

# **THE PRACTICE GUIDELINES**

**OF THE**

**The Corner Stone Brotherhood  
Ministry**

**IN ITS' SEVERAL COURTS**

1. Ministry Governors

2. Ruling Elders

3. Deacons' Court

## **PREFACE**

TCSB operates a three tier management system to allow for democracy, sharing of responsibilities and on the whole non-dependence on individuals, or a particular group or body.

### **1. Ministry Governors**

This is the most authoritative group within the ministry who have the authority for the final say and ultimate responsibility for the ministry.

Officers required within this group include:

- Chairman
- Senior Minister
- 3 Elected Governors
- Elected Ruling Elder representative
- Moderator
- Clerk/Officer - Clerk and officer can be separate bodies, manpower permitting.

Guidelines for the duties of the Ministry Governors are laid out in Chapter 1 of this document.

### **2. Ruling Elders**

The most pro-active group within the Ministry. In brief this body are responsible for the spiritual guidance and teaching of the congregation.

Officers required within this group include:

- Senior Minister
- All Elders
- Elected Ministry Governor
- Moderator
- Clerk/Officer - Clerk and officer can be separate bodies, manpower permitting.

This group's activities and regulatory responsibilities are outlined in Chapter 2 of this document.

### **3. Deacons' Court**

The Deacons are responsibly for running the financial commitment of the ministry and assurance that any building within the ministry are in good repair.

Officers required within this group include:

- 2 Deacons
- Senior Minister – not compulsory
- Treasurer
- Clerk

This department's activities and regulatory guidelines are laid out in Chapter 3 of this document.

## CHAPTER 1

### THE MINISTRY GOVERNORS: ITS CONSTITUTION, POWERS AND FUNCTIONS

In the interests of equity, unity and order the ministry invite an elected group of individuals highly respected within the ministry. "This group have similar duties to the Ministry Governors in a traditional Non-denominational Ministry."

1. The Ministry Governors are assigned the responsibility of pastoral oversight of all Pastoral works.
2. The Ministry Governors have a determining voice for the Ministry.
3. The Ministry Governors have a major responsibility in the assessment of candidates for the ministry.
4. The Ministry Governors have the responsibility of licensing candidates to preach the gospel and ordaining men to the office of the ministry.
5. The Ministry Governors are responsible for the pastoral counseling and formal discipline of ministers.
7. Quorum: Three members of Ministry Governors form a quorum.
8. Suspension/Adjournment: A distinction is made between suspension and adjournment.

Suspension merely indicates a break in proceedings which will resume at a later hour without the necessity of reconstituting the meeting.

Adjournment signifies the closure of the meeting in due form.

9. Types of Meetings: Meetings held in consequence of a resolution to adjourn until a specified date when the normal business of Ministry Governors will be transacted are referred to as "ordinary meetings" or meetings for ordinary business. But besides those there are other categories of meeting described as follows:

9.1 In Hunc Effectum meetings: When the Ministry Governors wish to meet to transact specified items of business and these only, it appoints a meeting in hunc effectum, that is, to effect this particular business. Ministry Governors may assign any items of business which require extended study and discussion to such a meeting. The resolution appointing such a meeting and specifying its time and place and the item(s) of business to be transacted must be engrossed in the minutes of the immediately preceding ordinary meeting at which also public intimation of the in hunc effectum meeting must be made. The first item of business at the in hunc effectum meeting is the reading of the minute authorising it and specifying the agenda. No other business may be transacted.

9.2 Pro re nata meetings: This is an emergency meeting of Ministry Governors designed to deal with some matter of importance which has unexpectedly arisen between ordinary meetings. It is not a device for hastening the transaction of ordinary routine business.

A pro re nata meeting may be called by the Moderator of the Governors on his own initiative or as a consequence of a requisition addressed to him by members of the Ministry Governors.

The circular calling the meeting must be sent to every member of the Ministry Governors in reasonable time before the date of meeting and must state the item of business requiring urgent attention. No other business may be transacted at the meeting. If the date of meeting be between the meeting of the first ordinary meeting of Ministry Governors thereafter, the Moderator of the Ministry Governors must inform the Moderator of Ruling Elder Sessions of the need to elect representative Elder whose commissions can be received at the pro re nata meeting.

When the pro re nata meeting is held the Moderator must first of all explain his reasons for calling it and the Ministry Governors must pronounce judgment upon his conduct in doing so. Any member of Ministry Governors not present at the pro re nata meeting may at the next ordinary meeting raise the question of the propriety of calling the meeting or the manner in which it was called.

If the Moderator declines to act upon a requisition from members desiring a pro re nata meeting, the whole circumstances of the case may be raised at the next ordinary meeting of Ministry Governors.

It is not competent for a pro re nata meeting of Ministry Governors to appoint an in hunc effectum meeting. If the emergency business which necessitated the calling of the pro re nata meeting cannot be completed at one meeting and still cannot be delayed until the next ordinary meeting it would appear that the only course open is to call a further pro re nata meeting by citation apud acta and this eventuality, if foreseen, should be included in the original circular, failing which absent members would have to be notified individually.

10. Pro re nata to revive Ministry Governors: If a Ministry Governorship becomes defunct following method is employed to enable it to function again.

Three or more members may address a requisition to the Moderator with which he is bound to comply, to call a meeting of all members of Ministry Governors for the sole purpose of naming a day on which the Ministry Governors shall meet and conduct ordinary business. At least ten days and not more than fifteen days notice must be given from the date of requisition to the date when members are to convene and their meeting is to be considered pro re nata.

## 11. Officials.

11.1 Moderator: When a new Ministry Governorship is formed that Act names the minister who is to preside at the constituting meeting. The course usually followed is to appoint each Minister in succession, as the names stand on a Roll, which is made up according to seniority of Ordination.

In the absence of the Moderator, the Minister who previously held the office takes the chair pro tempore, and failing him the senior Minister present does so. It is always in the power of the Ministry Governors to appoint a Minister to act as Moderator pro tempore, on any particular occasion. If a Minister takes the Chair temporarily, whether through ordinary rule or through special appointment, simply in consequence of the Moderator's absence, and the Moderator appears at any stage of the proceedings, he is required to take the chair immediately, and the temporary occupation of it ceases there and then.

In case of equality the Moderator has only a casting vote. He is not permitted to take part in any discussion while he occupies the chair, but he may ask leave to vacate the chair for the purpose of expressing his opinion. When this request is granted, the chair is occupied in the

meantime as it would be in his absence.

It is the duty of the Moderator to preside in the devotional exercises of the Ministry Governors, to pronounce the blessing at the close of each Meeting, and to act for the Ministry Governors in keeping order, in announcing decisions, in administering rebukes and admonitions, in instructing parties at the bar, and in calling upon Members to state their views, to give their votes, or to discharge any functions which have been assigned to them. At the Ordination of a Minister, or at the licensing of a Probationer, the acting Moderator puts the appointed questions, offers up appropriate prayers, and delivers appropriate exhortations, unless otherwise arranged by the Ministry Governors.

11.2 Clerk: The Ministry Governors appoints one or more Clerks. The Clerk is usually a Member of The Ministry Governors. He may be appointed for a fixed or indefinite period.

On his appointment he solemnly promises to discharge the duties of the office with fidelity. It is the duty of the Clerk to compose regular Minutes of the Ministry Governors' procedure and to engross them in a permanent record, after they have been approved of by the Ministry Governors as correct. It is common practice for the Clerk to circulate typewritten copies of the Minutes to Members of Ministry Governors so that they need not be formally read when submitted for approval. It is also the duty of the Clerk to give such extracts to parties as the Ministry Governors have allowed, and to take charge of all the Ministry Governors' papers, books, and documents. In the absence of the Clerk some one is appointed by the Ministry Governors to act as Clerk pro tempore.

The fact of his appointment should be entered in the Minute, and the Minute should be signed both by him as Clerk pro tempore and by the regular Clerk. The Clerk is usually awarded an honorarium drawn from Ministry Governors funds as and when available.

11.3 Officer: The Ministry Governors may appoint an official to be in attendance at meetings and execute orders. At his appointment he should promise to perform the duties assigned with fidelity. He should be awarded an honorarium from Ministry Governors funds as and when available.

12. Formal Opening and Closing: Every meeting of Ministry Governors is opened and closed with prayer. Common practice is to open with praise, reading of Scripture and prayer. Every minute to be valid must state that the Ministry Governors was constituted and that it was closed with prayer. "Constituted" in this case means opened with prayer in the presence of a quorum of members. No extract of minute is valid and so receivable by any other body which does not state that the Ministry Governors was constituted. Topics referred to in the minute which are the subject of extracts must be approved before valid extracts can be given.

13. Minutes: Before proceeding to any other business, the Ministry Governors must, at each ordinary meeting, have the Minutes of the last ordinary meeting, and the Minutes of any intervening in hunc effectum or pro re nata meeting, submitted by the Clerk. The Ministry Governors must then either approve of these Minutes as submitted, or correct them and approve of them as corrected. They cannot afterwards be altered, except by the authority of a higher Court. The Minutes of any proceedings which have taken place when the Ministry Governors met in private are not of necessity read or approved of until the Ministry Governors are again in private at an ordinary meeting.

The approval or correcting of the Minutes does not imply any power to alter what was done at the meeting. The only question is the correctness of the Minute as a true account of what was done. The Minute of each Meeting or Sederunt must, after it has been approved of and engrossed in the

permanent Record, be signed by the Moderator and Clerk. Any person who has acted either as Moderator or Clerk during a portion of a Sederunt, ought to sign the Minute of that Sederunt, as Moderator or Clerk pro tempore, in addition to the signature of the other person occupying either office. The Sederunt of every Meeting (that is, the names of all the Members present) must be accurately recorded in the Minute.

14. Openness of Ministry Governors: The Ministry Governors is, by long-established practice, an open Court. It is held desirable that this Court should be open with respect to all ordinary matters that occupy their attention. But they have the power of closing their doors, and declaring their wish to meet in private, when they judge it more for edification. It usually sits in private when dealing with cases of discipline that involve charges or proofs of scandal, if the publication of those charges or proofs might be injurious to justice or purity.

15. Roll of Members: It is necessary that an accurate Roll of the Members of Ministry Governors be kept by the Clerk as authorised by the Ministry Governors, and that it be corrected regularly on the occurrence of changes. The names of the Ministers ought to be in the order of ordination.

16. Attendance: Members of Ministry Governors are duty bound to attend all meetings of the court. When a member cannot attend he must send a note of apology and explanation to the Ministry Governors Clerk and Ministry Governors may sustain the apology.

## **PART II: POWERS AND FUNCTIONS OF THE MINISTRY GOVERNORS**

The functions of a Ministry Governors reflect its pivotal position in the ecclesiastical structure and may be categorised in respect of (A) original action, (B) review, and (C). In section D certain aspects of the conduct of business common to these areas of responsibility are discussed.

### **(A) ORIGINAL ACTION**

#### **1. Responsibility for Candidates for the Ministry.**

1.1 The Ministry Governors has a determining voice in the assessment of candidates for the ministry. Whilst there are no clear lines of distinction between the responsibilities of Ruling Elder Sessions and Ministry Govenors in this matter some general distribution of functions emerge. The Ruling Elder Session through which a candidate first applies is deemed to have fairly intimate knowledge of the candidate's spiritual experience, general demeanour and reputation and to be in a position to support or discourage his candidacy on that basis. The Ministry Governors, whilst to an extent dependent on the testimony of the Ruling Elder Session, make specific examination as to the candidate's call to the ministry and his possession of the requisite gifts of personality, temperament and ability.

1.2 During the years of training for the ministry candidates are under the pastoral care of their Ministry Govenors and when they have entered on specifically theological studies are examined year by year by their Ministry Govenors in Scripture, theology and practical religion. Continuance of their candidacy depends on Ministry Governors being satisfied with the results of their examinations .

2. Licensing of Candidates: Though during the course of their training candidates for the ministry engage in public preaching from time to time they are not formally licensed to preach until they have completed the course of studies required by the Ministry Governors and have passed examinations, called "trials for licence", conducted by Ministry Governors. Those duly licensed, usually called Probationers, are eligible for calls to pastoral duties.

2.1 As the licensing of candidates for the ministry is of concern to the whole Ministry, all Ministry Governors must be informed of the names of applicants for licence and of the Ministry Governors to which they intend to apply.

2.2 It is the usual practice for the Ministry Governors to proceed toward the immediate licensing of a student to preach the Gospel at the same meeting at which it has been satisfied with his trials upon a conjunct view of them. After this final judgment in his favor has been arrived at, the Moderator proceeds, in the name of the Ministry Governors, to put the questions required and, satisfactory answers having been obtained, and the Formula having been signed, he, in the name and by authority of the Ministry Governors, solemnly licenses the student to preach the Gospel within the bounds of the Ministry Governors, and wherever else his lot may be cast in the course of God's Providence. Thereafter the Moderator addresses the newly-licensed preacher in suitable terms, and the Ministry Governors then engages in prayer, the Moderator conducting the devotions. At the conclusion of the procedure, the Moderator and other members give the right hand of fellowship to the Licentiate.

2.3 Register of Probationers: It is the duty of Ministry Governors clerks to notify the Clerk of Assembly of the name and address and date of license of those newly licensed so that the details may be entered in a Register of Probationers. Names may remain on the Register for up to six years and if continuance on the Register is desired a Petition to this effect may be addressed to the Ministry Governors within whose bounds he resides who may extend the period in the Register to a maximum of ten years.

3.0. Ministerial Counselling: It is held to be the duty of Ministry Governors to deal with the members privately in a friendly manner with respect to their shortcomings, so as to avert, by timely admonition, the necessity of more formal procedure at a future date. It is still held to be the duty of the brethren to stir one another up in the common faith.

4. Breakdown of Relations: The Ministry Governors may become aware that the Congregation has fallen on troublous times indicated by marked fall-off in attendances at public worship, reduction in contributions to Ministry funds, alienation of office-bearers and such like. In these cases it is the duty of the Ministry Governors to take action to try to resolve difficulties and to restore harmony and the general health of the Congregation. As it makes these efforts Ministry Governors may become convinced that there is a breakdown in relations between minister and people, not involving moral delinquency of any sort, but due to certain incompatibilities of temperament. In that case and after prolonged effort to resolve the situation Ministry Governors may feel duty bound to sever the pastoral tie and loose the minister from his charge.

5. Discipline: The Ministry Governors is responsible for the pastoral care of its ministers and when necessary this involves the application of disciplinary procedures. Discipline can be exercised on a personal and informal level where that is appropriate and likely to have beneficial results. It may move to more serious levels involving censure, rebuke and even suspension or deposition according to the gravity of the case.

6. Regular Helpers: Although TCSB recognize that ideally the functions of the pastoral office should be exercised only by those specially set apart, that is ordained to that office, necessity compelles the employment of others as regular preachers and shepherds of the Congregation.

These were in earlier days known as Preachers or Catechists but now such help is given by Resident Lay Preachers.

7. Preaching Stations: A group of people may regularly meet together for public worship and their circumstance may be such that they need the intervention of a Ministry Governors to secure the regular and orderly maintenance of gospel preaching and the administration of the sacraments. In such a case Ministry Governors may recognize the meetings as a Preaching Station and either place the station under the care of a neighboring Ruling Elder Session or appoint a minister and Elder from Ruling Elder Sessions within the bounds. The Preaching Station does not rank as a pastoral charge.

8. Special Diets of Worship: Ministry Governors have the right to instruct that special worship services be held within the bounds when they deem that to be appropriate, for example, for special days of thanksgiving and days of prayer, and also for special collections for particular causes to be made. This right, however, should be sparingly exercised lest Ministry Governors be deemed to impinge on the responsibilities of Ruling Elder Session.

9. Ministry Governors Expenses: Long established practice has recognized the right of Ministry Governors to require a reasonable contribution from each Deacons' Court to meet the expenses of Ministry Governors. Ministry Governors usually agree upon an annual budget and assess what each Deacons' Court should contribute as and when available.

10. Ministry Governors Committees: Ministry Governors may appoint Committees at any time to give detailed consideration to certain items of business and to report to a subsequent meeting of Ministry Governors at which decisions will be agreed. In matters of urgency it is competent for a Ministry Governors to empower a Committee to resolve and act on its behalf.

## **(B) REVIEW**

Each Ministry Governors is duty bound to ensure that all Ruling Elder Sessions discharge their functions in an acceptable manner. This is not done in an intrusive or inquisitorial fashion but in an orderly way as indicated in the procedures to be outlined in the following paragraphs.

1. Ruling Elder Session Records: Once each year, usually in February, Ruling Elder Sessions are required to submit their records for review by Ministry Governors. At the same time an updated copy of the Communion Roll duly certified by Moderator and Clerk is submitted. Besides this annual review Ministry Governors may, if due cause be shown, require records to be submitted at any time.

The interest of Ministry Governors in reviewing records is to ascertain that they are neatly and properly kept and are 'correct in form and substance'. This means that records are tidy and legible, that each topic dealt with is easily identified, by marginal reference in handwritten minutes or by an appropriate style in typed minutes, and that each minute has been signed by Moderator and Clerk. It means also that each minute shows that the court was duly constituted and closed with prayer, that all the topics dealt with were within the province of the Session, and that procedures were according to the laws of the Ministry. Correct in form and substance does not mean that Ministry Governors can alter the record of what actually took place in Ruling Elder Session. It means simply that what took place was within legal proprieties.

If Ministry Governors finds that a decision by the Ruling Elder Session was wrong in law, it may reverse the decision and do what it can to mitigate the consequences of the wrong decision. If procedures followed by Ruling Elder Session and decisions made are, in the view of Ministry Governors, in breach of the Ministry constitution, it may order the deletion of the relevant comments. But before pronouncing adverse judgment as noted here, Ministry Governors must summon the Ruling Elder Session to its bar to be heard as a party.

Where deletion of part of a Session minute is ordered it can be done by rendering the relevant part illegible or by excision of the passage. Obviously excision is required only if the offending passage is lengthy. In either case a marginal note must indicate how much has been deleted/excised and the decision of Ministry Governors must be entered in the Record.

2. Deacons' Court Records: These records are also subject to annual review by Ministry Governors. In this case Ministry Governors is concerned to note that records of financial transactions have been duly audited; that moneys have been properly allocated; and that the proceedings of the Deacons' Court have been in accordance with the laws of the Ministry constitution. As in the case of Ruling Elder Sessions, where Ministry Governors finds faults with the proceedings the Deacons' Court is summoned to the bar of Ministry Governors before a formal decision is pronounced.

### 3. Petitions to Ministry Governors.

3.1 Members of the Ministry may bring matters of concern to the notice of Ministry Governors by means of Petition provided that:

- (1) the Ministry Governors is the court of primary reference, that is, the particulars referred to should not first have been brought before a Ruling Elder Session;
- (2) the matter could not come before the Ministry Governors by way of complaint or appeal against a decision of a Ruling Elder Session.

3.2 If the subject matter of the Petition is such as should in the first instance have been brought before a Ruling Elder Session, but if the Petitioner alleges obstruction by the Ruling Elder Session by their refusal to entertain his plea thus denying him right of access to Ministry Governors by appeal the Ministry Governors deal with it, summoning both the Petitioner and the Ruling Elder Session to its bar.

3.3 When disputes or difficulties have arisen in a Congregation, which do not involve any serious personal charge, but which cannot be constitutionally adjusted by the Ruling Elder Session in consequence of the Minister being concerned in them or from other causes, it is competent for any parties connected with the Congregation to petition the Ministry Governors on the subject. The Petition may ask for a Ministerial visitation, or for any other method of interference by the Ministry Governors that may be competent and suitable. Before the Petition can be disposed of, all parties referred to in it, or affected by it, must be summoned, with due notice, to the bar, that they may be heard for their interests.

3.4 The constitutional method of bringing before the Ministry any question seriously affecting the character or the orthodoxy of a Minister or a Probationer is by a Petition to the Ministry Governors.

3.5 A Petition to the Ministry Governors is competent, either by the Ruling Elder Session, or by the Deacons' Court, or by any member of the Congregation, or by any person concerned about its prosperity, if the object aimed at is one which the Ministry Governors alone can accomplish, or which must be originated in the Ministry Governors.

3.6 As in the case of complaints and appeals so in the case of Petitions the person(s) originating the action are heard first at the bar of Ministry Governors and others subsequently with a right of reply granted to the first party. When parties are removed from the bar they may not sit in the reviewing court even though otherwise members thereof but if the court is meeting in public they may continue to hear proceedings. The court discuss the issue raised

and come to a decision. Parties are summoned again to the bar and the decision announced to them.

**Note:** The Ministry Governors may reject any Petition, without calling or hearing parties, on the ground that it is unsuitably or disrespectfully worded, or, without hearing parties on the merits, on the ground that its prayer cannot be competently granted by the Ministry Governors.

4. Responsibility for Buildings: One of the items which must figure in a Ministry Governor's regular visitation of a Congregation is the state of building(s) in good order and to have them inspected by a qualified person each year.

5. References, Complaints and Appeals: It is the duty of the Ministry Governors to take into their consideration, at the first convenient opportunity, any case of Reference, Complaint, or Appeal, which has been duly transmitted to the Ministry Governors Clerk, with respect to the procedure of any Ruling Elder Session.

#### 5.1 Reference.

5.1.1 When a Ruling Elder Session is unsure as to how it ought to proceed in regard to a matter brought before it, it may refer the matter to the Ministry Governors for its advice.

Uncertainty may arise with regard to the interpretation of the law and practice of the Ministry, or from consideration of particular circumstances associated with a question. Reference to Ministry Governors is not designed to relieve a Ruling Elder Session of its responsibility. It may indeed be censured by Ministry Governors if that court takes the view that the Ruling Elder Session should have resolved the matter without recourse to the higher court.

5.1.2 A reference may be accompanied by observations or tentative recommendations by the Ruling Elder Session or it may be passed on without comment (simpliciter).

5.1.3 When a Ruling Elder Session resolve to refer a matter to Ministry Governors their decision may be challenged by one of their number who intimates a dissent and complaint, or if it be a matter affecting parties at the Bar they may appeal against the decision to refer. In any case the Ruling Elder Session must forward extracts of minutes relating to their procedure and any other documents laid before them. The Ruling Elder Session and any complainant or appellant are all then summoned as parties to the Bar of Ministry Governors.

5.1.4 When Ministry Governors meet to consider the matter, the Clerk of Ministry Governors reads the documents that have been transmitted in the case. Parties are then called, and the names of the persons who severally appear for each of the parties are minuted as so appearing. If any party having been duly cited does not appear when called, and no adequate cause for non-appearance is assigned, that party is held to have given up the cause, and unless the Ministry Governors find reason otherwise for an opposite course, a decision may be given against that party in absence.

5.1.5 In the case of an unopposed reference the Ruling Elder Session is brought to the bar of Ministry Governors and its representative(s) are called upon to state the reference, that is, to explain the difficulty of the case as perceived by the Ruling Elder Session. Having stated the case, they may be questioned by members of Ministry Governors.

5.1.6 Ministry Governors then resolve whether to sustain the reference or dismiss it, and

dismissal may be accompanied by censure if the Ministry Governors see fit. If the reference is sustained, those members of Ruling Elder Session who are members of Ministry Governors resume their seats in Ministry Governors.

5.1.7 The Ministry Governors then address themselves to the specific problem referred to them and resolve what advice should be given to the Ruling Elder Session.

5.1.8 In the case of a reference against which a complaint or appeal has been raised the situation is more complicated. In such a case when parties are called to the Bar of Ministry Governors the complainant/appellant will be heard first, then the Ruling Elder Session will state its case and the first speaker will reply. Members of Ministry Governors may ask questions and the Ministry Governors then resolve the issue as to the sustaining or dismissing of the reference. But it seems proper in this case that where the reference is sustained, the Ruling Elder Session and the complainant should remain at the Bar and present their views on the merits. Ministry Governors will then come to a decision and inform parties at the Bar. Only so can all concerned preserve the right of bringing a judgment on the merits.

## 6.2 Complaints and Appeals.

6.2.1 As in the case of reference the Ministry Governors usually hears one or two speakers for each party but when the case of two parties is perceived to be the same in substance they are dealt with as one party. The complainants or appellants are heard first and subsequently have a right of reply to the case presented by the Ruling Elder Session. Questions may be asked by members of Ministry Governors. Parties are then removed from the Bar but none of them may assume a seat in Ministry Governors. The Ministry Governors deliberates and pronounces judgment.

6.2.2 The judgment may be expressed in such terms as the Ministry Governors thinks most suitable; but in every case of Appeal or Complaint, in which a judgment on the merits is pronounced by the Ministry Governors, the judgment must expressly sustain or dismiss the Appeal or Complaint, and must expressly reverse or affirm the judgment of the Ruling Elder Session, whatever additional words or sentences the Ministry Governors Deliverance may contain.

6.2.3 Parties are called in, and the judgment of the Ministry Governors is intimated to them.

6.2.4 If a party there and then, after hearing the intimation, acquiesce in the judgment, it is usual for him to intimate his acquiescence, and to have it minuted. If he does so in due form, he is entitled to extracts.

Note: The statements here made as to the hearing of the parties at the bar apply to the hearing of parties in cases of translation, *mutatis mutandis*. They apply also to the hearing of parties in Petitions.

## **(C) RELATIONS TO SUPERIOR COURTS**

1. The Ministry Governors is required to submit its permanent Record Book for review by the ples apply in this review as in that exercised by Ministry Governors in relation to Ruling Elders and the same principles apply in this review as in that exercised by Ministry Governors in relation to Ruling Elder Sessions. No alteration of minutes once approved can be made.

2. Decisions of Ministry Governors: Ministry Governors decisions are of two kinds: judicial and non-

judicial. Judicial decisions are those come to in regard to formal cases before Ministry Governors. Judicial decisions cannot be revised or rescinded. In non-judicial proceedings decisions may be revised or rescinded only after careful consideration introduced by notice of motion and in the light of evidence affecting the matter or in the light of consequences which were unforeseen at the time of the decision and which are deemed prejudicial to good order.

3. Effect of Dissent: When a Ministry Governors has come to a decision on any matter, any member of the Court who is present and has previously moved or supported a motion against the decision may enter a dissent provided this is done immediately on the pronouncement of the decision. If reasons are immediately announced they must be engrossed in the minute of that meeting. But if reasons are given in later they are not minuted but kept among Ministry Governors papers. Other members of Ministry Governors present at the time of the decision controverted who supported the objection made, may adhere to the dissent immediately, later in the meeting or at a subsequent meeting.

4. Dissent and Complaint: Any member of Ministry Governors who has, as in the case of dissent, previously objected to a proposal before Ministry Governors, may upon the proposal being carried, announce his dissent and protest. Those complaining are entitled to such extracts as are required to bring their case before the Ruling Elders.

5. Appeals: Parties at the Bar of Ministry Governors, aggrieved by its decisions may protest for leave to appeal.

6. Admission of Minister or Probationer: Any Minister or Probationer belonging to any other Denomination who desires to be admitted as a Minister or Probationer of TCSB, must apply, in the first instance, to TCSB Ministry Governors.

Ministry Governors have a duty to interview candidates for admission and may require to devolve this duty upon others deemed suitable, if the candidate lives abroad. Ministry Governors do not have powers of admission but must scrutinise the application schedule presented by the candidate and answer questions addressed to Ministry Governors in the schedule and make such recommendation as they deem appropriate.

7. Collections: It is the duty of Ministry Governors to observe carefully all respecting the various collections and operations appointed and carried out by means of its Committees or otherwise, for the furtherance of the Gospel at home and abroad, or for the welfare of the Ministry.

8. Ministry Governors Records: Ministry Governors Records must be kept up to date and available for review once 1 year.

### **(D) GENERAL CONDUCT OF BUSINESS**

Order of Business: The clerk of Ministry Governors usually prepares a tentative agenda which can be adjusted by Ministry Governors as it deems best. The following points are intended for guidance and are not mandatory.

The reading of minutes usually follows the calling of the Roll and matters referred to in the minutes are either taken up immediately after the approval of the minutes or included in the agenda at the most suitable points in relation to other business.

1.2 A degree of priority is usually given to items of business which require the attendance of people who are not members of Ministry Governors, so that they may not have to wait an undue time.

1.3 Reports from Committees appointed by Ministry Governors should be given precedence over business initiated by private members of the Court.

1.4 In the case of meetings pro re nata and in hunc effectum if there is a plurality of items on the agenda they are taken in the order indicated in the circular calling the meeting or the minute appointing it.

2. Duties of Clerk: It is the duty of the Clerk to prepare and timeously circulate before each meeting of Ministry Governors a note of the items of business to come before the meeting. The usual practice is that copies of the minutes of the previous meeting are circulated at the same time. The Ministry Governors is not bound to consider the items of business in the order proposed by the Clerk. The Moderator will call for each item according to the agreed order.

3. Immediate Adjustment of Minute: When a matter of serious consequence has been disposed of, the minute recording it ought to be adjusted, read and approved before passing to the next item.

4. Motions before Ministry Governors: With a view to a Ministry Governors coming to a decision upon any question, a Member of Ministry Governors must make a motion on the subject.

4.1 Consideration of suggested new legislation should be on the basis of notice of motion duly intimated. In matters the decision on which must hinge on what is said by parties at the bar, no notice of motion can be given.

4.2 Motions submitted to Ministry Governors should be given to the clerk in writing. The person submitting a motion can speak to it, but if he fails to find a seconder the matter is abandoned without further discussion. Motions duly moved and seconded are open for discussion and may not be altered without leave of Ministry Governors.

Nor may motions moved and seconded be withdrawn without leave of Ministry Governors. Amending or countermotions duly moved and seconded may be put against motions before Ministry Governors.

4.3 Though strict procedure allows a member to speak only once during discussion of a motion and this rule is rigidly observed in the General Assembly, Ministry Governors tend to relax this rule in their practice but there should be an understanding as to how frequently a member may speak with regard to any motion.

Ministry Governors always allow a member to speak in explanation of something he has already said which he deems to have been misunderstood. The member who introduces a motion is always accorded the right of reply but he may not introduce new matter into his reply which must confine itself strictly to matters already raised. After the reply, the discussion is closed and the vote is taken.

5. Call to Order: In the course of a discussion, any member has a right to call another to order, and, when this is done, the person speaking should stop till the question of order is determined. Any member (whether he has already spoken or not) can take part in the discussion of the point of order. It is convenient that the point of order be referred, in the first instance, to the Moderator, who may at once announce such an opinion on it as may manifestly without any vote, command general concurrence. But, if there is much division of opinion, the point must be determined by a vote.

6. Voting: In Ministry Governors votes are usually cast by show of hands though other methods such as calling the Roll are acceptable.

6.1 If it is desired to take the vote between two motions by Roll, the Clerk or

someone assisting, calls the names and notes for which motion support is indicated. The one securing a majority becomes the decision of the Ministry Governors.

6.2 When there are three motions, the usual practice is to follow the rule of the General Assembly's Standing Order, and to put the two amendments if mutually incompatible against each other in the first instance. The one which achieves a majority is then put against the original motion. If the amendments are compatible they will in turn be put against the original motion, that is, third versus first, and then second versus first. The final decision is announced and noted by the Clerk.

6.3 On the same principle, any number of motions or amendments may be disposed of by putting the last, in the first instance, against the second last, and so determining which is to be put against the next in the reverse order. The question may thus always be reduced to a vote between the original motion and that amendment or motion, whether it be second, third, or fourth, or fifth, which has been preferred through successive votes, as the one to be placed in immediate competition with the original motion.

6.4 During the taking of a vote, the doors ought to be closed, so as to avoid all confusion by members going out or coming in.

## CHAPTER 2

### THE ELDER RULING SESSION: ITS CONSTITUTION, POWERS AND FUNCTIONS

The titles elder and overseer appear interchangeable in New Testament usage. To the elder is assigned the task of rule or spiritual oversight of the people of God. Some elders also undertake the responsibility of regular public preaching and teaching and the administration of the sacraments and these are generally known as ministers or pastors. This distinction of function as between the ruling and the teaching elder is recognized by Paul in his advice to Timothy: "The elders who direct the affairs of the Ministry well are worthy of double honor especially those whose work is preaching and teaching" (1 Tim. 5:17).

Both common-sense and Biblical example require that those responsible for rule in the Ministry should meet together from time to time to consult, deliberate and take action to promote the interests of the Ministry.

1. Composition of Session: In each duly organized congregation the minister along with a suitable number of elected elders referred to as Ruling Elders, constitute the Ruling Elders Session. Ruling Elders are elected for life, though their membership of a Ruling Elders Session will terminate if they cease to be members of the congregation, or their resignation is accepted, or they are declared to have resigned through long absence from sessional meetings. Life-long tenure of the office of elder may be cancelled as the result of disciplinary procedure.

2. Preaching Stations: These small groups meeting regularly for public worship and duly recognized by Ministry Governors as preaching stations. Though these are not sanctioned charges, it is nevertheless the responsibility of the Ministry Governors to arrange for the establishment of a Ruling Elders Session to be responsible for the pastoral care of the station, with a minister of the Ministry Governors being appointed Moderator of the Ruling Elders Session. Such a Ruling Elders Session does not send representation to the Ministry Governors.

3. Number of Elders: It is the responsibility of the Ruling Elders Session to determine when additions to its number are required by the general situation of the congregation and to oversee the election of as many as it deems necessary by the communicant membership of the congregation, in whom the right of election is vested.

4. Qualifications for Eldership: The qualifications required of Ruling Elders are the following:

They must be men in full communion with the Congregation.  
Each of them must have attained the age of twenty-one years.

They must fit the description given in the New Testament of men qualified to exercise spiritual oversight as elders or bishops/overseers.

5. Principles of Election: In the election of Elders two principles must be secured:

5.1 The persons elected must be adjudged by the Ruling Elders Session to be fit for the office of the eldership.

5.2 They must have the support of the free election of a majority of the communicant membership.

6. Methods of Election: There is no single mandated method of electing Ruling Elders. Ruling Elders Sessions exercise their discretion in determining which method will be most generally acceptable locally and occasion least tension and difficulty. The following are some of the methods which honor both the principles stated above. The order of listing is not significant.

The Ruling Elders Session may call a meeting of the communicant membership of the congregation for the purpose of electing a specified number of new elders. At this meeting names will be proposed (moved and seconded) and upon subsequent voting those securing the required majority identified. From these the Ruling Elders Session select the required number and ascertain their willingness to accept office.

6.1 The Ruling Elders Session may, at a duly called meeting of the communicant membership, propose certain names to them and upon securing a majority agreement proceed to invite those named to accept office.

6.2 The Ruling Elders Session may submit to the communicant membership a list of the names of all male communicants over the age of 21 and ask for the election of a specified number. From the number securing the support of a majority of the communicants the Ruling Elders Session then select the names of those they deem most suitable.

6.3 The Ruling Elders Session may submit to the communicants a list of those whom they deem suitable for office and ask for the election of all or of a specified number.

7. Eligibility as Elder: A person formerly ordained to the office of the eldership but who, for reasons not involving ministry discipline, is not currently a member of a Ruling Elders Session is regarded as retaining the status of an elder.

8. Convening Session Meeting: Ruling Elders Sessions may be convened at any convenient time provided due notice is given to all members but only in special or urgent cases may meetings be held on the Lord's Day. Meetings are convened by the authority of the Moderator or at the direction of a superior court. The most common method of notifying members is by public pulpit intimation, but they may be notified individually. Except by special permission of the court concerned, no meeting of a Ruling Elders Session may be convened at a time when the Ministry Governors is sitting.

9. Moderator of Session: The Minister of the congregation is Moderator of the Ruling Elders Session and must preside at its meetings. He may, however, on certain occasions deputise another Minister to preside in his place.

10. Quorum: Two members of Ruling Elders Session, along with the Moderator, form a quorum to enable the meeting to proceed to business, but no business may be transacted if attendance falls below the quorum.

11. Voting: Decisions of Ruling Elders Session may be agreed by general consensus of those present, or on the basis of motions, duly moved, seconded and carried.

12. Powers of Moderator: The Moderator may introduce any business to the Session and may address them regarding it, but he may not move or second a motion. He has also, in common with the other members, the right of dissent and complaint against any decision to the Ministry Governors. But he has no deliberative vote, although, in case of an equality, he has a casting vote.

13. Interim Moderator and Assessors: In the event of a vacancy in the pastoral office, a Minister, who is a Member of Ministry Governors, is appointed by the Ministry Governors to act as Moderator of

Session; and in the event of there being no Ruling Elders, or only one, the Ministry Governors appoint one or more assessors to act as Members of Session, until a new election of a Ruling Elder or of Ruling Elders shall have taken place.

14. General Assessors: Those appointed as assessors in the circumstances noted above are referred to as general assessors and their period of service in that capacity should be distinctly stated at the time of their appointment. The period may be extended by later decision of Ministry Governors. General Assessors have the same rights, responsibilities and privileges as elected members during the period of their appointment and their names should be included in the list of office-bearers in the Communion Roll of the Ruling Elders Session.

15. Special Assessors: If a Ruling Elders Session faces a problem of peculiar difficulty, it may request the Ministry Governors to augment its number by the appointment of special assessors. Such assessors sit as members of the court only when the specific matter occasioning difficulty is being discussed. Ministry Governors, on their own responsibility, having knowledge of difficulty faced by a Ruling Elders Session, may appoint assessors, either general or special.

16. Session Clerk: The Ruling Elders Session appoints a Clerk, usually a member of the court, to write up minutes of meetings, attend to correspondence and take care of papers and books belonging to the Session. On appointment the Clerk should solemnly declare that he will faithfully discharge the duties assigned to him. In the absence of the Clerk, the Ruling Elders Session appoints someone to act for him pro tempore, and this fact should be noted in the minutes. The temporary clerk should sign the minutes he has written as well as the regular clerk.

17. Opening and Closing of Session: All meetings of Ruling Elders Session must be duly constituted, that is, opened with prayer. They must always also be closed with prayer. No minutes are deemed valid which do not state both that the Session was duly constituted and that it was closed with prayer. Extracts of minutes are

not valid unless it is clearly stated that the court was constituted, and they are certified as extracted by the Session Clerk.

18. Approval of Minutes: At the beginning of each meeting, the minutes of the previous meeting are read and the decision of the Ruling Elders Session to approve or correct them should be duly minuted. The correction of minutes does not involve changing any decision or fact noted during the relative meeting. Review of minutes is concerned solely with the accuracy of the account of business transacted. As the Ruling Elders Session usually meets in private, its minutes ought not to be circulated beforehand to members or retained by them if circulated at the meeting.

19. Form of Minutes: Minutes may be handwritten, typed or printed, and so as to secure neatness in the permanent record are usually presented in draft form. When the draft has been adjusted and approved, it should be signed by the Moderator and Clerk and subsequently transferred to the permanent record book. It is the responsibility of the Ruling Elders Session to ensure that the permanent record accords precisely with the minute as approved. The permanent record should then be signed by the Moderator and Clerk..

20. Open meetings: As noted above a Ruling Elders Session usually meets in private, but it may meet in open court or with the congregation when business so demands. It may also invite the Deacons' Court to attend if their advice and assistance are required. Though present on such occasions, Deacons have no vote.

## **PART II: Powers and Functions of the Ruling Elders Session**

Ruling Elders Sessions are appointed in accordance with clear Biblical principles, in particular in accordance with the following:

- (1) The New Testament recommends the appointment of elders to exercise rule in each congregation though not all of them are ordained to full-time teaching and pastoral care.
- (2) Indications in the Old Testament and in the organisation of the Jewish synagogue, taken along with apostolic references in the New Testament and the practice of the early Christian Ministry, point to the existence of a group of elders in each congregation to act with the minister in administering God's law within the congregation.
- (3) The rule exercised is under God and accountable to him. No one has a right to exercise lordly authority over God's heritage. No court can supersede the direct authority of Christ's word over the consciences of individual members of His Ministry.

In the application of these principles to the case of Ruling Elders Sessions, the following rules of practice have arisen:

1. **Relation to Minister:** The date of a minister's induction to a charge ought to be duly noted in the minutes of the Ruling Elders Session. The minister, being directly accountable to the Ministry Governors which admitted him, is not under the jurisdiction of the Ruling Elders Session; but if the Session deem him to be negligent as to his pastoral duties or in any other way at fault, it may, if brotherly counsel fail, petition the Ministry Governors on the matter. It is recognized that the minister is permitted a wide discretion in his efforts to reach out to all classes and conditions of people. Consonantly with this he has full use of Ministry and Hall buildings at his own discretion to further his ministry. This right however is strictly limited to use for religious, ecclesiastical or charitable purposes. For other uses the minister requires the agreement of the Deacons' Court. For their part, neither the Ruling Elders Session nor the Deacons' Court can employ the buildings for any purpose without the minister's consent.

The Minister has a special responsibility for the conduct of public worship, and as praise is a significant part of worship the minister must be satisfied as to the fitness of the precentor. On this matter the Ruling Elders Session also ought to be satisfied. In cases where a fee is paid to the Precentor this is the responsibility of the Deacons' Court.

2. **Congregational Meeting:** A congregational meeting which is to approve ecclesiastical Acts must be called by authority of the Ruling Elders Session. This notice should be given two Sabbaths in advance with specification of the business to be transacted. The annual business meeting of the Congregation which does not include such acts on its agenda does not require the authority of the Ruling Elders Session. Congregational meetings called by the Ruling Elders Session should be duly minuted and engrossed in the Session Record.

3. **Procedure in Electing Elders:** The Ruling Elders Session determine when it is expedient to have an election of Ruling Elders and what number is required.

It is the duty of the Session to deal in a scriptural manner with those chosen to office, in order to obtain their acceptance. This duty is discharged to a large extent through the Moderator, but it by no means belongs to him exclusively. If the consent of the person or persons elected is obtained, the Ruling Elders Session appoints a day and hour for the ordination or admission, as the case may be, and directs an Edict to be issued and served to that effect, on a convenient Sabbath, at least seven

free days before the time appointed for the meeting. It is the duty of the Session Clerk to prepare the Edict. It is the duty of the Minister to read it from the pulpit. The Edict contains a statement of the steps which have been taken and the result, and it adds an intimation that if any person has any objection to the life or doctrine of the person or persons mentioned, that objection must be given in to the Session at the meeting of which the time and place are specified, with certification that, if no objection is then and there given in, the ordination or admission will be proceeded with on the day and at the hour appointed.

When the Ruling Elders Session has met at the time specified in the Edict, it ascertains from the Minister that the Edict has been duly issued and served. The Session then directs that intimation be made that if there are any objections, the Session are now prepared to hear them. If any objections are given in, anyone making an objection is required to substantiate it forthwith as an objection to life or doctrine. If the objection appears, in the judgment of the Session, to be substantiated, it must decline to proceed with the ordination or admission, and must take the person objected to upon discipline. But if the Session finds that the objections are frivolous or unsupported by evidence, it is their duty to proceed with the ordination or admission as appointed.

The ordination or admission usually takes place on Sabbath in the presence of the Congregation, at the close of one of the diets of public worship. The Session having been previously constituted, the Moderator gives a narrative of the steps which have been taken and their result. Then he calls upon the elected person or persons to stand up, and puts certain questions required to be answered satisfactorily. This done, they each sign the Formula in the presence of the Congregation, and then the Moderator, in the case of parties not previously ordained as Elders in any Congregation, sets them apart by special prayer to their office, and commends them to the grace of God, after which he formally admits them as members of the Ruling Elders Session and to the spiritual rule of the Congregation, giving them, as do the other members present, the right hand of fellowship. It is not customary to have the imposition of hands as the prayer of ordination is offered. In the case of persons formerly ordained as Elders, when satisfactory answers to the mandated questions have been given and the Formula has been signed, the Moderator may admit them at once as members of Session, though this also is usually accompanied by prayer. The meeting of the Congregation is concluded by an exhortation from the Moderator, both to the newly admitted Elders and to the people. The names of the newly admitted Elders are added to the Roll of Session.

**4. Duties of Elders:** Each Ruling Elder is allowed to exercise a large measure of discretion in the discharge of his functions individually, with a view to the religious and moral interests of the people among whom he personally labors. But it is the duty and function of the Ruling Elders Session collectively to make arrangements for the division of the Congregation into districts, and the assignment of these as fields of labor to the Ruling Elders individually. They are empowered to regulate the exercise of all the functions belonging to Ruling Elders, in so far as the orderly working of these may require subdivision or co-operation. It is the duty of Ruling Elders to assist, in so far as they can, in visiting the sick, in arousing the careless, in instructing the young, in encouraging inquirers, in edifying and comforting believers, and generally in seeking after the fruits of the ministry. In so far as the performance of these duties can be rendered more efficient by systematic and combined arrangements, it is the function of the Ruling Elders Session to make such arrangements. For example a code of guidance for the operation of Sabbath Schools, recognising that "all Sabbath Schools are under the supervision of the Ruling Elders Session"

It also lies with the Session to hold and appoint such meetings for prayer and reading of the Scriptures as they may judge fitted to advance the spiritual welfare of the people or to promote the efficient execution of the office of Ruling Elder, provided they do not thereby interfere with the course of action adopted by the Pastor for the discharge of his peculiar functions.

5. **Failure to Perform Duties:** It is the duty of the Ruling Elders Session to ensure that each member duly fulfils the functions of his office and the particular duties assigned to him by the court within his capabilities and the time he can afford. Should he persistently fail in these after patient exhortation, the Ruling Elders Session may request his resignation or initiate a process of suspension/deposition on the grounds of neglect of duty.

6. **Election of Deacons:** The Ruling Elders Session determines when it is expedient to have an election of Deacons, and what number is required. The Ruling Elders Session exercises precisely the same functions, with reference to the election and ordination or admission of Deacons, as in the case of Elders. The election and ordination of Deacons on precisely the same footing with that of Elders, the only difference being that, in the questions and answers at ordination, the reference to the particular duties of the office is specific.

7. **Relationship with Deacons' Court:** It is no part of the Ruling Elders Session's function to review the decisions of the Deacons' Court. If the Ruling Elders Session considers that the Deacons' Court has violated the Acts or the Laws of the Ministry, the only remedy, besides friendly remonstrance, to which the Ruling Elders Session can have recourse, is that of presenting a petition to the Ministry Governors.

8. **Resignation of Deacons:** No resignation of office by a Deacon is valid, unless addressed to the Ruling Elders Session, who exercise the same power with reference to Deacons as they do as to Elders, both in their admission to office, and in their removal from it.

The Ruling Elders Session may find that an Elder has ceased to be one of their number, or that a Deacon has ceased to be a member of the Deacons' Court, because he has ceased to be a member of the Congregation or no longer were, members of the Session or Deacons' Court of the Congregation. The Ruling Elders Session has power, in the exercise of discipline, to pronounce sentence of suspension or deposition against either an Elder or a Deacon, when it finds it necessary to do so, in accordance with the word of God, and with the rules of the Ministry.

9. **Communicants' Roll:** With a view to the spiritual oversight of a Congregation by a Ruling Elders Session, it is necessary that an accurate roll of the members in full communion be kept by the Session Clerk among the Sessional documents.

A copy of this roll, revised by the Ruling Elders Session, and signed by the Moderator and Clerk, must be sent to the Ministry Governors of the bounds every year for attestation. In this copy of the Roll sent to the Ministry Governors, there ought to be no blanks in which new names could be added, and no names written or erasures, unless the same be duly noticed and attested by the Clerk's initials. The Ruling Elders Session may revise or purge the roll at any period; but it is usual to do so at the time of the dispensation of the Lord's Supper.

10. **Admission to Ordinances:** Admission to the privileges of Baptism and the Lord's Supper is by authority of the Ruling Elders Session who must be satisfied as to the fitness of applicants (whether as parents or on their own profession) as demonstrated by (1) a confession of faith in accordance with the word of God and the standards of the Ministry; (2) a life-style befitting the gospel as far as can be discerned.

The first is by receipt of a certificate from another Ruling Elders Session testifying that the person named thereon has been a communicant member of their congregation and leaves in full communion and free, as far as the Session are aware, from all ground of legitimate censure.

The second way in which the Session judge an application is that of examination and observation. This applies where applicants have not previously been in full communion with any congregation. The examination does not involve any inquisitorial minuteness but depends to a large extent on the observation of the minister and elders and their assurance that there is, in the lives of the persons concerned, no observed inconsistency with the profession of faith being made.

11. **Baptism:** As noted the Ruling Elders Session also authorise the administration of the sacrament of baptism when they are satisfied as to the Christian profession of those called upon to assume the solemn vows entailed. A Baptismal Roll should be carefully compiled and updated from time to time.

12. **Discipline:** A specially important function of the Ruling Elders Session is the exercise of discipline. This function belongs to the Ruling Elders Session exclusively in the first instance, with respect to all members and adherents of their Congregation, except the Pastor, who is subject to the immediate jurisdiction of the Ministry Governors.

13. **Times of Worship:** It is the function of the Ruling Elders Session, with concurrence of the Minister, to fix the times and hours of public worship on the Lord's day, to appoint Fast-days, and to authorise the administration of the Sacraments. But it is usual in the case of baptism, where one or both parents is in full communion, to leave the matter in the hands of the minister, who shall report it at the next meeting of the Session.

14. **Special Collections:** The Ruling Elders Session are entitled to appoint special collections at the Ministry doors for local purposes affecting the cause of Christ or the interests of the Congregation, except for the temporal relief of poor members, or the education of the children or the poor, for which objects the Deacons' Court are expressly authorised.

15. **Representative Elder:** Every Ruling Elders Session has a right and is bound to elect a Representative to the Ministry Governors and the appointment is for twelve months but those elected continue to represent the Session until a new election has taken place. Should a Ruling Elders Session not elect their representatives and notify the Ministry Governors Clerk before the first meeting of Ministry Governors, the clerk of Ministry Governors shall require Ruling Elders Sessions to make the necessary.

16. **Order of Business:** The usual and approved order of business in a Ruling Elders Session is as follows:

- (1) The opening prayer, with which the Moderator constitutes the Session.
- (2) The taking down of the sederunt by the Clerk.
- (3) The reading and approval of the minutes of the last meeting.
- (4) Any business of immediate and peculiarly pressing urgency.
- (5) Matters left over at former meetings, in the order of their appearance in the minutes.
- (6) New cases of discipline.
- (7) Other business brought before the meeting, or naturally suggesting itself to the Session's attention.
- (8) Concluding Prayer.

17. **Record of Business:** It is the duty of the Ruling Elders Session to see that their proceedings are accurately recorded by their Clerk. They are bound to watch over the permanent and approved Record of those proceedings and it should be clearly annotated (e.g. by marginal notes) so that separate items of business may be easily identified. They are held responsible by the Ministry Governors for its being regularly and faithfully kept. Not only must the facts as to the constitution and regular closing of each meeting be correctly stated, as well as the approval of each preceding minute, but the names of all the members present must be recorded. There must be no blottings or

interlinings in the Record. If anything is deleted, it must be marked on the margin, and any word or words omitted must be written on the margin, and attested there by the Clerk's initials. If typed or printed pages are pasted into the permanent record, the Moderator or Clerk should put his initials across the junction line of page and insert. Any erasure of the minutes can be made only by authority of the Ministry Governors who may call for the Record at any time. It is sent up from time to time for examination and attestation by that body. Every minute ought to be signed, both by the Moderator and the Clerk.

18. **Dissent:** Any member of a Ruling Elders Session may enter his dissent from any part of their procedure which he conceives to be contrary to the Word of God, the received order of the ministry, or the interests of Christ's cause. He may require his dissent to be marked in the Record. In order to be received, the dissent must be given immediately when the judgment dissented from is pronounced, and consequently can be given in by those only who were present at the pronouncing of it. Absent members are not entitled to dissent. If a dissent has been given in at the proper time by one or more members of Session, there is no rule to prevent other members of Session who were present from intimating at the next meeting their adherence to that dissent. If reasons for the dissent be given in along with it, both the dissent and the reasons ought to be included in the minute of the meeting. If the dissent itself be duly given in, intimation may be also given that reasons for it will be added at a subsequent meeting, in which case it is competent to receive the reasons when produced, and also to answer them if the Ruling Elders Session. But the Ruling Elders Session are not bound to enter those reasons in the Record. The right course is to appoint them to be kept *in retentis*, that is, to be preserved among the Sessional documents. A simple dissent as here described, whether with or without reasons, is not sufficient to enable the person dissenting to bring the matter under the review of the Ministry Governors. The effect is only to save him from any censure that may arise out of the procedure, and from seeming to acquiesce in what he considers contrary to the mind of Christ.

19. **Dissent and Complaint:** A member of Ruling Elders Session may not only enter his dissent from a judgment, but he may (as it is technically expressed) *dissent and protest for leave to complain* to the Ministry Governors. A dissent and complaint can be received only at the time when the judgment complained of is pronounced, and are incompetent at a subsequent meeting. Reasons of dissent and complaint must be lodged with the Session Clerk within ten days from the date of the judgment and the protest. Copies of these reasons, with all the papers and extracts of minutes belonging to the case out of which the complaint has arisen, must be transmitted by the complainer(s) or clerk of Session to the Clerk of Ministry Governors. The copies, papers, and extracts must be all duly certified by the Session Clerk.

The effect of a Dissent and Complaint carried out in regular form is to bring the proceedings of the Ruling Elders Session under the review of the Ministry Governors; and the complainer or complainers, and all parties in the case, as well as the majority of the Ruling Elders Session, are thereby summoned to appear before the Ministry Governors. The giving in of a dissent and complaint has the effect of sisting (that is, suspending) the procedure of the Ruling Elders Session in the matter to which the complaint relates, until either a final decision by the Ministry Governors, pronounced on the case, or the complaint be fallen from. A complaint may be fallen from at any time, but it is always held to be fallen from if the reasons are not lodged with the Session-Clerk or Moderator within ten days.

20. **Appeal:** It is to be noted that the right of dissent and complaint belongs to those who sit as members of the Ruling Elders Session, and the exercise of that right is their only way of seeking review of decisions which grieve their consciences.

Persons who appear before the Session, either on their own initiative or by citation are referred to as "parties at the bar". These may, on occasion, include some who usually sit as members of the Session.

When an appeal against a decision of the Session is intimated, the Session consider whether or not it is frivolous.

Frivolous appeals may be disregarded, the right of the appellant to prosecute his appeal being always reserved. An appeal may be fallen from at any time, but is always held to be fallen from if the reasons for it are not lodged with the Session Clerk or Moderator within ten days from its date.

21. **Reference:** The Presbyterian structure is designed to secure that the larger Court will help the smaller. So, when a Ruling Elders Session confronts an issue of peculiar difficulty in regard to the interpretation of Scripture or Ministry law, or the resolution of a difficulty, they may refer the matter, in whole or in part, to the Ministry Governors for advice. They must bear in mind, however, that recourse to the Ministry Governors for advice is not to be used as a means of evading their own responsibility, for if the Ministry Governors deem the reference unnecessary or improper they may refuse to entertain it and censure the Ruling Elders Session.

Matters may be referred without comment or indication of the Ruling Elders Session's tentative conclusions. This is called a reference simpliciter. Or they may be referred with a statement of the Session's views on the subject on which they wish Ministry Governors to advise. Whether the reference is simpliciter or with comment, it is important that all particulars are fully and clearly stated so that the reference can be fully understood. The Ruling Elders Session instruct their clerk to do this. Those directly concerned in the reference, for instance the parties in a case, should be informed of its being made, since they should be in attendance before the Ministry Governors.

22. **Citation:** In order to maintain good order in the congregation a Ruling Elders Session may need to interview people. If the matter is such as is likely to be resolved by joint pastoral conversation with the person concerned, he may simply be invited to attend. If, however, the matter is more serious, for instance involving discipline of a member, or if the person concerned declines the invitation given, the recourse is to a formal summons issued by the Session. This summons is referred to technically as a citation and states both the requirement to attend the Session at a specified time and place and the reason for the requirement. Citations are of two kinds. One is a written statement which is delivered to the person named or to his home and the Ruling Elders Session must have written assurance that it has actually been delivered. The other is what is called a citation *apud acta*, that is, a verbal statement to the person cited when he is present at a meeting of the Ruling Elders Session.

23. **Petition to a Ruling Elders Session:** People connected with a congregation have freedom of

access to the Ruling Elders Session regarding any matter which affects their spiritual interests or those of the congregation, or the diffusion of the gospel in the district. To be received by the Session such matters must be stated in writing.

Strict formality would require that they be presented in the form of a Petition, but Sessions usually accept a courteously framed letter as though it were a Petition. When the Session deal with the Petition those who have presented it become parties at the bar and so have the right, when the decision is announced, to appeal to the higher courts.

24. ***Petition of Session to Ministry Governors:*** It is competent for the Ruling Elders Session themselves to petition the Ministry Governors with relation to any subject within the competency of the Court to which the petition is addressed, if the subject is not one which can come up by reference, appeal, or complaint.

25. ***Rights to Extracts:*** When people, aggrieved by decisions of a Ruling Elders Session, wish to bring them under review of Ministry Governors by complaint and appeal, the Session must explain to them that they are entitled to such extracts from minutes of Ruling Elders Session and to copies of such papers held by the Session as are necessary to bring their complaints and appeals fully before Ministry Governors and upon these being requested they must authorise their clerk to provide them. The intimation of complaint/ appeal should be accompanied by a request for such papers and the fact of request must be duly minuted. The technical expression used in such a minute reads: took instruments in the clerk's hands and craved extracts which were allowed. "To take instruments" originally implied the tendering of a piece of money to the clerk, but this formality is seldom observed in present practice.

The Ruling Elders Session, if they think fit, grant extracts to other parties besides complainers and appellants. But the Session Clerk is not at liberty, in any instance whatever, to give extracts without the sanction of the Ruling Elders Session.

## CHAPTER 3

### THE DEACONS' COURT: ITS CONSTITUTION, POWERS AND FUNCTIONS

The New Testament warrants a distinction between the office of Elder on the one hand, and Deacon on the other. Whereas Elders are charged with the general and spiritual oversight of congregations, and in the case of those we designate “ministers”, labour in word and doctrine, the Deacons’ specific function relates to the temporal concerns of the Ministry. Though it is allowed that deacons may discharge their functions without having elders present at their meetings there are two considerations which underlie the accepted practice of minister and elders being in membership of the Deacons’ Court. These are:

- (1) The securing of maximum consultation between elders and deacons for the better total management of the congregation.
- (2) If TCSB cannot supply from their own membership a sufficient number of Deacons to function separately from the eldership, so let it be that competent elders be employed as deacons when a sufficient number of deacons cannot be had”.

Though a degree of spiritual maturity is requisite for either office, the difference in function between elder and deacon implies that a man having the gifts needed for the diaconate may not thereby qualify to be an elder. Nor does fitness for the eldership require previous experience as a deacon.

The meeting of deacons is referred to as the Deacons’ Court but this does not imply that this court is part of the legislative structure of the Ministry. As long as the Deacons’ Court acts within its mandate its decisions are regarded as final, and no dissent and complaint is competent.

A simple dissent is, however, competent. In the application of the general principles stated the following rules of practice have emerged.

1. **Election of Deacons and Duration of Office:** Deacons are elected on the initiative of the Ruling Elders Session by the communicant members of the congregation, honouring the same principles and following the same procedures as noted in the case of the election of elders. They hold office for life and remain members of the Deacons’ Court until they cease to be members of the congregation, or their resignations are accepted, or they are held and declared to have resigned through long absence from meetings of the Court, or they have been deposed.
2. **Frequency of meetings:** The frequency of meetings of the Deacons’ Court is determined by the volume of business to be transacted but regular meetings at, for instance, monthly intervals are desirable. The ordinary business of the Deacons’ Court may not be transacted on the Lord’s Day.
3. **Convening of Meeting:** The Deacons’ Court is convened by intimation from the pulpit or by personal notice to the members, provided a reasonable time for attendance is allowed.
4. **A Deacons’ Court:** may not meet at the same time as the Ministry Governors or the Ruling Elders Sessions.
5. **Chairman of Meeting:** If present, the minister of the congregation presides at meetings of the Deacons’ Court. But the court is allowed to meet in the absence of the minister provided it is called as noted above. In such cases the court appoints its chairman from among those present.
6. **Quorum:** Three members form the quorum of a Deacons’ Court.

7. **Powers of Chairman:** The Chairman may introduce any business to the Deacons' Court, and may address them regarding it. He has only a casting vote.

8. **Treasurer(s) and Clerk:** The Deacons' Court are required to appoint one or more Treasurers and a Clerk.

9. **Congregational Accounts:** The congregational treasurer acts under the direction of the Deacons' Court and is required to keep accurate ledgers of funds received and payments made. The accounts should be audited annually by competent persons appointed by the Deacons' Court. The ledger of receipts and payments must be submitted annually to the Ministry Governors for attestation.

11. **Freewill Offerings:** In many cases it is also found convenient to appoint a treasurer with responsibility to oversee the operation of the freewill offering system in the congregation. He should keep a register of all contributors and of the amounts given by each. He should be able also to supply deed of covenant forms and relevant information, to those desirous of having them and whose contributions and tax situation render this appropriate. The freewill offering treasurer should regularly report to the congregational treasurer and the Deacons' Court.

12. **Duties of Clerk:** The Clerk of the Deacons' Court is required to keep a separate Record for the Minutes of its procedure, and to take charge of such of its papers, books, and documents as are not intrusted to the custody of a Treasurer.

13. **Order of Business:** Every meeting of Deacons' Court is both opened and closed with prayer. The Minute must always bear at the outset that the Deacons' Court was *constituted*, and at the end that the meeting was closed with prayer. No Minute is valid without the mention of these particulars. No extract can be received which does not bear that the Deacons' Court was constituted, and which is not certified by the Clerk as having been extracted by him from the Records of the Court.

14. Before proceeding to other business, the Deacons' Court ought, at each meeting, to hear the Minutes of last sederunt read, and the judgment of the Deacons' Court, either approving of the Minutes or correcting them, ought to be recorded. That judgment refers only to correctness of the Minutes as a true account, and not to the merits of the business transacted.

15. **Nature of Meetings:** The meetings of Deacons' Court are not usually open to the public, or the Congregation; but the Deacons' Court may hold open meetings if they see special cause.

## PART II: POWERS AND FUNCTIONS OF DEACONS' COURTS

1. General powers of Court: The Deacons' Court has the responsibility of discharging the material and financial business of the congregation. Though properties owned by the congregation are held by trustees duly elected (as will be noted later) their management and ongoing maintenance are in the care of the Deacons' Court. This court is also responsible for ingathering funds from the congregation and for the distribution of these and other funds accruing to them, among the projects for which they have been provided. Certain sums may be assigned at the discretion of the Deacons' Court.

2. The functions of the Deacons' Court may be more particularly outlined as follows:

2.1 **No Power of Discipline:** Being essentially a board of management the Deacons' Court does not exercise disciplinary functions even over its own members, this being within the competence of the Ruling Elders Session by whose authority members are admitted, suspended, or deposed and to whom resignations should be addressed. It is the duty of the Ruling Elders Session to inform the Deacons' Court of any changes in its membership and the extracts of minutes giving this information must be engrossed in the minutes of the Deacons' Court and its Roll revised accordingly.

2.2 **Congregational Property:** Though responsible for the management, repair and maintenance of all congregational properties and charged to raise funds for these purposes, the Deacons' Court are not entitled to grant the use of buildings for any purpose, without the consent of the Minister. Nor can it withhold the use of buildings for meetings of a strictly religious, ecclesiastical or charitable nature sanctioned by the minister. It is, however, within their competence to make such charge for these uses as will defray costs falling on the congregation. The minister's sanction notwithstanding, the Deacons' Court's approval must be given before buildings can be used for any purpose which is not of a strictly religious, ecclesiastical or charitable nature.

2.3 **Ministry Officer and Fee to Precentor:** If it is deemed necessary or desirable to employ a Beadle or Minister Officer for the week to week management, cleaning and good upkeep of properties, it is the duty of the Deacons' Court to do this and to determine terms of employment and payment.

If a fee is paid to the precentor, this is fixed by the Deacons' Court but the court does not appoint the precentor, this being a function of the minister after due consultation with the Ruling Elders Session.

2.4 All collections intimated from the pulpit should be authorised by either the Deacons' Court or the Ruling Elders Session.

2.5 Methods of raising funds for the maintenance of buildings are determined by the Deacons' Court.

2.6 **Methods of Collecting Funds:** It is the duty of the Deacons' Court to inform the congregation, and especially new arrivals, of the methods by which contributions to their various funds are ingathered. If the main method be by weekly freewill offering the Deacons' Court arranges for the distribution of the requisite envelopes. If house to house collections are appointed the Deacons' Court specifies districts, appoints collectors and furnishes them with the required books.

**2.7 Local Expenses:** Expenses incurred by the minister or, in the case of a vacancy, the interim-moderator, in the course of discharging pastoral care of the congregation should be met by the Deacons' Court as and when funds are available.

2.8 The Deacons' Court are responsible for instructing each member as to the general duties of Deacons and as to particular assignments made to individuals.

**2.9 Order of Business:** The order of business is in general like that of the Ruling Elders Session though the matters considered are different.

**2.10 Records:** The Deacons' Court must ensure that the record of its proceedings is properly maintained by the clerk, and that all account books are duly maintained by the treasurer(s).

**2.11 Petition against Deacons' Court:** Any member of a Congregation or of the Ruling Elders Session may petition the Ministry Governors against the procedure of the Deacons' Court on the grounds that it has exceeded its powers. It is competent also for the Ministry Governors to find that the Deacons' Court has exceeded its power, upon the periodical examination of the Record. The Ministry Governors may, in either of these cases, require the procedure to be altered, or censure the Deacons' Court, according to the nature of the case. The Deacons' Court may appeal to the Superior Courts; so also may the petitioners against the Deacons' Court's procedure, if the Ministry Governors reject their Petition.

**2.12 Extracts:** The Deacons' Court is bound to furnish Extracts to parties concerned in its procedure, in the same manner as the Ruling Elders Session.

**2.13 Review of Records:** The minute book of the Deacons' Court and duly audited treasurer's accounts must be submitted for review by Ministry Governors.

**2.14 Congregational Meeting:** After attestation by the Ministry Governors of the Record and Treasurer's account, a Congregational Meeting should be held, when the Deacons' Court shall present a report of their proceedings for the preceding year, give such information and explanation as may be asked for, and receive any suggestions which may be offered by the members of the Congregation for the consideration of the Court, with reference to the future distribution of the funds; the said Congregational Meeting shall be convened by intimation from the pulpit, and the Minister, if present, shall preside.

2.15 Meetings of the Congregation which do not require the Ruling Elders Session's authority should be duly minuted and the minutes engrossed in the Record of the Deacons' Court.

**END of Constitutional Guidelines**