

APPENDIX II

**ELECTION AND ADMISSION OF OFFICE-BEARERS**

**(1) General**

ACT XIV, 1846: DECLARATORY ACT ANENT ELECTION OF OFFICE-BEARERS

The General Assembly declare, that it is not necessary or expedient at present to frame a minute and detailed directory for regulating the election of Office-bearers; that the Church should be satisfied with a recognition of general principles, and the adoption of one or two general rules; and that reliance should be placed, in the meantime, upon the spirit which seems generally to actuate both the judicatories and congregations of the Church, for avoiding the necessity of judicially determining some points on which a diversity of opinion might exist, and yet securing general harmony in the appointment of Office-bearers, and the peace and welfare of congregations.

The Assembly declare that the principle has been already recognised, and should be fully and fairly acted on, that “it appertaineth to the people, and to every several congregation”, that is, to the members of the congregation in full communion with the Church, “to elect their minister”; and they further declare, that it is a principle of Presbyterian Church Government, that the whole proceedings of a congregation connected with the appointment of a minister should be conducted under the Presbyterial superintendence, and that while this principle requires that the actual election and call of a minister by the congregation should take place in the presence and under the moderation of the Presbytery, or a Committee of that body, it likewise implies that no public meeting of a congregation should be held to take any steps connected with the choice of a minister, unless some member of Presbytery be present to preside at it.

It is also declared, that Presbyteries, on whom devolves the duty of supplying the pulpit during the vacancy, ought to use their endeavour to secure to vacant congregations an opportunity of hearing such probationers as they may wish to hear; and the provision with regard to this in the Directory of 1649 should, as far as possible, be acted on. That provision is, “When any place of the ministry in a congregation is vacant, it is incumbent to the Presbytery, with all diligence, to send one of their number to preach to that congregation, who in his doctrine is to represent to them the necessity of providing the place with a qualified pastor, and to exhort them to fervent prayer and supplication to the Lord that He would send them a pastor according to His own heart: As also he is to signify that the Presbytery, out of their care of that flock, will send unto them preachers whom they may hear; and if they have a desire to hear any other, they will endeavour to procure them an hearing of that person or persons, upon the suit of the elders to the Presbytery”.

The General Assembly are of opinion, that the present circumstances and necessities of the Church greatly confirm the propriety of what is in itself a good rule, and well fitted to promote the peace and edification of congregations, viz., that, in general, a Presbytery should not proceed to moderate in a call until they have ground to believe that the congregation are, on the whole, very much of one mind as to the person whom they mean to choose. There is satisfactory evidence that this was the plan usually followed by the Church under the Revolution Settlement, as

well as in earlier times. But this system can be expected to succeed, and to work well, only if the Church Courts act fairly upon the great principle, that “it appertaineth to the people, and to every several congregation to elect their ministers”, and, in the execution of the functions which undoubtedly belong to them, such as supplying the vacant pulpit, and moderating in a call, show a reasonable regard to the inclinations and convenience of congregations: and if congregations, on the other hand, are influenced in all the steps they take in regard to the choice of a minister, by a deep sense of the solemnity and importance of the duty they are called upon to discharge, by the habitual recollection that it is from Christ alone they can get duly qualified and useful pastors, and by a sincere determination that all things shall be “done decently and in order”, and that the utmost care shall be taken to avoid caballing, party spirit, and division. If congregations would proceed, in all the steps connected with the choice of a minister, under the influence of these convictions and resolutions, the Assembly confidently hope that elections would, in general, be harmonious, if not unanimous; that there would be no occasion for a formal vote, and that not only would useful and acceptable pastors be chosen, but that the members of congregations, instead of being alienated from each other by divisions and contentions, and all the evils of unholy partisanship, would, by their meetings together for prayer and consultation in regard to the choice of a pastor, be more closely united in the bonds of Christian affection.

With the foregoing statement of principles and general rules, the Assembly would express their earnest hope that these may be acted on by all parties, in such a spirit as not only to render a directory unnecessary, but to promote the general peace of the Church, and the best interests of congregations.

It is finally declared, that the election of Elders and Deacons should be conducted upon the same general principles as the election of Ministers, subject to such modifications as the nature of the case, and the practice and circumstances of the congregation, may suggest.

The General Assembly appoint this Act to be read from the pulpit, on every occasion of the intimation of a vacancy in the pastoral charge.

#### ACT V, 1932: ACT ANENT REQUIREMENTS AT ORDINATIONS AND INDUCTIONS

The General Assembly enact and ordain that at Ordinations and Inductions the presiding Minister shall, prior to putting the appointed questions to the Ordinand make the following intimation, namely: “It is my duty to explain to you, and also to the Congregation here present, with reference to that part of the question which will be put to you as to ‘Purity of Worship as presently practised in this Church’ that, in 1910, the General Assembly reaffirmed the legislation of the Church as to uniformity in public worship going back to the year 1707; and that, in accordance with that legislation, it is the present practice of the Free Church to avoid the use in public worship of uninspired materials of praise as also of instrumental music. Such present practice determines the purity of worship to the maintenance of which the Ordinand pledges himself.”

#### *Questions and Formula for Ministers and other Office-bearers*

#### ACT XII, 1846: ACT ANENT QUESTIONS AND FORMULA (AS AMENDED BY ACT II, 1874)

Whereas it has become necessary, in consequence of the late change in the outward condition of the Church, to amend the Questions and Formula to be used at the licensing of Probationers, and the ordination of Deacons, Elders, and Ministers respectively, the General Assembly, with consent of a majority of Presbyteries, enact and ordain, that the following shall be the questions

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so to be used: And, considering that the Formula, to this Act subjoined, embodies the substance of the answers to the said questions, the Assembly appoint the same to be subscribed by all Probationers of the Church before receiving license to preach the gospel, and by all Office-bearers at the time of their admission: And the General Assembly, in passing this Act, think it right to declare, that, while the Church firmly maintains the same scriptural principles as to the duties of nations and their rulers in reference to true religion and the Church of Christ, for which she has hitherto contended, she disclaims intolerant or persecuting principles, and does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favouring intolerance or persecution, or consider that her office-bearers, by subscribing it, profess any principles inconsistent with liberty of conscience and the right of private judgment.

### (1) ELDERS AND DEACONS

#### *Questions to be put before Ordination*

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and manners?
2. Do you sincerely own and declare the Confession of Faith, approved by former General Assemblies of this Church, to be the confession of your faith; and do you own the doctrine therein contained to be the true doctrine, which you will constantly adhere to?
3. Do you own and acknowledge the Presbyterian Church Government of this Church, by Kirk Sessions, Presbyteries, Provincial Synods, and General Assemblies, to be the only government of this Church; and do you engage to submit thereto, concur therewith, and not to endeavour, directly or indirectly, the prejudice or subversion thereof?
4. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of Church-officers, distinct from, and not subordinate in its own province to, civil government, and that the Civil Magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles embodied in the Claim, Declaration and Protest, adopted by the General Assembly of the Church of Scotland in 1842, and in the Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assembly, read in presence of the Royal Commissioner on 18th May 1843, as declaring the views which are sanctioned by the Word of God, and the standards of this Church, with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head and to His Word as her only standard?
5. Do you promise to observe uniformity of worship and of the administration of all public ordinances within this Church, as the same are at present performed and allowed?
6. Do you accept the office of an Elder [Deacon] of this Congregation and promise, through grace, faithfully, diligently, and cheerfully, to discharge all the duties thereof?

### (2) PROBATIONERS

#### *Questions to be put to Probationers before they are Licensed to preach the Gospel*

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

2. Do you sincerely own and believe the whole doctrine of the Confession of Faith, approved by the General Assemblies of this Church, to be the truths of God, contained in the Scriptures of the Old and New Testaments; and do you own the whole doctrine therein contained as the confession of your faith?

3. Do you sincerely own the purity of worship presently authorized and practised in this Church, and also own the Presbyterian government and discipline; and are you persuaded that the said doctrine, worship, and discipline, and Church government, are founded upon the Holy Scriptures, and agreeable thereto?

4. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of Church-officers, distinct from, and not subordinate in its own province to, civil government, and that the Civil Magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles embodied in the Claim, Declaration and Protest, adopted by the General Assembly of the Church of Scotland in 1842, and in the Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assembly, read in presence of the Royal Commissioner on 18th May 1843, as declaring the views which are sanctioned by the Word of God, and the standards of this Church, with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head and to His Word as her only standard?

5. Do you promise that, through the grace of God, you will firmly and constantly adhere to, and in your station, to the utmost of your power, assert, maintain, and defend the said doctrine, worship, and discipline, and the government of this Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies?

6. Do you promise that in your practice you will conform yourself to the said worship, and submit yourself to the said discipline and government of this Church, and not endeavour, directly or indirectly, the prejudice or subversion of the same?

7. Do you promise that you shall follow no divisive courses from the doctrine, worship, discipline, and government of this Church?

8. Do you renounce all doctrines, tenets, or opinions whatsoever, contrary to, or inconsistent with, the said doctrine, worship, discipline, and government of this Church?

9. Do you promise that you shall subject yourself to the several judicatories of this Church? (Act II, 1874)

### (3) PROBATIONERS AFTER BEING CALLED BY A CONGREGATION

*Questions to be put to Probationers before Ordination (and also to a Minister already ordained, at his admission to a Pastoral Charge)*

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

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

3. Do you disown all Popish, Arian, Socinian, Arminian, Erastian, and other doctrines, tenets, and opinions whatsoever, contrary to, and inconsistent with, the foresaid Confession of Faith?

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4. Are you persuaded that the Presbyterian government and discipline of this Church are founded upon the Word of God, and agreeable thereto; and do you promise to submit to the said government and discipline, and to concur with the same, and not to endeavour, directly or indirectly, the prejudice or subversion thereof, but to the utmost of your power, in your station, to maintain, support, and defend the said discipline and Presbyterian government by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies?

5. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of Church-officers, distinct from, and not subordinate in its own province to, civil government, and that the Civil Magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles embodied in the Claim, Declaration, and Protest, adopted by the General Assembly of the Church of Scotland in 1842, and in the Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assembly, read in presence of the Royal Commissioner on 18th May 1843, as declaring the views which are sanctioned by the Word of God, and the standards of this Church, with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head, and to His Word as her only standard?

6. Do you promise to submit yourself willingly and humbly, in the spirit of meekness, unto the admonitions of the brethren of this Presbytery, and to be subject to them, and all other Presbyteries and superior judicatories of this Church, where God in His providence shall cast your lot; and that, according to your power, you shall maintain the unity and peace of this Church against error and schism, notwithstanding of whatsoever trouble or persecution may arise, and that you shall follow no divisive courses from the doctrine, worship, discipline, and government of this Church?

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

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

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

10. Do you accept of and close with the call to be pastor of this congregation, and promise, through grace, to perform all the duties of a faithful minister of the gospel among this people?

### (4) FORMULA

*(To be subscribed by Probationers before receiving license, and by all Office-bearers at the time of their admission)*

I, \_\_\_\_\_, do hereby declare, that I do sincerely own and believe the whole doctrine contained in the Confession of Faith, approved by former General Assemblies of this Church to be the truths of God; and I do own the same as the confession of my faith; as likewise I do own the purity of worship presently authorized and practised in the Free Church of Scotland, and also the Presbyterian government and discipline thereof; which doctrine, worship and Church government, I am persuaded, are founded on the Word of God, and agreeable thereto: I also approve of the general principles respecting the jurisdiction of the Church, and her subjection to Christ as her only Head, which are contained in the Claim of Right and in the Protest referred to in the questions already put to me; and I promise that, through the grace of God, I shall firmly and constantly adhere to the same, and to the utmost of my power shall, in my station, assert, main-

tain, and defend the said doctrine, worship, discipline, and government of this Church, by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, together with the liberty and exclusive jurisdiction thereof; and that I shall, in my practice, conform myself to the said worship, and submit to the said discipline, government, and exclusive jurisdiction, and not endeavour, directly or indirectly, the prejudice or subversion of the same; and I promise that I shall follow no divisive course from the doctrine, worship, discipline, government, and exclusive jurisdiction of this Church, renouncing all doctrines, tenets, and opinions whatsoever, contrary to, or inconsistent with, the said doctrine, worship, discipline, government, or jurisdiction of the same.

## (2) Elders and Deacons

### ACT X, 1864: DECLARATORY ACT ANENT ELECTION OF ELDERS AND DEACONS

The General Assembly hereby declare, that the Act XIV, 1846, is now the law of the Church on the subject of the election of Elders and Deacons, and supersedes all previous legislation that is inconsistent with its declarations and provisions.

### ACT X, 1842: ACT ANENT THE ELECTION OF ELDERS

1. That when a kirk-session shall have resolved upon an addition to the number of elders in the same, the minister shall publicly intimate from the pulpit, after divine service on the Lord's Day, that an appointment of additional elders has been resolved upon, and shall also intimate the number which is to be added; and he shall certify the whole male communicants of the congregation, that on the third Lord's Day thereafter, they shall give in lists of such members of the congregation, being communicants and of full age, as they would choose for the office of eldership, the number of names in each list being required to be as near as may be one-half more than the number of elders proposed, as, for instance, six when four elders are to be appointed; the session being at liberty, if they see fit, to suggest the names of such persons as they may deem meet for the office, for the consideration of the communicants; and the minister shall repeat the intimation on the two following Lord's Days, giving such exhortation as he shall deem necessary.

2. That on the Lord's Day fixed for giving in the lists aforesaid, the said male communicants shall respectively give to the elder or elders of the congregation appointed to receive them their said lists, which shall be signed by the parties lodging them, and shall have been sealed up by them before being given in.

3. That if the number of elders proposed to be appointed be not an even number, that to be contained in the list shall be equal to it and one-half of the next immediate larger number, as, for instance, if the elders proposed to be appointed shall be five, the names to be given in shall be eight in each list.

4. That on the following Monday, the session shall meet in the Church with open doors, so that all members of the congregation who choose to attend may be present, and shall then and there open the sealed lists, and the names in each list shall be read aloud and recorded, with the number of votes given for each, and those having most votes, to the number required to be contained in the lists, shall be taken as the parties chosen, from among whom the elders are to be appointed.

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5. That the session shall thereupon select, from among the parties chosen as aforesaid, the number resolved to be added to the session; being, however, always entitled, according to the laws of the Church, to judge of the qualifications and fitness for the office of the parties so chosen, and to reject such as they shall judge to be unqualified; and being also entitled, if they shall see cause, in the particular circumstances of any special case, to appoint to be elders the whole of the parties so chosen.

6. That when the parties so chosen and appointed shall have declared their willingness to accept the office of elder, their edict shall be served, and the other steps followed out towards their ordination, agreeably to the forms now in use, and according to the laws of the Church.

7. That in parishes which, by the intervention of lochs, ridges of hills, or the like, are separated into totally distinct districts; or when, from other circumstances, a division is considered necessary and proper, the session may, with consent and authority of the Presbytery, divide the parish into districts, and require a certain number of elders to be appointed for each district; and the choosing of elders of each district shall be by the male communicants residing in each district respectively, in the same manner as is herein before provided as to parishes.

### *Qualifications and Age*

#### ACT IX, 1722: ACT AGAINST PROFANENESS, AND CONCERNING THE DUTY OF ELDERS AND DEACONS (PART)

The General Assembly do earnestly beseech, exhort, and require Elders and Deacons to be faithful in the discharge of their respective offices, tender and circumspect in their walk, and punctual in their attending upon ordinances, and strict in their observance of the Lord's Day, and in regularly keeping up the worship of God in their families; and the General Assembly appoints the judicatures of the Church to take good heed, that none be admitted to or continued in these offices, but such as are found qualified, and do behave themselves as above required.

#### ACT X, 1816: ACT ANENT THE ORDINATION OF ELDERS

Hereafter no person shall be set apart to the office of an Elder, unless he hath attained the age of twenty-one years complete ... and unless he is a Communicant.

### *Elders and Kirk-Sessions at Preaching Stations*

#### ACT XIII, 1863: DECLARATORY ACT ANENT PREACHING STATIONS, KIRK-SESSIONS THEREIN, AND POSITION OF ELDERS IN SUCH KIRK-SESSIONS

The General Assembly hereby declare that —

1. Preaching Stations are established under the authority of the Presbyteries of the bounds, and it remains with the same Presbyteries to arrange in regard to the appointment of Elders, and the establishment of Kirk-Sessions for local discipline and management in such stations, it being understood that a minister of the Presbytery shall act as the Moderator of every such Kirk-Session.

2. Such Kirk-Sessions cannot send representatives to Presbyteries until the Stations with which they are connected are erected into fully sanctioned charges, by the authority of the General Assembly.

3. Wherever the Presbytery deem it expedient, the Elders of such Stations may still be connected with regularly established Kirk-Sessions. They have the full status of Elders, and are eligible to sit in the General Assembly as representatives of Presbyteries; but in respect that such Stations have not yet a settled ministry, wherever such Elders are not connected with Kirk-Sessions established in fully sanctioned congregations, their certificates of being *bona fide* acting Elders must be given by the authority of the Presbytery of the bounds, in such manner as to the Presbytery may seem most expedient.

*Elders and Deacons ceasing to hold their Offices*

MINUTE OF ASSEMBLY, 29TH MAY, 1806

The General Assembly proceeded to consider the overture anent non-residing Elders. After reasoning, agreed without a vote to dismiss the overture as unnecessary, in respect that when a change of residence renders it impossible for an Elder to discharge the duties of a member of the Kirk-Session of that parish in which he formerly resided, it is competent for the Kirk-Session, and is in many parts of Scotland the usual practice, to find that if he does not, within the space of twelve months, return to reside, he can no longer continue one of their number, and to intimate to him by letter that they have come to this resolution.

MINUTE OF ASSEMBLY, 27TH MAY 1850

The General Assembly ..... declare that the appellants having withdrawn from the session of Free St. George's congregation, Paisley, for more than a year, have ceased to be, and no longer are, members of the Session or Deacons' Court of that congregation.

### (3) MINISTERS

ACT IV (CLASS I), 1859: ACT ANENT THE ELECTION AND CALLING OF MINISTERS (AS AMENDED BY ACT II (CLASS I), 1888)

The General Assembly, with consent of a majority of Presbyteries, enact and ordain —

1. That when a vacancy has taken place in any Congregation, the Presbytery of the bounds shall, at its first meeting thereafter, appoint one of the ministers to preach in said Congregation, and to intimate the vacancy, and shall also appoint a Minister to be interim Moderator of the Kirk-Session of the vacant Congregation, and to preside at all congregational meetings that may be held during the vacancy. [See Act I, 1897].

2. That on intimating the vacancy, unless special grounds exist for delaying to fill it up, the minister shall call a meeting of the Congregation on an early day.

3. That a form of exhortation previously prepared by the General Assembly shall be read at this meeting, setting forth the duties and responsibilities in the election of a minister pertaining to all the parties concerned, namely, to the Congregation, to the Presbytery, and the person or persons put in nomination.

4. That unless the Congregation are prepared at this meeting to elect a minister, they shall nominate certain of their number, who, along with the office-bearers, shall be a Committee, for looking out for a suitable person or persons to be heard by the congregation, or a suitable person to be recommended to them as their pastor.

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6. That when the candidates have been heard, once or oftener, as may be arranged, a congregational meeting shall be held on an early day for the purpose of choosing one to be their pastor; and if it shall appear that the congregation are not prepared at this stage to elect any of them, the Committee, or a new Committee to be then named, consisting, as before, of the office-bearers, and such members of the congregation as may be named for the purpose, shall prepare a list of additional candidates, when the same steps as before shall be taken.

7. That, when an election has taken place, the Presbytery shall proceed therein according to the laws of the Church, but when the circumstances are such that the Presbytery do not feel warranted to proceed immediately to moderate in a Call, they shall hold a meeting with the congregation, and shall not proceed to moderate in a Call till they have exhausted all means for producing harmony, and, should these means prove unsuccessful, they shall refer the matter to the Superior Church Courts for advice.

8. That when a division exists in the congregation, the Presbytery shall not sustain a Call unless it be subscribed by a majority of the whole members on the Communicants' Roll.

9. That before any steps are taken in an election of a Minister, the Kirk-Session shall have a roll of Communicants made up and attested; that the roll of Communicants so made up and attested, previously to the first congregational meeting at which a minister may be elected, shall, previously to any subsequent meeting for the election of a minister, be purged of all those who in the meantime have died, or have been disjoined from the Congregation by Certificate, and the names shall be added to the Roll of those who in the meantime have been admitted as Communicants in the Congregation; the roll thus made up to be duly attested by the Kirk-Session.

ADDRESS TO VACANT CONGREGATIONS The Assembly of 1895 approved of the following amended Address, and instructed it to be distributed in Vacant Congregations:—

DEAR FRIENDS, — As a Congregation of the Free Church of Scotland you are entrusted with the responsibility of choosing a pastor to be over you in the Lord. It is a duty that each one owes to his Congregation and his Church, to take his proper part in this matter; it is a duty to himself to get in this way a directly personal interest in the pastor of his choice and in his ministrations. Having the best interests of all our Congregations at heart, we desire to address to you a few words in connection with this important matter, that may assist in giving your thoughts a right direction in regard to it, and may contribute, under the Divine blessing, to a happy and harmonious settlement.

We have reason to thank God for the measure of peace and good feeling which has characterised our congregational elections and settlements in time past. But there have not been wanting indications, from time to time, of a spirit of division rising up in Congregations, leading in some cases to actual separations. Where the real root of these evils is to be found it may be difficult in each particular case to determine. But there are weighty considerations, which, if attended to, might have the effect of inducing the Members of our Church always to bear and forbear with one another, and to be willing to accept the combined result of congregational opinion, rather than to insist on the attainment of their own particular desires.

We would ask you, therefore, in going forward to the election of a minister, to bear in mind:—

1. That it is a teacher and guide in spiritual things for yourselves and your families you are now called upon to choose. Such a man must stand in a direct personal relation with every one

connected with the Congregation. He ought to be the friend and counsellor of each one, young or old. He ought, therefore, as far as possible, to be the willing choice of every one, acceptable to each and welcomed by all. The Free Church represents a revolt against the intrusion of unwelcome ministers by outside parties. Shall we not belie our origin if either we are to have ministers, unwelcome to an important minority, imposed on them by mere force of numbers; or if a minority thwarts the desires of a majority for any but the weightiest reasons?

2. Your election of a minister is the act of a Christian Congregation, a body of people associated together for the furtherance of the religion of Christ in the locality in which they reside. It is not the act simply of the community at large, or of any artificial section of it, but of a distinctively religious body. It must be conducted therefore in a spirit worthy of the religion you profess, worthy of Christ in whose name you are associated, and in such a way as to foster rather than to injure Christian feeling, and to promote religious unity and brotherly love.

With these considerations in view, we ask you:—

1. To make the election of a minister a matter of earnest and repeated prayer, not only that you may be guided to the choice of a man who shall come among you as a true messenger of Christ to your souls, but that the election may be conducted in a spirit of brotherly kindness and forbearance, as befits professing followers of Christ.

2. To strive after that love that seeketh not its own — an unselfish spirit, willing that the preferences and judgments, and even the prejudices of others, should have the fullest and kindest consideration, and resolved that, whatever happens, you will not press your own opinion to the extent of breaking up the outward, or even the inward unity of the Congregation to which you belong.

If all are thoroughly in earnest in these matters, we confidently hope that, by the blessing of God, such a relation will be formed between pastor and people as shall make them real helpers the one of the other, and shall kindle such a spirit of unity and love in all our Congregations, that men shall know that we are true disciples of the Lord Jesus.

#### ACT X, 1977: ACT ANENT PRESBYTERIAL OVERSIGHT OF VACANCIES

The General Assembly being concerned for the well-being of vacant congregations, instruct Presbyteries to confer with congregations within their bounds, which having been vacant for two years or longer have taken no action to secure a settlement. Such conference should encourage the congregation to proceed to an election as soon as this can be harmoniously achieved.

#### FROM ACT IV (CLASS I), 1882: ANENT PROCEDURE AT CALLING AND SETTLEMENT OF MINISTERS

The General Assembly, with consent of a majority of Presbyteries, enact and ordain, That instead of ten days' *induciae*, as in times past, Presbyteries shall be allowed to meet for any purpose connected with the calling and settlement of ministers, after seven clear days have passed from the Sabbath on which intimation of such a meeting is made to a congregation.

#### ACT X, 1846: ANENT THE MODERATING IN CALLS

The General Assembly did and hereby do appoint, that no Presbytery shall moderate in a Call to a Probationer or Minister who is not qualified to accept it according to the laws of the Church.

ACT VII, 1868: DECLARATORY ACT ANENT MODERATING IN CALLS

The General Assembly hereby find and declare that Presbyteries shall always moderate in a Call at large, except in cases of application for the moderation of a Call in which clear intimation is given of there being a thoroughly harmonious desire for the calling of a particular person named; in which cases Presbyteries may, if they see cause, appoint the moderation of a Call to that person only.

ACT III, 1879: DECLARATORY ACT ANENT VOTING BY MANDATE

Whereas doubts have arisen regarding the law and practice of this Church as to voting in the Election of Ministers and the signing of Calls, the General Assembly declare and enact that, at any meeting of a Congregation for the election of a Minister, no vote shall be allowed or recorded, unless the vote is given *by a Member of the Congregation who is personally present*; and that, when a Call at large is moderated in, it shall only be subscribed by those who personally exhibit their names; but that when a call is moderated in to an individual whose name is in the edict announcing the moderation, the Call may be subscribed on behalf of members not present when a Mandate authorising such subscription is produced.

ACT II, 1886: ANENT SETTling MINISTERS IN CASES IN WHICH THE ACTION OF THE PRESBYTERY IS APPEALED AGAINST

The General Assembly enact and declare, That an appeal shall sist procedure only after a Presbytery shall have moderated in and sustained a Call.

*Translations*

ACT VI (CLASS I), 1849: ACT ANENT TRANSLATIONS

The General Assembly, with consent of a majority of Presbyteries, enact and ordain as follows:

I. In all cases of translation, the Minister, whom it is proposed to translate, shall be heard on the subject, by the Presbytery and the superior courts, at any stage of the proceedings when he shall express a wish to that effect.

II. Immediately after the parties in a case of translation have been heard at the Bar of any Presbytery, the Minister whom it is proposed to translate shall be asked if he has any statement to make.

III. When parties have been heard, and an opportunity has been given to the Minister of declaring his views, the Presbytery shall consider and give judgment whether or not the translation sought for is expedient, and whether or not the Call ought to be presented to their brother for his acceptance.

IV. When the Presbytery or the Court of Review has finally decided that the Call should be put into the Minister's hands, and when the Minister has thereupon accepted the same, judgment shall be given by the said Presbytery or Court of Review, in the usual form, agreeing to the translation, and appointing the said Minister to await, in that matter, the orders of the Presbytery from within whose bounds the Call has come.

ACT XXXIV, 1976: ACT ANENT PROCEDURE IN PROSECUTION OF TRANSLATIONS

The General Assembly, having regard to the importance of procuring harmony and obviating difficulties connected with the calling of a minister, instruct that the procedures presently applicable be retained, with the exception that the appointment of one commissioner to prosecute should be deemed sufficient, or where the calling congregation is prepared to forego the right of appeal, the transmission of written reasons be regarded as sufficient by the Presbytery at whose bar the call is to be prosecuted, this without prejudice to the right of other interested parties to be represented.

ACT I (CLASS I), 1897: ANENT PROCEDURE IN VACANCIES

The General Assembly, with consent of a majority of Presbyteries, enact and ordain as follows:

1. When a Presbytery has sustained a Call to a Minister of a Free Church Congregation within Scotland, the Presbytery Clerk shall forthwith send intimation of the fact to the Clerk of the Presbytery to which the Minister belongs, who shall forward said intimation to the Minister, and also to the Clerk of his Kirk-Session; and this intimation shall be sufficient warrant for the Session taking steps to have the Office-bearers and Congregation represented at the first meeting of Presbytery at which the Call is laid on the table, so that it may, if desired, be finally disposed of at that meeting.

2. At the same meeting at which a Minister accepts a Call, Presbyteries may, if they see cause, appoint an Interim Moderator of Session, who shall be associated with the Minister until his translation, with a view to acting in all matters connected with the approaching vacancy, and shall subsequently take full charge as usual.

3. If this procedure be adopted, a Congregational Meeting shall be called as soon as possible after a Minister has accepted a Call, at which the Interim Moderator shall preside, for the purpose of electing a Congregational Committee, and taking the usual initial steps towards choosing a Minister; but no election of a Minister shall take place until after the outgoing Minister is translated, and the vacancy declared in the usual way.

4. By arrangement with the outgoing Minister, the Congregation may then proceed at once to hear candidates, under the ordinary regulations.

The provisions of Act IV, 1859, in so far as they are inconsistent with the foregoing Regulations, are hereby repealed.

*Assistantships*

ACT V, 1986: ACT ANENT ASSISTANTSHIPS

The General Assembly having considered the feasibility and desirability in certain cases of having ordained assistantships appointed in certain congregations enact as follows:

## ELECTION AND ADMISSION OF OFFICE-BEARERS13

1. The General Assembly reserve to themselves the right to judge of all applications which may be made by congregations for the appointment of an assistant minister under waiver of the conditions of Act III, 1851.

2. It shall be a condition of the Assembly's entertaining such an application that (1) the congregation concerned shall contribute to Central Funds an amount not less than three times the Equal Dividend and (2) the application shall be supported by the Presbytery within whose bounds the congregation is and the Presbytery shall formally make the appointment after due procedure.

3. Upon the granting of an application the Presbytery shall consult with the congregation concerned and process an invitation from them as though it were a Call and upon its acceptance make the requisite arrangements for the ordination/induction of the appointee to the assistantship and to a seat in the Presbytery.

4. The appointment shall, in the first instance, be for one year, renewable by the Presbytery on request from the Kirk Session, but shall not endure beyond three years.

5. At the date of expiry of the Assistant's appointment, he shall be placed on the Register of Ministers without Charge and be paid at the rate of the Equal Dividend for a period of 6 months from the date of the expiry of his appointment or until his induction to a charge, whichever is sooner.

6. The appointee shall be instructed by the minister who shall consult with the Kirk Session as regards the work to be undertaken by him.

7. The congregation shall provide accommodation, car expenses and other expenses as listed by Acts of Assembly, these expenses to be not less than 10% of Equal Dividend.

8. On granting an application the General Assembly shall declare the assistantship the equivalent of a Charge for the purposes of the Widows' & Orphans' Fund, Amending Order 1967, and the period of service shall count for pension purposes.

9. This Act supersedes Act XVI (Class II) 1984 which therefore now lapses.