

CHAPTER IV

THE GENERAL ASSEMBLY

PART I: Constitution and Officials of the General Assembly

1. ***Temporary Character:*** The General Assembly differs from the Inferior Church Courts in the circumstance that, as a body, it has no permanent existence. Whatever powers or functions belong to the General Assembly belong to it entirely as a representative and temporary body.

2. ***Membership:*** The General Assembly consists of an equal number of Ministers and Elders, commissioned annually by each recognised Presbytery of the Church. The exact number to be elected and commissioned by each Presbytery is fixed from time to time by Act of Assembly, with consent of a majority of Presbyteries.

3. ***Principles for regulating membership:*** Two principles, at least, are held to be permanently fixed in the constitution of the Free General Assembly, viz.: (1) that the number of Ruling Elders commissioned by each Presbytery shall be equal to the number of Ministers; and (2) that the proportion of representatives from each Presbytery be just and fair as compared with the representation from other Presbyteries.

4. The General Assembly through their Committee on Assembly Arrangements, furnish every Presbytery with adequate information as to its proportion of representation.

5. ***Eligibility of representatives:*** The practice of the Church makes it necessary that the Ministers commissioned to represent a Presbytery in the Assembly must all be members of that Presbytery or assessors thereto. But a

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Presbytery may be represented by any Ruling Elder of the Church who is otherwise qualified whether he belongs to that Presbytery and is under its jurisdiction or not. This does not include professors or ministers not in pastoral charges who are members of a Kirk Session.

6. ***Elder's Certificate:*** Act XII, 1839, requires that no Ruling Elder shall be held qualified to represent a Presbytery in the General Assembly who is not *bona fide* an Acting Elder in the Congregation in which he holds office, and that, along with every Commission in favour of a Ruling Elder as Commissioner to the General Assembly, there be produced a certificate from the Kirk Session of his Congregation to the effect that he is *bona fide* an Acting Elder therein. Without this certificate no Ruling Elder is allowed to take his seat in the Assembly. It has since been enacted by Act IX, 1863, that there be added to this certificate the statement that the Ruling Elder "has signed the formula".

7. ***Date and Duration of Meeting:*** The Assembly's ordinary sittings at present commence on a Monday in the month of May not earlier than the 17th of that month, and not later than the 23rd and continue until Friday of that week. There is, nevertheless, no other authority for this practice except the determination of each preceding Assembly. Either the preceding Assembly, or the Church at large, through some adequate combination in an emergency, might resolve to have a General Assembly called at a different period in the year. On the same principle, the question as to the place of meeting is quite an open one each year, although considerations of convenience and propriety have, since the Revolution, prevailed in favour of Edinburgh as the settled locality for the ordinary meetings of Assembly.

8. ***Opening of General Assembly:*** The Commissioners elected by the several Presbyteries convene together for public worship, at 6 o'clock in the evening on the day appointed, in the hall set apart as the place of meeting for the Assembly. The Moderator of the last General Assembly officiates at this diet of worship, and after sermon announces that the General Assembly will be constituted immediately thereafter, and proceeds to constitute it by engaging in prayer.

9. ***Moderator for opening meeting:*** By long-established practice, the Moderator of the last Assembly, if his name appear in the list of Commissioners elected by his Presbytery, takes the chair as in the meantime Moderator of the Meeting of Commissioners now convened. If his name do not appear in that list, the Pastor, or Ordained Minister, though not a Pastor, who, being named among the elected Commissioners, has more recently filled the office of Moderator of the Assembly than any other elected Commissioner, is called to preside in the meantime.

10. ***Constituting of Assembly:*** The person acting as Moderator at the opening of the Assembly having constituted the meeting with prayer, the business proceeds

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upon the assumption, in the meantime, that the Commissions from the Presbyteries are all in due form, and that all the Ministers and Elders named in those Commissions have been duly elected. In case, however, of any vote being taken previously to the examination of the Commissions by a Committee, it is always clearly understood that the result of the vote may possibly be altered through that examination.

11. ***Roll of Assembly:*** The old practice of reading the whole list of the Commissioners has been abandoned, and, as a printed list of them is in the hands of all the members, the attention of members is called to the list, and corrections are invited. This is done immediately after the Assembly has been constituted. The order in which the list is printed varies from year to year, the returns from each Synod being taken in order of rotation. The membership having been thus so far ascertained, the next business is the choice of a Moderator. That choice is absolutely free. Any member may propose any Pastor or Ordained Minister, though not a Pastor, as a candidate. But the office is so important that it is felt to be inexpedient to leave the nomination to it practically uncertain till the day of meeting. By an Act of Assembly (Act V, 1938) procedures have been adopted for nominating a Moderator-Designate who is given opportunity to prepare himself for the duties of the chair. This Act requires Conveners and Vice-conveners of Standing Committees under the chairmanship of the Moderator of the preceding Assembly, to nominate persons deemed suitable and to follow through enquiries as to the acquiescence of one of them. This name is then proposed to a subsequent joint meeting of Standing Committees for their approval. The proposal of this name, therefore, by the retiring Moderator, and the seconding of that proposal by some distinguished member of the House, have thus come to be a matter of course, except on very extraordinary occasions.

12. ***Introduction of Moderator:*** As soon as the Moderator has been elected, it is usual for the Clerk of Assembly, accompanied by one or two Senior Ministers and Elders, to go out of the House and announce to him his election. He then comes in, accompanied by these brethren, and the retiring Moderator having made the same announcement in a more formal manner, gives to him the right hand of fellowship, and vacates the Chair, which is immediately occupied by the elected Moderator. Under present arrangements (Act III, 1989) the Moderator delivers an address at the second sederunt of the Assembly.

13. ***Standing Orders:*** When the Moderator has been duly installed, it is usual for the Assembly to agree to a motion adopting the Standing Orders already printed and circulated to Commissioners. The Standing Orders are not therefore formally read.

14. ***Assembly Clerks:*** After the Standing Orders have been held as read, it has been customary to fill up any vacancy which may exist in any office of

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importance to the conduct of the business, such as that of Clerk, or assistant Clerk. The Clerks, at their appointment, solemnly promise to discharge their duties faithfully. They have salaries paid out of the funds at the disposal of the Assembly.

15. ***Assembly Officer:*** The General Assembly also appoints an Officer who is directly responsible to the Assembly, and promises to perform his duties faithfully. He has a salary out of the funds at the disposal of the Assembly. During the sittings of the Assembly, he is usually authorised to employ several other temporary Officers, for whom payment is provided out of the same funds.

16. ***Committees to expedite business:*** After the filling up of vacancies in such offices as those now mentioned, the Assembly appoints Committees to expedite the business of the House. There are six such Committees. The personnel of the first two is the same, but they meet under different Conveners. The Committees are:

16.1 ***Committee on Bills, Overtures, Petitions and Commissions.*** This Committee is charged to examine and report on all papers to be passed into the Assembly. The Committee's concern is with the technical validity of the documents, that is, their formal propriety, and not with the merits of matters referred to in them. The Committee also report on Commissions from Presbyteries and certificates from Kirk Sessions where appropriate. This Committee normally meets only once.

16.2 ***A Committee to arrange Business.*** This Committee takes note of all papers to be passed into the Assembly and recommends an order of business to the Assembly. Though the Assembly are free to order their business as they deem fit, a uniform order is usually adopted from year to year. Should the Assembly not keep within a timetable already approved the Business Committee will meet to reschedule business.

16.3 ***A Committee to prepare a Loyal and Dutiful Address to the Sovereign.***

16.4 ***A Committee to examine Synod and Committee Records.***

16.5 ***A Committee on Printing the Acts of Assembly.*** This Committee identifies such findings and decisions of Assembly as are of concern to the Church at large and may be described as Acts of Assembly.

16.6 ***A Committee to prepare a minute on Deceased Ministers and Elders.***

These Committees all report in due course to the Assembly. They may meet, from time to time, between sittings of the Assembly until their work has been completed and their report prepared.

17. At present the Report of the Committee on Assembly Arrangements is also taken at the first session. With this exception only business of an urgent

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nature will be entertained before the adjournment.

18. ***Second Day:*** At the first session on the second day, as already noted, the Moderator delivers his address. Thereafter the Report of the Committee on Bills etc. is submitted. If there are appeals or complaints in regular form against any of the findings of the Committee, whether as to the regularity of Commissions or as to the technical correctness of the form of documents, these are dealt with by the Assembly at this time. If it is found that the requisite certificate from a Kirk Session on behalf of a Ruling Elder is not forthcoming when the Commission is otherwise good, the usual deliverance is a declaration that the Ruling Elder referred to cannot take his seat until the omission is supplied, but that if the certificate shall afterwards be produced his name shall be added to the Roll.

19. ***Devotional Exercises:*** It is usual for the Assembly to spend the first hour of the second full day of Assembly in devotional exercises. These are conducted by the Moderator and by others under his direction.

20. ***Standing Orders:*** Anything further as to the order and conduct of business is regulated by the Standing Orders, with the exception of the practice followed at the last diet of the sittings.

21. ***Last Diet:*** At that diet, after other business has been concluded, the Assembly appoints a Commission, consisting of all the Ministers and Elders who are members of Assembly, and also of one additional Minister, who is named by the Moderator. Protestations are then called for, that is, an opportunity is given to anyone to protest that some decision of an inferior Court has become final, because some party has failed to prosecute his appeal or complaint. Thereafter, the time and place for the meeting of the next General Assembly are appointed. The Minutes of that whole day's Sederunts are read and disposed of, and the Moderator declares the Assembly dissolved, in the name of the Lord Jesus Christ, the sole Head and King of the Church, and leads the concluding devotions by carrying his audience with him to the throne of grace in prayer, by giving out and causing to be sung a portion of Psalm 122, and by pronouncing the apostolic benediction.

22. ***Duties of Moderator:*** The duties of the Moderator of the General Assembly, apart from the opening Address are the same in substance as those of the Moderator of a Presbytery or Provincial Synod. From the place assigned to him in the Assembly's Committees, and from the circumstance that he is always, if present, elected as Moderator of the Assembly's Commission, he is practically raised to a dignity which lasts during the whole interval between the close of one meeting of Assembly and the commencement of another. But, strictly, his office has no existence after the dissolution of that Assembly which chose him to be their Moderator. During the sittings of Assembly he may be requested or instructed, as its organ or representative, to act in various ways, which

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circumstances may require or suggest. In the absence of the Moderator it is usual for some Minister who has been Moderator of a previous Assembly, and who is a Member of the present one, to take the Chair. If any question comes before the Assembly in which the Presbytery or Synod of which the Moderator is a member are parties, he must of necessity vacate the Chair, which is usually taken in the meantime by some former Moderator who is a member of the Court, but not a member of that particular Presbytery or Synod. Any further particulars respecting the duties of the Moderator may be gathered from the Standing Orders.

23. **Assembly Clerk:** The Clerk of the General Assembly has the same kind of functions and responsibilities as the Clerks of other Church Courts have. But since the Assembly is the Supreme Representative Court over a widely extended Church, in practice the Assembly Clerk's duties are more extensive. All needful documents ought to be sent to him to prepare cases and documents for the Assembly, to execute the Assembly's instructions, obtaining the approbation and signature of the Moderator, when requisite; to prepare Extracts of Deliverances for parties and Committees; to transmit them or issue them after they have been certified by him as Clerk, and to have the Minutes engrossed in a permanent Record. Books and documents belonging to the Assembly are entrusted to the custody of the Clerk. It lies with him to transact business with printers and publishers on the Assembly's behalf, and, subject to the instructions of Committees of Assembly, to arrange practically whatever is required for the convenience of the Assembly or its Commission, or for accomplishing its determinations.

24. **Assembly Officer:** The Officer of the Assembly is instructed from time to time in his duties by the Moderator or Clerk, or by any Committee of Assembly authorised to that effect, or by the Assembly itself in open Court.

25. **Allowances:** The allowance to the Moderator for his expenses, as well as the salaries to the Clerk and Officer, are proportioned to what the Assembly believes to be the amount of their respective work and obligations.

26. **Legal Adviser:** The General Assembly appoints a qualified lawyer as Agent and Legal Adviser, who takes advice of counsel when necessary, for the Church.

27. **Open Court:** The General Assembly is an open Court. But when the nature of any subject before it requires it to do so, it is accustomed to meet with closed doors.

28. **Quorum:** Strictly speaking, three Members, including two Ministers form a quorum of the General Assembly, although, of course, its business is never carried on with so small an attendance.

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PART II: Powers and Functions of the General Assembly

1.1 *References, Complaints, Appeals and Petitions:* As a Court of Review, the General Assembly takes up and considers References, Complaints, Appeals and Petitions on the same principles as regulate the procedure of Presbyteries and Synods. Any rules peculiar to the Assembly in this branch of its functions may be found in the Standing Orders. No question which belongs to the jurisdiction of any one of the inferior Courts can be determined by the Assembly until it has first been dealt with, to some extent at least, in the inferior Court, and unless it has been duly brought up by Reference, Complaint, Appeal or Petition. The Assembly may, indeed, originate any question which might have been originated in a Presbytery or Kirk Session. But, if it does so, the first step taken must be to remit it to that Presbytery or Kirk Session, unless on account of some extraordinary emergency there be sufficient ground for assisting or specially instructing the Presbytery or Kirk Session, or, on account of the Presbytery or Kirk Session being under discipline, for superseding it and appointing either Assessors or a Special Commission to act in its room.

1.2 *Power to Summon:* It is undoubtedly in the power of the Assembly, when it sees sufficient cause, to summon any Member or any Court of the Church to appear at its bar, or at the bar of its Commission. It may also send precise orders to particular Synods, Presbyteries and Kirk Sessions, prescribing the exact course of their procedure in special cases and giving instructions or prohibitions at its pleasure, provided it keep within the ecclesiastical laws and constitution. But the spirit of those laws and of that constitution evidently requires that such exercise of supreme authority be entered upon with great caution, and only when a clear necessity has arisen.

1.3 *Records of Synod:* As part of its duty in the Department of Review, the General Assembly examines the records of all Provincial Synods and pronounces judgments regarding them on the same principle as that which is followed out by Provincial Synods in the examination of the Records of Presbyteries.

1.4 *Transmission of Papers:* In all cases of Reference, Complaint, Appeal, or Petition, appropriate Extracts and other papers necessary must be presented to the Committee on Bills, accompanied by a letter or Petition to that Committee, requesting them to transmit the same to the Assembly. This letter or Petition should be signed by some party having interest, or by some person acting for such party.

2. *Constituting Synods and Presbyteries:* The General Assembly has the power of constituting new Synods and Presbyteries, and of dividing or altering old ones. The Assembly also fixes the times for the stated meetings of Synods,

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and determines the powers of Synods and Presbyteries as regards their places of meeting.

3. **Overtures:** The General Assembly receives, considers, and takes action upon Overtures from Synods, Presbyteries, or Members of the House. It sometimes, of its own accord, appoints a Committee to prepare and present an Overture.

3.1 **Committee on Overtures:** Overtures, not originating in the Assembly itself, must be presented to the Committee on Overtures, and by them transmitted to the Assembly, before they can be considered.

3.2 **Contents and Consideration of Overtures:** Overtures may contain suggestions as to procedure which the Assembly has entirely in its own power, such as the appointment of Committees, and the instructions to be given to them; representations to be made to Government or to other parties; deputations to be sent on Commissions for visiting parts of the Church; Pastoral Addresses; communications to be made to other churches; or special steps competent to the Assembly to be taken with reference to any matter of interest. In considering Overtures of this kind, the Assembly acts entirely by its own authority, and comes to such judgment or determination on the subject of them as it deems suitable. When an Overture has been taken up and read by the Clerk, it is usual to hear, in the first instance, some Member of Assembly who has been concerned in introducing it, whether in a Synod or Presbytery or otherwise. But no one is called as a party, and all Members of Assembly are equally entitled to vote upon the question raised.

3.3 **New Laws:** Overtures which suggest the enactment of an important new law to have more or less permanent effect or alteration of a law passed under the procedures of the Barrier Act, must be dealt with by those same procedures, an account of which follows.

4. **Barrier Act:** Although the General Assembly is invested with the power of regulating the whole action of the Church in its Synods, Presbyteries and Kirk Sessions, still it is not regarded as having any lordly or absolutely binding authority. It is expected to act ministerially under Christ, and to carry out such rules as appear to harmonise with His own instructions in His Word. Consistently with the principles of Presbyterian Government, all reasonable means ought to be taken for keeping the action of the Assembly in accordance with the general mind of the Church, inasmuch as all the Ministers and Ruling Elders are entitled and called upon to judge for themselves as to the mind of the Great Head of the Church. Still it is held that, as Christ requires good order to be maintained in His Church, it is needful for the Assembly to act legislatively as well as judicially. But a particular course of procedure has been devised for preventing any innovation, and for securing due deliberation and harmony in the enactment of

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new laws, and in the alteration of old ones. An Act (commonly called the Barrier Act) was passed in 1697 through which the course of procedure referred to has arisen. 4.1 When the General Assembly approves of a proposal for fresh legislation made in an Overture or Overtures transmitted to it through the Committee on Overtures, or prepared by another Committee, according to the Assembly's instructions, it is not permitted to pass the proposal at once into a law that shall have permanent effect. It can only agree to transmit the same in the form of an Overture to the several Presbyteries of the Church for their opinion.

4.2 Each Presbytery, in giving its opinion, must either approve of the Overture *simpliciter*, and without alteration, or it will be held to disapprove of it.

4.3 The Clerk of Assembly is instructed to have the Returns from Presbyteries as to their approval or disapproval of Overtures printed in a tabulated form and put in due time into the hands of Members of the next General Assembly.

4.4 The next General Assembly appoints a Committee for the purpose of collating the Returns to the Overtures transmitted and reporting to that Assembly what the result appears to be.

4.5 If it appears that a majority of the Presbyteries have not approved *simpliciter* of any Overture transmitted, the General Assembly may either pass from the subject or re-transmit the Overture either in the same form as before or with alterations. But the Assembly has no power to pass it into a permanent law.

4.6 When it appears that a majority of Presbyteries have approved *simpliciter* of any Overture transmitted, the General Assembly, if it is of the same mind as the preceding Assembly, may pass that Overture into a Standing Law of the Church. But it is a mistake to suppose that there is any obligation on the Assembly to do so or that the matter is absolutely settled through the approval by a majority of Presbyteries. That approval is simply the necessary preliminary to make it competent for the Assembly to pass such an Act. But the new legislation is effected only by an Act of the General Assembly passed through its own free and independent voice.

4.7 ***Interim Acts:*** If the object of an Overture transmitted to Presbyteries appears to any General Assembly as of urgent practical importance, it is competent for that Assembly, while transmitting the Overture to Presbyteries, to pass it, at the same time, into what is called an Interim Act. Such an Act has force only till the meeting of the next Assembly.

4.8 The General Assembly may remit any subject to Presbyteries for their opinion apart from the terms of the Barrier Act, when it is not proposed to found any legislative change or declaration upon the returns.

5. ***Declaratory Acts:*** It is competent for the Assembly to pass Declaratory Acts. These are Acts which declare what the Assembly understands the law of the Church to be. Such an Act may be passed, without transmission to Presbyteries

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in terms of the Barrier Act, when it is generally agreed that the declaration is in accordance with the old law. But if there is much difference of opinion on the subject, and if the point enforced is new in any considerable measure to the existing Ministers and Ruling Elders, it has been held that before the passing of such an Act an Overture on the subject ought to be transmitted to Presbyteries in terms of the Barrier Act.

6. **Consultation:** There are some subjects in which the Assembly takes action to which the Barrier Act cannot be strictly applied, such as the rules to be observed in the administration of important funds, but to which, in some cases, it has been found expedient to apply the substance of principle involved in that Act. In such cases, the same rigidity of interpretation is not applied in judging of the Returns from Presbyteries, which is exercised in what belongs to the proper legislation of the Church. 7. **Committees:** The General Assembly has inherently the same power of appointing Committees as belongs to a Synod or Presbytery. There is a difference in the case of the Assembly, arising from the circumstances in which it meets, and its peculiar functions.

This difference appears in the appointment of two entirely different classes of Committees.

7.1 **Committees to expedite business:** The first class consists of Committees such as those to expedite the Business of the House, which report to the Assembly which appointed them and whose remit is then exhausted (see I.16 above).

7.2 **Committees for the ensuing year:** The second class are Committees appointed by the Assembly to carry on its business in the year intervening between one Assembly and the opening of another. The designation and functions of these Committees regularly appointed are given in the Standing Orders of Assembly, but when it seems opportune the Assembly may appoint *ad hoc* Committees and specify when they should report to an Assembly or a Commission of Assembly.

8. **Appointment of Collections:** Though the present method of ingathering for the general work of the Church is by setting a target or suggested sum to each congregation, the General Assembly retains the power to appoint collections for special objects if it sees fit.

9. **Dissents:** After any judgment has been come to by the General Assembly, which has not been unanimous, a member who dissents from it has the same right of entering his dissent against it as he has in an inferior Court. This dissent, in order to be received, must be tendered immediately after the decision has been pronounced and before the Assembly proceeds to any other business. If the reasons for it be given along with it to the Clerk, in writing, they are entered upon the Minute. But if they are not given in till afterwards, they are not so entered, but are inserted in a separate Record of Dissents. When a dissent has been tendered by a member immediately after the pronouncement of the judgment dissented

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from, it is competent for any other member or members who were present when it was pronounced to intimate his or their adherence to the dissent at any subsequent diet of the Assembly's sittings. But no one's adherence can be received who was not present.

10. ***Effect of Dissent:*** The General Assembly being the Supreme Court of the Church, there is no room for any other procedure against its decisions except that of dissent with reasons. There is no room for Complaint or Appeal. By dissenting with reasons a man keeps his conscience clear from the responsibility of what he does not approve of, and his appeal goes up to the Head of the Church on high.

11. ***Method of Implementing Decisions:*** The General Assembly sometimes take the whole business of intimating and executing its own judicial sentences into its own hands. Most frequently, however, it remits to the Presbytery or Kirk Session of the bounds to carry out its determinations.

12. ***Extracts:*** Parties in cases that have come before the General Assembly are entitled to Extracts, as in the Inferior Courts. The fact that the Assembly is supreme, and that thus there is no room for Appeal or Complaint, makes a difference as to the position of parties with reference to Extracts. But with a view to the execution of the Assembly's orders and the carrying out of its objects, there is a general necessity for Extracts containing its Deliverances. Such Extracts are largely required by Church Courts, Committees and individuals. Consequently the rule in practice has come to be more liberal as to the giving of Extracts by the Clerk of Assembly than it is as to the giving of them by the Clerks of Synods, Presbyteries, and Kirk Sessions. The Clerks of the Inferior Courts are not allowed to give Extracts without the special orders of those Courts. But it is understood that the Clerk of Assembly, without any formal instructions, gives Extracts of Deliverances to all parties who have any kind of interest in those Deliverances.

No fees are charged for Extracts given by the Clerk of the General Assembly.

13. ***Expenses of Assembly:*** The Committee on Assembly Arrangements prepares an annual budget and draws upon the central funds of the Church to meet the expenses of the Assembly. There is also a levy on congregations, fixed from time to time by the Committee as a contribution to Assembly expenses.

14. ***Appointment of Professors:*** The General Assembly appoint Theological Professors and lecturers, after receiving a Report from a Standing Committee.

15. ***General Trustees:*** The General Assembly appoint trustees to hold property and capital funds in the name of the Church. These are called General Trustees and are appointed from the ministers and elders of the Church. Not more than three ministers may serve as General Trustees at any one time. General Trustees appointed since 1979 must retire on reaching 70 years of age. Details of the functions of General Trustees are listed in Act II, 1979.

SUPPLEMENT TO CHAPTER IV

THE COMMISSION OF ASSEMBLY

1. **Relative Position:** The Ordinary Commission is appointed by every General Assembly in the manner already explained. The long-continued practice of thus appointing it has made it appear like a fixed Court in the constitution of the Church. But it is not so, and its existence in any one year depends upon the passing of a special Act by the General Assembly.

1.1 **Quorum:** The Act requires a quorum of fifteen, eight of them being Ministers, to make a valid meeting of this Commission.

1.2 **Meetings:** Present practice is the appointment of two stated meetings of the Commission each year, usually on the first Wednesday of March and the first Wednesday of October but these dates may be altered by the Act of Assembly appointing the Commission.

1.3 **Extraordinary Meetings:** The Act empowers the Commission to meet oftener than at the stated diets, “when and where they shall think fit and convenient”. But no private process can be determined by the Commission except at one or other of the stated diets. It has been usual for the Moderator of the last Assembly to give public notice that there is a desire for an extraordinary Meeting of Commission at a particular place and time, when that desire has been expressed to him. Obviously the Commission may meet upon an emergency in order to fulfil the instruction to see that the interests of the Church shall not be injured by any unexpected circumstance.

1.4 **Moderatorship:** When the Commission meets, it recognises no special position as belonging to the Moderator of the last Assembly, but, being empowered to choose its own Moderator, it proceeds to an election. It usually fixes upon the Moderator of last Assembly, if he is present.

1.5 **Force of a Decision:** What is determined at one diet as to private causes, cannot be altered at another diet, but continues in force, unless disapproved of by the next General Assembly.

1.6 **Implementation of Findings:** In the particular causes and matters referred to the Commission, its sentences are final. In judging of these causes and matters, it acts as the Assembly does. But it cannot execute its own sentences. If any one of them be disobeyed, the matter must lie over till the meeting of the *next* Assembly. Protests and complaints may be taken against sentences of the

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Commission, on the ground of their being *ultra vires*, or contrary to law, and the matter may be brought up to next Assembly. But no such process will justify disobedience in the meantime. If the Commission appears to have exceeded its powers, the next Assembly may censure those who have concurred in the sentence or sentences involved. If it appears to have acted in any way contrary to the Acts or Constitution of the Church, the next Assembly may overthrow and reverse its procedure.

1.7 *Initiation of Action:* The Commission cannot take up any cause or matter which has not been specially referred to it by the General Assembly, except when anything of public interest occurs, which is of general concern to the whole Church. In this case, it is instructed to advert to the matter, and to see that the Church does not suffer or sustain any prejudice which it can prevent, as its members shall be answerable.

1.8 *Record:* The proceedings of the Commission must be carefully recorded, and the Record must be submitted to the Assembly for examination. The Clerk of Assembly is also Clerk to this Commission. The Commission is required to appoint at each of its Meetings a Committee to revise the Minutes of that Meeting, and when the Minutes have been revised, extracts can be given by the Clerk.

2. *Special Commissions:* From the account now given of the origin and constitution of the Ordinary Commission, it may be easily seen that, in the exercise of the same power by which the General Assembly appoints it and gives to it the functions which it exercises, the Assembly may appoint Special Commissions at its pleasure. Extraordinary difficulties in particular causes, and extraordinary emergencies in the state of the Church or the country, may justify, and have justified, the exercise of this power. But it ought not to be had recourse to lightly, and the employment of it ought to be jealously watched. For any method of procedure which in the smallest degree supersedes the ordinary action of the ecclesiastical constitution, appears dangerous, on Presbyterian principles, if it is carried at all beyond what the good of the Church demands.

3. *Extracts:* The Clerk of the Assembly is expected to act in the same way regarding Extracts in the case of the Ordinary Commission as he does in the case of the Assembly itself. Any questions as to Extracts in the case of Special Commissions must depend on the terms of their appointment.