding such meetings is the same as in the case of a *pro re nata* meeting of Presbytery.

45. Seven members, of whom at least four are ministers, constitute a quorum for the transaction of business, provided

said quorum consists of members of more than one Presbytery.

46. The clerk of each Presbytery sends to the clerk of Synod, at least eight days before each ordinary meeting, a certified roll of his Presbytery, together with all particulars respecting the licensing of students, and the ordination, induction, admission, translation, demission, suspension, deposition, and death of ministers, which particulars the Synod reports annually to the Assembly.

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#### CHAPTER IV.—THE GENERAL ASSEMBLY.

47. The General Assembly is the highest court of the church, and bears the title of "The General Assembly of the Presbyterian Church in Canada." It consists of such proportion of the ministers on the rolls of the several Presbyteries as may be determined by the Assembly from time to time, with an equal number of elders. The act regulating the appointment of commissioners to the General Assembly from the several Presbyteries is as follows:—

##### ACT ANENT THE GENERAL ASSEMBLY.

(1) The General Assembly shall consist of one-fourth of the whole number of ministers on the rolls of the several Presbyteries, with an equal number of acting elders.

(2) If the number on the roll of any Presbytery be incapable of division by four, then the fourth shall be reckoned the fourth of the next higher number divisible by four.

(3) Each Presbytery shall elect its representatives at an ordinary meeting, held at least thirty days before the meeting of the General Assembly; and, in the event of any of these representatives resigning their commissions or being unable to attend the Assembly, it shall be lawful for the Presbytery to elect others in their place at any subsequent meeting previous to the meeting of the General Assembly.

(4) Each Presbytery clerk shall forward to the clerks of the General Assembly, so as to be in their hands at least eight days before its meeting, commissions in favour of the ministers and elders elected as representatives; and from such commissions the clerks shall prepare the interim roll,

to be called at the opening of the Assembly ; which, being amended, if necessary, shall be confirmed as the roll of Assembly.

(5) Any twenty-five of these commissioners, of whom at least thirteen shall be Ministers, being met on the day and at the place appointed, shall be a quorum for the transaction of business.

48. The General Assembly considers and disposes of petitions, overtures, references, complaints, and appeals from inferior courts, and all other matters regularly brought before it ; reviews the records of Synods ; deals with matters of common concern to the Church, respecting her doctrine, worship, discipline and government ; prescribes the course of study for students having the ministry in view ; admits ministers and licentiates from other Churches ; creates new Synods and Presbyteries ; corresponds with other Churches ; receives and disposes of reports from the Colleges, from the committees on missions, and other committees charged with the care of the different departments of the work of the Church ; and in general adopts such measures as may tend to promote vital godliness throughout the Church, and advance the kingdom of Christ in the world.

49. The General Assembly meets ordinarily once a year. On the appointed day of meeting a diet of public worship is held, when a sermon is preached by the moderator of the last Assembly, or in his absence, by a former moderator. Immediately thereafter the Assembly is constituted with prayer, the roll is called, and the names of those present marked. A new moderator is then elected and takes the chair.

50. It is the duty of the moderator to preserve order, and of the Assembly to support him in the exercise of his authority. When he desires to speak on any subject before the court, he requests permission to leave the chair. On this being granted, or in the event of his absence, or being a party in any cause before the court, another member is called to preside. The moderator has a casting, but not a deliberative vote.

51. The Assembly appoints two or more clerks, whose duty it is to take minutes of its proceedings ; keep its records ; preserve its papers ; and, when instructed by the Assembly, to give certified extracts of its decisions.

52. Each sederunt is opened and closed with devotional exercises. The greater part of the second sederunt is spent in prayer, praise, and reading the Word. The first business thereafter shall be the receiving of the Synodical rolls with accompanying reports as to changes.

53. The Assembly in the conduct of its business avails itself of committees, such as Committee on Bills and Ordinances, on the Order of Business, on Standing Committees, a Judicial Committee, and committees appointed to report on matters specially referred to them.

54. Every committee of Assembly has a convener, and a clerk who is nominated by itself, if not appointed by the Assembly. A committee cannot meet while the Assembly is sitting, without leave from the court. Committees take minutes of their proceedings, and always report in writing.

55. The Assembly being the supreme court of the Church, its decisions are final.

56. The Assembly may appoint a Commission, with power finally to determine any matter referred to it.

57. When the business of the Assembly is finished, the minutes of the last sederunt are read and sustained. The moderator then addresses the Assembly, and after praise and prayer, declares in the name of the Lord Jesus Christ, the King and Head of His Church, that this Assembly is dissolved, and indicts another General Assembly to meet at the time and place previously appointed by the court. The benediction is then pronounced.

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#### CHAPTER V.—GENERAL RULES FOR CHURCH COURTS.

58. The moderator takes the chair at the hour to which the court stands adjourned, calls the members to order, and constitutes with prayer.

59. At the first assembling of a court the roll is called, and the sederunt recorded; and members coming in afterwards have their names noted on reporting themselves to the clerk.

60. After the calling of the roll, the minutes of last ordinary meeting, and of all other meetings held in the

interval, are read and sustained. In the case of the General Assembly, the minutes are read at the opening of each sederunt.

61. The court then calls for all reports and other papers referring to business before it. It then prepares a docket, consisting of: (1) Business arising out of the minutes: (2) New business.

62. A member of a church court ought not to retire from a meeting without leave of the moderator, or withdraw from attendance without the consent of the court.

63. The moderator names all committees of the court, unless their appointment be otherwise provided for by motion or rule; and, unless a convener is specially named, the first named member of the committee is convener. In case of his absence, or inability to act, the second named member takes his place.

64. The courts of the church, excepting the Session, are open courts; but it is competent, on motion made, to sit with closed doors.

65. It is not competent for an inferior court to erase or alter any part of its records, unless when ordered by a superior court.

66. The moderator takes care that the minutes correctly record the proceedings of the court.

67. A court for the greater freedom of discussion may resolve itself into committee of the whole, when the moderator leaves the chair, and a chairman is appointed. A separate minute of the proceedings is taken. When the court resumes the moderator takes the chair, and the chairman reports.

68. Clerks of courts are entitled to charge for extracts of minutes, or copies of papers furnished to individuals, at the rate of ten cents for each hundred words, or fraction thereof.

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#### CHAPTER VI.—GENERAL STANDING ORDERS.

69. Every motion or amendment is presented in writing, as soon as it has been made to the court.

70. A motion or amendment is not discussed until it has been duly seconded, and it cannot be altered or withdrawn without the permission of the court.

71. When a motion and amendment are under discussion, it shall not be competent to introduce another motion, except as an amendment to the amendment; and the question of adopting or rejecting such second amendment shall be decided before any other amendment is admissible. Action on amendments shall precede action on the original motion.

72. If a motion under debate contains two or more parts it shall, on the call of two members, at any time before the vote is finally taken, be divided and the question taken on each part.

73. A motion for adjournment is always in order.

74. When a subject is under debate no motion is competent, except to adjourn the debate, to lay on the table, to postpone, to commit, to amend, or to take an immediate vote on the motion or motions before the house.

75. A motion to adjourn, to lay on the table, or to take an immediate vote, shall be decided without debate.

76. When the time for taking up an order of the day, or for adjournment, has arrived, the moderator shall intimate the same, and a member who may then be addressing the house shall have the right to the floor when the business interrupted is resumed.

77. It is not competent for a court to alter a decision, unless one-fourth of the members present during the sederunt at which the decision was given, vote in favour of reconsideration; and a motion for reconsideration is not in order if proposed by one who voted in the minority; and notice of it must be given at the sederunt preceding that at which it is to be proposed.

78. A member shall not speak more than once on any motion or amendment, unless with permission of the court, or in explanation, or to correct mistakes.

79. A speaker is not to be interrupted unless upon a call to order. When so interrupted, he shall cease speaking until the point of order is decided. The member calling to order shall 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 on the point rests.

80. When a member, in speaking, utters language which another member regards as offensive and censurable, the latter may require that the words of the speaker be taken down; in such case nothing further can proceed until either the speaker has withdrawn or satisfactorily explained the words complained of, or the words have been taken down by the clerk; the speaker shall then be allowed to proceed. Words thus taken down may afterwards be considered by the court, on the complaint so made, as a matter of business, and the speaker, if found censurable, is dealt with as the offence may require; but the business of the court, in hand when the words were uttered, may not at the time be interrupted beyond having the words taken down. A party in a cause, not being a member of the court, may in similar circumstances, claim like protection.

81. When a member rises to address the court, the moderator announces his name; and when two or more members rise at the same time, he decides which of them shall speak.

82. Any member who is dissatisfied with a decision of the moderator may appeal to the court; and the question on such appeal shall be decided without debate.

83. When the court is ready for a vote, if there is only one motion before it, the moderator shall put the question, "Shall this motion pass, 'yea' or 'nay'?" If a motion and amendment are before the court, he shall put the question, "Shall the motion be amended as proposed?" And afterwards the motion, or the motion as amended, as the case may be, shall be put "yea' or 'nay'?" Before a vote is taken the doors are closed.

84. Ordinarily, a vote is taken by the members rising in their places, on the call of the moderator. It is competent for two members to require the vote to be taken on a main motion, by calling the roll, or to have the state of any vote recorded.

85. It is not competent for any committee to sit during the time when the court is sitting, without leave.

86. The clerk of a higher court, on the receipt of papers sent up from a lower court, endorses thereon the date of

receipt, numbers the papers and authenticates the same by his signature or initials.

87. The clerks of church courts shall send a copy of all documents printed by the authority of their courts to the library of each college connected with the church.

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#### CHAPTER VII.—STANDING ORDERS OF THE SUPREME COURT.

88. Reports of ordinations, inductions, licensure, deaths, demissions, suspensions, depositions of ministers, and of the erection or dissolution of congregations within the respective Synods, shall be sent up by the clerks of these courts so as to be in the hands of the clerk of Assembly at least eight days before the Assembly meets.

89. A large portion of the second sederunt, and such portion of other diets as the moderator of Assembly may think proper, shall be spent in devotional services.

90. The clerks of the Assembly, together with those of Synods and Presbyteries who may be commissioners, are to meet as a Committee on Business, and arrange all such business as may be requisite previous to the first diet of the annual meeting of the Assembly. This committee, together with such members as may be appointed by the Assembly, constitute the Committee on Bills and Overtures, which acts also as the Committee on Business, to arrange from time to time the order of business to be brought before the court.

91. After the arrangement of business has been reported by the Committee on Bills and Overtures, and sanctioned by the Assembly, the clerks of the Assembly shall cause a docket of business to be printed, for the information of members.

92. All papers shall be transmitted to one of the clerks of Assembly 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.

93. In order that all documents coming before the Assem-



bly may be preserved in a form convenient for reference, reports, overtures, references, appeals, extracts of minutes, and all other matters whatsoever, intended to be submitted to the Assembly, shall be written on foolscap paper on one side only, and with a margin on the left hand of not less than two inches. For the sake of securing fully the ends of justice, parties who have causes to bring before the Assembly, are recommended to print copies of all papers in the cause in numbers sufficient for the use of members, and in a shape suitable for binding along with the printed minutes of Assembly.

94. The conveners of standing committees shall give in their annual reports to the Committee on Bills and Overtures, not later than the second sederunt of the meeting of the Assembly. These must be in printed form, in a shape suitable for binding along with the printed minutes of Assembly.

95. The Assembly shall appoint a committee, of not less than two from each Synod, and not more than four from any one Synod, to nominate members for the standing committees of the Assembly.

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#### CHAPTER VIII.—REGULATIONS ANENT THE RECORDS OF CHURCH COURTS.

96. The pages shall be numbered in words at length as well as in figures.

97. Every page shall be signed by the clerk, and the record of each sederunt by the moderator and clerk. In case of the death or removal of the moderator or clerk, the record shall afterwards be signed by the then acting moderator or clerk, *cum nota* of the cause, in the presence of the court.

98. The time and place of meeting shall be fully stated in words.

99. Every page shall have a suitable margin, on which the items of business recorded shall be indexed.

100. The place and date of meeting shall be shortly indicated on the margin at the top of each page.

101. Church courts shall take special care that their records are carefully and correctly written. All erasures or other changes in the record shall be noted on the margin with the initials of the clerk's name.

102. All numbers shall be expressed in words as well as in figures.

103. Unnecessary vacant spaces shall not be left between the minutes of sederunts.

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#### CHAPTER IX.—PETITIONS, MEMORIALS AND OVERTURES.

104. Every member of the church has right of access to any church court by petition or memorial. He has direct access to the Session of the congregation to which he belongs, but a petition or memorial to a higher court must be presented, in the first place, to the Session with a request for transmission.

105. A lower court transmits a petition or memorial with or without approval or concurrence, as it sees fit. It is the duty of a lower court, before transmitting a petition or memorial, to see that it is in proper form, and expressed in respectful terms. When transmission is refused, the petitioner or memorialist has the right of protest and appeal.

106. The foregoing rules apply to a petition or memorial from any number of persons, a congregation, or a lower court.

107. When a member, office-bearer, or court of the church proposes the enactment of a law or rule binding on the whole church, any change of an existing law or rule, the affirmation of a previous enactment, or injunction to observe the same, or generally the adoption of any measure appertaining to the functions of the Supreme Court, an overture on the subject is presented.

108. An overture is presented in writing, duly signed, must be in proper form, and is transmitted in the same way as a petition.

109. Petitions, memorials, and overtures, come to the General Assembly through its Committee on Bills and

**Overtures.** The committee shall consider: (1) Whether they have been regularly transmitted; (2) whether they are in due form and competent; and (3) whether they are expressed in proper language; and if satisfied, shall bring them before the Assembly. Refusal to transmit may be brought under review of the Assembly by appeal or complaint.

110. The General Assembly may pass a Declaratory Act affirming what it understands the law of the church to be. Such act may be passed without transmission to Presbyteries; but an overture contemplating a change in the law of the church, whether originated as above indicated, or by the Assembly itself, is dealt with according to the provisions of the Barrier Act, which is as follows:—

THE BARRIER ACT.

(1) No proposed law or rule relative to matters of doctrine, discipline, government, or worship, shall become a permanent enactment until the same has been submitted to Presbyteries for consideration. Such consideration shall be given by each Presbytery, at an ordinary meeting, or a special meeting held for the purpose; and an extract minute of the Presbytery's judgment shall be sent to the clerk of the General Assembly, before the next meeting of that court.

(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 law, until the Presbyteries have, as herein required, reported their judgment upon it to the next General Assembly.

(3) If a majority of the Presbyteries of the Church express their approval, the Assembly may pass such proposed law or rule into a standing law of the Church. If a majority of the Presbyteries express disapproval, the Assembly shall reject such proposed law or rule, or again remit it to the Presbyteries.

CHAPTER X.—REMOVAL OF A CAUSE FROM A LOWER TO A HIGHER COURT.

111. A decision of any church court, except the highest, is subject to the review of the next higher court, and may be

removed thereto in one of the four following ways, namely ; (1) General review and control ; (2) Reference ; (3) Appeal ; and (4) Complaint. When a matter is so removed, otherwise than by reference, the lower court is regarded as a party, and its members are not entitled to deliberate and vote in the higher court. In cases of reference, the lower court is not considered a party, except with respect to the preliminary question whether or not the case should have been referred.

I.—GENERAL REVIEW AND CONTROL.

112. The record of every court, except the highest, is reviewed by the next higher court, at least once a year, and may be called for at any time. If the lower court fail to send up its record, the higher shall order it to be produced immediately, or on a day named.

113. A court may also, at any time, require the courts under its jurisdiction to produce their registers, rolls, or other official documents.

114. The higher court, after inquiring into : (1) The regularity of the proceedings minuted ; and (2) the correctness of the record, orders the record to be attested, with or without notes. When necessary, it gives instruction, or admonition to the lower court ; but a judicial sentence shall not be reversed by such action.

115. Notwithstanding attestation of the record after such review, if it come to the knowledge of the higher court that a lower court neglects its duty, or has committed grave irregularities, it may take such cognizance thereof as is deemed to be necessary.

116. In dealing with any grave delinquency or gross irregularity, the lower court is cited to appear at a specified time and place to answer for its conduct.

II.—REFERENCE.

117. A reference is a representation made by a lower court to a higher, for advice or for judgment, and must be in writing.

118. A case of peculiar difficulty or delicacy, the decision of which may establish an important precedent, or on which the members are much divided in opinion, or on which, for any reason, it is desirable that a larger body should first decide, is a proper subject of reference.

119. A reference is either for judgment on the whole case, or for advice on some particular point where difficulty is felt. It is the duty of the lower court to exercise, as far as possible, its own judgment, before making the reference.

120. A reference, as to form, consists of an extract minute of the resolution to refer, and must be accompanied with an extract minute of all proceedings in the case, and must be accompanied with all the papers necessary for the proper consideration of the matter referred; and is presented by commissioners appointed for the purpose. A reference for judgment brings up all concerned before the higher court, and they are therefore duly notified of the reference, that they may appear for their interests.

121. The higher court considers, first, if the reference is in proper form; and, secondly, if there is ground for making it. If it is informal, or appears to be unnecessary, it is dismissed; if not, it is sustained. If the reference be sustained, the higher court hears the whole case, and decides it, or sends it back to the lower court with instructions.

### III.—DISSENT, PROTEST, COMPLAINT, AND APPEAL.

122. When a member of a court who has voted on any question is not satisfied with the decision, he is entitled to have his dissent recorded. By so doing he saves himself from responsibility for, or censure on account of, the decision. The dissent must be given in when the decision is announced. Reasons of dissent given in at the time, or at the following sederunt, and in proper language, are entered in the minutes. If given in at the later stage, or sent to the clerk within ten days, they are kept *in retentis*. When deemed necessary the court prepares answers to reasons of dissent, which are disposed of by being entered in the minutes or kept *in retentis*, according as the reasons have been entered or kept *in retentis*.

123. Members who voted in the minority may signify their adherence to a dissent, and have their adherence recorded, either at the time, or at the following sederunt.

124. When a member of a lower court is dissatisfied with its decision, besides dissenting, he may protest for leave to complain to the higher court. A party in a cause may, in like manner, protest and appeal against a decision. Such

protest and complaint, or protest and appeal, must be made at the time when the decision is announced. Extracts are craved at the same time. Complainant or appellant must give in reasons to the clerk of the court within ten days, otherwise the complaint or appeal is held to be fallen from.

125. The court may prepare answers to reasons of complaint or appeal, and appoint some of its members to defend its action before the higher court.

126. The complainant or appellant having obtained certified extracts of minutes and relative documents as craved, shall bring the cause before the higher court. If he do not appear, or if he fail to assign a sufficient reason for his absence when the case is called, his complaint or appeal shall be held as fallen from; and at the last sederunt protestation to that effect may be taken by the opposite party. A complaint or appeal brings up all parties concerned, who must be duly notified by the clerk of the lower court.

127. The effect of a complaint or appeal is to arrest the execution of the judgment pronounced until the matter be reviewed by the higher court; but if the reasons for complaint are deemed frivolous or vexatious, the court may resolve to disregard the complaint or appeal, and may proceed in the case, but its action may be annulled, and the court may be censured by the higher court.

128. Complaints or appeals on points of form, or the manner in which a court conducts its proceedings in reference to any matter, do not arrest proceedings, and the court shall, notwithstanding these, prosecute the matter, until it is ripe for judgment; but final judgment shall not be given on the case until all complaints and appeals are disposed of by the higher court.

129. The higher court after ascertaining that a complaint or appeal has been regularly made, and that all parties have been duly notified, shall have the whole of the judicial record of the lower court read. The parties shall then be heard, the complainant or appellant having the right of reply; they are then removed from the bar, and the court proceeds to judgment.

130. If a complaint or appeal is dismissed, the decision of the lower court stands affirmed. If it be sustained, the

decision is not necessarily reversed, but may be altered in part or in whole, and may be remitted to the lower court with instructions; or the higher court may, if circumstances appear to require it, waive altogether the merits of the complaint or appeal, and give such a decision in the original cause as is consistent with truth and justice.

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#### CHAPTER XI.—EDUCATION AND SUPERINTENDENCE OF STUDENTS FOR THE MINISTRY.

131. Parents are earnestly and affectionately reminded of the duty of dedicating to the Lord for service in His holy ministry such of their children as, by possession of the requisite qualifications, seem marked out by the Head of the Church as proper persons to receive training for this office.

132. Sessions and Presbyteries are enjoined to make diligent and careful enquiry whether any young men are to be found within their bounds whose attention should be specially directed to the claims of Christ upon them with respect to the ministry of His Church, and to aid and encourage in all proper ways such suitable young men as may declare their purpose to consecrate themselves to this sacred vocation, watchfully keeping their eye upon any in their congregations who are prosecuting a liberal education, and whose piety and abilities make it desirable that their thoughts should be turned towards the ministerial office.

133. Presbyteries shall exercise a kind and faithful supervision over students and intending students resident within their bounds, and shall always endeavour to inculcate upon them worthy views of the exalted office to which they aspire, and to encourage them in the arduous course of study by which the Church has wisely determined that her ministry should be reached.

134. It is the duty of Presbyteries to examine all persons presenting themselves as entrants on the study of theology respecting their moral and religious character, their motives, and their general fitness to study for the ministry, and if satisfied, to certify them to the college, or the Board of Examiners connected with the college in which they propose to attend

135. It is required of Presbyteries to prescribe to students, whether in Theology or in the Preparatory course, resident within their bounds during summer, a written exercise; and if satisfied therewith, as also with the deportment of the students, and with any mission work done by them, to certify them accordingly to the Senate of their college.

136. Students on entering theology, or on intimating their purpose to study for the ministry, must be members of the Church in full communion; and all such students are required, during their course, to be in communion with a congregation of the Church in the place where they are prosecuting their studies.

137. Students are recommended to take, if possible, a full course in Arts in some approved college, and obtain the degree before entering on the study of theology.

138. With the view of encouraging students to take a full University course, Senates and Boards of Examiners are enjoined to use their best endeavours to institute scholarships, which may be annually competed for by students taking such course.

139. Students who are unable to take the full course of graduates are required, after passing a preliminary examination, to complete a three years curriculum in some approved college, and to pass the examinations connected therewith; but in no case shall an actual attendance on the classes of less than two years be accepted unless by permission of the General Assembly.

The preliminary examination shall embrace the following subjects:

Latin—Grammar and easy prose author.

Greek—Grammar and easy prose author.

Mathematics—Arithmetic, Euclid, B. I., and Algebra, first four rules.

English—Grammar and Composition, Geography and English History.

The classes of the three years' course shall be as follows:

1st Year—Latin and Greek. Mathematics, English, and History.



2nd Year—Latin and Greek, Logic and Junior Philosophy, Natural Science and Physics.

3rd Year—Latin and Greek, Senior Philosophy, Hebrew.

140. A student shall not, unless by special permission of the General Assembly, be admitted to the study of theology unless he is a graduate in Arts of some approved University, or has completed the three years' preparatory course, or three years of a regular university course.

An Arts course, as here recognized, must embrace the study of Greek, and all students admitted to theology must have an elementary knowledge of Hebrew.

141. The course in theology shall extend over three full sessions of six months each, and shall embrace the following subjects of study, viz:—Apologetics, systematic theology, exegetics, biblical criticism, church history homiletics, and pastoral theology.

142. Absolute uniformity in the order of developing the course in the several colleges cannot be enforced; but it is recommended that church history, including biblical history, systematic theology and exegetics shall extend over the three sessions, that apologetics shall extend over two sessions, and that biblical criticism, homiletics and pastoral theology shall be taught during one session.

143. Besides attending the classes and preparing the ordinary class exercises prescribed by the professors, every student shall be required to give in during the period of his theological studies the following discourses:—(a) A homily (b) A popular sermon: (c) A lecture: (d) A Greek or a Hebrew critical exercise with additions: (e) A Latin thesis.

144. At the end of each session in theology every student shall be certified by the several professors under whom he has studied, or by his college, with respect to the regularity of his attendance, his satisfactory performance of the work required of him, and as to the propriety of his conduct; and students shall, at the earliest opportunity after the close of the session, present their certificates to the Presbytery within whose bounds they expect chiefly to reside during the recess of the college.

145. The examinations for entrance into college classes, whether literary or theological, and others, held at the close

of each session in connection with the work of the session, together with the examinations for scholarships offered to University students, shall be conducted by the Senate or by the Board of Examiners, (where such a board exists) of the respective colleges.

46. Colleges are required to report annually, either directly or through their boards, to the General Assembly.

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#### CHAPTER XII.—THE LICENSING OF PROBATIONERS.

147. In order to his being taken on trials for license, a student of theology, on completing his course, presents to a Presbytery, with as little delay as possible, class certificates from the several professors under whom he has studied, together with a certificate from his college, shewing: (1.) That he has completed the Literary and Theological curriculum required by this Church:—(2.) That he has delivered all the discourses prescribed to him, in the course of his studies; (3.) That his character and conduct, so far as known, are suitable to his position as a candidate for the ministry. Provided always that the presenting of interim certificates for the current session shall suffice until the session be closed, when certificates in full must be forwarded.

148. When considering the question of taking a student on trials for license, the Presbytery should be alone. The Presbytery shall examine, either orally or in writing, the student in Latin, Greek and Hebrew, Philosophy and Systematic Theology, also as to his Personal Religion, and as to his motives for seeking to enter on the ministerial office. If the examination is sustained, and the Presbytery is satisfied of the piety, prudence, and good report of the student, it makes application to the Synod for leave to take him on public probationary trials, certifying at the same time, that the requisite certificates have been produced and that the examination has been sustained. If, however, a candidate for license, who is a member of this Church, has attended, in whole or in part, a Theological Institution beyond the bounds, the Presbytery shall report the fact to the Synod.

149. When a Synod meets only in the autumn, application may be made and leave granted at the meeting preceding the last session of the student's course; but his final examination and public trials shall not take place until after the close of the session, and the production of the requisite certificates.

150. Leave having been obtained from the Synod, the Presbytery proceeds with the student's public trials on subjects previously prescribed. These shall embrace a Greek or Hebrew critical exercise; a Latin thesis; an expository lecture; a popular sermon; an examination in theology and church history.

151. The trials being finished, and the members having had an opportunity of expressing their opinions, the Presbytery takes a conjunct view of the whole, and if satisfied therewith, sustains the trials. If the trials are not sustained, the Presbytery may prescribe new trials or otherwise dispose of the case as it sees fit. For the purpose of properly conducting these examinations it is recommended to Presbyteries to assign particular subjects to particular members, who shall be a standing committee of examination for the year; but no member of Presbytery shall by this arrangement be deprived of the right of putting questions in open court should he still deem it necessary.

152. If the trials are sustained, the Presbytery proceeds to license the student in the manner following:—

(1.) It requires satisfactory answers to the questions appointed to be put to candidates for license; after which the candidate signs the formula.

(2.) The moderator engages in prayer, and then addresses the candidate in words to the following effect:—"In the name of the Lord Jesus Christ, the only King and Head of the Church, and by the authority of this Presbytery, I license you to preach the gospel within its bounds, or wherever God in His providence may order your lot." The moderator then counsels him in suitable terms. The clerk is instructed to give him an extract of license.

153. A student, under trials for license, may, for good cause shown, be transferred to another Presbytery, at any stage of his trials.

CHAPTER XIII.—CALLING, ORDINATION, SETTLEMENT,  
DEMISSION, AND DEATH OF MINISTERS.

154. When a congregation agree, at a meeting convened by authority of the Session, that they are prepared to call a minister, they petition (Form A) to the Presbytery of the bounds for moderation in a call, and appoint commissioners to support their petition. It is the duty of the commissioners to give such information as the Presbytery may require, respecting the unanimity of the people in the matter, their ability to support ordinances, their church property and management, and their circumstances generally as a congregation; to present to the Presbytery a duly certified copy of the communion roll; and to assure the court that the congregation will be ready on the day of moderation to submit a guarantee of stipend (Form J).

155. A person eligible for election to a charge must be of good standing, an ordained minister, or a probationer in this Church, or a minister in charge in one of the churches referred to in chapter xiv, sec. 184.

156. If satisfied with the representations made and the documents submitted to them, the Presbytery grant the prayer of the petition, and resolve to moderate in a call, either appointing a meeting for the purpose or deputing one or more of their number to attend to the duty, intimation of the appointment (Form B) is given to the congregation on two Sabbaths before the day of moderation. The Presbytery appoint one of their number to conduct public service on the occasion.

157. All communicants in good standing are entitled to vote in the election of a minister and to sign the call.

158. At the close of the service on the day of moderation the officiating minister announces the purpose of the meeting and notifies parties concerned to remain. The form of call (Form C) is then produced and read. The congregation are asked to say whose name they wish to be inserted in the call, sufficient time being allowed for nominations. A vote is taken in the manner provided for in the rules of procedure, chapter vi. The nominee who is thus chosen is declared duly elected, and his name is inserted in the call,

which is again read. Parties qualified are then invited to subscribe the call.

159. Sufficient opportunity having been allowed for signing the call the officiating minister attests the same according to Form E.

160. Adherents of the congregation, being of the age of discretion, may concur in the call (Form F).

161. The call and concurrence thus signed may be entrusted to the elders, that members and adherents, who may not have subscribed on the day of moderation, may attach their signatures, but such signatures must be attested by at least one elder (Forms G and I).

162. The congregation appoint commissioners to appear before the Presbytery when the call is under consideration.

163. At their first meeting after moderation at which it is competent to take up the matter, the call with relative documents is laid on the table of the Presbytery, the minister who officiated at the moderation reports the fulfilment of his appointment, and the Presbytery proceeds to consider the call. When the Presbytery itself moderates in a call, the Presbytery may, at that meeting enter on the consideration of the call and dispose of it. If the court is satisfied, the call is sustained, and in the case of a licentiate or an ordained minister without charge is presented or sent to him, and he is required to intimate his decision to the Presbytery within one month.

164. On the acceptance of the call, the Presbytery requires, in the case of a licentiate, an extract of his license and a Presbyterial certificate, and in the case of an ordained minister without a charge, an extract of his ordination and a Presbyterial certificate.

165. On finding these documents to be satisfactory, if the person accepting the call is a licentiate, the Presbytery prescribe his trial discourses, namely, a lecture, a popular sermon, and a Greek or Hebrew critical exercise. He is also examined on Biblical Greek and Hebrew, Theology and Church History.

166. The Presbytery having heard the trials, takes a conjunct view of the whole, and if satisfied, sustains them. It fixes the time for ordination and induction, and appoints

one of its number to serve the edict (Forms K and L), which is to be publicly read in the congregation on two Sabbaths previous to the induction. It also arranges for conducting the ordination and induction services.

167. The congregation having assembled, and the Presbytery having been constituted, the edict is returned, bearing attestation that it was duly served, and proclamation is publicly made in these terms :

“If any person has objections to offer against the life or doctrine of (A. B.) let him appear before the Presbytery and lodge certification thereof with proof.” If objections be offered, proceedings are stayed until they are disposed of. If no objector appear, the minister appointed begins the usual order of public worship. After sermon and prayer, the minister appointed to preside narrates the principal steps which have been taken towards filling the vacancy. He then calls on the minister elect to answer the questions appointed to be put to ministers before ordination.

168. Answers satisfactory to the court having been given the candidate for ordination kneels in the midst of the brethren. The presiding minister then engages in prayer, during which by the laying on of the hands of the Presbytery, the candidate is solemnly set apart to the office of the holy ministry, and committed for guidance and success therein to the grace of God. Thereafter he gives him the right hand of fellowship, saying unto him :—“In the name of the Lord Jesus Christ, the King and Head of the Church, and by the authority of the Presbytery of \_\_\_\_\_, I invite you to take part of \_\_\_\_\_ ministry with us, induct you to the pastoral charge of this congregation, and admit you to all the rights and privileges thereto pertaining.” The other members of Presbytery then give him the right hand of fellowship.

169. The minister and the people are then exhorted as to their respective duties by the brethren appointed to that service. Before the benediction is pronounced, the elders, trustees and managers or deacons, are requested to remain with the Presbytery after the dismissal of the congregation, and the people are informed that they will have an opportunity of welcoming their minister as they retire from the church.

170. The minister ordained is required to subscribe the formula of adherence to the Confession of Faith, (Form M) after which his name is added to the Roll of Presbytery.

171. The Presbytery then consult with the office-bearers of the congregation respecting their affairs, and give such advice and direction as may seem to be called for.

172. It is deemed desirable that the managers or deacons shall be prepared to make the first payment of the stipulated stipend.

173. When the minister elect is already ordained trials are not prescribed, nor may the act of ordination be repeated. Satisfactory answers to the questions appointed to be put to ministers at their induction having been received, the officiating minister, after praying, gives the minister elect the right hand of fellowship, saying unto him :—“ In the name of the Lord Jesus Christ, the only King and Head of the Church, and by the authority of the Presbytery of—, I induct you to the pastoral charge of this congregation, and admit you to all the rights and privileges thereto pertaining.”

In all other respects the procedure is the same as in the preceding sections.

174. In the translation of a minister all the steps required for calling and inducting are taken, as prescribed in the foregoing sections, except that the production of documents mentioned in section 164 is unnecessary.

175. In the case of a minister being called from one congregation to another in the same Presbytery, if the Presbytery sustains the call, he is summoned *apud acta*, or by letter if he is not present, to appear at the next meeting of Presbytery to be held not less than fifteen days thereafter, and the reasons for translation together with the guarantee of stipend (Form J) are 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, lodging with them a copy of the reasons of translation, and summoning them to appear for their interests at next meeting of Presbytery, with certification that, failing to do so, they shall be held as consenting to the translation of their minister.

176. In the translation of a minister from a charge within the bounds of another Presbytery, the call is transmitted to



the Presbytery of which he is a member, with reasons of translation and extract minutes of the proceedings, and a certified copy of the guarantee for payment of stipend, if the same has not been embodied in the call. Commissioners for prosecuting the call are appointed both by the Presbytery and the congregation. Intimation is given to the minister receiving the call, and also a copy of the reasons; the same rule in regard to the citation of the congregation of the minister who is called must be observed as in the preceding case.

177. Unless the minister called intimate to his Presbytery that he will not accept the call, the Presbytery at least ten days before it adjudicates therein, cites his congregation to appear in their own interests and show cause if advised against the translation. (Form N)

178. At the meeting of Presbytery at which the call to a settled minister is finally dealt with, all parties having been summoned are expected to appear for their interests. They are heard in the following order:—First: In the case where the call is from another Presbytery, commissioners from that Presbytery and the commissioners from the congregation calling; secondly, commissioners from the congregation of the minister who is called; thirdly, the commissioners prosecuting the call in reply. The minister is then asked to state his mind on the subject; thereafter the Presbytery takes such action in the premises as it may see fit.

179. Ministers ordained as missionaries, but without reference to the exercise of their office in a particular charge, are set apart in the manner above stated with the necessary alterations in the questions addressed to the candidate. (See questions in Appendix).

180. If the presbytery resolves to translate, it instructs the minister called to wait for, and obey the orders of the other Presbytery, transmits extracts of its procedure, craves notification of the induction, and, with all convenient speed, causes the congregation, whose minister has been so translated, to be declared vacant. (Form P).

181. When a minister offers resignation of his charge, the Presbytery cites the congregation (Form O), as in the case of a translation, and thereafter proceeds to accept or refuse



his resignation as it sees cause. On accepting the resignation, it takes steps for declaring the charge vacant (Form P).

182. When a minister from age or infirmity proposes to retire from the active duties of the ministry, he makes application in writing to the Presbytery, furnishing whatever information may be necessary, and in case of infirmity a satisfactory medical certificate. The Presbytery thereupon visits his congregation, and summons them to appear by commissioners at a subsequent meeting, that they may be heard for their interests, and that the Presbytery may confer with them a retiring allowance to the minister, to take effect on the acceptance of his resignation, and any other matters affected by his proposed retirement. It then considers the whole matter, records its judgment, and sends up the minister's application, its own judgment thereon, and all relative documents to the General Assembly, to whom it belongs finally to determine in the case.

183. When the minister of a charge has been removed by death, the members of Presbytery attending his funeral meet together and record such particulars regarding him as they may deem important, leaving it to the Presbytery at its next meeting to adopt any minute which may be deemed desirable. They may also arrange for supplying the pulpit until the next meeting of Presbytery at which they shall report their proceedings.

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#### CHAPTER XIV.—ADMISSION OF MINISTERS AND LICENTIATES FROM OTHER CHURCHES.

184. Any minister who is a settled pastor in a Church which holds the same doctrine, government, and discipline, as this Church, and who is regularly called by a congregation of the Church, may be received by a Presbytery, on presenting a Presbyterial certificate; but the Presbytery, if it sees cause, may refer the case to the Assembly.

185. Ministers and licentiates expressly designated or commissioned by the Churches in Great Britain and Ireland may, on producing their commissions, be admitted by Presbyteries as ministers or probationers of this Church.

186. In all cases in which an applicant for admission does not come in the manner provided above, but with a Presbyterial certificate only, he cannot be received into full standing as a minister or probationer of this Church without permission of the General Assembly.

187. The Presbytery, at an ordinary meeting holds private conference with the applicant for the purpose of ascertaining his doctrinal views, his literary attainments, and other particulars. If satisfied, the Presbytery records its judgment, and agrees to transmit the application, with extracts of its proceedings thereon, and relative documents, to the next General Assembly, and instructs its clerk to issue circular letters forthwith to the other Presbyteries.

188. If the Presbytery is unanimous in transmitting the application, it may, in the meantime avail itself of the applicant's services.

189. If the Assembly grants permission, the Presbytery may, on his satisfactorily answering the questions appointed to be put to ministers or probationers, and on his signing the formula, receive him as a minister or probationer of this Church.

190. When the church to which the applicant belonged is not a Presbyterian Church, the applicant is required to apply to the Presbytery within whose bounds he resides, and to produce documentary evidence of his good standing as a minister in the church to which he belonged. If the Presbytery is satisfied with such evidence, they proceed to confer with him, and answers are required to the following questions:—

(1.) What course of study has he passed in Arts and Theology?

(2.) When, where, and by whom was he ordained to the ministry?

(3.) Has he ever been connected with any other church than that from which he brings documents, and if so, in what capacity?

(4.) What are his reasons for applying for admission to this Church: and what has led to his change of views?

(5.) How long has he resided within the bounds of the Presbytery?

191. If satisfied with his answers to these questions, the Presbytery further enquires as to the degree of success which has attended the previous ministry of the applicant. If satisfied as to the probability of his usefulness in the Church, and as to his christian character and good report, the Presbytery records its judgment on the whole case, and resolves to apply for leave to admit him. The answers given, and the information obtained are embodied in a report which is transmitted to the General Assembly, with extracts of its procedure, and other documents.

192. The Presbytery, on receiving a duly certified extract of the Assembly's deliverance in the matter, takes such further action as is called for.

193. All applicants for admission to the Church, other than those referred to in section 185, are required to appear personally before the General Assembly.

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#### CHAPTER XV.—THE CONGREGATION.

194. A mission station or a congregation may be formed by the Presbytery of the bounds, either on its own motion or on application of any number of persons who declare their adherence to the principles of this Church.

195. Before taking action the Presbytery gives intimation to the Sessions of the congregations in the neighbourhood which may be affected by the proposed action, that they may appear and be heard for their interests.

196. The Presbytery appoints one or more of its members to hold a meeting with the people and ascertain the names of the persons adhering. After due inquiry and hearing parties interested, the Presbytery may resolve to form there a mission station or congregation; it grants supply of ordinances and takes the necessary steps for complete organization.

197. The Presbytery as soon as practicable makes up a communion roll, and appoints an interim Session to act until such time as a permanent Session is obtained.

198. A congregation, before proceeding to erect a place of worship, should obtain the Presbytery's approval of the site.

199. The members of a congregation entitled to all Church privileges are those who, upon profession of faith in Christ and obedience to Him, have been received by the Session into full communion. Being within the covenant, the children of such persons are also members and enjoy the superintendence of the Church; and it is their duty, when they arrive at years of discretion, to seek admission to full communion. (For mode of admission, see Chapter i, sec. 13).

200. Members in full communion are entitled to vote at all congregational meetings; and to these alone belongs the right of choosing ministers, elders and deacons.

201. Members have, in all cases, access to the Session with complaints against fellow members, or in reference to any matter affecting the congregation or the Church. In regard to complaints against members, see Chapter xviii., sec. 244-250. Complaints against ministers are brought directly before the Presbytery.

202. Members have access through the Session to the higher courts with petitions and overtures; and when the transmission of such papers is refused by the Session, members have the right of appeal as provided for in other cases.

203. A member in good standing on applying to the session for a certificate of disjunction is entitled to receive the same without undue delay.

204. A member on presenting such certificate to any Session is admitted into membership, and becomes entitled to all the privileges and pledged to all the duties of a member in the congregation with which he is thus connected.

205. Members are under the inspection and subject to the authority of the Session until they are either disjoined by certificate, or cut off in the exercise of discipline. Sessions on granting certificates to those who have withdrawn irregularly, shall give such statement of the facts as they may deem called for.

206. A member of one congregation cannot be admitted into another until he produces a certificate of disjunction.

207. A member whose name has been dropped from the roll of a congregation, or declines the jurisdiction of a Ses-

sion cannot be restored to the fellowship of the Church by another Session until it has corresponded with the Session by whose deed he has been set aside, or whose jurisdiction he has declined, and obtained its consent to deal with him with a view to restoration; if that consent is refused, the case may be referred to the Presbytery

208. When a member withdraws from the fellowship of a congregation without applying for a certificate of disjunction, or declines the jurisdiction of the Session, or removes from the bounds while under discipline, and his name has in consequence been removed from the communion roll; or when his name has been removed by process of discipline, he cannot be received into fellowship by the Session of another congregation without correspondence with the Session of the congregation from whose roll his name has been removed.

209. A congregational meeting is called by notice from the pulpit on the Lord's day. The notice specifies the object of the meeting, and is given on at least one Sabbath previous to the day of meeting, unless otherwise provided for in the constitution of the congregation, or by the rules of the church, as in the calling and settlement of ministers, or the election of elders, when notice on two Sabbaths is required.

210. Meetings for strictly spiritual purposes are called by authority of the Session; meetings for temporal business may be called by authority of the deacons or managers.

211. At meetings for spiritual purposes the minister of the congregation, or the minister appointed by the Presbytery presides, and the Session clerk acts as secretary. At meetings held for temporal purposes the minister, if present, is entitled to take the chair, and when he is not present the congregation choose a chairman for the time and also a secretary.

212. Due provision should be made by the congregation for the service of praise, under the direction of the Session and subject to its control. The precentor or conductor of the service of praise may be chosen by the congregation, but his appointment must, in all cases, be approved by the Session to whose authority he is subject and whose orders he is bound to obey; and he must be fitted by his character for the service, which he renders in the House of God.

During a temporary vacancy the Session takes steps for the conduct of the service of praise.

213. Congregations may adopt regulations for the management of their business; which, however, must be consistent with the constitution and enactments of this Church, and be sanctioned by the Presbytery of the bounds.

The following are recommended for the guidance of congregations:

(1.) The congregation shall hold an annual meeting for the transaction of its business, of which due notice shall be given.

(2.) All members in full communion are entitled to attend this meeting, or other similar meetings of the congregation, and vote on all matters which may be submitted.

(3.) The management of the temporal affairs of the congregation, including the care of the property, the collection of all contributions for the support of ordinances, the payment of the minister's stipend, and salaries of precentor, door-keeper, etc., and other expenditure shall be committed to the charge of managers, who must be members in full communion, and shall regulate the administration of the matters committed to their charge, by these rules, and shall also observe any special directions which may from time to time be given them by the congregation.

(4.) One-third of the managers shall annually retire by rotation and their places, with the places of any who die or vacate their office during the year, shall be filled at the annual meeting. The retiring managers may be re-elected.

(5.) The managers shall appoint their own chairman, treasurer, and secretary; and the congregation shall also elect two persons, members of the congregation, as auditors of accounts, who shall report to next annual meeting.

(6.) If any manager is cut off from privileges by the Session, or leaves the congregation he shall forthwith cease to act as manager.

(7.) The managers shall hold a meeting at least once every quarter. The meeting shall be called from the pulpit on the Sabbath preceding, or by personal notice to the individual managers; and the secretary shall convene a meeting when required to do so by one-third of the managers

(8.) At these meetings three shall be a quorum. The chairman shall have a casting, but not a deliberate vote.

(9.) The treasurer shall keep a book of accounts, shewing receipts and expenditure, and shall produce the same at the annual meeting, duly audited.

(10.) The secretary shall keep a minute book, accessible to the managers at all times, wherein all minutes of meetings of the managers and of the congregation shall be entered; which minute book shall be signed by the chairman and secretary.

(11.) At the annual meeting the managers shall present a report of their proceedings, with an abstract of receipts and expenditure during the year, and a statement of the present financial condition of the congregation.

(12.) The managers shall not have power to contract debt on the security of the property, without the special authority of the congregation.

(13.) 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 is first proposed, but if entertained it shall lie over to be decided upon at the next annual meeting, or at a special meeting called for the purpose, not earlier than two weeks after being so entertained; and such alteration shall be submitted to the Presbytery for approval.

214. In congregations where a Deacon's Court exists, it is entrusted with the management of the whole secular and financial affairs of the congregation.

215. Trustees to hold the property for the congregation are appointed by the congregation, and should be members of the Church. Great care should be taken to clearly define the purposes of the trust, and the powers, duties, obligations, and mode of appointment of the trustees and their successors. Model Trust Deed will hereafter be provided.

216. Members dissatisfied with resolutions passed at a congregational meeting, may dissent and complain to the Presbytery, and crave extracts; in which case the meeting appoints 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.

217. Before a congregation apply for moderation in a call they agree as to the amount of stipend, and empower the commissioners to the Presbytery to report the same, and to give any information the Presbytery may require.

218. It is the duty of all the members of the congregation to exert themselves by contributing as God has prospered them, to raise the stipend promised, and to increase it as circumstances require.

219. If a congregation is not paying the stipend as promised, the Presbytery, on becoming cognizant of the fact, makes enquiry, and takes what steps may be called for in the premises.

220. It is the duty of the congregation to make returns regarding their statistics and finances, as may from time to time be required by the superior courts.

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#### CHAPTER XVI.—ELECTION AND ORDINATION OF ELDERS.

221. The right of electing elders is vested in the members of the congregation who are in full communion.

222. The number of elders is to be regulated by the circumstances of the congregation.

223. It belongs to the Session to determine when an addition should be made to its number; but it is competent for members of the congregation to petition the Session to this effect.

224. When the Session has resolved to add to the number of elders, it first gives notice of this resolution to the congregation, and proceeds in the manner following:

(1) A meeting of the congregation is held for the purpose of nominating persons qualified to fill the office. At this meeting a list is made of the names in full of persons duly proposed. This list is then submitted to all the communicants, who are required to return to the Session, on or before a fixed date, the votes duly signed. At a meeting held there-



after the Session examines the voting papers, ascertains who have the highest votes, declares them elected, and orders the names of the persons so elected to be publicly announced.

(2) It is competent for the Session to hold an election without a previous meeting for nomination, in which case the requisite number may be elected by open vote, by calling the roll or by ballot.

(3) It is competent for the Session to ask the members to give in on a specified day ballots duly signed, containing the names of persons to the number required. The Session declares those who have the largest number of votes on examination of the ballots duly elected.

(4) After the election, the Session deals with the elders elect as to the propriety of their accepting office. On their expressing their willingness to accept, the Session proceeds to satisfy itself in regard to their piety, prudence, and knowledge of Divine truth, of the government and discipline of the Church, and of the duties of the office.

(5) When the Session is satisfied, it appoints the edict for their ordination to be read before the congregation, which should be to the effect following :

Whereas, Messrs. A., B., and C., members of this church, have been duly elected to the eldership by this congregation, and approved by the Session ; notice is hereby given that the Session will proceed to ordain them to that office on the day of        at        o'clock        unless some valid objection to their life or doctrine has been given in to the moderator within ten days from this date.

(6) If no valid objection is made, on the day appointed for ordination the Session is constituted. After sermon the moderator narrates the previous proceedings, calls forward the elders elect and puts to them the prescribed questions. Satisfactory answers being received, the moderator proceeds by prayer to ordain them to the office of Ruling Elder, commending them to the grace of God for comfort, aid and countenance in the exercise of their office. The right hand of fellowship is then given to the persons thus ordained by the minister and other elders present, in token of their taking part with their brethren in the oversight of the congregation. Suitable exhortations are addressed to the newly

ordained elders and to the people, and the names of these elders are added to the roll of the Session.

(7) Elders retain office for life unless they are deposed. If they demit their office, the congregation should be very cautious in again calling them to exercise it.

(8) Elders coming within the bounds of a congregation, although received into full communion, cannot be admitted into the Session, unless they are elected by the congregation and duly inducted.

#### CHAPTER XVII.—THE DEACONS' COURT

225. The Deacons' Court is composed of (1) the minister or ministers of the congregation; (2) the elders; (3) the deacons.

226. The duties of the Deacons' Court are to give special regard to the whole temporal affairs of the congregation, more particularly to attend to the gathering of the peoples contributions for the sustentation of the ministry and the schemes of the Church, and to receive all contributions and donations made for these purposes. To attend to the wants of the poor of the congregation, and to discharge all the duties assigned to managers as laid down in section 213.

227. Deacons are elected by the members of the congregation in full communion, and the same rules and forms are observed in their election and ordination as in the case of elders. (See preceding chapter.)

228. The deacon holds office till removal by death or deposition, or until his resignation is accepted by the Session.

229. The officials of the Deacons' Court are: (1) The moderator or chairman; (2) the clerk; and (3) the treasurer.

230. The minister, when present, is moderator. Where there are colleagues, they may preside either alternately, or according to any agreement mutually agreed upon; and when the one presides, the other, if present, sits and votes as an ordinary member. In the absence of the minister, any member of the court may be chosen to preside. The chairman has not a deliberative but a casting vote.

231. The clerk is elected by the court, and is one of its members. His duty is to keep an accurate roll of its members, and a faithful record of all their proceedings, to be engrossed in a book to be provided for the purpose; and to have care of papers belonging to the court, which are not entrusted to the treasurer.

232. The treasurer is elected by the court, and is also one of its members. His duty is to keep the whole accounts of the congregation, and to receive and disburse all its moneys, subject to the direction and control of the court, except the funds for the missionary schemes of the Church, which are transmitted to the general treasurer.

233. The Deacons' Court meets as often as is necessary, and is convened by notice from the pulpit, or by personal notice to the members. It is convenient to have a fixed time of meeting; but a meeting may be called at any time by the authority of the minister, or at the requisition of any three members addressed to the minister, or, during a vacancy, to the clerk.

234. Three members constitute a quorum. Every meeting is opened and closed with prayer, and this must be stated in the minutes.

235. The practice and procedure laid down in the rules for the guidance of managers shall be held, as far as practicable, to apply to Deacons' Courts.

236. Each deacon should have a district of the congregation assigned to him. It is his duty to see that the funds for the different departments of the work of the congregation are regularly gathered in; and it is also his duty to visit his district, to cultivate an acquaintance with all within its bounds, and to seek to stimulate by any christian and prudent means the liberality of the portion of the congregation assigned to him.

237. The Deacons' Court and Session are co-ordinate courts, subject to the Presbytery, and having separate and independent jurisdiction, there is, therefore, no appeal from the one to the other; nor can the procedure of the one be reviewed by the other, while each remains within its own province.

238. Any member of the congregation or of the Session may petition the Presbytery against the procedure of the Deacons' Court, on the ground of excessive power, or disregard of the acts of Assembly. The court is bound to furnish extracts to parties concerned in their procedure in the same manner as the Session.

239. The record of the court, with the treasurer's account of receipts and expenditure, duly audited, is annually submitted to the Presbytery for the purpose of examination and review.

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## CHAPTER XVIII.—DISCIPLINE.

### GENERAL PROVISIONS.

240. Discipline is an exercise of that spiritual authority which the Lord Jesus Christ has appointed in His Church. Its object is threefold ; the glory of God, the purity of the Church, and the spiritual good of the offender.

241. In the exercise of discipline, there ought to be no intermeddling with matters which are purely civil. 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.

242. If a scandal happen not to be noticed in order to censure, for the space of five years after becoming known, it should not be again revived, so as to enter in a process there anent, unless it be of a heinous nature. But in such cases the consciences of offenders ought to be seriously dealt with in private, to bring them to a sense of their sin and duty.

243. An Offence is anything in the principles or practice of a member of the church, which is contrary to the Word of God. Hence nothing is to be regarded as cause of discipline, which cannot be shown to be condemned by scripture, or by the established regulations and practice of the church, founded on scripture.

244. The proper subjects of discipline are church members ; not only members in full communion, but also baptised persons who have arrived at the years of discretion.

245. Every offence is not necessarily an occasion for the exercise of discipline; and when a charge is made against any member or office-bearer of the church, the court before which it is made makes diligent inquiry, in the case of offences of a private character, as to whether the offender has been privately dealt with; and in other cases, as to the gravity and publicity of the offence; and before entering on a formal process, informs the party accused of the charge brought against him, and deals affectionately with him for the removal of the scandal. It is only when such dealings have been ineffectual that a formal process is begun.

246. Judicial process may be necessary when some competent party complains and undertakes to prove the charge; or when a *fama* so loudly proclaims the scandal, that the honour of religion requires the matter to be investigated, or when an individual, suffering under alleged slander, requests a judicial investigation.

247. Before commencing process, a court, with the view of reclaiming an offender by tender treatment, uses private means by friendly conference or a committee to bring him to a sense of his guilt.

248. Before commencing process on the ground of a *fama*, a court must be satisfied that such *fama* really exists; and no rumour is to be considered as such unless it specifies some particular sin or sins, is widely spread, generally believed, and has strong presumption of truth.

249. The parties to a process are the *accuser* and the *accused*; and in process on the ground of a *fama*, the court, if it deems proper, appoints one of its members as prosecutor, who acts as the accuser, or the court itself may so act. In case of appeal, the parties become *appellant* and *respondent*.

250. Great caution is to be exercised in receiving accusations from any person who is not of good character, who is himself under censure or process, or who is personally interested in the conviction of the accused.

251. Any accuser, but especially the accuser of a minister, if he fail to show good cause for the charge made, may himself be censured as a slanderer, in proportion to the malignity or rashness with which he may appear to have acted.

252. Great caution should be exercised in taking up judicially an evil report, and preferring or receiving a charge against a minister of the gospel; and a private member of the church, before making public any offence of which he is cognizant, should apply to some experienced member of the Presbytery for advice. If the offence has been committed without the bounds of the Presbytery to which the minister belongs, it is the duty of the Presbytery within whose bounds it has been committed, to send notice to the Presbytery of which the offender is a member, stating the grounds of the charge. The Presbytery thus notified proceeds as in case of a *fama*.

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#### CHAPTER XIX.—MODE OF PROCEDURE.

253. Primary jurisdiction over ministers and licentiates belongs to the Presbytery, and over other church members to the Session; but the Superior court may institute process when the court of primary jurisdiction has been enjoined to do so, and has refused or neglected to obey.

254. No charge is to be received by any court unless it is presented in writing, with particular specification, as far as possible, of time, place, and circumstance, and is accompanied by a list of witnesses, and a statement of any other evidence proposed to be adduced.

255. If the accused is present, he may at this stage be solemnly and affectionately dealt with in reference to the charge. If he confesses or admits the charge, the court proceeds to judgment. The confession is to be signed by the accused, if deemed expedient by the court.

256. If the charge is denied, the accused is furnished with a copy of the charge, list and statement above referred to. Parties and witnesses are then cited to appear at a subsequent meeting, to be held, in the case of a Presbytery, not earlier than ten clear days, and in the case of a Session, not earlier than two clear days, after the service of the citation.

257. At this subsequent meeting, the accused, having appeared, is again affectionately dealt with in reference to the charge. If he denies it, the trial proceeds, and witnesses for all parties are examined.

258. If the accused refuses to obey the first citation, he is again cited to appear within a reasonable time to be specified, with certification that if he does not appear, the court, besides dealing with him for contumacy, will proceed with the case as if he were present.

259. If the accused purposely absents or secretes himself, so that process cannot be served on him, the court may suspend him until he appears and answers.

260. Before proceeding to trial, or to censure for contumacy, the court must ascertain and record the fact that its citations have been duly served.

261. When the evidence is closed, parties are heard and removed, and the court proceeds to deliberate; and, if possible, comes to a judgment, acquitting or condemning the accused, either wholly, or to such extent as the evidence warrants.

262. Minutes of the whole proceedings are kept by the clerk of the court, but no entry is made in the permanent record until the trial has been completed. If the accused is acquitted the minutes are then destroyed, and no entry of the proceedings made in the record. If the accused is convicted, the charges, the answer, and the judgment are recorded, and the whole minutes of the trial, including all the citations and certificates of the service thereof, the acts and orders of the court relating to the cause, and the evidence adduced, are attached together and kept *in retentis*.

263. The accused cannot be put upon trial a second time upon the same charge, if upon the first trial he has been found not guilty.

264. In case of an appeal or complaint, these minutes, together with the notice of appeal or complaint, and the reasons thereof, if any have been minuted or filed, are duly authenticated by the clerk, and transmitted to the higher court. These papers are called the "judicial record." Nothing can be taken into consideration in the higher court which is not contained in the said record.

265. All parties are entitled to copies of the judicial record or extracts therefrom, at their own expense.

266. Decisions on points of order or evidence need not be minuted unless desired by a party.



## CHAPTER XX.—CITATIONS.

267. Citations are in writing, and may be served by one of the parties, or by any competent person. A certificate of the serving of citation shall in all cases be lodged with the court. Any person, either party or witness, who may be present at a meeting of the court, may be cited *apud acta*. Members of the church are bound to obey the citation of any church court, and, in case of refusal, are liable to censure.

268. When it is judged proper by a court to proceed by libel, a copy of the libel must be delivered to the accused person in the presence of the court, or, in his absence, a copy of the libel and of the citation, signed by the clerk, are delivered to him personally, or left at his place of residence, at least ten clear days before the time appointed for hearing the case.

269. Every such citation must specify, 1st—The court before which the accused is to appear; 2nd—The name of the accused; 3rd—The time and place of appearance; 4th—The name of the accuser; and, 5th—A general declaration of the offence charged; and must be accompanied, in the first instance, by a certified copy of the libel, and a list of witnesses and documents intended to be produced in evidence.

270. Witnesses who are members of the church are cited by authority of the court; other persons can only be requested to attend and give evidence.

271. Congregations may be cited by the Presbytery, Synod or General Assembly, to appear in regard to any matter in which they may be interested.

272. When it is deemed necessary to cite a congregation, the citation is directed to the Session, through its moderator, with instructions to call a meeting of the congregation, for the purpose of appointing representatives to answer such citation; for this purpose the citation is to be read from the pulpit on the Sabbath preceding such meeting of the congregation.

273. Citations addressed to congregations are issued in the name and by authority of the court citing, are signed by its clerk, and specify the object of the citation, together with the time and place at which appearance is to be made.



274. When congregations are duly cited, they appear by their representatives. If no appearance is made, they may, if the case require, be cited a second time, with certification that if no appearance is then made, they will be held as acquiescing in the decision of the court in the premises.

275. A superior court, for sufficient cause, may cite an inferior court to appear before it. This may be done by letter addressed to the moderator and clerk, and signed by the clerk of the superior court.

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#### CHAPTER XXI.—EVIDENCE.

276. Church courts are to be very careful and impartial in deciding on the credibility of witnesses.

277. Disbelief in the existence of God, or in a future state of rewards and punishments, or inability to understand the obligation of an oath, involves incompetency.

278. A party has a right to object to a witness, and the court decides on his competency.

279. Persons in the relation of husband and wife, parent and child, are not compellable to give evidence for or against each other.

280. The credibility of a witness may be affected by relationship to one of the parties, by interest in the result of the trial; by weakness of understanding; by infamy of character, by being under censure; by rashness, indiscretion or malignity of disposition; or by other circumstances.

281. The questions put must be more or less pertinent to the cause. No evidence is received except what is matter of knowledge or cause of knowledge of the witness. What a witness has heard is never to be received, except it be what he has heard said by a deceased person, by the accused, or by one in presence of the accused.

282. In order to refresh his memory, a witness may refer to writings and memoranda made by himself, unless they were made primarily to be used when giving evidence.

283. Leading questions are not to be put to a witness, but on cross-examination, or in the case of an unwilling witness, greater latitude is allowed.

284. No witness is bound to criminate himself.

285. The testimony of more than one witness is necessary to establish a charge. If several credible witnesses testify to different acts of a similar nature, or to confirmatory circumstances supporting the same general charge, the offence may be considered proved.

286. Unless by consent of parties, witnesses, other than members of the court, who are yet to be examined, are excluded while other witnesses are under examination.

287. Witnesses may be examined on oath. The court may, however, accept a solemn affirmation instead of an oath. Such oath or affirmation shall be in the following terms: "I solemnly declare, in the presence of the omniscient and heart-searching God, that I will speak the truth so far as I know or shall be asked, as I shall answer to God at the great day of judgment."

288. Witnesses are examined in the presence of the parties (if comparing), and the opposite party is at liberty to cross-examine, asking, through the moderator, any relevant questions.

289. Witnesses are first examined by the party producing them, then cross-examined by the opposite party; and thereafter, any member of the court desiring to put a question, may do so through the moderator.

290. Depositions are taken down in writing, read over to, and signed by the witnesses. The questions in full are not recorded, unless desired by a party as being important.

291. When witnesses cannot attend, their evidence may be taken by commission of the court, or through another church court; but the parties must receive notice of the time and place appointed for the taking of such evidence. Evidence taken by one court, and regularly attested, is received as valid by any other court.

292. After a trial, the party convicted may apply for a new trial on the ground of newly discovered evidence, and the court, if satisfied that the evidence is material, and

could not with reasonable diligence have been offered sooner, may grant the application. When the new evidence has been taken, the court, using the whole evidence in the cause, proceeds to judgment, as if no former judgment had been given; and the new judgment entirely supersedes the former one.

293. If in the prosecution of an appeal, new evidence is offered, which in the opinion of the Appellate court has an important bearing on the case, it is competent to the court to refer back the cause to the inferior court for a new trial; or, with the consent of parties, to receive the further evidence, and bring the case to an issue.

294. After the evidence for the prosecution and the defence has been heard, evidence in reply may be adduced by the prosecution.

295. All documents adduced in evidence, or authenticated copies of the same, must be lodged with the clerk of the court.

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#### CHAPTER XXII -- CENSURES AND OTHER CONSEQUENCES OF DISCIPLINE.

296. The censures of the church are admonition, rebuke, suspension, deposition from office, and excommunication, all which are pronounced by the moderator, in the name of the court.

297. *Admonition* consists in solemnly addressing the offender, placing his sin before him, warning him of his danger, and exhorting him to greater circumspection.

298. *Rebuke* is a higher form of censure resorted to after conviction or confession of scandalous sins. It may, if the court judge necessary, be publicly administered.

299. *Suspension from church privileges* follows confession or conviction, and may be for a longer or shorter time: it is added to rebuke, when in the judgment of the court it is necessary in order to impress the offender, and to give public testimony to the church and the world against the offence.

300. *Suspension from office* is inflicted either with or without limit of time. Suspension of an office-bearer from

church privileges is uniformly accompanied with suspension from office; but the latter may be inflicted without the former.

301. A member or office-bearer of the church, while under suspension, should be the object of deep solicitude and earnest dealing, in order to bring him to repentance. When the court which inflicted the censure is satisfied of the penitence of the offender, or when the time of suspension has expired, (if no new scandal has arisen), the censure is removed, and he is restored. This restoration is accompanied with admonition. Restoration to privileges may take place without restoration to office.

302. *Deposition* of an office-bearer consists in depriving him of his office, in consequence of confession or conviction of heresy or gross immorality.

303. Contumacious resistance of the authority of a church court may warrant the infliction of any ecclesiastical censure.

304. Deposition of a minister, or suspension *sine die* involves the dissolution of the pastoral tie, and the congregation shall be forthwith declared vacant. In suspension for a limited period, the Presbytery decides whether such dissolution shall take place or not.

305. *Excommunication* is the highest censure of the church, and is resorted to only in cases 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.

306. A Session does not proceed to deposition or excommunication without reference to the Presbytery for advice.

307. When a minister has been deposed, he is not to be restored without the authority of the Supreme Court.

308. When an individual commits an offence in the presence of the court, or when he voluntarily confesses his guilt, it is competent to the court to proceed to judgment without process, the offender having the privilege of being fully heard. The record must show the nature of the offence, the judgment of the court, and the reasons thereof.

309. Every report injuriously affecting the character of a minister is not to be made the subject of judicial inquiry ;

but only such reports as involve a serious accusation, and are so prevalent that the interests of religion require their investigation.

When, however, a complaint is made against a minister, involving minor matters, such as acts of negligence, or disputes with the Session or congregation, but which affect his reputation and usefulness, the Presbytery makes investigation without formal process, dealing with the parties interested, with a view to the removal of the offence. When this end is not attained, the dealing may result in a dissolution of the pastoral tie, or in a formal process, by resolution of the Presbytery, or by demand of the minister. 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 his congregation.

310. When an office-bearer, without regular dismissal, renounces the communion of the church by joining another denomination, if the denomination is evangelical, and he is in good standing, the irregularity is noted in the records of the court having jurisdiction, and his name erased. If a charge is pending against him it may be prosecuted. If the denomination is not evangelical, he may, without trial, be declared no longer an office-bearer of the church, or deposed, as the interests of the truth may require.

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#### CHAPTER XXIII. —LIBEL.

311. When a charge against a minister or licentiate is preferred in writing, accompanied with probable evidence, or when there is a *fama* so clamant as to demand judicial investigation, the Presbytery in the first place institutes a private inquiry by precognition, either before itself, or by means of a committee, respecting the charge or *fama*. Justice requires that the party accused be made aware of this inquiry, and have an opportunity of making explanations. If he wishes to be present, the Presbytery may grant his request. Witnesses must not be precognosed in each other's presence.

312. When it appears from the inquiry that there exists probable ground for the charge, and the party accused, after having been closely and affectionately dealt with, denies, or makes insufficient admission of guilt, the Presbytery resolves to proceed by libel. The charges preferred in the libel are at the instance of the Presbytery, when proceeding on a *fama*, or of the accusers, when there are accusers.

313. The Presbytery, if it sees fit, appoints one of its members to act as prosecutor, but where the indictment is at the instance of a private party, such party may be required to prosecute. When the libel has been approved generally by the Presbytery, a day is fixed for considering the relevancy thereof. The accused is duly notified of this meeting, and furnished with a copy of the libel.

314. A libel is held to be relevant when, 1st, the offence specified is properly a subject of church censure; and, 2nd, the facts specified amount to the offence charged. When the Presbytery meets, the accused is asked if he has any objections to the relevancy of the libel, and the court proceeds to consider the question. If found relevant, and further dealing with the accused fails to produce any satisfactory result, the libel is then served on the accused, together with a list of witnesses to be called, and of documents to be produced in probation. By consent of parties, the trial may at once proceed, or a day is fixed for this purpose.

(For mode of procedure at trial, see preceding chapters).

315. 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.

316. When in course of process a libel has been found relevant, the accused *ipso facto* ceases to exercise the functions of his office until the libel has been finally disposed of.

#### CHAPTER XXIV.—SCHEMES OF THE CHURCH.

317. The schemes of the church are the following:—Theological Education, Home Missions, Foreign Missions, French Evangelisation, Widows' and Orphans' Fund, Aged and Infirm Ministers' Fund, Assembly Fund.

318. These schemes are managed by boards and committees, which are appointed by the General Assembly, and act under such regulation as the assembly may from time to time adopt.

319. It is the duty of all congregations to contribute to these schemes. And for the more efficient discharge of this duty, it is earnestly recommended by the assembly, that missionary associations be formed in every congregation. Contributions, as received, should be forwarded to the treasurers of the church without unnecessary delay.

## APPENDIX.

### FORMS THAT MAY BE USED IN THE FOREGOING PROCEDURE.

#### A.—PETITION TO MODERATE IN A CALL.

*To the Rev. the Presbytery of*

Your petitioners, the Congregation of \_\_\_\_\_, respectfully request your Reverend Court to take steps to moderate in a Call; and we do hereby assure you that a guarantee for the payment of an annual stipend amounting to \_\_\_\_\_ dollars will be ready on the day of moderation.

A. B., *Chairman* } *of the meeting.*  
C. D., *Secretary* }

(Place and date.)

#### B.—INTIMATION OF MODERATION IN A CALL.

In the name and by appointment of the Presbytery of \_\_\_\_\_ and in answer to a petition of the Congregation of \_\_\_\_\_ a meeting will be held in this Church (or in the Church at \_\_\_\_\_) on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ instant (or next), at \_\_\_\_\_ o'clock, forenoon (afternoon or evening), for the purpose of moderating in a Call to a minister.

A. B., *Presbytery Clerk.*

(Place and date.)

#### C.—CALL.

We, office-bearers and members of the Congregation of \_\_\_\_\_ being communicants, desirous of promoting the glory of God and the good of His Church, being destitute of a fixed pastor, and being satisfied by our experience (or by good information) of the piety, literature, ministerial abilities and prudence, and also the suitableness to our edification of the gifts of you \_\_\_\_\_ have agreed to invite, as we by these presents do invite and call you to undertake the office of pastor among us, promising you, on your acceptance of this our Call, all due respect, encouragement, and obedience in the Lord, and further engage to contribute to your suitable maintenance as God may prosper us. In witness whereof we have subscribed this Call on this the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

(The names follow.)





**J.—GUARANTEE FOR MINISTER'S STIPEND.**

We, the Congregation of \_\_\_\_\_ hereby represent to the Presbytery of \_\_\_\_\_ of the Presbyterian Church in Canada, that the estimated annual revenue of the said Congregation for the maintenance of religious ordinances, from all sources, is \_\_\_\_\_ dollars (\$ \_\_\_\_\_), and we hereby agree to pay out of the said revenue, as it shall be collected and as the first charge thereon, the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) in semi-annual (or quarterly) payments to the Rev. \_\_\_\_\_ so long as he is minister of the said Congregation; and further, we engage to use our utmost diligence, to the end, that the said Rev. \_\_\_\_\_ may regularly receive the stipend herein named.

(Place and date.)  
 A. B., *Chairman* } of the meeting.  
 C. D., *Secretary* }

**K.—EDICT OF ORDINATION AND INDUCTION.**

The Presbytery of \_\_\_\_\_ having completed the necessary steps for the ordination and induction of Mr. \_\_\_\_\_ called to be minister of this Congregation (or colleague, or assistant and successor to Rev. A. B., minister of this charge), notice is hereby given that the said Presbytery will meet in this Church (or in the Church at \_\_\_\_\_) on the \_\_\_\_\_ day of \_\_\_\_\_ instant (or next) at \_\_\_\_\_ o'clock forenoon (afternoon or evening), for the purpose of ordaining the said Mr. \_\_\_\_\_ to the Holy Ministry, and inducting him to the pastoral charge of the said Congregation, and notice is hereby given to all concerned that if any of them have any objection to offer to the life or doctrine of the said Mr. \_\_\_\_\_ they may repair to the Presbytery, which is to meet at the time and place aforesaid, with certification that if no valid objection be then made, the Presbytery shall proceed without further delay.

By order of the Presbytery of \_\_\_\_\_  
 (Place and date.) C. D., *Presbytery Clerk.*

**L.—EDICT OF INDUCTION.**

The same as Form K., omitting the words "ordination and," and for "ordaining the said Mr. \_\_\_\_\_ to the Holy Ministry and inducting him," substituting the words "inducting the said Mr. \_\_\_\_\_."

**M.—FORMULA TO BE SIGNED AT ORDINATION OR INDUCTION.**

I, A. B., hereby declare that I believe the Westminster Confession of Faith, as adopted by this Church in the basis of union, and the government of the Church by Sessions, Presbyteries, Synods, and General Assemblies, to be founded on, and agreeable to the Word

of God; that I own the purity of worship at present authorized by this Church; and that I engage to adhere faithfully to the doctrine of the said Confession, to maintain and defend the said government, to conform to the said worship, to submit to the discipline of this Church, and to follow no divisive course from the present order established therein.

A. B., *Minister at*

◆

N.—CITATION IN CASE OF TRANSLATION.

A Call from the Congregation of \_\_\_\_\_ to the Rev. A. B., minister of this Congregation, having been laid before the Presbytery of the said Presbytery have agreed to cite, and accordingly hereby cite, the Session and Congregation to appear at a meeting of the said Presbytery to be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ instant, (or next \_\_\_\_\_) at \_\_\_\_\_ o'clock forenoon (afternoon or evening), that they may give reasons, if they have any, why the Rev. A. B.'s translation should not be proceeded with, with certification that if no appearance be made, they shall be held as consenting to his translation.

(Place and date.)

C. D., *Presbytery Clerk.*

◆

O.—CITATION IN CASE OF RESIGNATION.

The Rev. A. B., minister of this Congregation, having laid his resignation before, etc. (as in *Form N.*), substituting "resignation" for "translation."

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P.—INTIMATION DECLARING A CHARGE VACANT.

In consequence of the translation (resignation or death) of the Rev. A. B., formerly minister of this pastoral Charge, the Presbytery of \_\_\_\_\_ hereby intimates and declares the charge to be vacant, and call upon all parties concerned to proceed, with all convenient speed, and according to the laws and practice of the Church, to the obtaining of a minister to fill the vacancy.

(Place and date.)

C. D., *Presbytery Clerk.*

◆

CITATION TO A PARTY ACCUSED

To A. B., &c.:

You are hereby required to appear before the Session of C., at a meeting to be held in \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ to answer to a charge of (*here state the nature of the offence charged*), made against you by D. E., (or, by the said Session.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

G. H., *Session Clerk.*

## LIBELS.

## I. FOR IMMORALITY.

Mr. A. B., Minister of the Congregation of (or licentiate),  
under the care of the Presbytery of

You are indicted and accused at the instance of C. D., of  
(or of the said Presbytery, or of E. F., a member of the said Presby-  
tery, appointed to prosecute the matter after mentioned): That  
albeit by the Word of God and the laws of the Presbyterian Church  
in Canada (*state the denomination of the offence charged, as drunken-  
ness, etc.*), is an offence of a heinous nature, unbecoming the charac-  
ter 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 the day of one thousand eight hundred  
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, (*describe  
the place and circumstances of the offence charged*); All which or part  
thereof being confessed by you, or being 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  
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 18 years, by  
(*To be signed by the parties libelling.*)

When the offence is aggravated by particular circumstances, such  
as by being committed on the Lord's Day, the aggravation should  
be expressed thus: "Drunkness, aggravated by its having been  
committed on the Lord's Day," and "It being the Lord's Day."

When 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,  
you, the said A. B., are a habitual drunkard, and during the period  
between the day of and the day of , you  
indulged in the said habit of intoxication, and was seen on various  
occasions within that period under the influence of liquor. In  
particular (specify the particular occasions to which the proof is to  
be directed.")

## II. FOR HERESY.

Mr. A. B., Minister of the Congregation of (or licentiate),  
under the care of the Presbytery of

You are indicted and accused at the instance of C. D. of  
(or, of the said Presbytery, or of E. F., member of the said Presby-  
tery, appointed to prosecute the matter after mentioned): That  
albeit to hold and teach that (*state the erroneous doctrine ascribed to  
the accused*) is contrary to the Word of God, and the Standards of

the Presbyterian Church in Canada. (*Here it, is desirable to refer to the particular passages of Scripture and of the Standards founded on.*) Yet, true it is, and of verity, that you, the said A. B., hold, and have taught, the erroneous doctrine above stated, in so far as in a book (pamphlet, or sermon), written by you and published (*describe the publication on which the complaint is founded*) on page thereof, you have stated (*quote the language complained of.*) All which, or part thereof, being confessed by you, or being found proven against you the said A. B., by the 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 be otherwise dealt with in the premises as to the said Presbytery may appear expedient and proper.

Signed at in the name, presence, and appointment of the Presbytery of this day of 18 years.

To be signed by the party libelling.

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

Or the charge may run in a different form, as "That it is the doctrine of God's Holy Word, and of the Standards of this Church, that (*state the discourse impugned, and give 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 said A. B., in so far in a book, etc."

#### ANOTHER FORM OF LIBEL.

*To Mr. A. B., Minister at C. (or preacher of the Gospel).*

You are indicted by the Presbytery of D., at the instance of E. and F. (*or at the instance of the said Presbytery, this if by fama*), to appear at G. on the day of, &c., to answer to the following charge, namely, that you, the said A. B., did on the day of or on (*give time*) (*here describe the offence charged*), which conduct of yours was contrary to the Word of God and the laws of the Presbyterian Church in Canada, and inconsistent with your position as a Minister (*or preacher*) of the Gospel.

Signed in name and by appointment of the Presbytery of D. at this day of

*Moderator and Clerk.*

#### ORDER BY THE PRESBYTERY TO BE ENDORSED ON THE LIBEL.

At T. the day of 18, the Presbytery appoints a copy of the foregoing libel, list of witnesses, specification of docu-

ments, and this deliverance to be served on the said Rev. A. B., and enjoins him to appear before the Presbytery within at , on the day of , to answer to said libel; said service to be made at least ten clear days before the day of compearance, and grants warrant for citing witnesses for both parties.

G. H., *Presbytery Clerk.*

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CITATION WITH LIBEL.

*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.

Dated the day of 18 .

G. H., *Presbytery Clerk.*

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CITATION OF WITNESSES.

*To R. S.*

You are hereby required, as a member of the Presbyterian Church in Canada, to attend a meeting of the to be held within at on the day of at the hour of there and then to give evidence as far as you know concerning a charge of (*state the charge shortly*), against A. B. (*or in a case between A. B. and C. D.*)

Dated the day of 18 .

G. H., *Presbytery Clerk.*

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CERTIFICATE OF SERVICE TO BE ENDORSED ON  
CITATION.

Served a copy of the within on A. B. (*or R. S.*) by delivering the same to him personally (*or leaving the same with a grown up person at his dwelling-house*), on the day of 18 .

X. Y., *Officer.*

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SENTENCE OF SUSPENSION OF A MINISTER.

“Whereas in the trial of your case by this Court, you, A. B., have been found guilty of we the Presbytery of do hereby suspend you from exercising the office of the Christian Ministry, or any part thereof, until satisfactory evidence of repentance be submitted to us.”

## MINUTE OF DEPOSITION.

The Presbytery having duly considered the libel served on Mr. A. B., Minister of C. , on the day of , together with the proof adduced thereon (*or*, together with his confession of his guilt), whereby he was found to have been guilty of , did, by their vote, depose the said A. B., like as they hereby do, in the name of the Lord Jesus Christ, the King and only Head of this Church, and by virtue of the power and authority committed by Him to them, depose the said A. B. from the office of the Holy Ministry; prohibiting and discharging him to exercise the same, or any part thereof, in all time coming. The Presbytery further declared the Church and congregation of C. to be vacant from this date.

## SENTENCE OF DEPOSITION OF A MINISTER.

Whereas, A. B., Minister of , has been proved before the Presbytery of , to be guilty of , the said Presbytery adjudge him totally disqualified for the office of the Christian Ministry. They, therefore, in the name and by the authority of the Lord Jesus Christ, depose from the office, and degrade from the rank of a Christian Minister, the said A. B., and do hereby prohibit him from exercising the functions of the Christian Ministry, or any part thereof.

## QUESTIONS TO BE PUT TO OFFICE-BEARERS.

## I. QUESTIONS TO BE PUT TO MINISTERS AT ORDINATION OR INDUCTION.

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

2. Do you believe the Westminster Confession of Faith, as adopted by this Church in the Basis of Union, to be founded on and agreeable to the Word of God, and in your teaching will you faithfully adhere thereto?

3. Do you believe the Government of this Church by Sessions, Presbyteries, Synods and General Assemblies, to be founded on and agreeable to the Word of God, and do you engage as a Minister of this Church to maintain and defend the same?

4. Do you own the purity of worship at present authorized by this Church, and will you conform thereto?

5. Do you promise to give a dutiful attendance in the Courts of this Church, to submit yourself in the spirit of meekness to the admonitions of this Presbytery to be subject to it and the superior judicatories, to follow no divisive course, but maintain according to your power the unity and peace of the Church?

6. Are zeal for the glory of God, love to the Lord Jesus Christ, and desire of saving souls, so far as you know your own heart, your great motives and chief inducements to enter the office of the ministry?

7. Have you directly or indirectly used any undue means to procure this call?

8. Do you engage, in the strength and grace of our Lord Jesus Christ, to live a holy and circumspect life, to rule well your own house, and faithfully and diligently to discharge all the duties of the ministry to the edification of the body of Christ?

#### II. QUESTIONS TO BE PUT TO MISSIONARIES AT ORDINATION.

Numbers 1, 2, 3, 4, 5, 6, as above.

7. Do you engage, in the strength and grace of our Lord Jesus Christ, to live a holy and circumspect life, and to rule well your own house. Do you devote yourself to the office of Missionary of this Church, engaging in this solemn undertaking with a deep sense of its responsibilities, and, in the discharge of its arduous duties, 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 righteousness that fadeth not away?

#### III. QUESTIONS TO BE PUT TO CANDIDATES FOR LICENSE TO PREACH THE GOSPEL.

Numbers 1, 2, 3, 4, as above.

5. Do you engage, in the strength and grace of our Lord Jesus Christ, to live a holy and circumspect life, and faithfully to preach the gospel, as you may have opportunity?

6. Do you promise to submit yourself in the Lord to the several judicatories of this Church?

#### IV. QUESTIONS TO BE PUT TO ELDERS BEFORE ORDINATION.

Numbers 1, 2, 3, 4 (omitting "in your teaching" in No. 2, and substituting in No. 3, "Ruling Elder" for "Minister").

5. In accepting the office of Elder, do you engage, in the strength and grace of the Lord Jesus Christ, faithfully and diligently to perform the duties thereof; watching over the flock of which you are called to be an overseer, and in all things showing yourself to be a pattern of good works?

#### V. QUESTIONS TO BE PUT TO DEACONS BEFORE ORDINATION.

Numbers 1, 2, 3, 4 (*Mutatis mutandis*).

5. In accepting the office of Deacon, do you engage, in the strength and grace of our Lord Jesus Christ, faithfully and diligently to perform the duties thereof?



### FORMULA TO BE SIGNED BY ALL OFFICE-BEARERS.

"I hereby declare that I believe the Westminster Confession of Faith, as adopted by this Church in the Basis of Union, and the government of the Church by Sessions, Presbyteries, Synods and General Assemblies, to be founded on and agreeable to the Word of God; that I own the purity of worship at present authorized by this Church; and that I engage to adhere faithfully to the doctrine of the said Confession, to maintain and defend the said government, to conform to the said worship, and to submit to the discipline of this Church, and to follow no divisive course from the present order established therein."

### REGULATIONS ANENT HOME MISSIONS.

I. There shall be a Central Committee for Home Missions, dividing itself into two sections, the one embracing the Maritime Provinces, and the other the rest of the Church.

II. The Assembly shall appoint annually a Home Mission Committee, consisting of forty-five members, of whom one-third shall be from the Maritime Provinces, and two-thirds from the rest of the Church. Each of these divisions shall constitute a sub-Committee for the carrying on of Mission work within its own territory.

Each section shall be empowered to act separately in conducting operations within its own territory.

III. 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, and Mission Stations, directly under the care of the H. M. Committee; 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 contributing according to their ability to the salary of the Missionary; and the Presbytery shall see to the implementing of such engagements. The Committee shall make like arrangements in the case of stations directly under its care.

(2) Mission Stations reported by Presbyteries, but not receiving aid.

(3) Congregations not self-sustaining, but prepared to contribute at least four hundred dollars (\$400) per annum, at the rate of at least four dollars fifty cents (\$4.50) per communicant, and seven dollars (\$7.00) per family, and in which, in the judgment of the Presbytery, a pastor is desirable. Such congregations, having made application to the Presbytery of the bounds, and furnished satisfactory information in regard to their statistics, financial position and prospects, and having received the approval of the Presbytery (which application and information shall also be laid before the sub-Committee), may be placed on the list of congregations receiving supplement.

Cases, in which the application of this rule appears to affect injuriously congregations now upon the list or seeking to be placed on it, shall be reported to the General Assembly, and supplements granted to them only when its sanction has been given.

IV. The list of Missionaries shall consist of Licentiates and ordained Ministers of this Church, also Students of Divinity and Catechists, duly approved as the Assembly may direct. Each of these Missionaries shall be recommended to the Committee by some Presbytery.

V. The Committee shall prepare and send down to Presbyteries, and through Presbyteries to Missionaries, blank forms for their reports, so as to ascertain the peculiar circumstances, necessities and general state of the mission stations and supplemented congregations throughout the Church.

VI. The sub-Committees shall consider the reports thus rendered by Presbyteries, and distribute the Missionaries among the Presbyteries, as, in view of the detailed information before them, may be deemed advisable.

VII. The sub-Committees shall give to mission stations and supplemented congregations in paying their Missionaries or Ministers such aid as, in view of the detailed information before them, may be deemed advisable.

VIII. The General Committee shall prepare a full annual report of all the Home Mission and Supplemental operations of the Church, to be submitted to the Assembly, and shall publish, from time to time, such information as may serve to call forth the interests and liberality of the Church.

IX. The sub-Committees shall be empowered to establish mission stations and conduct missionary operations directly in those parts of the Dominion, which are not within the bounds of any Presbytery.

X. In mission fields placed directly under the Home Mission Committee, and in new and destitute fields of wide extent within the bounds of Presbyteries, the sub-Committees shall be empowered—in the latter case acting in concert with the Presbytery of the bounds—to secure the services of suitable Missionaries, who may be willing to occupy them for a term of years, and to pay them in excess of the ordinary salaries paid to Missionaries.

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

XII. 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 sub-Committee, and there shall be paid by the Presbytery and sub-Committee conjointly for a Licentiate or Ordained Minister a minimum of eight dollars (\$8) per Sabbath with board; for a Student of Divinity, during the summer, at the rate of six dollars (\$6) per Sabbath, with board and travelling expenses to the field of labour; and for a Catechist, of five dollars (\$5) per Sabbath with board.

XIII. 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 from all sources seven hundred dollars (\$700). But the sub-Committees are empowered to supplement, beyond that amount, the salaries of ordained Ministers engaged in mission work in towns and cities.

XIV. The supplement of all aid-receiving congregations shall be calculated from the first day of the ecclesiastical year, and Presbyteries are instructed to make their reports accordingly—supplements being payable half-yearly.

#### GENERAL REGULATIONS ANENT HOME MISSIONS.

XV. Presbyteries are instructed, at an ordinary meeting previous to the first of October in each year, to revise the list of Mission Stations and Supplemented Congregations, and make such changes as they may deem necessary, reporting the amended list to the sub-Committees. The list, thus amended, shall form the basis of the operations of the Committee for the then current year.

XVI. Presbyteries are enjoined to furnish information to the sub-Committees in accordance with the requirements of the above scheme, and to co-operate with the Committee.

XVII. All congregations and mission stations are enjoined to make an annual contribution in the Western section of the Church to the Home Mission Fund; and in the Maritime Provinces to the Home Mission Fund and Supplemental Fund.

XVIII. The travelling expenses of members of Committee shall be borne equally by the two Funds, and the cost of all exploring and aggressive missionary work, undertaken and sanctioned by Presbyteries, shall be defrayed out of the Home Mission Fund.

XIX. In regard to arrears due by supplemented congregations to their Ministers, these congregations shall be required to report to the Committee, through the Presbytery, in the form provided, before the beginning of each ecclesiastical year, the amount paid by them as stipends during the previous twelve months; and in cases, where the amount falls short of the stipend promised by them, power shall be given to suspend the payment of the supplements until the arrearages are liquidated.

#### REGULATIONS ANENT PROBATIONERS AND VACANCIES.

1. The distribution of Probationers within the Provinces of Ontario and Quebec shall be made by a small Committee appointed by the Assembly. Within the Maritime Provinces it shall be left in the hands of the sub-Committee for that territory. The roll of Probationers, etc., shall consist of preachers who have been licensed less than five years, and Ministers who have been loosed from their charges, or who have been receiving appointments from the Committee less than four years (reckoning, in both cases, from the date of their admission to the roll).

2. Preachers who have been on the roll for five years, and Ministers for four years, without settlement, shall have their names removed from the list, allowance being made in 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 Assembly alone may order the retention of a Probationer's name on the list beyond the above specified times

3. Ministers or Probationers, who have retired from the ministry and entered on some other calling for a time, shall not have their names put on the list of distribution without the permission of the General Assembly to that effect.

4. 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 Assembly shall be given in the case.

5. As soon as a preacher is licensed, the Presbytery shall report the fact to the Committee on Distribution, to whom is entrusted the distribution of Probationers among the Presbyteries of the Church.

6. When a congregation desire a hearing of a particular Probationer, or a further hearing of one formerly heard, they shall communicate their desire to the Presbytery; and, if the Presbytery see it expedient to concur in it, the application shall be transmitted to the Convener of the distributing Committee, and, as soon as practicable, effect shall be given to the request; it being understood that in case any extra expense is incurred by the Probationer, it is to be defrayed by the congregation in addition to the ordinary allowance.

7. When a preacher accepts a call, he shall give notice to the Convener of the Distributing Committee, and no further appointments shall be given to him; but he shall be required to fulfil the appointments already made, unless relieved by the Presbytery to whose bounds he has been designated.

8. Missionaries and Probationers shall be required to labour in the localities and discharge the duties assigned to them by the Presbyteries, at whose disposal they may have been placed by the Committee on Distribution. These duties comprise, generally, conducting public worship on Sabbath, and prayer meetings in the course of the week, teaching Bible classes, organizing and fostering Sabbath Schools, visitation of families—and especially of the sick—so far as circumstances render advisable.

9. Missionaries and Probationers are required to submit to Presbyteries written reports of their labours.

#### DISTRIBUTION OF PROBATIONERS.

The Assembly of 1878 adopted the following regulations with reference to the distribution of Probationers:

##### I. PROBATIONERS AND MINISTERS NOW ON THE ROLL.

(1) The names of Probationers and Ministers on the Roll for the past four years shall be continued on said Roll for three months longer—thereafter, if not settled, to be removed from the Roll.

(2) Those on the Roll for the past three years shall be continued six months longer—thereafter if not settled, to be removed from the Roll.

(3) Those on the Roll for two years shall be continued for another year and then removed.

#### II. PROBATIONERS AND MINISTERS HEREAFTER TO BE PLACED ON THE ROLL.

(1) Probationers shall be allowed three years on the Roll.

(2) Ministers, who resign their charges, shall be allowed two years on the Roll after each resignation.

(3) The above regulations, so far as they can be applied, shall refer to Ministers and Licentiates, who come from the Presbyterian Churches in Great Britain and Ireland.

(4) Ordained Ministers, who have been received from other Churches, with leave of the Assembly, shall be placed on the Roll for one year.

#### III. SALARY OF PROBATIONERS.

Presbyteries are hereby recommended to induce congregations to pay Probationers as liberally as possible—it being understood that the minimum be eight dollars (\$8.00) per week, with board

#### IV SUPPLY OF VACANCIES.

(1) Presbyteries are hereby instructed to regard Probationers as having a prior claim to be heard in vacancies, and to secure such hearing for them.

(2) Presbyteries are hereby instructed to consider the propriety of appointing Probationers to vacancies for not less than two weeks, in order that the duties of the pastoral office may be attended to by them, as laid down in Minutes of Assembly, 1876, pp. 59. clause 8.

(3) Students shall not be appointed to vacancies, save in exceptional cases.

(4) Presbyteries are enjoined not to report as a vacancy any congregation not prepared to call.

(5) Presbyteries are instructed to place all their vacant congregations prepared to call on the list of vacancies, and congregations are allowed to procure their own supply through the Presbytery for half the time, when they so desire

(6) Employment shall hereafter be given by the Committee to none but those whose names are transmitted to this Committee through some Presbytery of the Church



#### PROPOSED REGULATIONS ANENT FOREIGN MISSIONS.

1. There shall be a central Fund, to be designated the Foreign Mission Fund, from which the operations of the Church in the Foreign Mission department of her work shall be sustained; and all

the Congregations and Home Mission Stations throughout the Church shall be required to make an annual contribution to this Fund.

2. There shall be one Board appointed annually by the General Assembly for the direction of the Foreign Mission work of the Church, and it shall be the duty of said Board—1. To administer the funds provided for Foreign Mission purposes, and render an account of the same to the General Assembly at its annual meeting. 2. To take the oversight of the Missionaries now engaged, or who may hereafter be engaged, in the service of the Church, and to issue, from time to time, to said Missionaries such orders and instructions as may be deemed necessary. 3. To seek out such Ministers or others that may be willing to undertake Foreign Mission work, to judge of their qualifications (where necessary to conduct their preparatory training), and to appoint them to their particular fields of labour.

3. The Foreign Mission Board shall, in the meantime, be divided into two sections, one comprising the members in Ontario, Quebec and the North-West, and the other the members in the Maritime Provinces, each of these sections to have special charge of the Missions now existing in connection with the Western and Eastern portions of the Church respectively, and such other Missions as may hereafter, by the General Assembly, be assigned to any or either of them. The two sections of the Board shall, during the year, hold at least one joint meeting, and shall combine the reports of their operations in their respective sections, to be submitted, year by year, to the General Assembly.

4. The travelling expenses of members of the Foreign Mission Board, in attending meetings of the Board, with all other incidental charges connected with the transaction of the business entrusted to it, shall be defrayed from the Foreign Mission Fund.

#### FRENCH EVANGELIZATION SCHEME.

Resolutions adopted at Assembly of 1875:

1. That the work of French Evangelization hitherto carried on by these Churches be united under a General Assembly's Board of French Canadian Evangelization, whose office shall be in Montreal.

2. That the members of the said Board, resident in Montreal, constitute an Executive Board for the conduct of the Board's operations in the Provinces of Quebec and Ontario; and that the members resident in the Maritime Provinces constitute a similar Executive Board, having its seat at St. John, N.B., for the conduct of the same in the said Provinces.

3. That for the successful prosecution of the work a General Secretary be appointed, who can speak and preach in French and English, and whose duties in addition to raising funds shall be defined by the General Assembly.

4. That the training of French Ministers and Missionaries in the Presbyterian College, Montreal, be made, as heretofore in the Canada Presbyterian Church, a first charge upon the Fund for French Evangelization.

5. That schools and mission stations be planted, wherever openings can be made for them, throughout the wide extent of the French Canadian and Acadian fields.

The Assembly of 1877 placed the entire control of the work of French Evangelization under one Board of Management, which should carry on its operations, as far as possible, through the Presbyteries within whose bounds the special fields may be found.

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#### REGULATIONS ANENT MINISTERS' WIDOWS' AND ORPHANS' FUND.

1. That one Fund be created for the whole Church.

2. That the terms of the Act of the Province of Quebec, 38 Victoria, chapter lxi., relating to the Ministers' Widows' and Orphans' Fund of the late Presbyterian Church of Canada, in connection with the Church of Scotland, providing that in the event of the amalgamation of that Fund with the Funds of the other Churches that were parties to the recent Union, "no widow or orphan of a Minister, who had formerly belonged to the Presbyterian Church of Canada, in connection with the Church of Scotland, shall receive less annuities from the Fund of the United Church, than would have pertained to them in terms of the scale in force by this Board at the date of Union, if the said Churches had not united," be accepted, and an amalgamation of the four Funds be effected.

3. That in addition to the revenue derived from the capital sum formed by the uniting of the four Funds presently existing, the Fund shall be maintained by an annual contribution from each minister and congregation, and the interest of such donations and bequests as shall from time to time accrue.

4. That the rate of ministerial contributions shall be as follows: Ministers at present connected with the Funds in Ontario and Quebec shall continue to pay the same rates as hitherto, and those connected with the Funds in the Maritime Provinces a uniform rate of eight dollars per annum. Ministers of this Church at present not connected with any fund, and any ministers who after this date shall be admitted to participate in the benefits of the Fund, under thirty-five years of age, shall pay into the Fund annually eight dollars (\$8); such as are between thirty-five and forty years of age, ten dollars (\$10); those who are between forty and fifty years of age, shall pay twelve dollars (\$12) per annum. The application of any minister, over fifty years of age, to be admitted to the benefits of the Fund, shall be made the subject of special consideration.

5. That the allowances to widows from the common Fund be equal; the ease of the widows of the ministers formerly belonging to



the Presbyterian Church of Canada, in connection with the Church of Scotland, as already provided for, only excepted; provided also, that no widow at present receiving an annuity from any of the Funds, nor the widow of any minister of the United Church, who had formerly belonged to the Presbyterian Church of Canada, in connection with the Church of Scotland, shall receive a less allowance than one hundred and fifty dollars (\$150) a year.

6. That the following be the scale of annuities payable to widows and orphans: Each widow shall receive one hundred and fifty dollars (\$150) per annum. If a widow have children, she shall receive, in addition to her own annuity, for one child, twenty dollars (\$20) per annum; for two children, thirty-six dollars (\$36) per annum; for three children, fifty dollars (\$50) per annum; and ten dollars (\$10) per annum for each additional child; but she shall not receive anything from the Fund for children over eighteen years of age. The claim of the widow shall date from the beginning of the half-year in which the death of her husband occurred, and the annuity shall cease at the end of the half-year following her death or re-marriage. In the event of her re-marriage the children's claims shall continue.

7. In the event of the decease of both parents, if there be only one orphan, the Board shall pay for the benefit of such orphan one hundred and fifty dollars (\$150); if there are two orphans, twenty dollars (\$20) shall be added to the allowance made for one; if there are three orphans, sixteen dollars (\$16) more shall be paid on their behalf; and if there are four orphans, fourteen dollars (\$14) shall be added to the allowance; and ten dollars (\$10) shall be given for each additional orphan; but no allowance shall be made for children over eighteen years of age.

8. That on behalf of Professors, Foreign Missionaries, Missionaries under the French Evangelization Committee, Ministers on the Aged and Infirm Ministers' Fund, and the Agents of the Church, the sum of eight dollars shall, in addition to the personal rate, after the amalgamation of the Funds, be paid to this Fund by the Boards or Committees with which they are respectively connected. Ministers, who have retired from active duty with permission of the Church, and for whom no aid is sought from the Fund for Aged and Infirm Ministers, shall pay the sum of eight dollars annually, in addition to the rates previously paid by them.

9. Any Minister withdrawing from the Church shall continue to enjoy his rights in this Fund, on condition of his paying annually into the Fund twelve dollars, in addition to the rate previously paid by him.

10. That it be an instruction to Presbyteries to use their utmost endeavours to secure that every Minister, when he is inducted into a charge, shall become connected with the Fund.

11. That any Minister, who may, at the time of his induction, decline to join the Fund, may be allowed to do so within four years from the date of his induction, on condition of his contributing a sum equivalent to the total payments he should have made, provided he had connected himself with the Fund at his induction, together



with an addition of one dollar a year for each year he has declined to contribute to the Fund after his induction.

12. The rates of payments may be revised once in every five years.

13. That an actuary be employed to examine the Funds presently existing, and report as to the most equitable way in which the amalgamation can be effected, and that the Treasurers of the several Funds be instructed to furnish the data which such actuary may require.



#### AGED AND INFIRM MINISTERS' FUND.

1. That there shall be a Fund for the whole Church.
2. That it shall be sustained by annual congregational contributions, donations, and bequests.
3. That payments out of the Fund shall be made according to the following scale:
  - (1) When a Minister is allowed by the Assembly to retire after ten years' service, he shall receive one hundred dollars (\$100) a year, and ten dollars (\$10) a year for each additional year, up to forty years' service, if the state of the Fund permits.
  - (2) The case of a Minister permitted to retire after less than ten years' service shall be made the subject of special consideration by the Assembly.
4. That it be an instruction to Presbyteries, when accepting the resignation of Ministers permitted by the Assembly to retire, to secure, when practicable, a suitable retiring allowance to such Ministers from the congregations which they had served.

The Assembly of 1877 adopted a rate of contribution by Ministers of fifty cents for every hundred dollars of a Minister's professional income, a deduction being first made for house rent, where no Manse is provided. The Assembly ordered a circular to be issued, drawing the attention of Ministers to this matter. Its two existing Committees were empowered to frame such additional regulations to those already adopted, as their experience may suggest to be desirable.



#### FORMS OF MODEL DEEDS FOR CHURCH PROPERTY.

FOR THE PROVINCE OF QUEBEC.

On this            day of            one thousand eight hundred and seventy  
before the undersigned Notary Public for the Province of  
Quebec, residing at the            came and appeared            of the first  
part; and            as "The Trustees of the            Presbyterian Church at  
" of the second part, which said parties declared unto me, said  
Notary, as follows: Whereas there exists at            in the County of  
in said Province of Quebec, a Congregation of Presbyterians,  
in connection with the Presbyterian Church in Canada; and whereas

the said Congregation desires to take a conveyance of the land hereinafter mentioned, and for that purpose (as appears by the minute of appointment hereto annexed, and signed by the parties and the undersigned Notary for identification) have—pursuant to the Act of this Province, intituled “An Act respecting the Union of certain Presbyterian Churches therein named,” being chapter 62 of the 38th year of Her Majesty Victoria—appointed the parties of the second part Trustees, to take such conveyance under the provisions of said Act, and to hold and possess the same to themselves and their successors, by the name of “The Trustees of the Presbyterian Church at \_\_\_\_\_,” under the provisions of said Act. Now, these presents and I, the said Notary, witness that the said party, of the first part, acknowledged and confessed to have sold and conveyed; and by these presents, doth sell and convey, with promise of warranty against all evictions and encumbrances, unto the said parties of the second part present and accepting thereof for themselves and their successors, in their capacity aforesaid, forever, the following property, to wit:

The parties of the second part declared to have a perfect knowledge of the said property, having seen and viewed the same previous hereto, and being satisfied therewith. The property sold was acquired by the party of the first part, as follows

The said property is held under the tenure of \_\_\_\_\_ The party of the first part declared and covenanted that the said property is free and clear of all encumbrances whatsoever. To have, hold, use, and enjoy the said, sold premises unto the parties of the second part and their successors, in their capacity aforesaid, as their own proper freehold forever by virtue of these presents, and to enter upon and take possession of the property forthwith. The present sale and conveyance is thus made for and in consideration of the price or sum of \_\_\_\_\_

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, Meeting House, School, Manse, Glebe, or Burial Ground (as the Congregation may direct), as 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 Presbyterian Church in Canada. And upon further trust, that the said parties of the second 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, or other building or buildings now erected, or to be erected upon 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, the Deacons' Court, if any, the Kirk Session of the said Congregation, the Presbytery and the Synod, within whose bounds, and under whose inspection and ecclesiastical jurisdiction, the said Congregation shall from time to time be, and the General Assembly, or other Supreme Court of the said Presbyterian Church in Canada, 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 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. And with respect to the election and appointment of successors to the said parties of the second part, such successors shall be appointed in the manner specified in the fifth section of the said Act, 62nd of the 38th year of Her Majesty Victoria. And with respect to the powers of said Trustees, it is hereby declared that they shall be the powers conferred on such Trustees by the aforesaid Act.

And for security of the said balance of consideration, price and interest, the parties of the second part did specially hypothecate the property hereby sold in favour of the party of the first part.

*NOTE.—This clause to be omitted when no balance remains to be paid.*

*NOTE.—Any special clauses which the parties may agree upon may be inserted here. If there be a balance due the vendor, he may probably require the usual insurance covenant clause.*

And at the passing of these presents, appeared and intervened, Dame \_\_\_\_\_ wife of the party of the first part, and by him duly authorized, who ratified and confirmed the present sale, and voluntarily renounced to all right of dower, whether customary or conventional, and all other matrimonial rights which she or her children, born or to be born, may or might have upon said property hereby sold.

*NOTE.—This clause may be omitted when there is clearly no dower, but it is advisable to insert it to save trouble and enquiry afterwards to show that there was no dower.*

Done and passed at \_\_\_\_\_ in the office of \_\_\_\_\_ the said Notary, under the number \_\_\_\_\_ thousand \_\_\_\_\_ hundred and \_\_\_\_\_ and signed by the said parties, with, and in the presence of the said Notary, subscribing after these presents had been to them duly read.

#### FORM OF DEED FOR NOVA SCOTIA.

This Indenture made \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of our Lord one thousand eight hundred and \_\_\_\_\_ between (name of grantor) of \_\_\_\_\_ in the County of \_\_\_\_\_ (occupation) and \_\_\_\_\_ wife of the said \_\_\_\_\_ of the first part, and \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ Trustees, as hereinafter mentioned, of the second part. Whereas by the laws of this Province any religious society or congregation of christians in Nova Scotia, having occasion to take a conveyance of land for any purpose in connection with such society or congregation are entitled and empowered so to do; and whereas the Presbyterian congregation of \_\_\_\_\_ in connection with the Presbyterian Church in Canada have occasion to take a conveyance of the lands and premises hereinafter described; and whereas, in pursuance of Section Seventeen of Chapter Fifty of the Revised Statutes of Nova Scotia (third series), the said parties of the second part have been appointed by the said Presbyterian Congregation of \_\_\_\_\_ Trustees for the purposes hereinafter mentioned. Now, this Indenture Witnesseth, That the said party of the first part, in consideration of the sum of \_\_\_\_\_ of lawful money of Canada, to him well and truly paid by the said parties of the second part, the receipt whereof is hereby acknowledged, hath given, granted, bargained, sold and conveyed, and by these presents doth give, grant,

bargain, sell and convey unto the said parties of the second part, and their successors in office, all and singular that certain parcel or tract of land and premises, situate, lying and being (here insert description of property) to have and to hold the said parcel or tract of land, with the appurtenances and privileges thereto belonging, to them the said parties of the second part, and their successors in the trust, as hereinafter appointed forever. Upon trust, nevertheless, that is to say: upon trust for the site of a Presbyterian Church (*Manse and Burying-ground if necessary*), and to permit the Presbyterian congregation aforesaid or any person or persons in its behalf, who may be about to erect such for the said congregation free access to the said land, for the purpose of erecting the same, and after the same is erected, for the proper and needful reparation of the same from time to time, and upon further trust, at all times hereafter to permit the minister of the said congregation, or any duly accredited minister, with the sanction of the Kirk Session of the said congregation, to preach and perform religious services in the Church erected, or to be erected, upon the same. And it is hereby declared, that in the event of the death, removal, resignation, withdrawal, or dismissal from membership with the said Presbyterian Congregation at aforesaid, of any of the said parties of the second part, or their successors, trustees in this trust, then in any of such cases the said Congregation at a meeting duly called in pursuance of Section Seventeen of the Chapter hereinbefore mentioned, shall and may appoint a person or persons in the room and place of such of the said parties of the second part, and their successors as may die, remove, resign, withdraw or be dismissed as aforesaid, such trustees so named and appointed by the said Congregation, being members in full communion with the said Church, and resident within the bounds of the said Congregation, and such persons so appointed, and their successors, shall have the same powers, rights and duties, and be subject to the same trusts as the said parties of the second part, and such appointments shall be regularly recorded in the Minute Book of the said Congregation, and such record duly signed by the Chairman and Secretary of the meeting at which such appointments are made, shall be taken and admitted as evidence of such persons being authorised Trustees in Law and Equity, and such duly appointed Trustees, together with the Minister of the said Congregation shall form a board for the transaction of the affairs of the said (*Church, Manse, or Burying-ground, as the case may be*), at the meetings of which Board three members shall form a quorum, and be competent to transact the business of the said trust, subject to revision by any meeting of the said Congregation, duly called as aforesaid, whose instructions the said parties of the second part, and their successors in this trust, shall be bound to to carry into effect.

(Insert the usual covenants if deemed necessary.)

In witness whereof the said parties have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered, }  
in presence of }

## FORM OF DEED FOR ONTARIO.

This Indenture, made the            day of            one thousand eight hundred and            in pursuance of the Act respecting short forms of Conveyances, between (*Grantor*) of the first part, (*Trustees*) of the second part, and            wife of the said party of the first part, of the third part. Whereas the (*Congregation*) are a Congregation of the religious body known as the Presbyterian Church in Canada; and whereas the said Congregation desire to take a conveyance of the lands hereinafter mentioned, under the provisions of the Act respecting the property of Religious Institutions in the Province of Ontario, and subject to the provisions of the Act passed in the thirty-eighth 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            Trustees, to whom and their successors, to be appointed in the manner hereinafter specified, the said lands may be conveyed, and who may take, hold and possess the same by the said name of            under the provisions of the said Acts. Now this Indenture witnesseth, that in consideration of            now paid by the said parties of the second part to the said party of the first part, the receipt whereof he doth hereby acknowledge, he the said party of the first part doth grant unto the said party of the second part, their successors and assigns for ever, all and singular

To have and to hold the said lands to the said parties of the second part, their successors and assigns, to the use of the said parties of the second part, their successors and assigns, upon the trusts hereinafter expressed and declared. And the said party of the first part covenants with the said parties of the second part, that he has the right to convey the said lands to the said parties of the second part, notwithstanding any act of the said party of the first part: and that the said parties of the second 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 second 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 third part hereby bars her dower in the said lands. 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, for the site of a Church or Meeting House, Burial Ground and Residence for the Minister (as the said Congregation may from time to time direct), and 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 Presbyterian Church in Canada, and subject to the provisions of the said Acts. And upon further trust that the said parties of the second 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 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 respectively of the said Congregation, the Deacons' Court, if any, the Kirk Session of the said Congregation, the Presbytery and Synod respectively, within whose bounds and under whose inspection and ecclesiastical jurisdiction the said Congregation shall from time to time be, and the General Assembly or other Supreme Court of the Presbyterian Church in Canada. And with respect to the election and appointment of new Trustees, it is declared that a general meeting of the said Congregation shall be held on the \_\_\_\_\_ in the year one thousand eight hundred and \_\_\_\_\_ and on the \_\_\_\_\_ in every fifth year thereafter, called by a written notice, read to the Congregation at the close of Public Worship, on each of the two next preceding Sabbaths, by the officiating minister or other person appointed to read the same; but if, from any cause, the meeting shall not be held on that day, then it shall be called in like manner for some other day, at the request of the Trustees or of seven members of the Congregation in full communion; and any such meeting may be adjourned as occasion shall require; and at such regular or adjourned meeting the said Congregation shall elect and appoint \_\_\_\_\_ Trustees by the votes of the majority of the members of the Congregation in full communion then present; such Trustees to be members of the Presbyterian Church in Canada in full communion. And it is hereby further declared that the said Trustees shall respectively hold office until the appointment of their successors, except in case of death, resignation, or ceasing to be a member of the Presbyterian Church in Canada in full communion; and that in case any Trustee shall during his term of office, die, resign, or cease to be a member of the Presbyterian Church in Canada in full communion, the remaining Trustees shall have all the powers of the full board; and shall, for all purposes of these presents, be 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 Presbyterian Church in Canada in full communion; but the said Congregation may, at any special meeting called by written notice, read to the Congregation by the officiating Minister or other person appointed to read the same, at the close of Public Worship on each of the two next preceding Sabbaths, which notice shall be given at the request of the remaining Trustees or of any seven members of the Congregation in full communion, appoint by the votes of a majority of the members of the Congregation in full communion then present, 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 a regular meeting, or at any adjourned or special meeting, shall be entered in a book to be kept for the purpose, and shall be signed by the person who presides 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 such meeting; but the omission or neglect to make or sign such minute, shall not invalidate the election or



appointment. And it is hereby further declared that in case at any time the said Trusteeship shall for any reason become wholly vacant, so that there shall be no remaining Trustee, the Moderator and Clerk of the Presbytery, within whose bounds and under whose jurisdiction the said Congregation shall be, shall thereupon forthwith become and be Trustees under these presents until others are duly appointed, and at any time thereafter the Presbytery may cause notice to be given from the pulpit at each diet of worship on two consecutive Sabbaths, requiring the said Congregation to proceed to the appointment of new Trustees; and if the said Congregation shall not in the meantime have appointed new Trustees in the manner hereinbefore provided, it shall be lawful for the said Presbytery, after four weeks from the last giving of such notice, to appoint new Trustees to act for the residue of the then current term of office; every such appointment to be made by resolution duly entered in the minutes of the Presbytery, and communicated to the Congregation by notice from the pulpit; and the Trustees so appointed shall from the time of communication of their appointment to the Congregation, be the Trustees for the residue of such term of office for the purpose of these presents. Provided also, and it is hereby declared, that if at any time there shall cease to be an organized Congregation entitled to the use, benefit and enjoyment of the said lands, then and as often as that shall occur, it shall be lawful for the Presbytery within the bounds of which the said land is situated, to fill any vacancy in the said Board of Trustees, and the said lands shall thenceforth be held subject to such trusts and for such purposes for the benefit of the Presbyterian Church in Canada, as the general Assembly or other Supreme Court of the Church may declare, limit or appoint.

In witness whereof, the said parties of the first and third parts have hereto set their hands and seals, and the said parties of the second part have hereto set their common seal.

Signed, sealed and delivered, }  
in the presence of            }

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FORM OF DEED FOR MANITOBA.

For this Province, the same form may be used as that given for Ontario, with the following alterations:—Instead of "Short forms of Conveyances," say "Short forms of Indenture," and instead of "respecting the property of Religious Institutions in the Province of Ontario," say "passed in the 36th year of Her Majesty's reign, chapter 16, and intituled 'An Act to provide for the holding of land on behalf of Congregations of Churches, by Trustees.'"

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FORM OF DEED OF CONVEYANCE OF LAND TO TRUSTEES OF CONGREGATION  
FOR THE USE AND BENEFIT OF CONGREGATION.  
NEW BRUNSWICK.

Congregation incorporated under provisions of Act of General Assembly of New Brunswick, 22 Victoria, Cap. 6; see also, Act 38

Victoria, Cap. 99, making valid and effectual, the provisions of first named Act.

This Indenture, made the            day of            in the year of our Lord one thousand eight hundred and            between            (*name of party or parties conveying*) of            in the County of            and Province of New Brunswick in the Dominion of Canada (*description of party conveying*) (*if party has wife add and            wife of the said            who becomes a party hereto in token of her relinquishment of dower and right of dower in the lands and premises hereby conveyed, and of all her interest and title to the same in law or equity*) of the first part; and            (*names of Trustees of Church*) being at the present time the Trustees chosen and appointed of            (*here fill in name of church of which they are trustees*) being a body politic and incorporate by the name of            (*here fill in particularly the corporate name of church*) and as such corporate body, of the second part. Whereas the Congregation of the Presbyterian Church (*here fill in the place naming town or city, county, and Province of New Brunswick*) are a Congregation in connection with "The Presbyterian Church in Canada" and the above named persons of the second part, are Trustees of said Congregation duly chosen and appointed under the provisions of the act of the General Assembly of the said Province of New Brunswick entitled "an Act for incorporating the Synod of the Church known as the Presbyterian Church of New Brunswick and the several congregations in connection therewith," passed in the twenty second year of Her present Majesty Victoria, and which said Act and the several clauses and provisions of same are made applicable to the several congregations of said Churches in New Brunswick in connection or communion with the said "Presbyterian Church in Canada" by virtue of the Act of the General Assembly of the Province of New Brunswick aforesaid, passed in the thirty-eighth year of Her present Majesty Victoria, entitled "an Act respecting the union of certain Presbyterian churches therein named," and whereas the said Trustees and their successors to be chosen and appointed as by first mentioned act is directed and mentioned, are by said first act constituted a body politic and corporate in deed and name, and shall have succession forever by such name as shall be specially given and named by such respective Congregation as the corporate name of such Congregation, the name of the said Congregation of which the said parties of the second part are Trustees as aforesaid, being specially named as (*here fill in particularly the corporate name of church*); and the Trustees of such have power and capacity to purchase, receive, take, hold and enjoy for the sole use and benefit of the respective Congregation worshipping in the Church in the place aforesaid, and by whom the choice and appointment of such Trustees may have been made; and whereas the said Congregation of the said (*here fill in corporate name*) are desirous of purchasing and taking a conveyance of the lands and premises hereinafter mentioned and described, for the use and benefit of the Congregation of said respective Church aforesaid, in accordance with the provisions of the said first recited Act. Now this Indenture witnesseth, that the said party (*or parties*) of the first part for and in consideration of the sum of            lawful

REGISTRATION

General Act 38



money of Canada, to him (or them) well and truly paid by the said the parties of the second part in their Corporate capacity as Trustees aforesaid, the receipt whereof is hereby acknowledged, hath (or have) given, granted, bargained, sold and conveyed, and by these presents doth (or do) give, grant, bargain, sell and convey unto the said the Trustees of (*here fill in the name of church*) and their successors, the following lands and premises situate, lying and being in the (*fill in place, County and Province*) and described as follows, namely: (*here fill in description of lands*). To have and to hold the same, with all the rights, privileges and appurtenances thereto belonging, unto the said the Trustees of (*here fill in corporate name of church*) and their successors in office for ever, chosen and appointed as by said before recited Act of Assembly is directed and mentioned; for the use of the said respective Congregation aforesaid, according to and under the provisions of the said Act of the General Assembly, so passed in the twenty-second year of the reign of Her present Majesty.

(*If thought necessary, the usual covenants of warranty may be inserted as follows*):

And the said party of the first part doth for himself, his heirs, executors and administrators, covenant to and with the said, the Trustees of (*corporate name*) and their successors in office, that he is seized of the said lands and premises hereby conveyed, or intended so to be, as a good estate of inheritance, free from all incumbrance, and that he has good right and title to sell the same in manner aforesaid, and that he, his heirs, executors and administrators, will for ever warrant and defend the same unto the said the trustees of (*corporate name*) and their successors for ever.

(*If grantors being more than one person, covenants as follows*):

And the said A. B., C. D., &c., do for themselves, their respective heirs, executors, and administrators, covenant to and with the said the Trustees of (*corporate name*) and their successors in office, that they and each of them are jointly seized and possessed of the said lands and premises in said indenture or deed named and conveyed or intended so to be, as a good estate of inheritance, in fee simple, free from all incumbrance, and that they and each of them, their and each of their heirs, executors and administrators will for ever warrant and defend the same, unto the said the Trustees of (*corporate name*) and their successors for ever.

In witness whereof the said party (or parties) of the first part hath (or have) hereto set his (or their) hand and seal the day and year first above written.

Signed, sealed and delivered, }  
in presence of }

L. S.

It is not necessary that the party of second part should execute the deed, but if desirable to do so, it should be executed by the Chairman of Trustees signing his name as Chairman of Trustees, and affixing the seal of the Corporation.

E. G. A. B., Chairman of Trustees of [Corporate Seal.]  
[Corporate Name] by order of Trustees.

## FORM OF ACKNOWLEDGMENT

Which may be taken before any Justice of the Peace of County where lands are situate, or before any Judge of Supreme or County Courts, or Notary Public, or Registrar of deeds in County, or before a member of Executive or Legislative Council of Province.

Province of New Brunswick, County of \_\_\_\_\_ to wit:

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ before me, the subscriber (*description of person taking the acknowledgment*) personally came and appeared the grantor (*or grantors*) and acknowledged that he (*or they severally*) executed and delivered the foregoing deed freely and voluntarily for the uses and purposes therein set forth.

(*If wife has to acknowledge, add*)

Also afterwards on same day and place, personally appeared before me, \_\_\_\_\_ wife of \_\_\_\_\_ and being examined separate and apart from her husband, acknowledged that she executed said deed freely and voluntarily, without fear thereat, or compulsion from her husband, or dread of his displeasure.

## FORMS OF BEQUEST.

I bequeath to the Trustees of Queen's College, Kingston, the sum of \$ \_\_\_\_\_; and I direct that the receipt of the Treasurer for the time being of the said College, shall be a sufficient discharge to my executors for the said legacy.

I bequeath to the Corporation of Knox College, Toronto, or the Presbyterian College of Montreal, the sum of \$ \_\_\_\_\_, and I direct that the receipt of the Treasurer for the time being of the said College, shall be a sufficient discharge to my executors for the said legacy.

I devise to the Corporation of Knox College, Toronto, or the Presbyterian College of Montreal, or the Trustees of Queen's College, Kingston, all and singular (*describe lands.*)

I bequeath to the Home Mission Fund, or the Foreign Mission Fund, or French Evangelization Fund, or Aged and Infirm Minister's Fund, or Ministers, Widows and Orphans' Fund, of the Presbyterian Church in Canada, the sum of \$ \_\_\_\_\_, and I direct that the receipt of the Treasurer for the time being of the said Church, shall be a sufficient discharge to my executors for the said legacy.

## FORMS OF BEQUEST FOR MARITIME PROVINCES.

I devise and bequeath to the Board of the Presbyterian College, Halifax, the sum of \_\_\_\_\_ (*if land, describe it; if money, name the time when it is to be paid.*)

If persons wish to state their object more definitely, they may do so thus:—I bequeath to the Board of the Presbyterian College, Halifax, the sum of            to be applied for the support of the said College, *or* in aid of young men studying for the Ministry, *or* for the Professional Endowment Fund.

---

FOR RELIGIOUS OR MISSIONARY PURPOSES.

I bequeath the sum of            to the Board of the Presbyterian College, Halifax, to be applied in aid of the funds of the Foreign Mission Board, *or* the Home Mission Board, *or* of the Fund for Supplementing the Stipends of Ministers, *or* of the Aged and Infirm Ministers' Fund of the Presbyterian Church in Canada' *or* to assist the Congregation of            in erecting a place of worship.

I bequeath to the Trustees of the Presbyterian Ministers' Widows and Orphans' Fund, the sum of            dollars.

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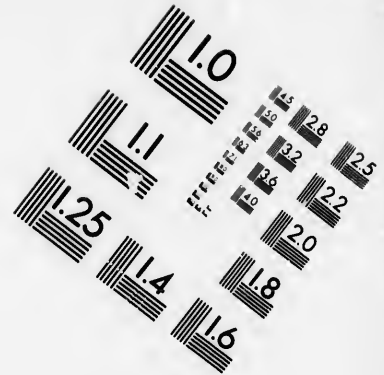
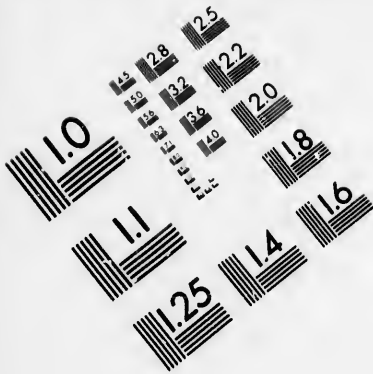
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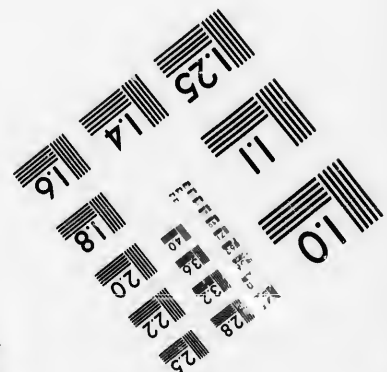
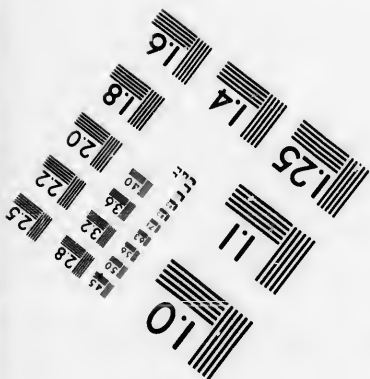
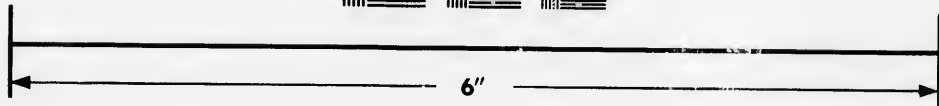
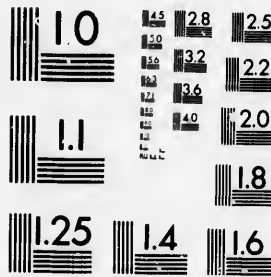
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