

Cumberland Presbyterian Church

DIGEST

Contains Constitution,
Rules of Discipline
and Rules of Order

with General Assembly Advisories
and Interpretations

Produced by The Office of The General Assembly

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Preface

The Cumberland Presbyterian Digest in loose-leaf format originated in the dream of the Permanent Committee on Judiciary for an easily updated compilation of the actions of the General Assembly that interpret or advise concerning the Constitution, Rules of Discipline or Rules of Order. This concept was approved by the General Assembly in 1988. The goal of the Judiciary Committee was to make interpretative actions of the General Assembly readily available to the church at large.

The first task was to review General Assembly actions contained in previous Digests and actions taken since those Digests or Supplements were published to determine relevance to the 1984 Constitution. J. Michael Krech, assistant to the Stated Clerk, did this research and presented his findings to the Permanent Committee on Judiciary for advice and counsel. The final determination of inclusion or exclusion of previous General Assembly actions was reported to the 1990 General Assembly for review.

When the position of assistant to the Stated Clerk became vacant in the fall of 1990, editing work on the Digest continued as the Stated Clerk could make time available to devote to the project.

Three features of this publication should be called to your attention. First, the Constitution, Rules of Discipline and Rules of Order are printed in full as amended to date. Actions of the General Assembly are printed below the materials to which they relate. Actions that relate to more than one section are cross-referenced.

Second, quick references are printed at the top of each page. In many cases, the references do not use the exact language of the Constitution but are shorthand identifications. These headings should assist in locating material quickly.

Third, in the back of the book is a form to ensure that annual updates are received. Please send this form to the Office of the General Assembly. The information will be entered into our database, and annual updates will be emailed automatically after each General Assembly meeting.

With the prayer that the life of the Cumberland Presbyterian Church will glorify God, this work is offered as nourishment for that life.

1.0 THE CHURCH

5

Constitution 1.1 ----1.2

1.1 By the covenant with Abraham and his descendants according to faith, God has established the church in the world, - through his Son Jesus Christ. This household of faith, the universal church, consists of all those persons in every nation and every age who confess Jesus Christ as Lord and

Savior and who responds to his call to discipleship.

1.2 As the universal church cannot be assembled at one time and place, it exists in the world as particular churches gathered for worship, study, witness, and service.

Organized Church Reaffirmed

1.2 ADVISORY, 1950.

Whereas, God has always chosen a corporate body through which to work in the world, first the nation *Israel* and then the church, the true *Israel*; and,

Whereas the greatest accomplishments of the Christian religion in effectively mediating God's redemptive love to mankind and in creating a good society have been made through the instrument of an organized fellowship; and•

Whereas we believe that the Cumberland Presbyterian Church has demonstrated to the world throughout its 140 years of service that it is an instrument of God under Divine providence; and,

Whereas there are individuals and groups which live on the fruits of our denomination and other denominations yet work and teach against denominations in insidious and in open ways, teaching that to support denominations is to practice sectarianism, and to use denominational literature and cooperate with denominational programs is wrong.

Therefore, Be It Resolved:

1. That we reaffirm our belief that it is through the organized church that the manifold wisdom of God is revealed to the world, and that the Cumberland Presbyterian Church is our best channel for participating in the work of the kingdom.

2. That we warn our people through this instrument and in personal ways against these teachers and workers who work against the denominations but who live on the fruits of the organized church; and

3. That we impress upon the ruling elders of the church the importance of overseeing their flocks in this matter so that these teachers do not get *into* positions where they may thus undermine the spiritual lives of our people, 1950, p. 142.

Church as Organized Body Reaffirmed

1.2 ADVISORY, 1954.

...Whereas, we have experienced that groups and organizations which do not have a formal covenant which makes them an "organized body of Christians" lack the supervision and control which our Church regards as necessary to assure the proper conduct of the Body of Christ; and,

We memorialize the General Assembly of the Cumberland Presbyterian Church in session at Dyersburg, Tennessee, June 14,21, 1954,

1. That we again affirm our convictions in the correctness of the statements of our Confession of Faith and Constitution which place our approval upon a universal and a visible church, both under law.

2. That we instruct our people to seek every means to cooperate with those who "make profession of the holy religion of Christ and submission to his laws."

3. That we instruct our people to withhold their approval from any group which claims to be against the "organized body of Christians" or which claims to be non-denominational, and thus shows itself to be of a nature which will eventually result in opposition to the "organized body of Christians." 1954, p. 199.

(Continued on next page)

- universal church

Incorporation of a Particular Church

J.2 INTERPRETIVEE, 1998.

We concur in the permanent committee's non-binding recommendation that congregations be incorporated. We are grateful for the reports and guidelines on incorporating Cumberland Presbyterian churches which appear as Appendices A & Bin their report to the General Assembly. We note that these materials are available from the Stated Clerk's office. (Section I.E. of their report, 1998 G. A Minutes, pp. 160, 163-165). 1998, p. 315

2.00 PARTICULAR CHURCH

7

Constitution 2.01---2.15

2.01

A particular church is a congregation of professing Christians, together with their baptized children, who have entered into a covenant with each other to meet together regularly to worship God and study the word of God, to join together in a common witness to the gospel, and to engage in the good works to which Christians are called; and who have adopted a certain form of government.

2.10 Members of a Particular Church

2.11 The members of a particular church who are entitled to all rights and responsibilities of the church, consist of those persons who have confessed Jesus Christ as Lord and Savior, entered into the church covenant, and received the sacrament of baptism.

2.12 The session has responsibility to examine and instruct in church membership those who unite with a particular church.

2.13 Children of believers are, through the covenant, entitled to the sacrament of baptism and thereby become members of the household of faith. Such children are to receive pastoral oversight, instruction, and the care of the church, with a view that they repent of sin, personally confess Jesus Christ as Lord and Savior, and assume the full responsibilities of church membership.

2.14 Baptized persons who have not confessed Jesus Christ as Lord and Savior, even though they are adults, should continue to receive the watchful care and instruction of the church in the hope that they personally will own their faith.

2.15 Unbaptized persons who have not confessed Jesus Christ as Lord and Savior are within the pastoral concern of the church in the hope that they may be led to repentance and to faith in Jesus Christ as Savior.

Absentee Membership of Armed Forces Personnel Designated

2.11 ADVISORY, 1977.

Recommendation 4: The General Assembly is requested to designate a specific congregation to receive absentee church memberships of persons who have had no previous ties with the Cumberland Presbyterian Church but who may desire to become a member of a local congregation through the ministry and influence of a Cumberland Presbyterian chaplain. 1977, p. 62.

Recommendation 2: In relation to number 4 above concerning "a specific congregation to receive absentee church memberships," we recommend that the Woodbine congregation in Nashville, Tennessee, be that church. 1977, p. 191.

Children and Holy Communion

2.13 ADVISORY, 1966.

In the light of all this evidence, the Committee is convinced that children of believing parents, whether baptized or not, should not partake of the Lord's Supper unless and until they make a personal profession of faith in Jesus Christ. *It does not believe, however, that any particular type or form of confession should be required, but rather that the parents, the pastor, and the Session should be allowed to decide as to the faith of the child that would qualify it for partaking of the Supper.* 1966, p. 141.

- letters of dismissal

8

2.00 PARTICULAR CHURCH

Constitution 2.21---2.24

2.20 Jurisdiction Over Members of a Particular Church

2.21 A church member is under the jurisdiction of the session of the particular church to which he or she belongs.

2.22 A letter of dismissal from a particular church shall not be given to the church member but directed to another particular Cumberland Presbyterian Church in America church or that of another ecclesiastical body.

2.23 The session of a particular church may receive a person who has confessed faith in Jesus Christ and been a member of another church by transfer of letter. If reasonable attempts to obtain a letter fail, the particular church may receive the person on reaffirmation

of faith and notify the person's former church of its action. The same procedure may be used for churches whose policy is not to grant letters of dismissal.

2.24 A member dismissed by letter from a Cumberland Presbyterian

Church/Cumberland Presbyterian Church in America shall be under the jurisdiction of the session granting the letter until notification of reception by the session of the church to which the letter is granted or until creditable knowledge is had by the session granting the letter of reception into some church.

(Forms for Letters of Dismission and Certificates of Reception, see Constitution, Appendices 1 and 2, respectively.)

Session's Jurisdiction Over Elders and Deacons

2.21 INTERPRETIVE, 1887.

The memorial from Tulane Presbytery propounds the following question: "Has a Presbytery the power to depose a ruling elder?" In answer to this question your committee says that, as a general rule, the session is the only Church court that has original jurisdiction to hear charges, try, and depose a ruling elder. But when, for any cause, a fair and impartial trial cannot be had before the session, or where the trial of the case, for sufficient reasons is referred by the session to the Presbytery, or where the case is removed by appeal from the session to the Presbytery, and is there heard and determined, the Presbytery may depose an elder, but not otherwise. 1887, p. 13•

2.00 PARTICULAR CHURCH

9

Constitution 2.25

2.25 When a church member moves beyond the bounds of the particular church to which he or she belongs and neglects to request a letter of dismissing or fails to retain the status of an active member, his or her

name shall be entered on the church's roll of inactive members. Record of the transaction shall be made in the minutes of the session and the member shall be informed of the action by the session.

Bounds of Particular Church Defined

2.25 INTERPRETIVE, 1952

The Constitution does not attempt to define the bounds of a congregation from a geographical standpoint. In the absence of such a definition... the Constitution should be interpreted to mean such territory or distance from the place of meeting of the session and/or Board of Deacons as will not render attendance upon the regular stated services of the congregations and of the meetings of the session or Board of Deacons either impractical or impossible. 1952, pp. 123, 152.

Ministers and Sessions to Notify Congregations to Which Members Move

2.25 ADVISORY, 1890, 1879, 1941.

Resolved, that as a means to avoid the frequent loss of membership to our Church by removal, we recommend that our ministers, upon the removal of any member from within their charge, shall immediately notify the pastor of the church at the point to which the member or members may remove, giving such information concerning the removing members as may be of interest. 1890, p. 29.

An evil which has grown *in* many places in our Church is the failure of members moving out of one community into another to remove their membership. Therefore, we recommend that you ask your Presbyteries to instruct their ministers and sessions to give letters to their members removing into the bounds of another church and that they notify the pastor or session into whose community such members remove of this fact. 1879, p. 45.

We would recommend that pastors and clerks of sessions inform the pastors and clerks of other Cumberland Presbyterian churches of any and all Cumberland Presbyterians moving to communities within a radius of their church. 1941, p. 137.

Active Membership Defined

2.25 INTERPRETIVE, 1966, 1995.

From the theological point of view there can be only one designation of church membership. One either is or is not a member of the Church. When one is received into a particular church he remains a member thereof, irrespective of his relation to it, until he is removed from the roll either by death or proper ecclesiastical procedure. *It* is agreed, however, that certain classifications may be made for administrative purposes. We recommend that only two statistical tables of church members be carried in the Yearbook, namely, total membership and active membership, the latter being determined by the criteria already established by the Assembly. It is to be understood, however, that the various church courts may make other classifications for administrative purposes provided they do not conflict with those established by the Assembly. 1966, p. 126.

Be it resolved that Trinity Presbytery, in session with the Elmira Chapel congregation, memorializes the General Assembly to redefine an active member as one:

- who has been constitutionally received into membership in a congregation; and
- who has attended services of worship at least once each quarter; and
- who regularly contributes of her/his time, talent, or substance during each quarter of the church year; or
- who, in the judgment of the session, though unable to attend services of worship, and/or contribute regularly of her/his time, talent or substance to the church, still maintains a faithful, prayerful, and loving commitment to Jesus Christ and His church. 1995, p. 185.

- removing names from church roll

10

2.00 PARTICULAR CHURCH

Constitution 2.26

2.26 When a person, for any reason, desires to cease to be a member of the church, the name of the person shall be removed from the membership roll providing no charges are pending against him or her or he or she is under no disciplinary action.

The name shall not be removed from the membership roll, however, until an effort is made to counsel the person.

Sessions to Review Church Roll Annually

2.25 *ADVISORY*, 1970

We recommend that the church session accept responsibility toward all the members of the church and that it reviews annually in a responsible manner the rolls of its church in the light of the above definition. 1970, p. 205.

Dropping Names from Church Rolls

2.25 *INTERPRETIVE*, 1882.

Your Committee on Judiciary...have had before them a memorial requesting you to "make a deliverance as to whether a congregation may drop from its roll absent or inefficient members," and also as to how a congregation without a church session should proceed to accomplish the same object.

Your committee recommend that you reply:

1. That without grounds other than absence or inefficiency, a congregation has no right to drop a member from its roll; but in case of absence for a year or more without calling for a letter, his name may be retired upon a separate roll, as decided by a former General Assembly.

2. That without the interposition of a church session a person's membership in the church cannot be disturbed. 1882, p. 27.

Removal of Inactive Members

2.26 *INTERPRETIVE*, 1995.

Be it resolved that the General Assembly authorize church sessions to remove from their membership rolls, the names of members who are inactive by virtue of the fact that their whereabouts have been unknown to the session for a period of two calendar years. 1995, p. 185.

- officers
- organizing a church

2.00 PARTICULAR CHURCH

11

Constitution 2.31---2.42

2.30 Officers of a Particular Church

2.31 The officers of a particular church are the minister in charge, who is ordained to proclaim the gospel and administer the sacraments; the elders who are members of the session, who are elected and ordained as the representatives and leaders of the people; and the deacons who are members of the diaconate, who are elected and ordained to care for the poor and others in need.

2.40 Organization of a Particular Church

2.41 A particular church can be organized only by the authority of the presbytery. In considering the formation of a new church, the presbytery shall be involved in the planning. Upon approval of presbytery for the organization of the church any minister who is a member of presbytery may preside at the organization and perform all the duties required, except where a commission for that purpose shall have been appointed by presbytery. The new church shall not be located within three miles of an existing church of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America without the approval of presbytery.

2.42 The steps in organizing a particular church are as follows:

a) Letters of transfer, or testimonials of current church membership, shall be presented by those who are members of a church. Others may be admitted to membership on reaffirmation of faith or on confession of faith in Christ, the church covenant, • baptism (or confirmation of baptism) and examination, as necessary.

b) These persons shall then be required to enter into covenant, by answering affirmatively the following question: *Do you, in reliance upon God for strength, solemnly promise and covenant with God and each other that you will walk together*

as an organized church according to the government of the Cumberland Presbyterian Church/ Cumberland Presbyterian Church in America; that you will support the gospel as God has prospered you, that you will maintain this church, not only with your gifts, but also with your support of its work by your efforts and prayers; that you will seek in its fellowship to glorify the name. and further the cause of our Lord Jesus Christ; and that you will work to maintain the purity and harmony of the whole body?

c) After this, the presiding minister shall say: *I now declare that you are constituted a church according to the word of God and the government of the Cumberland Presbyterian Church/ Cumberland Presbyterian Church in America. In the name of the Father, and of the Son, and of the Holy Spirit. Amen.*

d) The members of the church shall proceed, with the presiding minister in charge, to determine the number of elders to be elected to constitute the session and the type of tenure to which they shall be elected and to elect elders. The ordination and installation of the elders may follow immediately or at a later date. At the option of the members, deacons may be elected, ordained, and installed at this time, at a subsequent congregational meeting, or not at all.

e) The presiding minister, or the commission appointed by the presbytery, shall be responsible for reporting on the organizational service, including a recommendation that the newly organized church be enrolled as a constituent member, at the next regular meeting of the presbytery. The report should include the date of organization, location, names of those acting on behalf of the presbytery to organize the congregation, number of charter members and the list of officers elected. (*Forms for Admission of New Churches, see Constitution, Appendix 3*).

- session responsibilities

12

2:00 PARTICULAR CHURCH

Constitution 2.51---2.52

2.50 Government of a Particular Church

2.51 Responsibility for the government of a particular church belongs to the session, which is composed of the minister in charge and the elders elected by the congregation and installed as members of the session. The session thus constituted is responsible to lead the members in all those ministries which belong to the church:

- a) Public worship, including praying, singing of praises, reading the scriptures, presenting tithes and offerings, preaching the word, and celebrating the sacraments;
- b) Christian education, including study of the scriptures for Christian growth;
- c) Activities of fellowship appropriate to the family of God;
- d) Personal witness to unbelievers and to those out of fellowship with the church;
- e) Visitation of the sick;

f) Pastoral care of families, especially disturbed and broken families;

g) Stewardship of time, talents, and money, and the care and use of the properties of the church;

h) Exercise of discipline;

i) Participation in the ministry of the church beyond the bounds of the local congregation; and in such other ministries as appear needful. Leading the people in these ministries may be done by appointing them to serve with elders on various committees representing different areas of ministry; and by directing them as individuals in the life of the church.

2.52 In a particular church which is without a pastor, the elders who constitute the session are themselves responsible, within the limits of their offices, to lead the people in all the ministries that belong to the church.

In Resigning, Elder Is Not Giving Up Ordination

2.51 ADVISORY. 1997

Recommendation 12: That the opinion of the Permanent Committee on Judiciary on the effect of an elder's resignation from the session on his/her ordination (section III of the committee's report) be adopted as follows:

It is the opinion of the committee that an elder who resigns from the Session is not giving up her/his ordination. 1997, p. 314.

Churches and Recreation

2.5Jc ADVISORY. 1946.

Many of our social problems grow out of improper recreational activities. The use of free time is a major factor in a program of social welfare. It would seem therefore that the Church should give fruitful direction to the use of free time in recreation. While this committee would not attempt to propose a recreation program for the Church, it would recommend that the Church be diligent in making provision for the recreational aspects of the social life of its constituency. Be it remembered, if the Church fails to make provision for wholesome recreational life, the commercialized interests will provide activities of inferior quality. A program of wholesome activity is recommended as the best method of attack upon highly commercialized social recreational activities. 1946, p. 128.

Elders May Not Serve Lord's Supper Without Ordained Minister

2.52 INTERPRETIVE, 1987.

(See Constitution 4.5k, INTERPRETIVE, 1987.)

2:00 PARTICULAR CHURCH

13

Constitution 2.53---2.54

2.53 A. congregational meeting of the members of particular church shall be convened for the following purposes:

- a) To determine the type of tenure of office for elders and deacons;
- b) To nominate, elect, or accept the resignation of elders and deacons;
- c) To establish a quorum of the session or diaconate as less than a majority of the members;

d) To recall an elder or deacon whose service is no longer acceptable to the church;

e) Where state law or presbytery requires it, to authorize the sale and purchase of church property.

2.54 A congregational meeting may be convened also to provide an opportunity for communication between the session and the congregation on other matters, but without the procedure of voting.

Resignation of Elders Received by Session and Referred to Congregation

2.53ADVISORY, 1916, 1917.

By a memorial from Obion Presbytery this General Assembly is requested to make a deliverance upon the question: "Who shall act upon the resignation of a Ruling Elder, the session, or the congregation?"

...We are of the opinion that the congregation should have the right to act upon the resignation of an elder. Your committee therefore respectfully recommends that this General assembly shall rule that a ruling elder should present his resignation to the church session, that the session by proper order should refer said resignation to the church at a stated appointment for worship, when the resignation should be acted upon by the members of the church; the action of the church should be report d back to the session and a minute of the same be entered upon its record. 1916, p. 114; 1917, p. 136.

- congregational meetings

14

PARTICULAR CHURCH

Constitution 2.55

2.55 A congregational meeting of the members of a church shall be held when authorized by the session, or at the request of 15% of the total membership of the church, or when directed by the presbytery. Notice of the meeting shall be given either by written notice to the entire membership at least one week before the meeting or by announcement on the three Sundays before the meeting, or by some other method which the session judges to be adequate

notice. The minister in charge, or in a church without a pastor, a minister designated by presbytery, shall serve as moderator of the congregational meeting. The clerk of the session shall record the minutes of the meeting, which shall be approved at the next meeting of the session and made a part of its records. A quorum for a congregational meeting shall consist of those members present at the appointed time and place.

Miscellaneous Rules for Congregational Meeting

2.55 INTERPRETIVE, 1977.

The Committee responds to this memorial as follows:

A congregational meeting is a meeting of the members of the church. Members of the session share in it as members of the church and have only the same rights as any other member of the church....

The minutes of congregational meetings should be kept in the session record book by the clerk of the session.

In order for a congregational meeting to convene, it is not necessary that a quorum of the session be present, since it is a meeting of the congregation, not the session.

Since the minister in charge is not a member of the congregation, he may not be counted in a quorum, nor may he vote. 1977, p. 189.

Absentee Voting Is Not Allowed in Congregational Meetings

2.55 INTERPRETIVE, 1989.

Recommendation 12: That the 159th General Assembly affirm that the Confession of Faith and the Constitution of the Cumberland Presbyterian Church do not allow for absentee voting in a congregational meeting. 1989, p. 228.

2.00 PARTICULAR CHURCH

15

Constitution 2.61---2.62

2.60 Ministers of the Word and Sacrament

2.61 The office of minister of word and sacrament is unique in the life of the church as to responsibility and usefulness. God calls persons and sets them apart for this ministry. The persons who fill this office should be sound in the faith, exemplary in conduct, and competent to perform the duties of the ministry. Persons who become ministers of the word and sacrament are due such respect as belongs to their office but are not by virtue of their office more holy or righteous than other Christians. They share in the same vocation that belongs to all Christians to be witnesses to the gospel in word and deed. They differ from other Christians only with regard to the office to which they are called, which is their station in life.

2.62 The person who fills the office of the ministry has in the scriptures different titles, expressive of various duties:

pastor--who has oversight of the people and feeds them with spiritual food and

administers the sacraments as signs of God's grace;

minister-who serves Christ in all those ministries to people which belong to the church;

elder or presbyter--who shares in the leadership and government of the church;

evangelist--who bears the glad tidings of salvation through Jesus Christ, appealing to sinners to be reconciled to God;

prophet-who urges people and nations to heed the word of God, warning of the consequences of disobedience;

priest-who intercedes with God through prayer on behalf of others;

preacher-who publicly proclaims the gospel of Christ;

teacher-who explains the scriptures emphasizing the lessons essential to Christian growth.

These titles do not confer privilege in the church nor designate different grades of office but indicate the scope of responsibilities that belong to the office of ministry.

Minister, Not Bishop

2.61 INTERPRETIVE, /850

Ordered, That the word "bishop," as it occurs in the Minutes, be erased, and the word "minister" be inserted. 1850, p.10.

Lay Minister, Not Proper Nomenclature

2.6/ INTERPRETIVE, 1933.

Whereas, we are unable to find such term in our Confession of Faith or to associate it with any office in our ecclesiastical law,

Therefore, be it resolved, that the New Hope Presbytery of the Cumberland Presbyterian Church, in session with the Woodlawn congregation January 5-6, 1933, memorialize the General Assembly for a deliverance of same, that we may know whether or not such title or office really exists in our church court.

Answer: We find no authority or justification for the term "lay minister" to be applied to any minister in the Cumberland Presbyterian Church. 1933, p. 111.

- lay leaders

15b

2.00 PARTICULAR CHURCH

Office of Lay Pastor

2.01 ADVISORY, 1998

That recommendation 5 of the Commission on Ministry, "that the General Assembly approve the creation of the Office of Lay Pastor and its definition and functions as outlined above (Report of Commission on Ministry)," be adopted.

That recommendation 6 of the Commission on Ministry, "that the General Assembly instruct the Joint Committee on amendments to prepare such amendments as are necessary to create the Office of Lay Pastor and present them to the 1999 General Assembly," be adopted.

That recommendation 7 of the Commission on Ministry, "that the above (see p. 158 in 1998 General Assembly Minutes) proposed curriculum be approved as the basic curriculum for the training of Lay Pastors," be adopted. 1998, p. 330

Layperson Serving as Stated Supply

2.61 ADVISORY, 1998

Recommendation 10: That Recommendation 8 of the Commission on Ministry, "that the General Assembly instruct the presbyteries that beginning January 1, 1999, a layperson may not serve as the stated supply of the same congregation for a period of more than six months unless he or she is enrolled in a Lay Pastor Training Program (assuming that such a program is in place)," be adopted. 1998, p. 330.

Call to Gospel Ministry to be Extended Frequently

2.61 ADVISORY, 1993.

That continued emphasis be given to the call to the gospel ministry by local congregations, church judicatories, youth camps and other such settings as it might be appropriate so that this decline might be reversed. 1993, p. 253.

- lay leaders

Elders' Service as Lay Leaders in Other Congregations*2.61 INTERPRETIVE, 1988***MEMORIAL FROM EAST TENNESSEE PRESBYTERY CONCERNING
ELDERS SERVING AS LAY LEADERS**

Whereas, there are small congregations that are unable to secure the services of a Cumberland Presbyterian pastor; and

Whereas there may be and often are qualified, experienced, and gifted elders in other congregations in the presbytery who might serve as lay leaders in congregations unable to secure pastors: Therefore be it,

Resolved, That Section 2.71, 2.72, and 4.5 of the Constitution be interpreted to provide that, with the approval of the presbytery, and under the guidelines herein set forth, an elder may serve as a lay leader, also, in a congregation other than the one to which she/he belongs, when the congregation is without a pastor or a stated supply:

1. The elder shall be recommended to the presbytery by the session of the congregation to which she/he belongs.

2. The elder shall confer with and be recommended to the presbytery by the Committee on the Ministry to function in this leadership role. She/he shall be examined with respect to the Christian life, faithfulness to the vows taken as an elder; knowledge of the Scriptures; knowledge of the history, doctrine, and policy of the Cumberland Presbyterian Church; and gifts, qualifications, and experience as a leader in the role of an elder.

3. The approval of an elder to serve as a lay leader in another congregation shall be by action of the presbytery on recommendation of the Committee on the Ministry following a conference with the committee.

4. The service of an elder or a lay leader in a particular congregation shall be approved by the session of that congregation and the Board of Missions of the presbytery, and shall be for a stated period of time, not to exceed one year, subject to annual review by the session and the Board of Missions.

5. An elder serving as a lay leader in a congregation shall be under the supervision of the ordained minister appointed by the presbytery as moderator of the session.

6. An elder serving as a lay leader in a congregation shall be authorized to perform those duties which she/he was ordained as an elder to perform other than being a member of the session of that congregation. Specifically, she/he shall, with the session, provide pastoral oversight of the congregation in the following ways:

(a) Give particular attention to persons who have not confessed Jesus Christ as Lord and Savior; (b) instruct persons in the faith; (c) visit people in their homes and in the hospitals, praying with and for them; (d) encourage people by word and example to share in the worship, study, witness and service of the church; (e) supervise the work of the deacons; (f) give oversight to the educational program of the church; (g) encourage stewardship, provide for the collection of monies for godly purposes, and supervise the finances of the church; (h) assemble the congregation and provide for worship.

1988, p. 179.

Recommendation 6: That the memorial be granted.

Thus Sections 2.71, 2.72, and 4.5 of the Constitution are interpreted to provide that, with the approval of the presbytery and under the guidelines specified in the memorial, an elder may serve as a lay leader in a congregation other than the one to which the elder belongs when the congregation is without a pastor or stated supply. The understanding of the Judiciary Committee is that the only titles of such a person are "elder" or "lay leader." The elder serves under the guidance of the Committee on the Ministry of the respective presbytery.

1988, p. 207.

2.00 PARTICULAR CHURCH

17

Constitution 2.63---2.64

2.63 A minister who is called to be the pastor of a particular church is responsible to:

- a. lead the people in public worship;
- b. pray for and with them as their mouth to God;
- c. read the scriptures to the people and proclaim to them the word of God;
- d. administer the sacraments;
- e. bless the people from God;
- f. teach the scriptures to the children, youth, and adults;•
- g. visit the people, especially the poor, the sick, the dying, and those with other critical needs;
- h. counsel with persons in their preparation for marriage;
- i. share *in* the personal witness of the church to unbelievers and those out of fellowship with the church;
- j. counsel with people, in light of the scriptures, about their personal needs and problems;
- k. counsel with disturbed and broken families;
1. and with the elders who comprise the session, lead and govern the church in all its ministries.

2.64 While the type of ministry most basic to the life of the church is that of a pastor, God has given different gifts to ministers of the word and sacrament and the church recognizes various types of ministry. Presbytery may authorize ministers to exercise their gifts not only as pastors of particular churches but as teachers of religion in various kinds of schools, editors of religious publications, chaplains to the military forces and to various types of institutions, missionaries, evangelists, counselors, administrators of church programs and institutions, directors of Christian education in particular churches, and as leaders in other fields of service directly related to the church. Presbytery shall authorize persons to perform such types of ministry through a service of worship in which the minister is commissioned to practice his or her ministry in one of these ways. In every type of ministry, the minister should seek appropriate ways to perform the duties as pastor, minister, presbyter, evangelist, prophet, priest, preacher, and teacher.

Lord's Prayer Wording

2.63b ADVISORY. 1952.

Whereas, there does not exist a uniformity of practice in the use of the alternative petitions, "Forgive us our debts, as we forgive our debtors," and "Forgive us our trespasses, as we forgive those who trespass against us," in the praying of the Lord's Prayer in Cumberland Presbyterian Churches and church groups;

And, whereas, this lack of uniformity often results in a hesitance on the part of the congregation in praying this petition;

And, whereas, the form, "Forgive us our trespasses," is a contribution of the Anglican tradition, through the Book of Common Prayer of the Church of England;

And, whereas, we, as Cumberland Presbyterians, acknowledge a greater debt to the Reformed tradition, in which the scriptural form "Forgive us our debts," is used, than to the Anglican tradition;

Therefore, be it resolved that we, the Austin Presbytery of the Cumberland Presbyterian Church, meeting in Bertram, Texas, on April 4, 1952, do hereby memorialize the General Assembly of the Cumberland Presbyterian Church, meeting at Memphis, Tennessee, on June 12-16, 1952, to designate the form, "Forgive us our debts, as we forgive our debtors," as the form most approved for use in Cumberland Presbyterian Churches. 1952, p. 27.

We recommend that this Memorial be granted. 1952, p. 155.

(continued on next page)

- functions of ministers
(administration of sacraments)

18

2.00 PARTICULAR CHURCH

Baptism Made Suitable to the Situation

2.63d INTERPRETIVE, 1968.

Whereas, the 130th General Assembly meeting in Nashville, Tennessee, in 1960 interpreted the Confession of Faith to say that immersion as a form of baptism is out -of keeping with the doctrine that Cumberland Presbyterian ministers have subscribed to, and apparently interpreted it as wrong for a Cumberland Presbyterian minister to immerse under any conditions, and

Whereas, the 137th General Assembly meeting in Paducah, Kentucky, in 1967 included within its minutes a paper which closed with these remarks: "Within the Reformed Faith the mode of baptism is not of vital importance, but of crucial importance is the reality of the sacrament of baptism, which may be symbolized through various modes, sprinkling or pouring constituting one of these modes, and

Whereas, within the Cumberland Presbyterian Church there is much misunderstanding resulting from the fact that one minister will refuse to immerse under any conditions because of the rules of the General Assembly and another minister will immerse under certain conditions, thus causing friction not only among the ministry but the laity as well, and

Whereas, we feel that to be dogmatic on this phase of God's work and Church and to take a "middle of the road" view of most other areas of the faith is not consistent with Cumberland Presbyterianism;

Therefore, be it resolved that Nashville Presbytery does hereby memorialize the 138th General Assembly meeting in Oklahoma City, Oklahoma, June 19-24, 1968, to rescind the action of the 1960 General Assembly (which apparently made it mandatory that a minister in the Cumberland Presbyterian church not immerse under any conditions) and return to an interpretation of baptism which was followed prior to 1960 (which apparently allowed an individual minister to perform the sacred sacrament of baptism with the mode best suited to the specific situation). 1968, p. 151. [Parentheses in original]

That this memorial be granted. 1968, p. 175.

Lord's Supper Observed at Least Quarterly

2.63d ADVISORY, 1954.

Resolved: That this General Assembly recommend that each church have the sacrament of the Lord's Supper administered at least quarterly. 1854, p. 31.

Appropriate Fruit of the Vine Used in Lord's Supper

2.6Jd INTERPRETIVE, 1971.

The Bible speaks to us in simple words in regard to the elements used in the Sacrament of the Lord's Supper. To wit: Matt. 26:27-29 RSV, "and he took a cup, and when he had given thanks he gave it to them saying, 'Drink of it, all of you; for this is my blood of the covenant, which is poured out for many for the forgiveness of sins. I tell you I shall not drink again of this *fruit of the vine* until that day when I drink it new with you in my Father's kingdom.'"

The Old Testament "Passover Meal" made use of wine as a part of the ritual, and those who keep Passover today use wine. Traditionally, other Christian churches made use of wine in the Lord's Supper. Before 1877, wine, both fermented and the "pure fruit of the vine", was used in our Church.

Therefore, be it resolved. that the South Texas Presbytery memorialize the 141st General Assembly meeting in Jackson, Tennessee, June 16-21, 1971 asking that the deliverance of the 1877 General Assembly,... "Resolved: That we recommend to all our churches through the presbyteries to procure and use the pure *fruit of the vine* in the observances of the Lord's Supper," be rescinded, and that our congregations through the presbyteries, be at liberty to procure and use appropriate fruit of the vine for the observance of the Lord's Supper. Granted. 1971, p. 195.

Marrying Divorced Persons

2.63/ ADVTSORY, 1945.

MEMORIAL FROM HOPEWELL PRESBYTERY

Whereas, the laws of the Cumberland Presbyterian Church contain no regulation governing the question of whether a minister of the church should perform a marriage ceremony if either of the participants have been married and divorced, and,

(continued on next page)

2.00 PARTICULAR CHURCH

19

Whereas, the lack of regulation concerning this matter is a continual source of embarrassment for ministers before whom divorced people present themselves for marriage, and

Whereas, the teachings of the New Testament are decidedly opposed to divorce and remarriage,

Therefore, we memorialize the General Assembly of the Cumberland Presbyterian Church to make a pronouncement on the matter, stating whether a minister of the church should perform such a ceremony. 1945, p. 44.

Relative to the memorial from Hopewell Presbytery regarding a minister performing marriages of divorcees, your committee would recommend that officiating ministers be governed by Biblical teaching relative to "marriage and divorce." 1945, p. 155.

Pastors and Family Life

2.63h ADVISORY, 1946.

The status of the family in contemporary society has become a matter of serious concern. The divorce rate seems to have increased until reliable estimates now indicate that one out of every three to four marriages end in divorce.

Your committee wishes, however, to call to the Church's attention the fact that divorce is not basically the problem but is rather an attempt to escape from problems that the family has been unable to solve. Your committee is of the opinion that the problem cannot be solved by granting or refusing to grant divorces. The problems confronting family life today are such as demand preventive measures. We therefore recommend:

1. That local churches, through the leadership of their pastors, give emphasis in the local church program to the promotion of family worship among its constituency.
2. That pastors be encouraged to assume added responsibility for counseling with families, and, where it seems expedient, to provide instruction in premarital, marital, pre-parental and parental relationships.
3. That the program committees of the various encampments be asked to provide courses in courtship and marriage as a means of training youth for successful marriage.
4. That this Assembly recommend premarital counsel as a worthy pastoral function. 1946, p. 127.

- functions of elders

20

2.00 PARTICULAR CHURCH

Constitution 2.71

2.70 Elders

2.71 Elders are the immediate representatives of the people, elected by them to share with ministers in the government and leader-

ship of the church. The elders who comprise the session share with the minister in charge in the pastoral oversight of the particular church.

Elders' Service as Lay Leaders in Other Congregations

2.71 INTERPRETIVE, 1988.

MEMORIAL FROM EAST TENNESSEE PRESBYTERY CONCERNING ELDERS SERVING AS LAY LEADERS

Whereas, there are small congregations that are unable to secure the services of a Cumberland Presbyterian pastor; and

Whereas there may be and often are qualified, experienced and gifted elders in other congregations in the presbytery who might serve as lay leaders in congregations unable to secure pastors: Therefore be it

Resolved, That Section 2.71, 2.72, and 4.5 of the Constitution be interpreted to provide that, with the approval of the presbytery, and under the guidelines herein set forth, an elder may serve as a lay leader, also, in a congregation other than the one to which she/he belongs, when the congregation is without a pastor or a stated supply:

1. The elder shall be recommended to the presbytery by the session of the congregation to which she/he belongs.

2. The elder shall confer with and be recommended to the presbytery by the Committee on the Ministry to function in this leadership role. She/he shall be examined with respect to the Christian life; faithfulness to the vows taken as an elder; knowledge of the Scriptures; knowledge of the history, doctrine and policy of the Cumberland Presbyterian Church; and gifts, qualifications, and experience as a leader in the role of an elder.

3. The approval of an elder to serve as a lay leader in another congregation shall be by action of the presbytery on recommendation of the Committee on the Ministry following a conference with the committee.

4. The service of an elder or a lay leader in a particular congregation shall be approved by the session of that congregation and the Board of Missions of the presbytery, and shall be for a stated period of time, not to exceed one year, subject to annual review by the session and the Board of Missions.

5. An elder serving as a lay leader in a congregation shall be under the supervision of the ordained minister appointed by the presbytery as moderator of the session.

6. An elder serving as a lay leader in a congregation shall be authorized to perform those duties which she/he was ordained as an elder to perform other than being a member of the session of that congregation. Specifically, she/he shall, with the session, provide pastoral oversight of the congregation in the following ways:

(a) Give particular attention to persons who have not confessed Jesus Christ as Lord and Savior; (b) instruct persons in the faith; (c) visit people in their homes and in the hospitals, praying with and for them; (d) encourage people by word and example to share in the worship, study, witness and service of the church; (e) supervise the work of the deacons; (f) give oversight to the educational program of the church; (g) encourage stewardship, provide for the collection of monies for godly purposes, and supervise the finances of the church; (h) assemble the congregation and provide for worship. 1988, p. 179.

Recommendation 6: That the memorial be granted.

Thus Sections 2.71, 2.72, and 4.5 of the Constitution are interpreted to provide that, with the approval of the presbytery and under the guidelines specified in the memorial, an elder may serve as a lay leader in a congregation other than the one to which the elder belongs when the congregation is without a pastor or stated supply. The understanding of the Judiciary Committee is that the only titles of such a person are "elder" or "lay leader." The elder serves under the guidance of the Committee on the Ministry of the respective presbytery.

1988, p. 207.

2.00 PARTICULAR CHURCH

21

Constitution 2.72---2.74

2.72 In caring for and leading the congregation which they serve, elders shall be particularly attentive to persons who have not confessed Jesus Christ as Lord and Savior, those who are spiritually weak, and those who need to be instructed in the faith. They shall visit the people in their homes, praying with and for them, especially for the sick, those who mourn, and others in need. They should encourage the people by word and example to share in the worship, study, witness, and service of the church through a faithful stewardship of their time, talents, and money. They should inform the pastor of any concerns that need his or her attention.

2.73 Persons who fill the office of elder may be male or female, young or old. Elders

share in the same vocation that belongs to all Christians to be witnesses *to* the gospel, but the vocation of this office• places an additional responsibility of leadership upon them. They should exemplify the gospel by their good character, sound faith, wisdom, maturity of judgment, discretion, conversation, knowledge of the doctrine and government of the church, and competency to perform the duties of the office.

2.74 Persons who accept the responsibilities of the office of elder should engage in such study and preparation as are appropriate to the office, and during their tenure on the session shall continue to study in order better to perform their duties.

- functions of deacons

22

2.00 PARTICULAR CHURCH

Constitution 2.81---2.84

2.80 Deacons

2.81 Deacons are elected by the people and ordained to lead the church in its care of the poor and others in need, administering the funds provided by the church for these purposes. This ministry is given to the church by Jesus Christ, who came to serve rather than to be served. Through the care of the poor and others in need, the church gives witness to the compassionate love of God shown in Jesus Christ. The deacons shall lead and coordinate activities of persons, committees, and groups in ministering to the poor, the elderly, the sick, orphans, refugees, prisoners, and others in distress. Because the work of the deacons pertains to the whole church, the deacons shall make periodic reports to the session.

2.82 In churches desiring to do so, the session may grant to the diaconate power to

formulate budgets and assume other financial responsibilities.

2.83 Persons who fill the office of deacon may be male or female, young or old. Deacons shall have sound judgment, good character, compassion for those in need, availability to people, and a deep abiding faith in Jesus Christ, whose example in ministry they follow. Persons who accept the responsibility of the office of deacon shall engage in such study and preparation as are appropriate to the office, and during their tenure on the diaconate shall continue to study in order better to perform their duties.

2.84 The desirability for a diaconate is to be determined by each particular church. In churches where it is impractical to create a diaconate, the duties of the office of deacon shall be assumed by the elders. If a diaconate is created, no person shall serve simultaneously on the session and the diaconate.

Dacons Not Presbyters

2.81 INTERPRETIVE, 1948.

Every ruling elder is a member of a Church session, and also a potential member of each of the higher courts, "when called thereunto." A deacon is a member of none of the church courts, either actually or potentially. A deacon cannot represent the people in any church court. The General Assembly (1946, p. 116) held that the "powers of the deacon are limited," and that their actions are under the direction of the session. ...Deacons are not presbyters.

None of the church courts above the session has any jurisdiction over the deacon, while neither of these courts above the session which sees proper to call an elder to the discharge of official duties, does have a certain jurisdiction over such elder, not alone because he holds office under these courts, but because he is a potential member of either of them." 1948, pp. 112, 113, 147.

Joint Meetings of Elders and Deacons

2.82 INTERPRETIVE, 1946

In reference to the petition concerning elders and deacons in joint session, ... the powers of the deacon is limited, and...their actions are under the direction of the church session our interpretation is that only such business as pertains to the temporal affairs of the church can be transacted by the joint board composed of elders and deacons. To the elders alone is entrusted the spiritual interest of the church, as well as its government. 1946, p. 116.

2.00 PARTICULAR CHURCH

Constitution 2.91

2.90 Election, Ordination, and Installation of Elders and Deacons

2.91 In the organization of a particular church, the elders and deacons shall be nominated and elected by the members participating in the organization. In all other cases, it is proper and advisable for the session to nominate, or to cause to be chosen a committee of the congregation at large to nominate, to the congregation at a meeting called to elect elders and deacons, persons to fill these offices. Other nominations

may be made by other members of the church, with the approval of the persons being nominated. The vote may be taken on the nominees at the meeting in which they are presented or at a subsequent congregational meeting. Unless by acclamation, the vote shall be by secret ballot, with a majority of votes cast necessary for election. When there are more nominees than positions to be filled, those receiving the highest number of votes are elected.

Elder May Make Nomination from the Floor

2.91 INTERPRETIVE, 1987.

An elder can make nominations from the floor in addition to any made by the session. 1987, p. 123.

- ordination and installation of elders/deacons

Constitution 2.92

2.92 When persons have been elected to the office of elder or deacon, the session shall appoint a day for their ordination and/ or installation. Persons previously ordained shall be installed only. On the appointed day, with the congregation assembled for worship, the session shall convene for the service of ordination. The minister in charge shall state in a concise manner the nature and responsibilities of the office of elder/deacon and describe the Christian conduct to be maintained. Having done this, the minister in charge shall propose to the candidate(s) the following questions to be answered in the affirmative:

I. Do you believe the scriptures of the Old and New Testaments to be the inspired word of God, the authority for faith and practice?

II. Do you sincerely receive and adopt the *Confession of Faith* of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America as containing the essential doctrines taught in the holy scriptures?

ID. Do you approve of and promise to uphold the government of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America?

IV. Do you promise to promote the peace, unity, and purity of the church?

V. (*To elders*) In participating as an elder in the judicatories of the church, do you promise to share in a responsible way in the decisions that are made, to abide by those decisions, and to promote the welfare of the church?

VI. Do you accept the office of elder/deacon in this church, and promise faithfully

to discharge all the duties thereof as God may enable you?

The installation of previously ordained elders/deacons shall consist in asking Question VI.

These questions being answered in the affirmative, the minister shall put the following question to the congregation:

Do you, the members of the church, acknowledge and receive these elders/ deacons, and do you promise to give them such encouragement, support, and respect as belongs to the office?

This question having been answered in the affirmative, the candidates shall kneel. The members of the session shall gather around them. As the minister offers an appropriate prayer, the elders shall, by the laying on of hands, set the candidates apart to the office of elder/deacon.

Then, with all standing, the minister shall say:

I now declare that you have been regularly elected, ordained, and installed elders/ deacons in this church, agreeable to the word of God and according to the government of the Cumberland Presbyterian Church/ Cumberland Presbyterian Church in America. In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Members of the session shall take the newly installed officers by the hand and say:

We give you the hand of Christian fellowship to take part in this office with us.

The minister shall then deliver to the newly installed officers and the congregation an appropriate charge.

2.00 PARTICULAR CHURCH

25

Oaths Taken for Ordination Clarified

2.92 INTERPRETIVE, 2024

Interpreted the constitution (Const. 9.4c) by clearly answering the following questions regarding the oaths taken during the ordination of elders/deacons (2.92) and ministers (6.36) and adding the assembly's interpretive rulings to the Cumberland Presbyterian Digest:

Question 1: Regarding sections 2.92 and 6.36, questions I-VII, must a licentiate seeking ordination to the Ministry of Word and Sacrament or a layperson seeking ordination as a deacon or elder within the Cumberland Presbyterian Church answer in the affirmative to each of their respective constitutional questions?

Answer: The Constitution already states that the questions must be answered in the affirmative before ordination and we concur with the Constitution.

Question 2: Regarding sections 2.92 and 6.36, question II: is the entire Confession of Faith sections 1.0 through 7.08 "essential doctrines" for the Cumberland Presbyterian Church in faith and practice, or are some portions of the Confession of Faith "essential" and some portions "non-essential"? If some of the Confession is non-essential, which portions are essential? Who or what has the authority to determine which portions are essential?

Answer: We assert that the Confession of Faith and the Constitution do not contain nonessentials.

Question 3: If a minister, elder, or deacon duly ordained in the Cumberland Presbyterian Church willingly and openly preaches and teaches against our doctrine, should they be subject to disciplinary action by their proper judicatory?

Answer: According to the Constitution this question is addressed by the Rules of Discipline, Section 4.104. 2024, p. 172

Questions for Ordination in a Union Church

2.92 INTERPRETIVE, 1983

A candidate for ordination as elder or deacon in a union or tri-union church may either answer in the affirmative all of the questions of all denominations participating in the union church or the candidate may be asked to respond in the affirmative to questions which are a compilation of the ordination questions of the participating denominations.

A compilation of ordination questions should be expressed in any agreement which is entered into between any presbytery of this denomination and the presbytery of any other Presbyterian denomination for the establishment of a union church. 1983, p. 260.

In situations *in* which the agreement which established a union church does not resolve the issue of what questions to put to a *candidate* for ordination as elder or deacon, the joint commission appointed by the presbyteries of the various denominations for the purpose of organizing the union or tri-union church should prepare any compilation *of* questions which is to be used *in* the union church.

Installation Makes an Elder Active

2.92 INTERPRETIVE, 2001

Elders become *active* upon their installation and the designated date set by the congregation's bylaws, not their election. Sessions should ensure that elders who are elected be installed in a timely manner so they can fulfill the *duties* of their office. The installation should occur before the end of the terms of those elders who are rotating off. An elder *is* no longer considered active at the end of his/her designated term unless otherwise stated in the congregation's bylaws. 2001, p. 359.

- rotation system

26

2.00 PARTICULAR CHURCH

2.93 Persons may be elected to the session/diaconate for an indefinite period or for definite terms on a rotation basis. In the organization of a church, one type of tenure shall be adopted for the session/diaconate. In an existing church, a change in the type of tenure shall be by actions to dissolve the session/diaconate, install the new type of tenure, and elect members to the session/

diaconate according to the new type of tenure. Such actions shall be taken by the congregation in a congregational meeting. If a particular church chooses to elect elders/deacons for a definite term on a rotation basis, the term of office shall be for not less than three years, except when classes are established in the institution of the rotation plan or in cases of unexpired terms.

Rotated Elder, Status When Term Expires

2.93 INTERPRETIVE, 1955.

Since the ordination of an elder is for life, there has been some confusion as to the status of an elder elected for a definite term after such term has expired.

It is our opinion that after the expiration of the term to which the elder has been elected by a church on rotation system, the person ceases to be an elder until and unless he be later reelected, and during the interim such person shall not be eligible to represent his church at presbytery, synod, or the presbytery at the General Assembly. However, such rotated elder shall by virtue of his ordination be eligible to continue membership on a denominational board or agency if he should be a member thereof when rotated off his local session. 1955, pp. 181-182.

Rotation of Officers, Reelection to Office

2.93 INTERPRETIVE, 1963.

It is the opinion of the Permanent Committee on Judiciary that the congregation can, if it desires, provide for the reelection of elders for three successive terms of three years, then require the elder or deacon to be on a year of ineligibility of service; or the congregation may establish the year of ineligibility after two terms of some duration; or the congregation may waive the year of ineligibility altogether, if it desires. The provisions should be clearly defined by the congregation and a clear record made in the session record of the particular congregation.

It is an opinion that the memorial can be answered that elders and deacons can be put on the same basis of rotation in the local church as is practiced by the boards and committees of all higher church courts, at the option of the congregation, the only constitutional requirement being that the term cannot be less than three years duration. 1963, p. 140.

Rotation System, Suggested Resolution for Adoption of

2.93 ADVISORY, 1944.

(Revised for compatibility with 1984 Constitution)

Resolved:

That the _____ congregation adopt the rotation system of ruling elders and deacons in accordance with the provision of the Constitution, section 2.93.

That the church session shall be composed of _____ elders, who shall be elected for staggered terms as hereinafter provided.

That the board of deacons shall be composed of _____ deacons, who shall be elected for staggered terms as hereinafter provided.

That initially _____ elders shall be elected for a term of _____ years, _____ elders shall be elected for a term of _____ years, and _____ elders shall be elected for a term of _____ years; that their successors shall be elected for a term of three (or more) years.

That initially _____ deacons shall be elected for a term of _____ years, _____ deacons shall be elected for a term of _____ years, and _____ deacons shall be elected for a term of _____ years; that their successors shall be elected for a term of three (or more) years.

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2.00 PARTICULAR CHURCH

27

That in case of the death, resignation, inactivity, withdrawal from the congregation or the deposition of any elder or deacon, the successor shall be elected by the congregation at a regular worship service of the congregation for the unexpired term.

That no elder or deacon may be elected to succeed himself but may be again elected to *office* one year after the expiration of his former term of office. (The church has much latitude in regard to term of office and succession.) (**See** 2.93, Interpretive, 1963, above.)

That the election of elders and deacons shall be held annually at the regular stated worship service of the congregation on the _____ Sunday in _____ (month) of each year.

That the newly elected elders and deacons shall be ordained and installed at the regular stated worship service of the congregation on the _____ Sunday in, _____ (month) of each year.

That the newly elected elders and deacons shall take office on _____

That the secret ballot shall be adopted as the official method of voting in the election of elders and deacons {Constitution 22.91; Rules of Order 12.2}

That in keeping with Constitution, section 2.91, the church session shall annually submit nominations for the offices of elders and deacons for the consideration of the congregation; that any member of the congregation may nominate a member of the church for the office of elder or deacon, provided the nominee has been previously consulted in the matter.

That the ballots at the first election shall contain the nominees of the three classes of elders, providing for staggered terms. 1944, pp. 138-140, 194.

Rotation System Recommended

2.93 *ADVISORY*, 1992

Recommendation 5: That the General Assembly remind presbyteries of the need to accent rotation plans for sessions and diaconates as the way to ensure that more of our capable women and men may have opportunity to serve in the care-giving ministries of each local congregation. 1992, p. 271.

- removing elders/deacons

28

2.00 PARTICULAR CHURCH

Constitution 2.94--2.96

2.94 If members of the session/diaconate fail to attend half of the stated meetings in a given year without excuse, or if for other non-disciplinary reasons they become unacceptable to the church in the performance of their duties, the session may convene a congregational meeting to consider their removal from office by recall. Before such action is taken, however, opportunity shall be given to the persons involved to address the congregation.

2.95 When elders/deacons move to such a distance that they are unable to fulfill the

duties of the office or to participate regularly in the worship, study, witness, and service of the congregation, the session may recommend to the congregation that their tenure of office be terminated. If an elder/deacon is dismissed from the church by letter, the tenure of office is terminated automatically, and this fact shall be recorded by the session in its minutes.

2.96 When elders/deacons are admitted by letter to membership in another church, they may become members of the session/diaconate in that church only by election and installation.

Deacons/Elders Coming From Reformed Churches Do Not Need To Be Re-ordained To Serve As A Deacon/Elder

2.96 INTERPRETIVE, 1994

It is the opinion of the Permanent Committee on Judiciary that persons coming from other reformed churches need not be re-ordained deacon or elder when elected and installed into the office for which they had prior ordination. 1994, page 149

3.00 JUDICATORIES OF THE CHURCH

Constitution 3.01--3.03

3.01 Since the government of the church should have order and be effective, it is necessary that it possess clear and reasonable form. The legislative, administrative, and judicial bodies, sometimes referred to as judicatories, are, in regular gradation, session, presbytery, synod, and the General Assembly.

3.02 The connectional nature of the church is expressed in the following governmental structure. The session exercises pastoral oversight and jurisdiction over a particular church; the presbytery over ordained ministers, sessions, and churches within a pre-

scribed area; the synod over presbyteries, ministers, sessions, and churches within a prescribed area; and the General Assembly over synods, presbyteries, ministers, sessions, and churches.

3.03 The authority of each level of church government is limited by the stated provisions of the church's constitution. Although each judicatory exercises exclusive original jurisdiction over all the matters specifically belonging to it, the lower judicatories are subject to the review and control of the higher judicatories in regular gradation.

Irregular Actions of Judicatories Cannot Be Legalized

3.03 INTERPRETIVE, 1841; 1875.

Resolved: That synods cannot legalize the illegal constitution and acts of presbyteries. 1841, p. 620, MSS.

This question is answered in our reply to the report of the Committee on the Minutes of Brazos Synod. In addition to that, we lay down this general principle of law: That no legislative body can legalize the acts of another legislative body, nor can an appellate court legalize the decisions of an inferior court. We admit that a legislature might legalize the acts of inferior courts or the acts of ministerial officers; but the distinction must be constantly borne in mind, that no legislative body can legalize acts which are the exclusive prerogative of another legislative body to pass upon. Any other conclusion would involve infinite difficulty and confusion. 1875, p. 32.

Appeal Must Be Brought Regularly

3.03 INTERPRETIVE, 1852, T884.

An appeal of T. J. Simpson, in behalf of himself and the Allegheny Presbytery, complaining of grievance in a decision of Pennsylvania Synod, whereby a judicial decision of the First Cumberland Presbyterian Church in Allegheny City, confirmed by the Allegheny Presbytery, was reversed.

Your committee think that the grievance ministers, sessions, and churches within a prescribed area; and the General Assembly complained of is wholly of a constitutional nature, and we are of the opinion that the synod had in fact no legitimate jurisdiction of the case, from the consideration that the action of the presbytery was not brought regularly before them. 1852, p. 30.

Your committee finds that questions coming from a lower to a higher court must come "by general review and control, reference, appeal or complaint." They are of the opinion that the paper in this case comes under neither; and is, therefore, not properly before this body. 1884, p. 19.

Synod Cannot Be Made Final Court of Appeal

3.03 INTERPRETIVE, 1887, 1897.

The memorial from Bonham Presbytery requests that the synod be made the final court of appeal, except upon doctrinal and constitutional questions. Section 67...of the Book of Church Government, provides that "every decision made by any church court, except the highest, is subject to the review of a superior court and may be brought before it by general review and control, reference, appeal, or complaint." 1887, p. 13; 1897, p. 67.

Incorporation Not Disallowed by Constitution

3.03 INTERPRETIVE, 1997

Recommendation 2: "That the General Assembly affirm that incorporation of particular churches, presbyteries, and/or synods is not inconsistent with the organization or the polity of the Cumberland Presbyterian Church if the governing documents of the corporation recognize the authority of the 'Confession of Faith,' the 'Constitution,' 'Rules of Discipline,' and the 'Rules of Order' of the Cumberland Presbyterian Church. 1997, p. 29.

- constituting meetings
- called meetings

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3.00 JUDICATORIES OF THE CHURCH

Constitution 3.04--3.06

3.04 Every properly constituted unit of church government on any level has the right to resolve questions of doctrine and discipline properly and seriously proposed, and in general to maintain truth and righteousness, and to condemn erroneous opinions and practices which would injure the peace, purity and progress of the church.

3.05 All meetings of judicatories shall be opened and closed with prayer.

3.06 Called meetings of presbytery, synod, and the General Assembly shall be composed of the same representatives, or their alternates, who constituted the

preceding stated meeting, unless the judicatory elects someone else as its representative. An elder whose tenure of office on the session has expired is not eligible to serve as a representative to a called meeting of a judicatory. A called meeting of a judicatory may be rescinded when a majority of those signing the request for the called meeting communicate in writing with the Moderator, or in the Moderator's absence or illness the Stated Clerk, their desire to rescind the call. This request must be made in writing at least five days before the called meeting.

Opening and Constituting Prayer May Be the Same

3.05 INTERPRETIVE, 1952

The opening prayer and the constituting prayer could be one and the same in which event such prayer is both legal and necessary. 1952, p. 123. (See Rules of Order 5.1)

NOTE: Rules of Order 5.1, "The Moderator shall open the meetings at the appointed time by taking the chair, calling the meeting to order, and after ascertaining that a quorum is present, calling the judicatory to prayer."

Judicatories to Pray for Religious Freedom

3.05 ADVISORY, 1962

We recommend further that all the judicatories of the Cumberland Presbyterian Church have at least a brief season of prayer to the end that religious freedom and thought may be the lot of all mankind. 1962, p. 184.

Session Elects Representatives to All Meetings of Presbytery

3.06 INTERPRETIVE, 1933

Do you interpret the clause, "Unless the constituent body shall designate someone as a representative to such called meeting," to mean that a church session can elect an elder to represent the church in a called meeting of presbytery or synod other than the elder or his alternate who represented the church in the preceding stated meeting of the body?

Answer: Yes. (This is a privilege that should be very carefully exercised.) 1933, p. 110. [Parentheses in original.]

Calls for Special Meetings Should Be Made Properly

3.06 INTERPRETIVE, 1982

When a synod finds that a special meeting of a presbytery was improperly called or an adjourned session improperly convened, may the presbytery involved regularize the actions of such a meeting by affirming them at the next regular meeting after receiving notice of synod's action?

Recommendation 10: That General Assembly approve the statement that care should be taken to properly call and convene all meetings of church courts. In some situations, a properly called and convened meeting of a church court may ratify the actions of a previous meeting which was improperly called or convened. 1982, pp. 162,244.

Ministers Members of Called Meetings Irrespective of Attendance at Previous Stated Meeting

3.06 INTERPRETIVE, 1933

Is a minister who is otherwise eligible for membership in a presbytery or non-delegated synod, but who, for any cause, fails to attend the preceding stated meeting of the body, barred from sitting as a member of the body at a called meeting thereof?

Answer: No. A minister is a member of his presbytery and synod and cannot be barred from any of its meetings. 1933, p.110

- advisory members
- visiting ministers

3.00 JUDICATORIES OF THE CHURCH

Constitution 3.07

3.07 Other ministers [who are not members of the body], who are present in a meeting of a presbytery or synod may or may not be seated by action of the body as advisory

members, which if granted gives them the privilege to speak to any matter before the body. Persons so seated shall be introduced to the presbytery or synod by the moderator.

Only Ministers May Be Seated as Advisory Members

3.07 INTERPRETIVE, 1887, 1977

We have examined the minutes of Oregon Synod for session of June 1886. We find the- minutes in good form, with no departure from the usages of our church, except the following paper which was adopted by that body.

Whereas, much of the Christian work of the world is done by faithful Christian women, and Whereas, they are safe in counsel and zealous in effort:

Therefore be it resolved, that we invite the various congregations within the bounds of this synod to send each one lady representative to future meetings of the synod, who shall have a right to speak upon all subjects not considered interlocutory session and to exercise an advisory influence on all matters before the synod relating to the interests of the cause of Christ within our bounds."

We think this a departure from the usage of Presbyterianism of doubtful propriety and dangerous tendency. Not on the ground of sex, but because it is calling lay members into a judicature of the church in a semi-organic way. Referred to Judiciary Committee.

The Committee on Judiciary have considered that part of the report of the Minutes of the Synod of Oregon, which has been referred to this committee and report thereon as follows:

We are of opinion that said report should be adopted, and we so recommend.

The proposed action of said synod would, as we think, be in conflict with our government, and for this reason, as well as for the reasons assigned in the report under consideration, said action should not be approved. 1887, pp. 20-21.

No one other than a minister may be seated in presbytery or synod as an advisory member or a visiting member [now termed visiting minister]. 1977, pp. 142, 189 (Editor's brackets)

Minister in Transition, Advisory Member

3.07 INTERPRETIVE. 1940

· A memorial from the Synod of Illinois asking this General Assembly to make a deliverance on the recognition of a minister in transition as to whether he is a member in council or visiting minister. We recommend that he be recognized as a member in council [now termed advisory member]. 1940, p. 134. (Editor's brackets)

- official records

Constitution 3.08

3.08 Minutes and all other official records of sessions, presbyteries, synods, and general assemblies are the property in perpetuity of said judicatories or their legal successors. When congregations, presbyteries, or synods are dissolved, their records are held for them by the next highest judicatory within whose bounds they were before dissolution. All minutes and other official records of existing

and dissolved sessions, presbyteries, and synods, or copies thereof, are to be deposited for safe keeping in the Historical Foundation of the Cumberland Presbyterian Church. It is the responsibility of the clerk of each judicatory to make recommendation to the judicatory for the permanent safe keeping of that judicatory's records.

Historian for Local Church to Be Appointed

3.08 ADVISORY, 1967

That each church appoint a historian to gather records, documents, pictures or other items of historical significance and keep a current account of all significant events; and that presbyteries, synods and agencies consider safeguarding their historical materials in the Historical Vault at Memphis Theological Seminary [now the Historical Foundation of the Cumberland Presbyterian Church] 1967, p. 219.

Records Management Policy for General Assembly Agencies

3.08 ADVISORY, 1985

Whereas the official records and correspondence of all the agencies of the General Assembly including its program boards, institutions, commissions, and committees comprise a substantial, unique, and irreplaceable part of the written record of the people called Cumberland Presbyterians, and

Whereas there is presently the danger that such records, scattered as they are in numerous places under various conditions, can be easily destroyed by fire, vandalism, or carelessness, and

Whereas the absence of any policy regarding the preservation of these records contributes to the present situation.

Therefore, the General Assembly of the Cumberland Presbyterian Church, in order to provide for the better preservation of this portion of the written documents of its heritage, adopts the following Records Management policy for itself and its agencies:

The purpose of the policy is to give direction to and provide for the orderly collection and preservation of the records of the General Assembly and agencies created by its actions through deposit of these records in the Historical Library and Archives of the General Assembly.

Organized bodies included under the terms of this policy shall be 1) the General Assembly, the Office of the General Assembly, and the General Assembly's Executive Committee, 2) all permanent General Assembly boards, commissions, and committees, and 3) all temporary commissions, committees, task forces, etc., created by General Assembly action.

Records eligible for deposit include the following 1) official minutes and registers, 2) legal documents including charters, by-laws, deeds, titles, leases and other descriptions of property, contracts for construction, blueprints, plans, and specifications, 3) financial records including audits, mortgages, and financial ledgers of final entry, 4) annual reports, 5) official correspondence.

Records such as minutes and reports duplicated for distribution and publications issued periodically are to be deposited as they are issued. Documents of the General Assembly meetings are to be deposited as soon as possible after the printed minutes are issued. Legal documents and audits are to be deposited as they are concluded. In the case of bound volumes of original minutes, each agency should take care to deposit such volumes promptly after their conclusion. Financial ledgers of final entry shall be submitted as soon as they are no longer needed for current reference by an agency, but no later than five years after their closing. Official correspondence shall be deposited as soon as it is no longer needed for current reference, but normally no later than five years after issuance.

All records produced by the General Assembly and its agencies are the property of the General Assembly. However, the General Assembly has recognized that it has entrusted to each agency,

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3.00 JUDICATORIES OF THE CHURCH

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and especially to each incorporated board, a unique responsibility for determining the necessary confidentiality of official minutes and correspondence. Therefore, access to such minutes and correspondence deposited in the Historical Library and Archives shall be limited by policies adopted by each agency. Records whose access falls under the limitations imposed by such policies shall be kept in locked files. These files are to be unlocked for research only to officers of the respective agency or to persons who present written authorizations signed by officers of such an agency.

The agency responsible for the collection and preservation of the records of the General Assembly and its agencies shall be the Historical Foundation of the Cumberland Presbyterian Church. Through its Board of Trustees and staff, the Historical Foundation shall take care to see that the above-mentioned records are collected, filed and safely housed. It shall be diligent in seeing that the confidentiality of records as established through this policy and the policies of each particular agency is preserved. In its annual report to the General Assembly, the Historical Foundation shall report the effectiveness of this policy, the compliance of the various agencies with its provisions, and any recommendations for changes in its provisions.

It is assumed that all agencies will comply with this policy, at least on their executive administrative level. That is, that originals or copies of all annual reports, final audits, and minutes of the governing board will be deposited in the Historical Library and Archives. However, it is understood that some boards and agencies have adequate means of in-house preservation of records and/or records which cannot be transferred from the office of origin. Therefore, compliance with this policy as a whole and the extent to which the agency participates beyond the executive level is left to the discretion of the particular agencies and their chief administrators with the explicit understanding that no bulk record group shall be destroyed without first consulting the Historical Foundation Board of trustees or its staff. 1985, pp. 100-101.

Middle Judicatory Minutes to be Sent to Historical Foundation

3.08 ADVISORY, 1993

That the General Assembly encourage all middle judicatories to send four copies of each of their printed minutes to the Foundation and that this be done in a timely fashion as already stated in the Archival Policy Manual of The Historical Foundation of the General Assemblies of the Cumberland Presbyterian Churches. 1993, p. 254.

Church Session Minutes to be Sent to Historical Foundation

3.08 ADVISORY, 1999

That all churches act in accordance with the Constitution of the Confession of Faith, 3.08, which reads: "All minutes and other official records of existing and dissolved sessions and presbyteries, or synods, or copies thereof, are to be deposited for safe keeping in the Historical Foundation of the Cumberland Presbyterian Church and the Cumberland Presbyterian Church in America," and that all presbyteries be encouraged to insist that the churches of that presbytery submit those minutes to the Historical Foundation in archival form (original and completed books of the session records). 1999, p. 371.

- committees

Constitution 3.10--3.11

3.10 Committees and Commissions of Judicatories

3.11 Each judicatory may, in order to exercise its proper oversight and authority, form standing and/or *ad hoc* committees as it deems appropriate, and elect or appoint persons to such committees. Such committees shall examine, consider, and recommend to the judicatory various measures for promoting the work of the judicatory.

Elders Eligible to Serve on Committees When not Members of Judicatory

3.11 INTERPRETIVE, 1875

In the matter of the memorial from the Bell Presbytery, the committee find this question:

"Are the ruling elders who are not members of presbytery competent to be made members of standing committees?"

The committee has not reached a conclusion on this question without hesitation and difficulty. We believe a strict or literal interpretation of the law would lead to an answer in the negative. But we believe, further, that it is a safe rule by which we may be governed, to give such construction of the law as will enable church judicatories to promote the interests of the church most effectively. If we deny the right of presbytery to appoint elders to important duties simply because they are not, for the time being, members of the presbytery, we thereby greatly curtail the power of the presbyteries in employing talented and useful men in the work of the church.

We therefore reach the conclusion that a liberal construction of the law in this case will give the presbyteries enlarged means of usefulness and that no injury can possibly result. Hence, we answer the question of the memorial in the affirmative. 1875, p. 24.

All Members in Good Standing Eligible for Judicatory Committees

3.11 INTERPRETIVE, 1956, 1962

There has been referred to our committee a memorial from the East Tennessee Synod regarding the qualifications for members on presbyterial and synodical board.

In our opinion (General Assembly) Standing Rule No. 21 prescribes the qualifications for members of boards of all church courts. 1956, p. 128. (Editor's parentheses)

Standing Rule No. 21 read: "The members of the boards, commissions and legal agencies of the Cumberland Presbyterian Church must be ordained ministers or ordained elders, except that women who are members in good standing in their local churches may serve on the Board of Foreign Missions and deacons may serve on the Board of Finance and the Commission on the Denominational Center..."

We have studied the memorial from the New Hope Presbytery concerning presbyterial and synodical board membership, together with the opinion of the Permanent Committee. We concur in the opinion of the Permanent Committee regarding this item. We further call attention to the action of the General Assembly in 1956 regarding this same question and recommend that this Assembly sustain the 1956 decision. 1962, p. 174.

In 1964, Standing Rule No. 21 was changed to read: "the members of boards and legal agencies may be any ordained ministers, ordained elders, or members of the Cumberland Presbyterian Church, either men or women, in good standing, and active in the local church in which membership is held." 1964, p. 15.

Committee Chairs Can Be Appointed in Advance

3.11 INTERPRETIVE, 1897

We recommend that you affirm that there is no constitutional law against a presbytery or synod's appointing the chairman of the standing committee six months or one year in advance, or of using a printed or written program of the business of the judicatory, but that presbyteries and synods shall be left to their own discretion in this matter.

3.00 JUDICATORIES OF THE CHURCH

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Constitution 3.12

3.12 Each judicatory may appoint commissions which are authorized to deliberate upon and conclude the business submitted to them, subject to the review of the judicatory. Full records of a commission's proceedings must be submitted to the appointing judicatory, and, if approved, may be entered in the minutes of that judicatory. A majority of a commission shall constitute a quorum. Commissions may be appointed for purposes such as the following:

a) Ordination of ministers, in which case

the commission must contain a quorum of the presbytery, including two ministers;

b) Installation of pastors and associate/assistant pastors;

c) Organization of new churches;

d) Taking testimony in or conducting disciplinary hearings;

e) Visitation of congregations experiencing disorder;

f) Hearing appeals;

g) Investigation of any specified problem in the church.

Commission May Form Joint Commission with That of Another Presbytery

3.12 INTERPRETIVE, 1983.

There is no standing for a union or tri-union commission if by that we mean one commission appointed by two or three presbyteries.

It would be constitutional to have separately appointed commissions to act as a joint commission. It is in order for the joint commission to make one report to be delivered to all of the involved presbyteries. If the report is in writing, it should be signed by the Cumberland Presbyterian members of the Cumberland Presbyterian presbytery appointing it. If the report is given orally, it should be reported by a Cumberland Presbyterian member of the commission.

Commissions Cannot Act on Business for Which It Has Not Been Commissioned

3./2 INTERPRETIVE, 1987

We do not believe a commission can act on business matters for which it has not been commissioned. However, we are much aware that the new presbyterial structures have created problems relative to frequent called meetings. Therefore, we recommend:

Recommendation 10: That the Permanent Committee on Judiciary be instructed to study the memorial and specifically the question of a commission being empowered to receive and grant fletters on a continuing basis.

Reception and Dismissal of Ministers are Acts of Presbytery

3.12 INTERPRETIVE, 1880, 1897

{See Constitution, 5.6b, INTERPRETIVE, 1880, 1897.}

Presbyteries May Not Delegate to Commissions Power to Receive and Grant Letters

3.12 INTERPRETIVE, 1990

The second opinion is a response to the Memorial from Cumberland Presbytery (1989 G. A. Minutes, page 228). The memorial raises the question of permanent commissions for the purpose of receiving and granting letters.

Answer: It is the Committee's opinion, based on the present constitution, that these are presbyterial acts (responsibilities) and cannot be delegated to a commission. We feel that presbyteries must be very careful not to delegate their responsibility away to small groups. Regarding the creating and/or dissolving of pastor/church relationship it is our opinion that the Constitution, sections 7.05 and 7.06, deals with this matter, and that section 7.06 is complementary to 7.05 and that the Board of Missions may give tentative approval to the creating and/or dissolving pastor/church relations. However, any action of the Board is always subject to review by presbytery.

(Continued on next page)

- commissions

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3.00 JUDICATORIES OF THE CHURCH

Ordination Commission

3.12. INTERPRETIVE, 1990

Constitution 3:12 states "a majority of a commission shall constitute a quorum." Does this mean that if you have four ministers and one elder on a commission to ordain that the commission cannot function without the elder being present?"

It is the opinion of the Permanent Committee on Judiciary that if the elder does not attend, the commission cannot function. The commission to ordain must have the physical presence of a quorum of presbytery. (Rules of Order 6.2) However, the commission to ordain must include at least two ministers. (Constitution 3.12a, 6.35) 1990, pp.164, 214

- referring to higher judicatory

Constitution 3.20---3.25

3.20 References

3.21 Each judicatory except the highest may seek the formal advice of the judicatory immediately higher through reference. A reference is a representation, in writing, to the judicatory immediately higher, of a matter not yet decided by the lower judicatory. A judicatory which makes reference must have all the testimony and documents duly prepared and in readiness for the action or counsel of the higher judicatory. A reference shall be made by vote of the judicatory.

3.22 A reference may be appropriate in cases which involve new, difficult, or delicate matters about which the lower judicatory may be undecided or of divided opinion.

3.23 References may be made for the purpose of counsel, preparatory to a decision by the lower judicatory, in which case the reference suspends decision of the matter in the lower judicatory; or references may submit the entire case to the judgment of the higher judicatory for ultimate decision by it.

3.24 The judicatory receiving a reference is not required to give counsel or make a decision but may remit the matter to the judicatory by which it was referred.

3.25 References may in some cases be proper; yet it is generally for the good of the church that every judicatory exercise its own judgment.

3.00 JUDICATORIES OF THE CHURCH

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Constitution 3.30---3.35

3.30 Of Property

This section is declaratory of principles to which the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America and their antecedent church bodies have adhered from the inception of the presbyterian form of church government.

3.32 a The Cumberland Presbyterian Church is a connectional church and all lower judicatories of the church to-wit: synod, presbytery, and the particular churches are parts of that body and therefore all property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Cumberland Presbyterian Church, whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of the particular church or of a more inclusive judicatory or retained for the production of income, and whether or not the deed to the property *so* states, is held in trust nevertheless for the use and benefit of the Cumberland Presbyterian Church.

3.32b The Cumberland Presbyterian Church in America is a connectional church and all lower judicatories of the church to-wit: synod, presbytery, and the particular churches are parts of that body and therefore all property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Cumberland Presbyterian Church in America, whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of the particular church or of a more inclusive judicatory or retained for the production of income, and whether or not the deed to the property *so* states, is held in trust nevertheless for the use and benefit of the Cumberland Presbyterian Church in America.

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Property Should be Deeded to Local Presbytery

3.30 ADVISORY, 1960

We further recommend that the following additional provisions be adopted regarding the legal steps to be taken by presbyteries for the protection, transfer, or sale of church property:

(1) Church property should be deeded to the trustees of the local presbytery for the benefit and use of the local church, which local trustees will be in complete charge so long as the church remains organized.

(2) In case the local church should become disorganized through the death or removal of the officers, the presbytery should appoint some of the remaining local members of the congregation as a Board of Trustees for the preservation, protection, transfer or sale of the property.

We further recommend that the Board of Finance become the central source for advice or information for those desiring assistance or advice in regard to church property. 1960, p. 180.

(continued on next page)

- property

Constitution 3.30---3.35

3.33 Whenever property of, or held for, a particular church ceases to be used by the church, as a particular church of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America in accordance with this Constitution, such property shall be held, used, applied, transferred or sold as provided by the presbytery in which that particular church is located.

3.34 Whenever a particular church is formally dissolved by the presbytery, or has become extinct by reason of dispersal of its members, the abandonment of its work, or other cause, such property as it may have shall be held, used, and applied for such uses, purposes, and trusts as the presbytery in which said particular church is located may direct, limit, and appoint, or such property may be sold or disposed of as the presbytery may direct, in conformity with this Constitution.

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3.30 *ADVISORY continued*

Trustees Successors Appointed by Session

3.30 *ADVISORY, 1958*

With regard to the Memorial from the Elk Presbytery concerning the title to church property, it is the opinion of your committee that where church property is deeded to certain individuals as trustees for a Cumberland Presbyterian Church, and hereafter these trustees violate their trust by deeding the church property to trustees of another church, or to themselves as trustees of a church other than a Cumberland Presbyterian church, the courts of most of our states have held that property will be retained according to its original beneficial use even if it becomes necessary for the state courts to appoint trustees to preserve the property to its intended use. In such a case it would be proper for the church session to appoint successor trustees to replace these trustees who have violated their trust, and, if necessary, a presbytery may appoint such trustees for such church congregation, and when successor trustees are so lawfully appointed they may take charge of such church property and if necessary take legal action to enable them to perform their duties as such. We refer you to the 1957 *Cumberland Presbyterian Digest*, pp. 58-60, Section 11, and Biddle's *New Cumberland Presbyterian Digest*, 1920, pp. 66-69, Sections 13, 14, and 15.-- 1958, page 172.

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3.00 JUDICATORIES OF THE CHURCH

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Constitution 3.30---3.35

3.35 A particular church shall not sell, nor lease its real property used for purposes of worship, nurture, or ministry, without the written permission of the presbytery in which the particular church is located, transmitted through the session of the particular church.

"Cumberland Presbyterian" Imperative for Legal Instruments

3.30 INTERPRETIVE, 1962

The memorial from North Central Texas Presbytery concerning church names has been considered. We concur in the opinion of the Permanent Committee on Judiciary. 1962, p. 174.

The permanent committee ruled: The use of "Presbyterian Church, Cumberland" for directory or publicity purposes is not illegal. However, the use of "Cumberland Presbyterian" in deeds, legal instruments, and legal matters is imperative. 1962, p. 131.

Revision of The Form of Real Estate Deeds

3.30 ADVISORY, 1981

Recommendation 4: The committee recommends that in lieu of Recommendation 4 (p. 170, Minutes) of the Permanent Committee, the General Assembly adopt the following provision to supersede and replace the form of deed in item 1.748 of the Digest to be made a part of all deeds of conveyance:

"Every judicatory or board of the Church should consult with an attorney whenever it undertakes to buy, sell or mortgage any property.

If the particular judicatory or board is a corporation, title to real estate should be vested in the corporation by deed of conveyance in the form of deed in use in the state where the real estate is located, but if the judicatory or board acquiring the title to real estate is an unincorporated association, it is necessary that the title to the real estate be taken and held in the name of trustees, and the deed of conveyance should contain the following provision or one similar and to the same effect, and should be inserted and made a part of the habendum clause of the form of deed or forms of deeds in use for the conveyance of real estate in the particular state where the property is located to wit:

"It is further specifically provided by this deed of conveyance, to which all parties agree, that if the time should ever come when the judicatory or board of which the above named or their successors are the trustees should cease to exist or transfers its relationship to another denomination or removes itself from the denomination known as the Cumberland Presbyterian Church, then and in such event, the title to the entire property held in trust by said Trustees shall *ipso facto* pass to and vest in the then duly elected and qualified Trustees of the Presbytery of the Cumberland Presbyterian Church in which the above described real estate is located, to be held in trust for the use and benefit of the Cumberland Presbyterian Church to be used, held, applied, transferred or sold as authorized or directed by the Presbytery of the Cumberland Presbyterian Church in which the real estate is located. The Trustees then holding the title in trust shall upon demand by the Presbytery of the Cumberland Presbyterian Church in which the real estate is located, execute and deliver to the Trustees of said Presbytery a deed of conveyance to convey the real estate no longer used for the benefit of the judicatory or board of the Cumberland Presbyterian Church and in the event they should fail to execute and deliver said deed of conveyance, then in such event a judgment of a court of competent jurisdiction over said property shall be sought to declare the title to said real estate to be vested in the Trustees of the Presbytery of the Cumberland Presbyterian Church in which said real estate is located."--1981, p. 245.

4.0 SESSION

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Constitution 4.1---4.2

4.1 The session of a particular church consists of the minister in charge and elders elected by the congregation. There must be a minimum of two elders, but the actual number shall be determined by the congregation

in accordance with such rules as it may establish.

4.2 In a church which has no pastor, or in the absence of the minister in charge or of the moderator appointed by presbytery, the session may meet and transact any business.

Number of Elders Determined by Congregational Vote

4.1 INTERPRETIVE, 1987

The number of elders comprising a session is determined by vote of the congregation. 1987, p. 123.

Session May Meet in Absence of Minister

4.2 INTERPRETIVE, 1850, 1865, 1987

It is the opinion of this General Assembly that a church session has the right to meet and transact any business coming before it at its regular meetings in the absence of the pastor. 1850, p. 16.

Have the ruling elders of a congregation having a minister the authority to hold meetings for the transaction of business in the absence of said minister? We answer that they have. Though the minister is moderator of the session, yet he is not invested with power to prevent the session from convening and transacting business in his absence, whether by tardiness or intentional absence. 1865, p. 188.

The session (without a pastor or an appointed moderator) may meet to transact any business, including receiving members into the church. 1987, p. 123. {Parentheses in original}

- session meetings and quorum

Constitution 4.3---4.4

4.3 The session may be convened when two or more of its members so request. The minister in charge may convene the session at any time during or immediately following a regular service of worship and at other times by giving proper notice to session members.

4.4 A majority of the session constitutes a quorum unless the congregation has set a quorum otherwise; but any two elders, in conjunction with the minister may receive members and grant letters of dismission.

Meeting Can Be Held Wherever Convenient

4.3 INTERPRETIVE, 1961

We recommend that the memorial from Obion Presbytery be granted and that the former action of the General Assembly in 1957 restricting the meeting place of a presbytery be hereby rescinded. Each church court should feel free to meet wherever it is most convenient and comfortable for the majority of its members. Each court should follow the regular and designated way of calling its meeting regardless of where the meeting is to take place. 1961, p. 179.

Attendance By Others

4.3 INTERPRETIVE, 1977

Members of a church may attend meetings of the session, but it is not in order to "seat" them in any fashion.

There are no provisions for a visiting minister to attend a session meeting of a particular church unless he has been invited to moderate the session under conditions specified by church law. 1977, pp. 142, 189.

Session Meetings in the Absence of the Minister.

4.3 INTERPRETIVE, 2001

Except for meetings convened by the minister immediately following a service of worship, a Session may not meet unless 'proper notice' has been given to all members of the Session including the minister. "Proper notice" means either actual notice or an attempt to give actual notice which is reasonable under the circumstances, both in terms of the means used to give notice and the time between the notice and the date of the meeting. Sessions of churches which are incorporated should comply with any statutory notice provisions in the state of incorporation.

On rare occasions, it may be necessary for a Session to meet when the minister or the appointed moderator is unavailable. On those occasions, the Session may meet and transact business after notice which is proper under the circumstances. Meetings should never be called or scheduled with the intention of excluding the minister or any other member.

Elders or any other persons in a congregation are always free to assemble and to discuss church affairs, with or without the minister present. However, any formal gathering of the Session which is not called as provided above is not a meeting, and no action may be taken.

The committee feels that the above interpretation brings clarity to the proper intent of session meetings and makes the following recommendation.

Recommendation 4: That Recommendation 4 of the Permanent Committee on Judiciary, "That General Assembly concur in this interpretation and that it be included in The Cumberland Presbyterian Digest," be adopted. 2001, page 359.

Minister Counted Toward Quorum of Session

4.4 INTERPRETIVE, 1958

Concerning the memorial from Mayfield Presbytery pertaining to the quorum for a session: We concur in the Permanent Committee's opinion that a minister does count toward a quorum. 1958, p. 171.

Continued on Next Page

4.0 SESSION

40b

Constitution 4.3---4.4

Quorum of Session May Grant Letter in Absence of Minister

4.4 INTERPRETIVE, 1959

We concur in the opinion of our Permanent Committee on Judiciary which reads:

"A legal quorum of elders present may receive members by transfer of letter and give letters of dismission, but in the event a legal quorum is not present, a minister and at least two elders must be present to transact such matters of business." 1959, p. 169.

Whole Session To Be Convened, If Possible, for Receiving and Granting of Letters

4.4 INTERPRETIVE, 1944

1. Is *it* legal and proper for two elders to meet and grant letters of dismission without the knowledge of the remaining members of a church session, when the majority of the church session could be assembled *in a short time*?

2. Should letters of dismissal granted by two elders and a minister be issued by the regularly elected and acting clerk of the session when he is easily accessible or may two elders and a minister elect or designate one of the elders to act as a clerk for the purpose of issuing such letters? •

It is the opinion of our committee that...the Confession of Faith is sufficiently clear on these items; therefore, your committee simply answers both questions with the answer, "No."

Your committee sees where it is possible to abuse said item of the Confession of Faith, and therefore we humbly suggest that at all times and on all occasions that *all* elders and servants of the church in official capacities be respected. 1944, p. 137.

4.0 SESSION

41

Constitution 4.5a---4.5e

4.5 The session is charged with pastoral oversight of the particular church and has the responsibility to:

a. Call a pastor (also an associate/assistant pastor) subject to the approval of presbytery; *(Form for issuing a call to a pastor or associate/assistant pastor, see Constitution, Appendix 4.)*

b. Receive members into the church;
c. Resolve questions of doctrine and discipline in the congregation;
d. Admonish or suspend members found guilty in a disciplinary hearing, subject to appeal to presbytery;
e. Urge upon parents the importance of presenting their children for baptism;

Pastors Serving in Armed Forces Reserves to Execute Agreements

4.5a ADVISORY, 1986.

Chaplains...serving in the Armed Forces Reserves are subject to mobilization (possibly immediately) by the Armed Forces. The Council, therefore, continues to recommend that pastors who also serve in this reserve capacity execute agreements with their individual congregations to cover this contingency. 1986, p. 216. (Parentheses in original)

Baptism of Infants, Duty of Parents

4.5e ADVISORY, §845.

In the judgment of this General Assembly it is the duty of parents professing godliness to have their children baptized. 1845, p. 285, **MSS.**

Baptism of Infants, Duty of Ministers and Elders

4.5e ADVISORY, §897.

The Constitution makes it the duty of ruling elders to urge upon parents the importance of presenting their children for baptism. It is hardly necessary to say in this connection that it is the duty of the minister in charge of a church to indoctrinate his people on this subject.

We recommend that you call the special attention of your presbyteries to the dereliction of parents in this matter and to the importance of instructing their ministers to impress upon the people their duty. Ruling elders, too, should be made to feel a responsibility for any neglect of this important matter in their various churches. 1897, pp. 45-46.

Baptism of Infants, Belief Not Required

4.5e INTERPRETIVE, 1946.

Although the words "infant baptism" are not to be found in the Bible, the Cumberland Presbyterian Church regards infant baptism as a Bible doctrine, basing its belief on the inferences thereof concerning infants.

However, it is the sense of your committee that one who does not accept this doctrine has not committed an offense against the church doctrine which would call for his excommunication. 1946, p. 125.

- duties of session
(administration/education)

42

4.0 SESSION

Constitution 4.5f---4.5i

4.5 [The session is charged with pastoral oversight of the particular church and has the responsibility to:] (cont.)

f. Grant letters of dismissal, which when given for parents shall always include the names of their baptized children;

g. Ordain and install elders and deacons when elected and require these officers to

devote themselves to their responsibilities;

h. Examine the proceedings and supervise the work of the deacons;

i. Establish and give oversight to church schools, Bible classes, fellowship and other organizations within the church, with special attention being given to nurture of the children;

Church School and Bible Classes Under Direction of Session

4.5i INTERPRETIVE, 1889, /897, 1976.

We recommend that this General Assembly emphasize to the presbyteries, and through them to the congregations, the fact that all Sabbath schools should be under the care of church sessions, and that the sessions should assume and maintain the control of the schools. 1889, p. 46.

Your committee has had the question referred, "Who shall control Sunday Schools?" The Constitution says the church session is to establish and control Sabbath-schools." We recommend that you construe this to mean that the session has the right to control the Sunday school in all particulars, as it does any other department of church work." 1897, p. 45.

It is our belief that the key to a strong and effective Christian education program in the local congregation is strong leadership. Leadership is available in our congregations, but Christian education usually receives a low priority when assigning or electing persons to leadership roles in the churches. We believe that no work of the church is more important than Christian education and that churches ought to consider assigning top quality leadership to those functions which are for purposes of Christian education.

The most effective leadership in each congregation is usually concentrated in the session.

Recommendation 13: That General Assembly encourage presbyteries to remind the elders of the various churches of their responsibilities for the doctrines and conduct of the members under their care, and for the establishing and control of church schools and Bible classes. 1976, p. 189.

Christian Education Curriculum, Session Responsibility

4.5i INTERPRETIVE, 1965.

Recommendation: We recommend that pastors and church sessions assume and fulfill their responsibilities in helping our congregations to have a good curriculum of sound Christian education. 1965, p. 200.

4.0 SESSION

43

Constitution 4.Sj

4.5 [The session is charged with pastoral oversight of the particular church and has the responsibility to:] (cont.)
j. Encourage the stewardship of church

members, order and supervise collections for Godly purposes, and in general, oversee the finances of the church;

Financial Support of Members Required

4.5j *ADVISORY*, 7g53_

Resolved, that each session and presbytery be, and is hereby recommended and required, by reasonable and proportionate assessment, or otherwise, as they may deem best suited to their circumstances, to bring every member of each congregation to bear a part in meeting the current expense of the congregation and to aid the general enterprises of the church. 1853, p. 79.

Session to Review Pastor's Salary Annually

4.5j *ADVISORY*, 1969.

That each church session give due consideration each year to the pastor's salary in light of living conditions in the community. 1969, p. 201.

Finance Committee May Recommend Salary Raises

4.5j *INTERPRETIVE*, 1987.

A Board of Finance of a local church has the right to make recommendations to the session regarding salary raises of the church's employees. 1987, p. 123.

Promotion of Planned Gifts Recommended

4.5j *ADVISORY*, 1993.

That the General Assembly urge each congregation to recognize the importance of promoting planned gifts as a part of its overall nurture of Christian stewardship among its members. 1993, p. 265.

- duties of session
(worship/mission)

44

4.0 SESSION

Constitution 4.5k---4.5l

4.5 [The session is charged with pastoral oversight of the particular church and has the responsibility to:]

k. Assemble the congregation and provide

for worship when there is no minister;

1. Initiate and coordinate the best measures for promoting and extending the work of the church;

Laypersons Can Be authorized to Conduct Public Worship

4.5k]INTERPRETIVE, 1892.

Your committee therefore are of the opinion that a presbytery has the right to authorize laymen to hold such public services, in other words, to grant to laymen the license implied in the Constitution and in this sense has a right to license "exhorters" or "lay preachers" and they recommend that this General assembly make a deliverance in accordance herewith, 1892, p. 25.

Elders' Service as Lay Leaders in Other Congregations

4.5k INTERPRETIVE, 1988.

(See Constitution 2.71, INTERPRETIVE, 1988.)

Ministers of Other Denominations May With Approval Serve Communion

4.5k]INTERPRETIVE, 1987

An ordained minister, although of another church, may serve the Lord's Supper in a Cumberland Presbyterian church, provided this minister has been approved by a judicatory (that is, a presbytery) of the church. 1987, p. 123,216.

4.5k INTERPRETIVE, 2013

That Recommendation 1 of the Report of the Permanent Judiciary Committee, "That General Assembly's 1987 ruling allowing ministers of other denominations, with presbyterial approval, to serve communion in Cumberland Presbyterian congregations (see Digest, 4.5.k Interpretive, 1987), be rescinded," be adopted. 2013, p.258,452

4.5k]INTERPRETIVE, 2016

An ordained minister, although of another denomination, may serve the Lord's Supper in a Cumberland Presbyterian Church, PROVIDED this minister has submitted to the appropriate training in Cumberland Presbyterian theology and conducting of the Sacrament, AS WELL AS having been approved by presbytery and PROVIDED the presbytery continues oversight of this non-Cumberland Presbyterian minister serving one of its churches. 2016, p. 319

Support for American Bible Society

4.5TiJ.DVISORY, 1965.

We call attention to the observance of the 150th anniversary of the American Bible Society in 1966.

Recommendation: We recommend that each church, in keeping with the action of the 1964 General Assembly, put an item in its budget, or take an offering on Universal Bible Sunday in 1966, for the American Bible Society, 1965, p. 183.

Missions Committee to be Appointed

4.5l]ADVISORY, 1968.

We recommend that each local church establish a missions committee. 1966, p. 180.

4.0 SESSION

Constitution 4.5m

4.5 [The session is charged with pastoral oversight of the particular church and has the responsibility to:] (cont.)

m. Elect representatives to the higher

church judicatories, and require on their return a report of their diligence and the decisions of the judicatory;

Rotated Elder Cannot be Representative to Higher Judicatories

4.5 m INTERPRETIVE, 1955.

A memorial from McAdow Presbytery asks about the status of a rotated elder such person shall not be eligible to represent his church at presbytery, synod, or the presbytery at the General Assembly. 1955, pp. 181-182.

Representative Not Compelled to Vote as Instructed

4.5 m INTERPRETIVE, 1873.

Is a ruling elder, when sitting as a member of presbytery, bound to vote according to instructions given by the session that appointed him, upon the questions of approval or disapproval of constitutional amendments proposed by the General Assembly to the presbyteries, or has a church session the right to instruct in such a case:

Answer: In representative governments the people have the right to instruct their representatives, who are under obligations to obey; but we know of no law of this church which imposes like obligations upon representatives. 1873, p. 30.

Representative Should Vote Will of Body Electing

4.5m INTERPRETIVE. 1952.

It appears to this committee that it is a reasonable and altogether tenable assumption that since our form of government is a representative one, all officers of any of the church courts of the denomination are under definite obligation to reflect the known desire or will of those whom they represent. Such officers are chosen to "represent" (to speak and act for, by delegated authority) their constituency and not to voice their personal views or desires. The church session should be acquainted with the will of its congregation and be governed thereby, except in such cases where such will would be harmful to the best spiritual interests of such congregation. The presbytery, synod or General Assembly ascertains the minds of the people through the representatives chosen to represent them in these various courts, and it is presumed that the elders representing the congregations and the pastors or ministers, know the wishes of the majority, and truly speak the voice of that majority--in other words, that they truly express the "wishes" of those whom they represent.

The General Assembly of 1873 held:

"In representative governments the people have the right to instruct their representatives, who are under obligations to obey; but we know of no law of this church which imposes like obligations upon representatives."

We are of the opinion that, although there is no constitutional or statutory law requiring it, the sense of moral obligation would require that a "representative" truly and accurately "represent"; that he should speak and vote the mind of those whom he represents. Any other conception of duty on the part of representatives is wholly repugnant to, and destructive of the true concept of representative government. The representative of a church session to presbytery is not merely an individual. The session and congregation are in presbytery in his person. His is the voice and vote of the people whom he represents. A commissioner to the General

Assembly is not merely an individual. He is the presbytery; the presbytery is present in the Assembly in his person. 1952, pp. 124, 125, 152.

Representative Not in Harmony With Body Elected Should Resign

4.5m ADVISORY, 1899.

(See Constitution 5.6t, ADVISORY, 1899.)

(Continued on next page)

- duties of session
(worship/mission)

45a

4.0 SESSION

Excusing elders from attendance at presbytery

4.5m *INTERPRETIVE*; 2002

The presbytery is made up of the ordained ministers and the elders elected by the sessions within a prescribed area. It is the opinion of the Permanent Committee on Judiciary that since elders are elected to represent the session at the meeting of the judicatory, excuses for non-attendance should come from the session. (Editor's note: Presbyteries excuse sessions, and sessions excuse their own elected representatives) 2002, pp. 170, 171

- duties of session
(carry out injunctions)

46

4.0 SESSION

Constitution 4.5n

4.5 [The session is charged with pastoral oversight of the particular church and has the responsibility to:] (cont.)

n. Observe and carry out the injunctions of the higher judicatories.

Congregation to Review General Assembly Minutes

4.5n ADVISORY, i969.

That the Assembly concur in the recommendation that the Minutes of the General Assembly should be reviewed before each congregation, and that the Stated Clerk be responsible for calling this re-emphasis to the attention of the churches. 1969, pp. 180-181.

Lower Judicatories to Review General Assembly Minutes

4.5n ADVISORY, 1975.

One means of strengthening the synods, presbyteries, and local churches is to implement the General Assembly standing rule G-3:

"Each church court (synod, presbytery, and church session) should study the minutes of the Assembly in order to implement actions and programs into lower courts. Any errors should immediately be called to the attention of the Stated clerk."

We recommend this rule be carried out at every judicatory level. 1975, p. 214.

4.00 SESSION

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Constitution 4.6--4.7

4.6 The session may designate one elder who, when authorized by the presbytery, may administer the sacrament of the Lord's Supper to the congregation.

4.7 The members of the session, excluding the minister, are the trustees of the church. They shall hold title to the property of the church and shall execute all transactions required by civil law. If it seems desirable the session may elect a smaller number of persons to serve as trustees. In this instance the

trustees may act only as specifically authorized by the session. The tenure of office of such trustees may be for an indefinite period or for definite terms on a rotation basis.

4.8 Each session shall keep an accurate record of its proceedings which must be submitted to presbytery, at least annually, for review. Each session shall also keep a record of congregational meetings, of marriages, of baptisms, of additions, and of the death and dismissal of church members.

Nature and Scope of Authority of a Commission Appointed to Govern a Church

4.6 INTERPRETIVE, 1996

Recommendation 2: If the members of the session also constituted the board of trustees, then the commission constitutes the board of trustees. If there are separately elected trustees, then the commission may continue them in office or elect new trustees if necessary.

Recommendation 3: If the duty [to authorize loans and mortgages] was set forth when the commission was established or the commission was subsequently authorized to do so, it may. Otherwise, it may not. 1998, p. 315.

Elders as Communion Celebrants

4.6 INTERPRETIVE, 2003

The elder designated by the session must be an active elder of the particular church where the Lord's Supper is to be served. The elder chosen must be trained by the Committee on the Ministry of the presbytery, and the one chosen must serve under the authority of an ordained Cumberland Presbyterian Minister. The period of service is granted for one year. 2003, p. 175.

Inefficient Clerks to be Removed

4.7 ADVISORY, 1889.

Whereas, it is very important that the true statistics of the church should be obtained, and whereas, this work cannot be accomplished unless the stated clerks of presbyteries and the clerks of church session will do their whole duty; therefore,

Resolved, 1. That it shall be made the imperative duty of the Stated Clerk of the General Assembly to report to presbyteries the names of the clerks of church sessions who fail to discharge their obligations in this particular, and that the presbyteries be directed to urge upon church sessions the removal of their inefficient clerks of sessions and the appointment of faithful ones in their stead. 1889, p. 52. Reaffirmed 1891, 1897, 1899, 1922.

Statistical Forms and Records Requested by General Assembly

4.7 ADVISORY, 1852, 1853, 1877, 1884.

Resolved: That the Stated clerk be, and he is hereby, instructed to prepare blanks that will enable the churches to make full and complete reports to the presbyteries, the presbyteries to the synods, and the synods to the General Assembly. 1852, p. 20.

Resolved: That the several presbyteries be and are hereby recommended to furnish themselves with blank forms of reports, printed as per order of the Assembly, and make their annual report to the Stated Clerk of the Assembly at an early period after the meeting of the presbytery next preceding the Assembly. 1853,

5
p. Resolved: That the Stated Clerk have published with the Minutes a statistical report, whenever he may be able to secure one which may be approximately correct; and whenever necessary to do so, he will place himself in direct communication with the church sessions. 1877, p. 35.(continued next page)

- annual reports

Resolved: That this General Assembly ask the presbyteries throughout the church to demand of their stated clerks full and complete statistical reports from the congregations within their jurisdictions. 1884, p. 34.

Stated Clerk of General Assembly to Complete Blank Reports Where Able

4.7 INTERPRETIVE, 1926.

In response to the memorial from Talladega Presbytery concerning church statistics, we recommend that the Stated Clerk of the General Assembly be instructed to fill up the reports of any churches which fail to report, using for this purpose the latest figures he can obtain and making use of any other available and reliable information he may possess. 1926, p. 124.

Pastors to Assist In and Certify Annual reports

4.7 INTERPRETIVE, 1936, 1963.

Therefore be it resolved, that Owensboro Presbytery memorialize the 1937 General Assembly to instruct the pastors of the several churches to aid and assist the session clerks in making their annual report, and that the data assembled shall be correct as far as possible. Granted. 1937, p. 42.

We the Princeton Presbytery, memorialize the General Assembly to authorize the Stated Clerk of the General Assembly to provide a place on the annual congregational report for the pastor to certify that he has examined the report, and that it is correct to the best of his knowledge. We recommend that the request in the memorial from Princeton Presbytery be granted. 1963, pp. 170, 193.

5.0 PRESBYTERY

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Constitution 5.1

5.1 A presbytery consists of the ordained ministers and the elders elected to represent the session of the churches within a prescribed area. Presbyteries may be organized on the basis of geographical boundaries or, where the prosperity and enlargement

of the church would justify it, on the basis of a common language other than English. Ordinarily, non-geographical presbytery may overlap the bounds of geographical presbyteries.

Ministers Members of All Meetings of Presbytery

5. / INTERPRETIVE, 1933, 1961.

Is a minister who is otherwise eligible for membership in a presbytery or non-delegated synod, but who, for any cause, fails to attend the preceding stated meeting of the body, barred from sitting as a member of the body at called meeting thereof?

Answer: No. A minister is a member of his presbytery and synod and cannot be barred from any of its meetings. 1933. p. 110.

The memorial from the Logan Presbytery has two parts. The second question includes the seating of a minister who is already a member of the presbytery. His name only has to be called to determine his presence or absence. 1961, p. 179.

Ministers Not Members of Local Congregations

5.1 INTERPRETIVE, 1908.

In the matter of the memorial from Foster Presbytery, your committee recommend that the General Assembly affirm and approve the construction of the law as contained in the following resolution adopted by that presbytery:

Resolved: That it is the sense of this presbytery that an ordained minister in the Cumberland Presbyterian Church cannot legally be a member of any local congregation or "particular church" and that no church session is authorized either to receive such minister to membership or to grant letters to ordained ministers as church sessions have no jurisdiction over them. 1908, p. 79.

Members Should Attend

5.1 ADVISORY, 1815

No excuse for non-attendance shall be deemed good, unless it be embraced by what is called a providential hindrance. Minutes of Cumberland Synod, 1815.

Presbytery's Right to Deal with Delinquent Members

5.1, ADVISORY, 1841.

Presbyteries have the right to call on all delinquent members and deal with them. 1841, p. 710. MSS.

Presbyterial Membership Transferred with Change of Boundaries

5.1 INTERPRETIVE, 1865.

Your committee appointed on the minutes of Iowa Synod would report that they have examined the minutes of that synod of September 1863, and find that by a resolution of that body, the membership of Rev. Wm. Lynn was changed from Iowa to Oskaloosa Presbytery without changing the boundaries of those presbyteries. This in the opinion of your committee is a departure from our Book of Discipline. We can conceive of very extreme circumstances when such action is justifiable, but in such cases an account of the circumstances should be spread upon the minutes. 1865, p. 173.

- presbytery membership

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5.0 PRESBYTERY

Excusing elders from attendance at presbytery

5.1 INTERPRETIVE, 2002

The presbytery is made up of the ordained ministers and the elders elected by the sessions within a prescribed area. It is the opinion of the Permanent Committee on Judiciary that since elders are elected to represent the session at the meeting of the judicatory, excuses for non-attendance should come from the session. (Editor's note: Presbyteries excuse sessions, and sessions excuse their own elected representatives)

2002, pp. 170, 171

ministers may be members of
other denominations

5.0 PRESBYTERY

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Constitution 5.2

5.2 A minister of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America who has become a minister of a larger parish composed of denominational units, at least one of which is associated with another church; a minister of a union church; a minister for a limited time of a congregation of another church; or a professor of religion in a college or seminary of another church, may with the approval of the presbytery, accept for a period of such

service, ministerial membership in another denomination or denominations. Such additional membership, in whatever manner conferred, shall not alter said minister's status as a minister of the Cumberland Presbyterian Church/ Cumberland Presbyterian Church in America or terminate or modify any of the solemn obligations which the minister assumed by giving affirmative answer to the questions put by the presbytery at the time of ordination.

Dual Membership by Ministers Allowed Only as Provided in Constitution

5.2 INTERPRETIVE, 1985.

A minister cannot hold dual membership in the Cumberland Presbyterian Church and a church with which we have a reciprocal agreement except as provided in Sections 5.2 and 5.3 of the Constitution of the Cumberland Presbyterian Church. 1985, p. 230.

Now, therefore, in recognition of their respective interests, the Cumberland Presbyterian Church and the Cumberland Presbyterian Church in America enter into the following agreement:

1. RECIPROCAL AGREEMENT. In accordance with Sections 5.2 and 5.3 of the Constitution, each of the Cumberland Presbyterian Church and the Cumberland Presbyterian Church in America (referred to as a "Receiving Body") agree that duly ordained ministers of the other body (The "Ordaining Body") (a) may be invited and approved for temporary service in the Receiving Body and (b) may be invited and installed for ministry in the Receiving Body, all on the terms and conditions of this Reciprocal Agreement and in accordance with the Constitution.

2. TEMPORARY SERVICE. A minister of the Ordaining Body may be invited and approved and installed for temporary service in a Church of the Receiving Body;

- a. An invitation for service is extended to a minister of the Ordaining Body by the supervising judicatory of a Church in the Receiving Body;
- b. Upon presentation of proper credentials from the Ordaining Body, the Receiving Body may approve temporary ministerial service in a Congregation of the Receiving Body;
- c. The Presbytery of the Receiving Body approves temporary ministerial Service by the minister in the Church of the Receiving Body and grants to the minister temporary membership or participation in the presbytery of the Receiving Body, along with any temporary rights and privileges of such membership; including the right to serve as a commissioner to the General Assembly of either body, serving on boards and agencies of various judicatories, however, the minister may not be elected to the position of Moderator or Stated Clerk of the General Assembly of the Receiving Body.
- d. The minister accepts temporary membership or participation in the Presbytery of the Receiving Body for the duration of the service;
- e. The minister remains a member of the Presbytery of the Ordaining Body, and is subject to the jurisdiction and discipline of the Ordaining Body, and willingly subjects him/herself to the disciplinary process of the Receiving Body; (e.g. The Receiving Body must approve and dissolve the service of a minister in a particular church, (7.06), however, only the Ordaining Body can remove the minister's credentials through the proper disciplinary process)

- ministers may be members of other denominations

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5.0 PRESBYTERY

f. Although it has jurisdiction over the minister, the presbytery of the Ordaining Body does not have jurisdiction -of the Church of the Receiving Body in which the temporary ministerial service is performed.

g. If the temporary ministerial service requires the minister to live outside the boundary of the presbytery of the Ordaining Body in which the minister is a member, in accordance with Section 6.4 of the Constitution, the minister must have the consent of the Synod in which such presbytery is located. (6.52)

3. INTERPRETATION. This Reciprocal Agreement shall be interpreted and implemented in a manner that is consistent with the Constitution.

4. ADOPTION; EFFECTIVE DATE; TERMINATION. This Reciprocal Agreement Shall be effective when approved and adopted by both the General Assembly of the Cumberland Presbyterian Church and the General Assembly of the Cumberland Presbyterian Church in America, as evidenced by the minutes of each such body, and upon receiving such approval and adoption. Each of the General Assemblies of the the Cumberland Presbyterian Church and the Cumberland Presbyterian Church in America shall have the unilateral right to terminate this Reciprocal Agreement by appropriate action by their General Assembly.

5.0 PRESBYTERY

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Constitution 5.3

5.3 A minister of another church with whom the General Assembly has a reciprocal agreement whose ecclesiastical relations have been certified by that church, who has become the minister of a congregation or of a larger parish composed of denominational units, at least one of which is associated with this church, a minister of a union church or a minister of a church outside of the United

States with whom the General Assembly has a reciprocal agreement who is serving in a ministerial capacity in this church, including employment as a professor in a college or seminary of this church, may be enrolled for the period of such service as a member of the presbytery and have temporarily the rights and privileges of such membership.

Reciprocal Members of Presbytery

5.3 ADVISORY, /984.

That ministers of other churches who hold membership in Cumberland Presbyterian Church presbyteries by reciprocal agreement be designated reciprocal members. 1984, p. 194.

Reciprocal Members of Presbytery Must Actually Perform Ministerial Duties

5.3 INTERPRETIVE, /985, /988.

The title "pastor emeritus" is an honorary title and in order for a minister of another church to be enrolled in a presbytery of the Cumberland Presbyterian Church and have the rights and privileges of such membership the minister must be serving in a ministerial capacity in the union church and that such service must relate to a duly established relationship carrying the obligation to actually perform ministerial duties. 1985, p. 230.

Dual Membership by Ministers Allowed Only as Provided in Constitution

5.3 INTERPRETIVE, [985].

(See Constitution, 5.2 INTERPRETIVE, 1985.)

Minister Retired from Union Congregation, Status of

5.3 INTERPRETIVE, (988).

What is the status of a minister serving in a union congregation when that minister retires?

When the status of retirement is requested by a minister serving in a union congregation, the presbytery of the denomination of the pension program in which the minister is enrolled shall be the resident membership of the retired minister. It is expected that both presbyteries of the union congregation will celebrate the life and ministry of the retiree and approve the dissolution of the call and transfer the minister to the appropriate presbytery. 1988, pp. 184- 185.

Ministers Serving Union Congregations Hold Members/tip in Both Presbyteries

5.3 INTERPRETIVE, /988.

Where will the membership of ministers serving union congregations be?

In both the local presbytery of the Cumberland Presbyterian Church and the presbytery of the Presbyterian Church (U.S.A.). When the union church pastoral relationship is dissolved, the minister shall return to single membership in the presbytery of call. 1988, p. 184.

Clerk to Pursue Establishing Reciprocal Agreements

5.3 ADVISORY, 1991.

We concur in recommendation 2 "That the Stated Clerk take the initiative in pursuing reciprocal agreements with those denominations named by the General Assembly." 1991, p. 264.

- representation at presbytery

Constitution 5.4---5.5

5.4 The session of every particular church shall be entitled to one or more representatives in the presbytery. In a particular church having an active membership of 1 to 300, the session shall be entitled to send one elder as its representative to presbytery; in a particular church having an active membership of 301 to 600, the session shall be entitled to send two elders as representatives to presbytery, and the basis for representation

shall continue in the above proportion. Elder representatives may be required to give proper evidence of their election by the session they represent.

5.5 The presbytery, having met at the time and place appointed, may proceed to business provided a quorum of four persons (ministers and session representatives) are present, including at least one minister and one elder.

Representative Seated After Church is Received

5.4 INTERPRETIVE, 1860.

The Iowa Synod held that the Des Moines Presbytery had acted with "irregularity in receiving an elder as a representative and electing him as a clerk of Des Moines Presbytery before his congregation was taken under the care of presbytery." On appeal to the Assembly, the synod was sustained. 1860, p. 72.

Each Church in a Parish Entitled to Representation

5.4 INTERPRETIVE, 1887.

Your Committee on Minutes of the Synod of Pennsylvania report that we have examined the same, and find them well arranged, in good order, and in the main in accordance with your Constitution.

On page eighteen we find what we consider a departure from the teaching of your book:

That where two or more congregations are confederated together under the care of one minister, as pastor or supply, their right to representation in their individual capacity is conceded to the confederation, and while thus united are entitled to but one representative.

1. We think this action of the synod tends to an unequal distribution of power among the churches, allowing the pastor of one church equal power with the power of two or more churches.

2. We do not believe an elder can represent a congregation in synod, of whose Board of Elders he is not a member. 1887, p. 21.

In Exceptional Cases Presbytery Can Seat Elder Not Elected by Session

5.4 INTERPRETIVE, 1895.

The law of our church requires the appointment or election of delegates to presbytery, but the committee do not now undertake to declare that there may not be exceptional instances that would make it proper for the presbytery to accept other evidence of the right of an elder to represent his congregation. 1895, p. 42.

Representation Prerequisites Can be Established

5.4 INTERPRETIVE, 1961.

We concur in the Permanent Committee's opinion that a presbytery does have the authority to make the payment of presbyterial dues a prerequisite for a congregation's representation in a presbyterial meeting. The memorial is answered in the affirmative. Each presbytery can make its own standing rules and can establish its own regulations within the framework of the Constitution. 1961, p. 179.

Representation of Union Congregations Based on Members/ship Reported in Yearbook

5.4 INTERPRETIVE, (1983).

A union congregation's right to representation in presbytery and synod (s) based upon that part of its membership which is listed in the Yearbook of the Cumberland Presbyterian Church. 1983, p. 260. (Editor's parentheses)

- representation at presbytery

5.0 PRESBYTERY

52b

Constitution 5.4---5.5

Representation of Church Under the Jurisdiction of a Commission
5.4 INTERPRETIVE, 1998.

We recommend that the answer to question 4.g. (Does such a commission[commission appointed to govern a church] have the authority to elect one of its members to represent the church at a meeting of presbytery? The [permanent] committee says: no) be the following:

Recommendation 4: No, a church under the jurisdiction of a commission cannot be officially represented at a meeting of presbytery. 1998, p. 316.

5.0 PRESBYTERY

53

Constitution 5.6a

5.6 The presbytery is charged with pastoral oversight and has the responsibility to:

a. Receive, examine, dismiss, and license candidates and ordain them to the ministry.

Records of Preparation for Ordination Put in Minutes

5.6a INT Ed RETIJTE. 1964.

That the memorial from Hopewell Presbytery concerning the records of preparation for ordination be granted. Further, that the presbyterial committees on the ministry be charged with this responsibility, and that they include this information in their reports to presbyteries; and that the new Commission on the Ministry be charged with giving direction to presbyteries on how these records should be kept.

Memorial from the Hopewell Presbytery Concerning Presbyterial Records of Preparation for Ordination

Whereas, the ordination to the full work of the gospel ministry is a matter of great importance to the church both locally and universally, and

Whereas, the Cumberland Presbyterian Church has increasingly given emphasis to the importance of the ministry and preparation thereof, and

Whereas, both the integrity and the effectual witness of the whole church is called into account in the solemn rite of ordination to the gospel ministry, and

Whereas, the presbyteries are the authenticating and ministering court of the church in granting ordination;

Therefore be it resolved: First, that the presbyteries be instructed to make full record of procedures leading to each ordination. Such records shall include a resume of the probationer's "in care history" from reception under the care of the presbytery to ordination; and a clear account of the manner in which the probationer has satisfied the requirements of the Cumberland Presbyterian Church for ordination. 1964, p. 149.

Format for Reporting Licensures and Ordinations

5.6a ADVISORY. 1974.

That the following format be used by all presbyteries and synods in their minutes in the reporting of licensures and ordination.

Reporting of Licensures and Ordinations

Licensures

- _____
(Name of new
licentiate)
1. Note whether the licentiate graduated from Bethel College or some other institution approved by the presbytery.
 2. Note whether the licentiate was given a waiver and state reasons for the waiver.

Ordinations

- _____
(Name of the one
ordained)
1. Note whether the person being ordained graduated from Memphis Theological Seminary or some other institution approved by the presbytery, or completed the Program of Alternate Studies.
 2. Note whether the person being ordained was given a waiver, and state reasons for waiver.

If no licensures or ordinations are made during the reporting year, the following format should be used by presbyteries and synods.

"The _____ presbytery/synod reports NO licensures or ordinations during the past year." 1974, p. 199.

- duties of presbytery
(ordain ministers)

Ministers Ordained Only by Process of Trial and Licensure*5.6A INTERPRETIVE, 1858.*

There are but two ways by which a man can become a member of a presbytery: 1) By regular process of trial, licensure, and ordination, whereby he is constituted a minister of Jesus Christ; 2) By a letter of dismission and recommendation from one presbytery to another.

To constitute a man a minister of Christ and clothe him with full ecclesiastical authority by a simple declaration or resolution is wholly unknown to the Constitution of our church and is without precedent. 1858, p. 19.

Ordination of Persons Called to Union Congregations*5.6a INTERPRETIVE, 1988.*

How are ordinations of persons called to union congregations to be performed?

Ordination is to be performed by one of the participating presbyteries. Upon accepting the ordained minister into membership, other participating presbyteries grant the minister the full rights and privileges and thus he/she becomes a full member for the duration of service in the union congregation. Only a union presbytery could ordain to more than one church and in such instances participation in benefits programs of one but not more than one church must be declared by the minister. The responsibility to exercise discipline is a requirement of all presbyteries of which a minister is a member. Accepting the discipline of the presbytery is assumed in accepting membership in the presbytery. 1988, p. 184.

[See Also Pertinent Ruling on Receiving and Granting Letters in Constitution 5.06b.]

Internship/Supervised Ministry to be Instituted for Ministerial Candidates*5.6a ADVISORY, [1995].*

That there be an institution of an internship/supervised ministry for the ministerial candidates with presbyteries being responsible for implementation and oversight. 1995, p. 302.

5.0 PRESBYTERY

55

Constitution 5.6b

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:] (cont.)
b. Receive, dismiss, install, remove, and dis-

cipline ministers; (Forms for Dismission and Reception of Ministers, see Constitution Appendices 5 and 6, respectively.)

Reception and Dismissal of Ministers are Acts of Presbytery

.5.6b INTERPRETIVE, 1880, 1897.

Your Committee on the Minutes of Ohio Synod would report that we have had in our hands the records of 1878 and 1879. We find in them no record of a departure from our standards except that the synod authorizes the stated clerk of the Muskingum Presbytery to receive and enroll as a member of said presbytery any one presenting to him a letter of dismission and recommendation. This your committee thinks is not Presbyterian. 1880, p. 16.

A great deal of looseness has grown up on account of presbyteries' directing their clerks to give letters "if called for," and by receiving ministers "on the faith of a forthcoming letter," as shown by the report of the Stated Clerk, it appearing that eight ministers are reported, each being a member of two presbyteries at the same time. This practice is clearly contrary to the law. In 1880 the Assembly held that the stated clerk of a certain presbytery could not "receive and enroll as a member of said presbytery any one presenting to him a letter of dismission and recommendation."

If a clerk cannot "receive and enroll," he certainly cannot issue a letter "if called for." The one calling for a letter on such conditions is either a member of the presbytery when it adjourns or he is not. If he is not, there *could* arise no occasion later for his calling for a letter. If he is a member of the presbytery on its adjournment, the granting of a letter by the stated clerk is not a presbyterial act, and hence contrary to the law. 1897, p. 44.

Authority of Minister in Presbytery Ceases When Letter Granted

.5.6b INTERPRETIVE, 1948.

From Little Rock-Burrow Presbytery:

When does a minister's official authority cease in a presbytery; upon the moment the presbytery votes to grant the letter, or upon the letter having been placed in his hands by the stated clerk?

Since it requires the vote of the presbytery to receive or constitute a minister a member of the body, we think it is the vote of the presbytery which terminates such membership and not the writing or delivery of the letter into his hands by the clerk. The letter is not his membership, but only testimony he had been a member and is entitled to favorable consideration for membership wherever he may apply. 1948, pp. 11, 145.

Letter of Minister Granted by Vote to Grant, Not Promise to Grant

.5.6b INTERPRETIVE, 1948.

Does a presbytery grant a letter when it votes upon the request of a member that he "be granted a letter at the close of the meeting of presbytery"?

The presbytery, having *not* granted it *will* grant it a letter at a given time in its proceedings, does not grant the letter. It is only a promise to do so. To fulfill the promise, a vote to (now) grant the letter would be necessary. 1948, pp. 111, 145. (Parentheses in original)

Letter Over One Year Old Not Valid

.5.6b INTERPRETIVE, 1948.

The letter granted to a minister may not be used as evidence of good standing after twelve months from its date of issue. ...When holding a letter which is more than one year old he should present same to the presbytery granting the letter and furnish satisfactory evidence of his good conduct during the period of his lost membership. If he cannot conveniently be present at a meeting of the presbytery granting said letter and desires to become a member of another presbytery, he should present his letter with satisfactory statement and evidence of good moral standing and may then be received on probation, but his previous ordination *will* be recognized as valid. 1930, p. 125.

- duties of presbytery
(dismiss ministers)

Letter Over Two Years Old Does Not Demit from Ministry

5.6b INTERPRETIVE, 1901.

We recommend that you further declare that there is no provision in our organic law making the holding of a letter for two years operate as a demission from the ministry, nor has the General Assembly any power to make it so operate, except in conjunction with the presbyteries, by amending the organic law. 1901, p. 56.

Jurisdiction Over a Dismissed Minister

5.6b INTERPRETIVE, 1859, 1930.

Is a minister, while holding a letter, under the jurisdiction of the presbytery which gave such letter?

Your committee are of opinion that a minister in such a case is amenable to the presbytery granting the letter.

Is the holder of such a letter to be considered a member of the presbytery which granted the letter?

Your committee are of opinion that when such minister is dismissed from presbytery he has no further right as a presbyter in its council. 1859, p. 40.

A presbytery has control over its congregations and ministers. A minister holding a letter of dismission from a presbytery is amenable to said presbytery until he becomes a member of another presbytery by due process and has no rights or privileges that may receive recognition by a presbytery until he shall have re-established his membership. 1930, p. 125.

Cooperation in Transfer of Ministers

5.6 ADVISORY, 1995.

"That presbyteries cooperate with one another when ministers in the Cumberland Presbyterian Health Insurance Program transfer between presbyteries and follow the predominant procedure that is now in use: that is, the presbytery where the minister is employed for the most days pays the premium for the month in which the transfer occurs; and, when the days of employment for a month are equal in both presbyteries, the presbytery that the minister is leaving pays that month's premium." 1995, p. 292.

Ordained Ministers Transferring Presbyteries

5.6b INTERPRETIVE, 2007.

As part of its responsibility to receive ministers and to exercise oversight of the ministers under its jurisdiction, a presbytery, may by negative vote, decline to accept a minister from another presbytery even if the minister was dismissed from the previous presbytery in good standing. **A** is advisable for the receiving presbytery to adopt a procedure for reviewing the application of ministers desiring to join the presbytery. The presbytery may wish to exercise its review function through an appropriate committee, which may consider the minister's calling, temperament, experience, previous service, and other relevant matters. If the incoming minister is accepting a call to a particular church within the presbytery, the presbytery should examine the call and consider the relationship as provided in Section 7.06 of the Constitution. 2007, p. 222.

5.0 PRESBYTERY

57

Constitution 5.6c

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

c. Approve ministers to serve as pastors and in other types of ministry;

Approval of Ministers for Other Ministries Does Not Imply Presbyterian Authority Over Employing Agency

5.6c7N1'ERP'ETIVE, 1977.

Since an ordained minister may pursue his calling in a capacity other than that of a pastor, such as a teacher, evangelist, or in other such work as may be needful to the church; and since it belongs to the presbytery to require ministers to devote themselves diligently to their sacred calling, it would be in order for the presbytery to give approval to a minister for him to fulfill his calling in a position other than that of a pastorate. Such approval, however, pertains to the minister himself, and the power to take such action derives from the authority which the presbytery has over the minister. This act of approval is in no way an extension of the authority of the presbytery over the employer, as in the case of the pastorate, and the termination of such employment would not be subject to action by the presbytery. 1977, p. 141.

Interim Pastors from Other Denominations

5.6c INTERPRETIVE, 1988.

What will be the status of an interim pastor who belongs to one denomination and is serving as interim pastor in the other?

Interims desiring to "labor within the bounds" shall be welcomed by the presbytery of the congregation employing the interim according to the procedures of the church employing the interim while continuing membership in the home presbytery of the minister. 1988, p. 184.

- duties of presbytery
(supervise ministers)

58

5.0 PRESBYTERY

Constitution 5.6d

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

d. Require ministers to devote themselves diligently to their sacred calling and censure and otherwise discipline the delinquent;

Ministers Can Be Required to Devote Themselves to Calling

5.6d INTERPRETIVE, 1878.

By a resolution of this General Assembly, the Judiciary Committee is directed to "inquire and report whether, under the law, a presbytery has any mode of relieving itself of idle preachers without going through a regular trial on charges, and if so, what is the mode?" In response to this inquiry, the committee report that ministers are subject to the direction and control of their presbyteries and that when they fail to perform their ordination duties they are liable to be dealt with by the judicatory as their demerits may require, by censure, reprimand, or even deposition. If a minister fails persistently to work in the sacred cause to which he has been set apart, he should be dealt with by the presbytery in such a manner as that body in their wisdom may consider best calculated to bring him to a sense of his duty. If he should fail to hear them and continue in the neglect of duty and disregard of admonition of the presbytery, the proper charges, trial, and penalty should follow. 1878, p. 31.

Ministers Under Discipline of the Presbyteries and Edicts of Higher Bodies

5.6d ADVISORY, 1879, /882.

Resolved: That the presbyteries be required to call each minister in charge of a congregation to account for non-compliance with the resolutions and edicts of the Assembly. 1879, p. 35.

The General Assembly urged "upon the various presbyteries the importance and propriety of directing their preachers." 1882, p. 17.

Ministers May Not Intrude in Field of Another

5.6d INTERPRETIVE, 1853.

Has a presbytery the constitutional right to send an itinerant minister into a congregation to preach, etc., which has a stated pastor? Not without the consent of the pastor and his congregation, nor has such a minister any right to intrude at his own election {meaning, of his own choice}. 1853, p. 51. [parentheses in original]

Continuing Education Program for Ministers to be Reported

5.6d ADVISORY, 1971.

Each presbytery shall report to the General Assembly via the synod and the Commission on the Ministry by February 15 of a) the programs of continuing education that were available to the ministers in that presbytery during the previous calendar year and an evaluation of each program; b) the programs of in-service training that were available to pastors and laymen in that presbytery during the previous calendar year and an evaluation of each of these programs; c) the plans and schedules for programs of continuing education and in-service training for the current year. The Commission on the Ministry shall provide for each presbytery the forms necessary for these reports. The Commission on the Ministry shall prepare and submit to the General Assembly a report of these programs. 1971, p. 149.

Ministers Required to Complete Continuing Education Units

5.6d ADVISORY, 1998

That Recommendation 1 of the Commission on the Ministry, "that beginning in the year 2000, all active Cumberland Presbyterian Ministers be required to complete 6 CEUs every three years; that exceptions can be made to this requirement by the presbytery for reasons it deems valid," be adopted.

That Recommendation 2 of the Commission on the Ministry, "that one CEU be given for every ten clock hours spent in an approved continuing education event," be adopted.

That Recommendation 3 of the Commission on the Ministry, "that non-Cumberland Presbyterian sponsored events must be approved by the presbytery Committee on the Ministry," be adopted.

(Continued on next page)

5.0 PRESBYTERY

58b

That Recommendation 4 of the Commission on the Ministry, "that individual ministers report the number of CEUs they have completed to the presbytery Committee on the Ministry on an annual basis, and that this information be forwarded to the Commission on the Ministry for entry into a church-wide data base. Information from the database shall be supplied to presbytery committees on the ministry (for the ministers in their presbytery or ministers seeking membership in their presbyteries) and to individual ministers (information concerning their credits only) upon request," be adopted. 1998, p. 330.

Ministers Without Charge to Provide Ministry to Vacant Churches

5.6d INTERPRETIVE, 1993.

That General Assembly instruct presbyteries to require ministers without charge to provide presbyterial directed pastoral ministry to churches in need, and, if they are unwilling to give such ministry, to require adequate justification for retaining their ordination. 1993, p. 270.

5.0 PRESBYTERY

59

Constitution 5.63---5.6f

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

e. Review the records of the sessions, discipline sessions for whatever they may have done contrary to order, and talce effectual

care that they observe the government of the church;

f. Examine and decide appeals, protests, and referrals brought before it in an orderly manner;

Verbal Testimony Not Admissible in Records

5.6e INTERPRETIVE, [853.

Your committee find an appeal taken from a decision of the Arkansas Synod by a respectable number of members, wherein said synod had decided that verbal testimony is admissible before a committee on church records. The decision was appealed from. Your committee are of the opinion that committees on records have nothing to do with anything aside from the records placed in their hands. 1853, p. 27.

- duties of presbytery
(pastoral relations,
carry out injunctions)

5.0 PRESBYTERY

60

Constitution 5.6g---5.6h

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.) •
g. Establish the pastoral relation and dissolve it at the request of one or both of the parties,

or where the interests of religion imper-atively demand it;
h. See that the injunctions of the higher judicatories are obeyed;

Commission Not Necessary to Dissolve Pastoral Relation

5.6g *INTERPRETIVE*, 1958.

Concerning the memorial from the McGready Presbytery pertaining to dissolution of the pastoral relationship: We concur in the Permanent Committee's opinion that where the pastoral relationship has been agreeably dissolved and the presbytery has approved the dissolution, it is not necessary that the dissolution be accomplished by a presbyterial commission. We recommend that the action concerning the memorial from the Tulare presbytery taken by the 1900 General Assembly be repealed. 1958, p. 171.

Presbyteries to Be Active in Making Churches Aware of OUO Standard

5.6g *ADVISORY*, 1995.

That the General Assembly reaffirm that the suggested standard for Cumberland Presbyterian churches to give to Our United Outreach is ten (10%) percent of the monthly income of the church, [and] that the General Assembly instruct presbyteries to be active in contacting their churches to make sure that they are aware of the standards for OUO, and to meet with churches to encourage their participation. 1995, p. 284.

Lower Judicatories to Review Assembly Minutes

5.6h *ADVISORY*, 1975.

See Constitution 4.05n.

Presbytery Responsible to Direct and Encourage Congregations

5.6h *ADVISORY*, J9/J7.

Recommendation 10: That Recommendation 1 of the Report of the Moderator be approved, "that the General Assembly remind each presbytery of their responsibility to give direction and encourage the churches under its care to support the mission and ministry of the denomination through Our United Outreach by giving directions as to how each church can give or work progressively toward giving the 10% of their monthly income." 1997, p. 318.

5.0 PRESBYTERY

61

Constitution 5.6i--5.6j

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

i. Condemn erroneous opinions which hinder the peace or purity of the church,

and resolve questions of doctrine and discipline properly and seriously proposed;

j. Visit particular churches, inquire into their condition, and redress the evils that may have arisen in them;

Presbytery Competent to Decide Doctrinal Questions

5.06i INTERPRETIVE, 1861

If the two brethren teach the errors so in conflict with the doctrines of our church, the presbytery is competent to reprove or censure and to exercise its constitutional jurisdiction; no authority to take judicial action belongs to the General Assembly except in case of appeal, coming regularly from the lower courts. 1861, p. 17.

Churches in Declining Areas Studied by Presbytery

5.6) ADVISORY, 1962.

Concerning the item referred to us in the Report of the Moderator under "State of the Church" regarding a study by the Board of Missions and Evangelism for consolidation of churches in static and declining areas, we recommend that such a study be made, but on a presbyterial level rather than on a denominational level. 1962, p. 180.

Assistance to Churches in Changing Communities

5.6J ADVISORY, 1974.

That presbyterial and synodic boards of missions, as well as the General Assembly's board, be aware of the needs of those urban churches which find themselves in changing communities and decide to stay and minister to those communities, and that assistance be made available if and when it is needed, remembering that the mission of Christ included preaching the gospel to the poor. 1974, p. 205.

- duties of presbytery
(property, church location)

62

5.0 PRESBYTERY

Constitution 5.6k---5.6l

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

k. Settle differences regarding church property and its use;

1. Approve the location of new churches and the relocation of existing churches;

Proceeds from Sale of Church Property Recommended for Mission Churches

5.6k ADVISORY. 1979, 1980.

The Board of Finance recommends that when local church property is sold, the net amount realized from the sale should be held in trust for the establishment of another Cumberland Presbyterian church in the presbytery, synod, or in the denomination. This recommendation concerns property of a congregation which has been abandoned, dissolved, become inactive, left the denomination and/or property of churches which have been dropped from the roll.

Courts have ruled that when congregations leave the denomination, the property is to be preserved for the benefit of the Cumberland Presbyterian Church. The Cumberland Presbyterian Church is a disciplined church and is a connectional church. The presbytery has the authority and responsibility of the proper care of and disposition of local church property. Disposition of local church property does not belong to the remaining members and the decision to dispose of property and account for the amount realized from the sale of the property rests with the presbytery where the church property is located.

A trust has been placed on church property when purchased. Although it has not been defined as a trust, to dispose of property and use the funds for another cause is taking capital funds and using for a purpose other than that for which the funds were originally intended.

The General Assembly has outlined the legal steps to be taken by presbyteries for the protection, transfer or sale of church property. Title to church property should be deeded to the trustees of the presbytery. If a congregation should become disorganized or inactive, the presbytery should appoint new trustees.

Since there are many needs for new mission churches, money received from the sale of local church property by the presbytery should be held in trust for a new church in the presbytery, the synod or in the denomination and the Board of Missions should coordinate the use of the funds with presbyteries for church development. 1979, pp. 50-51.

Recommendation 3: That we concur in the recommendation of the Board of Finance and strongly urge upon presbyteries that seek out such abandoned or unused property. 1979, pp. 199-200.

Since congregations hold their church property in trust for the denomination, the General Assembly has approved the recommendation made on the use of church property not being used for church purposes. The net amount realized from the sale of such idle, abandoned property not being used for the church is to be used for home mission development.

The Board of Finance, upon the recommendation of the legal services maintained through the years has held that the title to church property, whether vested in trustees, ruling elders, or a corporation should be held and used for the Cumberland Presbyterian Church. 1980, p. 51.

We concur in the position of the Board of Finance with regard to disposal of abandoned property; however, we urge that presbyteries first exhaust every possibility of restoring abandoned churches by spiritual oversight and/or financial aid.

Recommendation 1: That the General Assembly continue its policy of urging that money from the sale of abandoned church property be used for mission development. 1980, pp. 195-196.

5.0 PRESBYTERY

63

Constitution 5.6m---5.6n

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

m. Approve proposals and plans of churches considering building or rebuilding church facilities or additions;

n. Unite or divide such churches as are in a chronic state of crisis or inaction, unite or divide other churches with the consent of a majority of the members thereof, and, for cause, dissolve a church and attach its members to another congregation;

Grouping of Churches Can Be Ordered by Presbytery

5.6n *INTERPRETIVE*, 1897.

In view of the *foregoing* facts we recommend the following:

- 1) That you instruct your presbyteries to group such of their churches as are not able to employ a minister for all his time to the best advantage for supplying them with regular preaching and pastoral oversight.
- 2) That you instruct your presbyteries to require churches grouped together to employ the same minister.
- 3) That every presbytery in its care of a group of churches shall enforce the same rule in reference to its Committee on Pastorates and Supplies as with a single church employing a minister for all his time.
- 4) That each one of your presbyteries instruct the session of respective groups to meet jointly, if necessary, in selecting a minister to serve them as pastor or stated supply.
- 5) That you instruct each of your presbyteries to require all the sessions and churches of a given group to be governed in their selection of a minister by a majority of the sessions of the churches composing the group, should there not be entire unanimity, unless the presbytery should see good reason for ordering otherwise. 1897, pp. 42-43.

Presbyteries to Supervise Weak Churches

5.6n *ADVISORY*, 1963.

We also recommend that presbyteries continue their efforts to combine weak churches and dissolve those unable to support a pastoral ministry and unwilling to accept the presbytery's guidance in formation of parishes or combined congregations. 1963, p. 197.

Presbytery Must Preserve Membership of Individual When Dissolving Congregation

5.6 *INTERPRETIVE*, 1869.

The presbytery has not the right to dissolve a congregation so as to deprive individuals belonging to it of church membership, this being the province of the session. 1869, p. 34.

Presbytery May Dissolve a Church Without Session Approval

5.6n *INTERPRETIVE*, 2003

The Permanent Committee on Judiciary is of the opinion that, given appropriate circumstances and adequate cause, a presbytery could dissolve a congregation without the approval of the session even though no disciplinary charges were pending. When a synod is responding to the actions of a presbytery in dissolving a congregation, synod must follow the Rules of Discipline, 4.12b in determining that "the proceedings have been wise and equitable and for the edification of the church." We remind each presbytery of the responsibility to maintain a pastoral concern for the members of the congregation being dissolved. 2003, p. 177.

- duties of presbytery
(growth of churches)

64

5.0 PRESBYTERY

Constitution 5.6o

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

o. Form and receive new churches and concert measures for the enlargement of the church within its bounds;

Aid from Boards Not Given When Pastor Is Member of Board

5.6o ADVISORY, 1935.

We further note a great deal of criticism that has arisen from the fact that in some cases churches which receive aid from the Board are, or have been served by the Board's members, such members therefore deriving benefits directly or indirectly from their own Board, which constitutes a violation of the spirit of a previous order of this body which provided that no Board member should receive the benefits of the Board of which he might be a member. We therefore recommend that no church which is served by any member of the Board shall receive aid from its funds for any purpose whatsoever. 1935, p. 116.

Boards of Missions To Seek Counsel of Denomination Board

5.6o ADVISORY, 1961.

That all presbyterial Boards of Missions and Evangelism seek the counsel of the denominational board in the establishment of new mission churches. 1961, p. 183.

Presbytery to Design Plans for Growth

5.6o ADVISORY, 1991.

Recommendation 4: "That presbyteries be instructed to give consideration to design a short-range and long-range plan for presbyterial growth and development and to consider using the process suggested by the GA Board of Missions, or an adaptation of it." 1991, p. 259.

5.0 PRESBYTERY

65

Constitution 5.6p

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

p. Take special oversight of churches which do not have the services of a minister, appointing a minister to moderate the session; and, if necessary, authorize an elder designated by the session to administer the Lord's Supper to the congregation, provided

that the elder shall be instructed by the committee on the ministry in the meaning of the sacrament and how it should be administered; the elder shall serve under the authority of an ordained Cumberland Presbyterian minister selected by the presbytery, and each grant of authority shall be for one year;

Vacant Church Defined

5.6p INTERPRETIVE, 1958.

We have considered the memorial from the Lebanon Presbytery and make the following disposition in regard to answering their question pertaining to the meaning of the term "vacant church": A vacant church is one without the services of an ordained Cumberland Presbyterian minister approved by the presbytery, or the services of a Cumberland Presbyterian probationer approved by the presbytery. We interpret this (section of the Constitution) to mean that a presbytery should and does have the power when it deems it advisable to appoint a moderator for a vacant church, even without the request of the session. 1958, p. 171. [Editor's parentheses]

Moderators Recommended/or Vacant Churches

5.6p ADVISORY, 1949.

We recommend that the presbyteries be directed to appoint ordained ministers in their bounds as moderators over vacant churches and those churches being served by probationers. This action would add some additional responsibility to the pastors in the presbytery, but both minister and congregation should be willing to make some additional sacrifice for the sake of the larger interests of the Kingdom. Too, there are a number of ministers who, because of age or other handicaps, are not fully employed, who could be used in this service. Other Presbyterian bodies follow the above plan very satisfactorily.

We suggest that the moderators be appointed by the presbyteries annually, or oftener if found advisable. Such a plan would furnish all vacant churches and churches being supplied by probationers with the services of an ordained minister for all occasions demanding his services. 1949, pp. 134-135; 150.

Moderators of Vacant Churches, Role Defined

5.6p ADVISORY, 1983.

'33

Recommendation: That a moderator, or minister in charge, serve the vacant church in the same way that the appointed moderator would serve if a regular pastoral relationship were established between the appointed moderator and the vacant church by the presbytery. The appointed moderator should strive to perform the full measure of pastoral care contemplated by Section of the Constitution which is consistent with the appointed moderator's other duties and responsibilities. The appointed moderator should diligently strive to attend all meetings of the session of the vacant church and the session of the vacant church should consider the other duties and responsibilities of the meeting so that the appointed moderator can attend. The appointed moderator should also moderate the congregational meetings of the vacant church and attend to the administration of the sacraments.

Recommendation: That the responsibility for conducting congregational meetings and administering the sacraments rest with the appointed moderator. Other forms of pastoral care should be assumed by the elders and deacons of the vacant church under the guidance and direction of the appointed moderator. 1983, pp. 141, 142.

Presbytery-Appointed Moderator Only Minister to Moderate Session of Vacant Church

5.6p INTERPRETIVE, 1983.

Recommendation: That the minister appointed by the presbytery to serve as moderator for a vacant church is the only minister who can preside at a meeting of the session of the vacant church, except for the specific situation where the session can invite some other minister to act as moderator if the minister in charge is the subject matter under consideration. 1983, p. 142.

(continued on next page)

- duties of presbytery
(churches without ministers)

Guidelines for Presbytery Appointed Moderators of Vacant Churches

5.6p1INTERPRETIVE, 1998

We have become aware of the following guides for ministers appointed as moderators and for sessions with appointed moderators that have been adopted and are in use by Arkansas, Covenant and North Central presbyteries.

APPOINTMENT OF SESSION MODERATOR

Date

SECTION I

To: Rev.....

You have been appointed as moderator of the _____ Church Session during the time the church is without the services of an ordained Cumberland Presbyterian minister. Your responsibilities will include:

1. Moderate their regular and called Session Meetings. When, in your judgement, it is proper for the session to meet in your absence, be sure that the session elects a moderator pro-tem and that you receive a copy of the minutes.
2. Assist and encourage the Church Session to whatever extent it is needed, and you are able.
3. Be responsible for serving Communion or arranging, in cooperation with the Church Session, for someone to serve Communion at least quarterly.
4. Be responsible for, or, in cooperation with the Church Session, arranging for baptism, weddings and other ministries that require the services of an ordained minister.
5. In cooperation with the Church Session, assure that the congregation has the Preached Word in their church a minimum of once each month.
6. If your services extend beyond three months, send a copy of the enclosed quarterly report to the Presbyterial Board of Missions.

SECTION II

To Church Session,

This is to advise you that the Rev has been appointed by the Presbytery to moderate your Church Session during the period your church is without the services of an ordained Cumberland Presbyterian minister. Your responsibility will be to:

1. Notify him/her immediately of your regular Church Session meeting.
2. Depend on your appointed moderator to follow the guidelines in Section I.
3. Welcome and cooperate with your appointed moderator. He/She is appointed to serve you and will be committed to helping and providing ministry during this interim period.
4. When additional help is needed or services are not being made available, contact the Presbyterial Board of Missions.

Quarterly Report for Appointed Church Session Moderators

(To be sent every three months from the date of your appointment. Please copy this form in order to have additional copies.)

Date

Report from the Rev.....

Moderator of the Church Session

Give a brief statement of your activities with the Church.

Has communion been served at least once during the quarter? YIN

Has the church had preaching at least once each month? YIN

Other information you can share with the Board of Missions

We therefore recommend the following:

Recommendation 10: That the guidelines from Arkansas, Covenant, and North Central presbyteries be given consideration by presbyteries and the Commission on Ministry. 1998, p. 317.

(Continued on next page)

5.0 PRESBYTERY

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Board of Missions to Assist Vacant Churches

5.6p *ADVISORY*, 1961.

That each presbytery instruct its Board of Missions and Evangelism to work with local congregations in the oversight of vacant churches and work with them in the creation of pastoral relationships. 1961, p. 183.

Laypersons Can Be Authorized to Conduct Public Worship

5.6p *INTERPRETIVE*, 1892.

Your committee therefore are of the opinion that a presbytery has the right to authorize laymen to hold such public services, in other words, to grant to laymen the license implied in the Constitution and in this sense has a right to license "exhorters" or "lay preachers" and they recommend that this General Assembly make a deliverance in accordance herewith. 1892, p. 25.

Elders' Service as Lay Leaders in Other Congregations

5.6p *INTERPRETIVE*, 1988.

(See Constitution 2.71. *INTERPRETIVE*, 1988.

Presbytery to Insure Regular Preaching and Celebration of Sacraments

5.6p *ADVISORY*, 1994.

The General Assembly, through the Office of the Stated Clerk, will instruct all presbyteries to work through existing structures or new structures to insure that the preaching of the gospel and the administration of the sacraments are made available for all congregations within each presbytery's bounds 1994, p. 251.

5.0 PRESBYTERY

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Constitution 5.6q

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

q. Formulate budgets and assign shares to the churches of the presbytery;

Financial Support of Members Required

5.6q *ADVISORY, 1853.*

(See Constitution 4.Sj, **ADVISORY, 1853.**)

Unified Budget (Presbyterial Dues and Our United Outreach) to be Adopted

5.6q *ADVISORY, 1974.*

We concur with the Board of Finance that the use of the unified presbyterial budgets would enhance the program of local congregations.

That by January 1, 1976, all presbyteries adopt the unified budget. 1974, p. 220.

- duties of presbytery
(create/oversee agencies)

68

5.0 PRESBYTERY

Constitution 5.6r

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

r. Institute and oversee the agencies necessary in the work of the presbytery;

Committee on Theology and Social Concerns to be Created

5.6r ADVISORY, 1962.

That all presbyteries of the church at the earliest possible time create their own Committees on Christian Social Relations (now Theology and Social Concerns) for the purpose of disseminating information and giving direction in regard to the important social issues of the day, and that said committees also receive guidance and counsel from the Assembly's permanent committee. 1962, p. 182. [Editor's parentheses]

Leadership Training Provided by Presbyterian Boards of Christian Education

5.6r ADVISORY, 1974.

That presbyteries through their Boards of Christian Education seek to make available to all churches some form of leadership education on a regular basis in cooperation with the General Assembly's board. 1974, p. 203.

Executive Committee May Not Act on Behalf of Presbytery

5.6r INTERPRETIVE, 1983.

Whereas...a presbytery is not able to meet in a called meeting unless a ten-day notice be given to all ministers belonging to that presbytery and to the church session of every particular church, and,

Whereas the Executive Committee of the General Assembly is authorized to take emergency action on behalf of General Assembly between session,

Therefore be it resolved, that Michigan Presbytery memorialize the General Assembly to clarify whether presbyteries may also empower a standing executive committee to act on their behalf between meetings of presbytery. 1983, p. 277.

We recommend that the resolution requesting clarification as to whether a presbytery may empower an executive committee to act in behalf of the presbytery in emergency situations as submitted by the Michigan Presbytery be answered in the negative for the reason that Article 33 of the Constitution specifies the procedure to be followed in convening regular and special meetings of the presbytery and the notice thereof that is required to be given. 1983, p. 260.

Heritage Committees to be Created

5.6r ADVISORY, 1989, 1993.

Recommendation 3: We recommend that presbyteries which have not done so should establish Heritage Committees to preserve the heritage of our great church and be open to overtures from the Historical Foundation. 1989, p. 238.

That presbyteries lacking Heritage Committees elect them and inform the Historical Foundation of the names and addresses of current committee members. It is also requested that all committees send copies of their minutes and reports to the Historical Foundation. 1993, p. 254.

Agency on Social Concerns Recommended

5.6r ADVISORY, 1992.

That all presbyteries name a board/committee/commission to be responsible for theological and social concerns, if not already appointed. 1992, p. 268.

5.0 PRESBYTERY

68b

Constitution 5.6r

Election of Women to Agencies

5.6r *ADVISORY*, 1992.

That all presbyteries be asked to raise their level of awareness for selecting capable women to serve alongside capable men. 1992, p. 271.

Commissions to Grant Letters Not Permitted

5.6r *INTERPRETIVE*, 1994.

That the General Assembly instruct presbyteries that commissions are not to be appointed for the purpose of receiving and granting letters of dismissal. 1994, p. 259.

Presbyteries May Recommend Persons to Serve on General Assembly's Nominating Committee

5.6r *ADVISORY*, 1994.

Presbyteries and/or synods may recommend persons to serve on the General Assembly's Committee on Nominations. Such recommendations shall reach the Office of the Stated Clerk no later than February 1 and shall be presented to the existing Nominating Committee as recommendations for its consideration in making nominations for election to the General Assembly's Nominating Committee. 1994, p. 261.

Presbyteries to Consider a Presbytery Pastor

5.6r *ADVISORY*, 1995.

That each presbytery consider a presbytery pastor. 1995, p. 303.

Presbyteries to Prepare Handbook of Presbyterial Procedures of Boards and Agencies

5.6r *ADVISORY*, /1995.

That presbyteries be directed to complete a handbook of presbyterial procedures of board and agencies that would include the proper chain of events that should occur when congregations are involved in the process *of* calling a minister and that would outline the established communication system. Included in this handbook should be copies of the required model contract developed by the Commission on Ministry; and that this be completed by the Spring of 1996. 1995. p. 291 .

5.0 PRESBYTERY

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Constitution 5.6s

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:]
(cont.)

s. In general, order whatever pertains to the welfare of the churches under its care;

Name of Congregation Determined by Presbytery

5.6s INTERPRETIVE, 1959.

Memorial from Mississippi Presbytery requesting deliverance on the question of church names.

We concur in the answer of the Permanent Committee on Judiciary to the question propounded in the memorial, that we have no authority to determine this question, but that it should be determined by the presbytery in the event the question should arise through conflict in a church or churches. Any right of appeal from the ruling of the presbytery would be available to the parties concerned.

However, it is our opinion that it is unethical for a church to use the word "First" in the name of a church if the original Cumberland Presbyterian congregation of the city has ever used the name previously. 1959, p. 168.]

Laypersons Employed By Congregation Not Subject Directly to Presbytery

5.6s INTERPRETIVE, 1977.

Lay persons are not subject directly to the authority of the presbytery, nor is the authority to approve or disapprove their employment by local churches. To derive such authority from the general power "to order whatever pertains to the spiritual welfare of the churches under its care" is unwarranted. 1977, p. 141.

We recommend that the General Assembly concur in the opinion of the Permanent Committee.

We further note that the presbytery may exercise control of these situations by informing the pastors and sessions of the churches that they will be held accountable by the presbytery for the actions and teachings of staff personnel. 1977, p. 189.

Planning Process Encouraged

5.6s ADVISORY, 1996.

Recommendation 6: That Recommendation 2 of the Board of Missions be adopted, "that *the* General Assembly encourage presbyteries to lead member congregations and ministers in a process through which they would examine their calling, articulate their hopes and dreams for the Cumberland Presbyterian church (*vision*), determine how they can work individually and collectively to help those hopes and dreams come true (*fulfill the vision*), and determine the next step(s) to be taken, as well as the resources (human and material) needed to assist them in taking the next step(s); and that presbyteries be encouraged to utilize all resources available to them, including the services offered by the General Assembly boards and agencies." 1996, p. 321.

- duties of presbytery (representatives)

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5.0 PRESBYTERY

Constitution 5.6t

5.6 The presbytery is charged with pastoral oversight and has the responsibility to: (cont.)

t. Elect representatives to the higher judicatories;

Any Active Elder of the Presbytery Eligible to be Commissioner

5.6t INTERPRETIVE, 1829, 1875, 1953.

The General Assembly held that ruling elders who are not members of the presbyteries electing them may be commissioners, provided they indicate their willingness to serve. 1829, p. 9, MSS.

"Are elders who are not members of presbytery eligible to be elected commissioners to the General Assembly?"

We answer this question in the affirmative on the grounds...that the book gives express authority to presbyteries to appoint elders commissioners to the General Assembly whether such elders are members of presbyteries or not. 1875. p. 24.

Can an alternate be elected on the part of the eldership as a commissioner to the General Assembly when his principal is present?

We answer...in the affirmative. 1953, p. 145.

Pastoral Responsibilities Not Required for Being Commissioner

5.6t INTERPRETIVE, 1846.

Is a minister having no pastoral charge on that account rendered ineligible to a seat in the General Assembly? No. 1846, p. 494, MSS.

Number and Order of Alternates Determined by Presbytery

5.6t INTERPRETIVE, 1893, 1955.

There appears no restriction in our government upon this subject, and as the appointment of alternates is for the purpose of insuring, as far as possible, representation in the higher courts, we submit that the presbytery is competent to determine the number of those appointed as alternates. 1893, p. 12.

An opinion of this committee has been requested by the Moderator and Stated Clerk of the General Assembly as to the seating of alternates for commissioners elected by the presbyteries to the General Assembly. The direct question is whether a presbytery entitled to more than one commissioner in each class should elect an alternate for each commissioner or alternates in the order of preference to fill any vacancy which may develop.

No express directive on the subject is contained in the Constitution, so that, in our opinion, presbyteries may elect alternates as they may desire....

In order to insure more adequate representation of the presbyteries, we suggest that the General Assembly recommend that the presbyteries elect alternates to fill vacancies in the order of preference ...and that in the event alternates are elected in a different manner, a certified copy of the minutes of the election by the presbytery be furnished to the Stated Clerk in lieu of the regular form. 1955, pp. 127-128, 181.

Attendance for Entire Assembly Meeting Required

5.6t ADVISORY, 1929.

Whereas, there is a tendency on the part of commissioners to the General Assembly to leave the Assembly and return home before the work of the Assembly is completed, weakening the work of the Assembly and opening the way for criticism of measures adopted by the Assembly when so few members are present; therefore be it resolved:

1. That the General Assembly most earnestly requests the presbyteries of the church to elect as commissioners to the Assembly only those who can and will remain in the Assembly, barring actual providential reasons, until the final roll call, and be it resolved;

(continued on next page)

5.0 PRESBYTERY

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2. That the presbyteries be urgently asked to refuse to pay the expenses of commissioners who fail to comply with this resolution or adopt such other stern measure of discipline as will assure compliance with this resolution, and be it resolved:

3. That the Stated Clerk be instructed to communicate this action to the presbyteries. 1929, p. 135.

Representative Not in Harmony With Body Elected Should Resign

5.61 *ADVISORY*, 1899.

When a delegate is sent by presbytery to synod, has such a delegate the right to oppose in synod any action that has been taken by his presbytery in matters that do not affect him personally?

To this your committee recommend and report as follows:

The practice of violating instructions or the known will of the presbytery by its synodical representative is not to be encouraged. If there be no question of conscience or constitutional law involved, we are of the opinion that the representative of the presbytery to the synod should vote in accordance with the declared will of his presbytery. However, as a matter of law, we think he has the right to vote in accordance with his own judgment, without regard to the will of the presbytery. It is a matter for the representative and his presbytery to settle among themselves. We further think that if a representative at the time he is elected knows the will of the presbytery and is not willing to cast the vote as the presbytery desires, after full discussion of the matter he should resign as a representative and let the presbytery send someone who would represent their will in the synod. 1899, p. 53.

See also Constitution 4.5m, INTERPRETIVE, 1873 and 1952.

Representative Not Compelled to Vote as Instructed

5.61 *INTERPRETIVE*, 1873.

(See Constitution, 4.5m INTERPRETIVE, 1873.)

Representative Should Vote Will of Body Electing

5.61 *INTERPRETIVE*, 1952.

(See Constitution, 4.5m INTERPRETIVE, 1952.)

Presbyteries to Elect Commissioners to General Assembly Who Have Shown a Strong Desire to Serve.

5.61 *ADVISORY*, 1995.

That the General Assembly, through the Office of the Stated Clerk of the Assembly, instruct all presbyteries of their responsibility to elect persons who have shown a sincere interest in serving the church, and who express a strong desire to serve as a commissioner to the General Assembly, and that all alternates of a presbytery be informed of the necessity of attending any orientation held prior to the meeting of the Assembly. 1995, p. 285. •

- duties of presbytery (memorials)

Constitution 5.6u

5.6 [The presbytery is charged with pastoral oversight and has the responsibility to:] (cont.)

u. Propose to the synod or to the General Assembly such measures as may be for the good of the church or of society in general.

Memorials Not to Cast Personal Reflection on Church Officers

5.6u ADVISORY. 1929.

This memorial provides that no memorial be considered by the General Assembly that "would cast a personal reflection upon any minister or group of ministers and upon any elder or group of elders." We are of the opinion that this is a wise provision and will prevent discord and hurtful criticism and recommend that same be granted. 1929, p. 117.

Memorials Should be Signed and Certified

5.6u ADVISORY. 1961.

The Committee on Publication and Christian Education will deal with the memorial as such, but we recommend that all memorials and official communications be properly signed and that presbyterial clerks give the date and certifications when such memorials are adopted. 1961, p. 179.

Memorials Can be Circulated

5.6u INTERPRETIVE, 1952.

Whereas, the General Assembly of the Cumberland Presbyterian Church in 1942 declared that "Every memorial which is adopted by the presbyteries should be sent first and only to the stated clerk of the General Assembly," and that "Any memorial which has been circulated by the presbytery or by individual members of the presbytery for the purpose of getting other presbyteries to adopt it and thus create greater pressure on the Assembly or the denomination shall be nullified by this action and shall not be considered by the Assembly;"

And, 'v':hereas, this decision of the 1942 Assembly tends to prevent concerted action in the direction of change, and thus tends to protect the status quo, even when the status quo is in error;

And, whereas, the circulation thus prohibited could at least have the beneficent effect of acquainting the members of other presbyteries in the denomination with the issues involved in the decision of the presbytery in which the memorial circulated originates on a matter on which the commissioners of all the presbyteries of the denomination will have to pass judgment at the meeting of the General Assembly, otherwise without being able to know what the reaction of the presbyteries they represent would be to the memorial;

And, whereas, opponents of memorials so circulated have an opportunity to make their view known which is equal to the opportunity of the circulators of the memorials;

And, whereas, the prohibition of the General Assembly of 1942 limits the freedom of constituents to make their view known to the denomination at large, while accomplishing no essential purpose;

And, whereas, the ruling of the 1942 Assembly, strictly adhered to, makes it possible for just one opponent of a particular memorial to prevent its being considered in the meeting of the General Assembly, by the simple act of circulating that memorial with the presumed purpose of securing the passage of a similar memorial by other presbyteries;

(continued on next page)

5.0 PRESBYTERY

Therefore, be it resolved, that we, the Austin Presbytery of the Cumberland Presbyterian Church, in session with the Cumberland Presbyterian Church of Bertram, Texas, on April 4, 1952, hereby petition the General Assembly of the Cumberland Presbyterian Church, in session in Memphis, Tennessee, June 12-15, 1952, to reconsider the above-referred-to action of the 1942 General Assembly, and, if it deems it advisable to do so, to repeal the 1942 decision.

The following action was taken on the above memorial:

We have had referred to us a memorial from Austin Presbytery concerning rescinding the former action of the Assembly about circulating memorials.

We recommend that this memorial be granted. --- 1952, p. 127.

Facts Relative to Memorial to be included in Preliminary Minutes

5.6 uADVISORY, 1970.

When a memorial is placed before the Assembly regarding the work of a specific board, the Stated Clerk is instructed to furnish a copy of the memorial to the affected board. The board should then prepare facts relative to the memorial for inclusion in the preliminary minutes, thus placing the facts before everyone, rather than just the Assembly committee dealing with the issues.

- presbytery records

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5.0 PRESBYTERY

Constitution 5.7

5.7 The presbytery shall keep full and accurate records of its proceedings and submit them to the synod for review at its stated meeting. It shall report regularly to synod and to the General Assembly its roll, including all candidates, licentiates, ministers, session clerks, and churches. In addition,

it shall report on censures and ordinations; on reception, dismissal, or death of ministers; on the union division, and formation of churches, and on such statistical and other information as may be required to describe the state of religion in its midst.

Ordinations to be Reported to Synod and General Assembly

5.7 INTERPRETIVE, 1971, ¶972.

Each presbytery shall report to the General Assembly via the synod and the Commission on the Ministry, by February 15, of the ordinations within that presbytery during the previous calendar year. This report shall include an explanation of each ordination in which the person who was ordained did not meet the educational standards established by the General Assembly. The Commission on the Ministry shall provide for each presbytery committee on the ministry the forms necessary for this report. The Commission on the Ministry shall prepare and submit to the General Assembly a summary report on ordinations for the previous calendar year. 1971, p.149.

That all ten synods comply with the 1971 directive as per their authority over their presbyteries. A full report should be included in the presbyterial minutes of all ordinations and this report should be duly examined by synod. 1972, p. 212.

Each Presbytery Shall Report Recruitment Efforts

5.7 ADVISORY, 1991.

The committee concurs that each presbytery shall report.

"Each presbytery shall report to the General Assembly via the synod and the Commission on the Ministry, by February 1, of the ordinations within that presbytery during the previous calendar year. The Commission also needs "information which the presbyteries can give regarding their efforts to recruit persons for church vocations and its programs of continuing education for those in church vocations." 1991, p. 254.

Presbyteries Requested to Send Copy of Minutes to Historical Foundation

5.7 ADVISORY, 1981.

Recommendation 1: That presbyteries be requested to send a copy of their minutes to the Foundation. 1987, p. 211.

Inefficient Clerks to be Removed

5.7 ADVISORY, 1889.

(See Constitution 4.07.)

Statistical, Forms and Records Requested by General Assembly

5.7 ADVISORY, 1852, 1853, 1877, 1884.

(See Constitution 4.07)

5.0 PRESBYTERY

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Constitution 5.8---5.9

5.8 The presbytery shall meet as often as once a year on its own adjournment, and when an emergency shall require a meeting sooner than the time to which it stands adjourned, the moderator, or in case of the moderator's absence, death, or inability to act, the stated clerk shall with written concurrence or at the written request of two minister members and two session members of different churches, call a special meeting. The call shall give notice, specifying the particular business of the intended meeting, to every minister and session of every particular church on its roll, at least ten days prior to the proposed time of meeting. Nothing shall be transacted at such called

meeting other than the particular business for which the presbytery was convened.

5.9 If, for any cause, the presbytery shall fail to meet according to its adjournment, it shall be the duty of the moderator, or, in case of the moderator's absence, death, or inability to act, the stated clerk, or in case of the stated clerk's absence, death, or inability to act, persons constituting the equivalent of a quorum, to call a meeting as early as practicable, at such a place as may be designated, for transaction of the regular business. For this purpose notice shall be given, as before prescribed, not less than ten days prior to the proposed time for meeting.

Annual Meeting Required

5.8 INTERPRETIVE, 1872.

Your committee is decided in the opinion that a presbytery may hold annual or semi-annual sessions, but not biennial sessions. 1872, p. 20.

Meeting Can be Held Wherever Convenient

5.8 INTERPRETIVE, 1961.

We recommend that the memorial from Obion Presbytery be granted and that the former action of the General Assembly in 1957 restricting the meeting place of a presbytery be hereby rescinded. Each church court should feel free to meet wherever it is most convenient and comfortable for the majority of its members. Each court should follow the regular and designated way of calling its meeting regardless of where the meeting is to take place. 1961, p.179.

Emergency Meeting Defined

5.8 INTERPRETIVE. 1964.

The committee has considered the memorial from the Murfreesboro Presbytery concerning the constitutional interpretation of the term "emergency" and recommends that the term be defined as: "An unforeseen combination of circumstances or the resulting state that calls for immediate action; a pressing need." (Webster's Seventh New Collegiate Dictionary, copyright 1963, G. & C. Merriam Co., Publisher) 1964, p. 177. [Parentheses in original]

Congregational Representation in Called Meeting of Higher Judicatory

5.8 INTERPRETIVE, n.d.

Is a congregation entitled to representation in a called meeting of presbytery or synod if said congregation was not represented in the preceding stated meeting of the body?

Answer: Yes.

(continued on next page)

- meetings of presbytery
(called/by telephone)

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5.0 PRESBYTERY

Telephone Conference Meetings Not Legal

5.8 INTERPRETIVE, 1982. 1985.

Recommendation 7: That General Assembly affirm that it is doubtful that...the Constitution authorizes church courts to hold meetings by conference telephone calls and further that the Permanent Committee bring to the 153rd General Assembly recommendations that would allow church courts to meet emergency needs. 1982, p. 244.

Recommendation 4: That the memorial from Ozark Presbytery concerning conference calling for called meetings of presbytery be denied. 1985, p. 231.

Request/or Called Meeting Must be in Writing; Call to State Names of Those Requesting Meeting

5.8 INTERPRETIVE, 1950.

Does the request of two ministers and elders have to be in writing for the request to be legal?....

The custom of our denomination, almost universally followed by the presbyteries, has been to require that the request for a called meeting be in writing, signed by two ministers and two ruling elders of different congregations, and that the call contain a copy of the request, or state the names of those who make the request. 1950, p. 164.

Recommended Form for Call of Special Meetings

5.8 ADVISORY, 1950.

We recommend the use of the following or a similar form for the purpose of calling special meetings of the presbyteries:

1. To the moderator of _____ Presbytery: The undersigned members of the presbytery respectfully request that you call a meeting of the presbytery to be held at _____ on the _____ day of _____ 19____ at _____ o'clock, for the purpose of:

Signed:

Rev. _____

Rev. _____

Ruling Elder _____

_____ congregation

Ruling Elder _____

_____ congregation

2. In response to the above request, I hereby call the presbytery to meet as above, at the hour and date as set out, and for the purposes herein specified.

Signed:

Moderator _____

Attest:

Stated Clerk. _____

1950, pp. 164-165.

Who May Sign the Request for a Called Meeting of Presbytery

5.8 INTERPRETIVE, 2003

It is the opinion of the Permanent Committee on Judiciary, 5.8 is interpreted to mean that two ministers and two elders who are not officers of the presbytery should sign the request for a called meeting. 2003, p. 176.

5.0 PRESBYTERY

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Electronic Mail (E-mail) May Be Used for Official Notification of a Called Meeting

5.8 INTERPRETIVE, 2003

In response to a resolution presented by a commissioner from Tennessee Georgia Presbytery,
"WHEREAS, the various presbyteries and synods of the Cumberland Presbyterian Church find it necessary from time to time to send written notices of called meetings, and
WHEREAS, many members of these bodies now have electronic mail capability, and
WHEREAS, for the sake of time, convenience, and frugality, it seems wise to allow electronic mail to serve the same purpose as 'surface mail'
NOW THEREFORE, be it resolved by the 173rd General Assembly of the Cumberland Presbyterian Church that electronic mail service (e-mail) serve the same purpose and have the same force and effect as that of 'surface mail' and may be used by Stated Clerks as a means of communication at their discretion, be adopted."

It is the opinion of the committee that while the use of electronic mail (e-mail) as an alternative method of official communication can contribute to more efficient and economical administration of church business, individuals and agencies who choose to use this form of communication should use care to determine that all intended recipients of a communication have electronic mail capabilities. 2003, pp. 346-347.

Moderator must call Special Meeting upon the Receipt of a Properly Signed Request

5.8 ADVISORY, 2004

The Moderator of a judicatory must call a special meeting upon the receipt of a properly signed request for a meeting. Although persons signing a call for a meeting should be mindful that the Constitution provides for special meetings only in the event of an emergency, the moderator or stated clerk must presume the existence of an emergency if furnished with a properly signed call. 2004, pp. 337-338.

Video Meetings

RECOMMENDATION 11: That the resolution brought to the floor of General Assembly by Reverend Sherrlyn Frost, Grace Presbytery which states,

"WHEREAS discussions have come forth from time to time regarding the use of technology to facilitate participation and efficiency in the workings of meetings of presbyteries and their boards and agencies, and

WHEREAS similar discussions have been offered at meetings of General Assembly and its boards and agencies, and

WHEREAS the use of technology, while requiring initial installation and setup costs, has proven to save extensive travel and ministry dollars with time and usage,

THEREFORE, BE IT RESOLVED, THAT this General Assembly take action that would allow for the use of technology in conducting meetings of presbyteries and its boards and agencies.

SPECIFICALLY, BE IT RESOLVED, THAT these governing bodies along with their boards and agencies be allowed to conduct meetings by means of computer/ video/simulcast technology in such a way that those who are noted as present at remote locations, who through technology can hear and see business being conducted by said entities and who are likewise visible to the other members (specifically moderators, stated clerks and/or chairs of said entities) by means of same technology, be considered present and accounted for with full rights of discussion and voting privileges as attributed to those who physically and locally attend such meetings.

Respectfully submitted,

Reverend Sherrlyn R. Frost, Commissioner from Grace Presbytery," be adopted.

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

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Constitution 6.11

6.10 Receiving Candidates

6.11 Every presbytery shall have a committee on the ministry or one which per-

forms the same functions, one of which shall be to direct and nurture persons in preparation for the ministry.

Presbytery Has the Right to Supervise Probationers

6.11 ADVISORY, 1897.

Some reasonable regulation, intelligently and kindly, but firmly enforced, seems to be needed. In isolated cases the marriage of a probationer may seem not to have interfered with his education, but as a *rule* there can be no question of its effect. If a presbytery has the right to supervise a probationer's course in such matters, certainly experience is abundant to call for the vigorous exercise of presbyterial authority. 1897, p. 89.

:coming a candidate

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6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

Constitution 6.12

6.12 To be received as a candidate for the ministry, a person must be a member in good standing of a particular church in the receiving presbytery. Persons desiring to

become candidates for the ministry shall confer with the committee on the ministry prior to presenting themselves to presbytery.

Minister Who Left Denomination-How Received

6.12 INTERPRETIVE, 1904.

There have been referred to us the questions propounded by Lebanon Presbytery concerning the legal status of a minister who has joined another church without asking for a letter and afterward asks to be admitted back into the Cumberland Presbyterian ministry.

Your committee thinks that any member of the ministry of the Cumberland Presbyterian Church who joins another church without taking a letter thereby forfeits all his offices, rights, and privileges in our church; and on his return he should be received in the same manner as though he had never been in the Cumberland Presbyterian ministry. 1904, p. 53.

Candidacy Procedures for Members of Union Congregations

6.12 INTERPRETIVE, 1988.

What candidacy procedures are applicable to persons who belong to union congregations?

If a union presbytery has not been formed, the only available candidacy provisions are those in place in one of the participating presbyteries to which the union congregation belongs. It would be the option of the person desiring candidacy to request to be received as a candidate in one presbytery and, as a member of a congregation of the presbytery, he/she could be received. A transfer of candidacy to another participating presbytery is possible, but only with the concurrence of the receiving presbytery and after informing the presbytery which the candidate is leaving. 1988, p. 184.

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

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Constitution 6.13---6.15

6.13 Those who seek to be licensed and ordained to the ministry shall undergo a period of training and preparation in order that the office may be committed only to qualified persons. In order to form a correct judgment of the qualifications of those seeking admission to the office of the ministry, presbyteries shall receive and, following satisfactory preparation, license candidates who shall then be designated "licentiates." Such persons shall be required to give further satisfactory evidence of their qualifications for the ministry before receiving ordination.

6.14 The committee on the ministry shall examine candidates respecting personal religious experience, motives leading to the seeking of the office of the ministry and the internal call to it, and plans for education. Such prior examination by the committee shall not preclude examination by the presbytery at the time of reception. A written statement concerning the candidate from the session of his or her church shall also be heard at the time of reception, along with written or verbal testimonials from others who may desire to express themselves on behalf of the candidate.

6.15 The reception of candidates for the ministry shall be at a duly constituted meeting of presbytery. Following the examination of the candidate and the various testimonials that may be given, a member of the committee on the ministry or a person appointed for that purpose shall address the candidate as follows:

The Presbytery of _____
_____ of the Cumberland Pres-
byterian Church/Cumberland Presbyterian
Church in America, having heard the testi-
monials on your behalf and having sustained
your examination thus far, now requires you
to make answer to the following questions:

I. As far as you know your heart, do you believe yourself to be called by God to the office of the Christian ministry.

II. Do you promise, in reliance upon the grace of God, to maintain a Christian character and conduct, and to be diligent and faithful in making full preparation for the ministry?

ill. Do you promise to work with the presbytery through its committee on the ministry in matters that pertain to your preparation for the ministry?

N. Do you now desire to be received by this presbytery as a candidate for the ministry in the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America?

Following formal reception by the presbytery, the person presiding shall offer an appropriate prayer. Following the prayer, with the congregation standing, the person presiding shall address the candidate as follows:

In the name of the Lord Jesus Christ, the great Head of the church, I do now declare by the authority of this presbytery that you are acknowledged and received as a candidate for licensure and ordination in the Cumberland Presbyterian Church/ Cumberland Presbyterian Church in America and I now direct that your name be entered on the roll of the presbytery as a candidate for the ministry.

The person presiding shall then extend to the candidate the hand of Christian fellowship, saying:

The Lord bless you and keep you, the Lord make his face to shine upon you and be gracious unto you; the Lord lift up the light of his countenance upon you and give you peace; through Jesus Christ our Lord. Amen.

Proper record of the reception shall be made in the minutes of presbytery.

moving candidates
>m roll

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6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

Constitution 6.16

6.16 Presbytery may remove the name of a candidate from its roll at any time, but not without indicating the reasons therefor. A candidate may at any time request that his

or her name be removed from the roll, which may be done at the next stated meeting of presbytery.

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

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Constitution 6.17---6.18

6.17 Upon being received by presbytery, a probationer who is a member of the session of his or her church may remain in that position by mutual agreement of the Committee on the Ministry and the Church Session. The probationer, however, may not be elected to represent the church at any of the higher judicatories.

6.18 A candidate may be granted a letter of dismission to another presbytery, but the presbytery is not bound to receive the letter. The receiving presbytery may give the candidate the regular examination above stated. A candidate transferring to another presbytery must unite with a particular church in the presbytery to which he or she transfers.

A Candidate Eligible for Membership on Presbytery Agency

6.17 INTERPRETIVE, 1950.

Does a candidate for the ministry relinquish...membership on a presbyterial board?

A candidate for the ministry...is eligible for appointment to any board or agency of the presbytery to which laymen may be appointed or elected. 1950, p. 89.

Probationer May Be Elected to the Session of His/Her Local Congregation

6.17 INTERPRETIVE, 2003

The Permanent Committee on Judiciary was asked to give an interpretation to the question, "Can a probationer be elected to the session of his/her local congregation"? The committee expresses the following opinion:

Prior to the adoption of the 1984 Confession of Faith, the General Assembly (1915) had ruled that the congregation has the right to elect any member of the congregation (including probationers) to the session. When the Confession of Faith was adopted in 1984, Section 6.17 required that an elder resign from the session when he/she became a probationer. In 2001, Section 6.17 was amended so that a probationer does not have to resign as an elder. It seems reasonable that if a probationer may remain on the session after becoming a candidate, that one not on the session could be elected to the position. It would also be in keeping with the rulings of the General Assembly prior to 1984. This must be done with the consent of the presbytery's committee on the *ministry*. This opinion was adopted. 2003, pp. 175-176.

Probationer's Letter of Dismission

6/8 INTERPRETIVE, n.d.

Is a licentiate a member of a church or is he or she a member of a presbytery? Which of these two bodies has a right to grant a letter of dismissal and recommendation?

A licentiate is a member of a congregation. It appears therefore that if a candidate or licentiate desires to move his church membership, the session should issue a letter of dismission and recommendation; but if he wishes to change his presbyterial relationship, the presbytery is the proper court to issue the letter of dismission and recommendation.

Probationer Not to Be Taken Under Care by Another Presbytery Wit/out Letter

6.18 INTERPRETIVE, 1871.

Is it legal, if a candidate for the ministry under the care of a presbytery has moved within the bounds of another presbytery without a letter of dismission, for this presbytery to receive said candidate under its care as a candidate for the ministry and license him, without first corresponding with the presbytery from which he came? Answer: It is not. 1871, p. 29.

Personal Discipline of Probationers, Responsibility of Session

6.18 INTERPRETIVE, 186.

(See Constitution, 6.210.)

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

Constitution 6.201---6.202

6.200 Licensing Candidates

6.201 Licensure is a judgment by presbytery that a candidate for the ministry has exhibited certain qualities and abilities suitable to the office of ministry and has achieved a certain level of preparation for the ministry. This judgment shall be based on a prior examination of the candidate by the committee on the ministry as to his or her personal spiritual growth; understanding of the nature of the church and its ministry; knowledge of the scriptures, theology, and church history; oral and written use of the native language; and knowledge of any other subjects integral to this level of preparation. Vocational and psychological testing administered by professionals is advisable as part of the process of examination. The

report of the committee on the ministry of its examination shall not preclude examination by the presbytery.

6.202 No candidate shall be licensed who has not completed an undergraduate degree from a college or university approved by the presbytery. Exceptions may be made only of persons possessing suitable gifts and abilities for a fruitful ministry, but who, because of reasons considered valid in the judgment of the presbytery, cannot complete an undergraduate degree. In such cases the candidate shall not be licensed until he or she has completed satisfactorily, under the direction of the committee on the ministry, a three-year program of alternate studies approved by the General Assembly.

Counseling Service to be Provided by Bethel College

6.201 ADVISORY, 1961.

Since Bethel College is equipped for counseling and vocational guidance, we recommend that it be named as the assisting agency to aid the presbyterial Committees on Literature and Theology in promoting better counseling programs. 1961, p. 187.

Presbyteries Instructed to Use Caution in Implementing Alternate Route

6.202 ADVISORY, 1989.

Resolved that the General Assembly instruct presbyteries to review the process of preparation for probationers under their care and exercise greater caution in implementing an alternate route of study other than the primary standard for ordination outlined in the constitution. 1989, p. 194.

Educational Requirements for Licensing of Students in the Program of Alternate Studies

6.202 INTERPRETIVE, 1999

That recommendation 26 of the Report of the Committee on Judiciary, "The General Assembly interprets the educational requirements for licensing of students in the Program of Alternate StudiesJConst. 6:202, last sentence; "In such cases the candidate shall not be licensed until he or she has complete satisfactorily, under the direction of the committee on the ministry, a three year program of alternate studies approved by the General Assembly.") to mean the successful completion of at least sixty hours of course work on the college level and sixteen courses in The Program of Alternate Studies" be adopted. 1999, p. 351.

Requirements for Licensure in Lieu of an Undergraduate Degree

6.2<12 INTERPRETIVE, 2004

A program of alternate studies to fulfill the constitutional requirements for licensure in lieu of an undergraduate degree be defined as the completion of sixty (60) semester hours of undergraduate study at a regionally accredited college or university, or the equivalent. The courses distributed among the following disciplines will satisfy the educational requirement for licensure: English grammar and composition, literature, speech, history (both American and world), the sciences, economics, sociology, and philosophy. Ten percent of the English speaking admissions may be admitted to the Program of Alternate Studies without the required 60 semester hours. Cross-cultural ministers standards are to be determined by the Program of Alternate Studies staff in consultation with the Board of Missions. 2004, p. 341.

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

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Constitution 6.203---6.206

6.203 The licensing of candidates shall be done at a duly constituted meeting of the presbytery or by a commission of the presbytery meeting at a previously designated time and place. The commission shall consist of a quorum of presbytery, but must include two ordained ministers. After a brief statement as to the meaning and significance of licensure, the person presiding shall propose the following questions to the candidate:

I. Do you believe the scriptures of the Old and New Testaments to be the inspired word of God, the authority for faith and practice?

II. Do you sincerely receive and adopt the Confession of Faith of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America as containing the essential doctrines taught in the holy scriptures?

III. Do you promise to promote the peace, unity, and purity of the church?

IV. Do you promise continued cooperation with the presbytery through its committee on the ministry as you continue preparation for ordination, and as you perform those functions of ministry which pertain to a licentiate, as set forth in the Constitution?

The questions being answered in the affirmative, the person presiding shall offer a prayer appropriate to the occasion. Following the prayer, with the congregation

standing, the person presiding shall address the candidate as follows:

In the name of the Lord Jesus Christ, the great Head of the church, and by the authority which he has given to the church for its edification, the presbytery now licenses you to preach the gospel and perform other functions of ministry as set forth in the Constitution. To this end may the blessing of God rest upon you and the Spirit of Christ fill your heart. Amen.

Proper record of the licensure shall be made in the minutes of presbytery.

6.204 A licentiate may preach the gospel within the bounds of presbytery or elsewhere with the approval of all presbyteries involved.

6.205 A licentiate may, with the approval of the committee on the ministry of the presbytery and of the presbytery, serve as a stated supply of one or more particular churches of the presbytery.

6.206 A licentiate may serve as stated supply in congregations of other presbyteries, but only with the approval of the committees on the ministry of both or all presbyteries involved and the approval of the presbyteries. In such cases there should be a close working relationship between the committees on the ministry of both or all presbyteries, with direct supervision of the person's ministry being given by the presbytery in which the licentiate is serving.

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

Constitution 6.207---6.208

6.207 A licentiate who has been authorized to serve as a state supply is nevertheless expected to continue his or her preparation for ordination.

6.208 A licentiate is not a member of presbytery or synod, and thus has no vote in these bodies; nor can a licentiate be a commissioner to the General Assembly.

Termination of Progress Toward Ordination to be Reviewed by Presbytery 6.207 INTERPRETIVE, 1988.

Memorial from East Tennessee Presbytery Regarding Title of Licentiate

Whereas previous General Assemblies have interpreted the constitution to permit a licentiate, who under certain conditions finds it "practically impossible" to meet the educational standards for ordination, to terminate progress toward ordination, and with the approval of presbytery to continue indefinitely as a licentiate; and

Whereas confusion has resulted from the use of the term "lay preacher" to describe such a person, despite the fact that such a person is a licentiate in every respect except that she/he has been permitted by presbytery to "terminate specific preparation toward ordination": Therefore be it

Resolved that the use of the term "lay preacher" be abandoned, and that such a person be called a licentiate or licensed minister; and be it

Resolved further that the decision by presbytery to permit a licentiate to terminate progress toward ordination be reviewed annually and continued only by action of the presbytery on recommendation of the committee on the ministry; and be it

Resolved further that permission to terminate progress toward ordination shall not be construed as relieving such a person of the responsibility under the directions of the committee on the ministry to continue such studies as are possible, which will contribute to her/his spiritual, intellectual, and professional formation for ministry. 1988, p. 178.

Recommendation 4: That the memorial be granted. 1988, p. 206.

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

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Constitution 6.209---6.211

6.209 A licentiate may be given a letter of dismission to another presbytery, but that presbytery is not bound to receive the letter. The receiving presbytery may give the licentiate the regular examination above stated. A licentiate must unite with a particular church in the presbytery to which he or she transfers.

6.210 A licentiate retains membership in a particular church. But inasmuch as such

a person may perform certain functions of ministry only by authority of presbytery, he or she is subject to the disciplinary action of presbytery.

6.211 A presbytery may at any time drop the name of a licentiate from its roll, but not without indicating the reason therefor, nor without giving the licentiate an opportunity to be heard.

Probationer's Letter of Dismission

6.209 INTERPRETIVE, n.d.

(See constitution 6.18.)

Probationer Transferred Without Letter Does Not Invalidate Ordination

6.209 INTERPRETIVE, J§67.

Although the transfer of a licensed preacher from one presbytery to another without a letter of dismission and recommendation is irregular, yet a man ordained under such circumstances is truly an ordained minister, and as such is competent to the discharge of all the duties of his office. Approved. 1967, p. 83.

Personal Discipline of Probationers, Responsibility of Session

6.210 INTERPRETIVE, 1866.

A candidate or licentiate should be tried for immoral conduct by the session. 1866, p. 50.

Probationer Dropped Cannot Be Received or Restored by Another Presbytery

6.211 INTERPRETIVE, 1860, 1917.

When any presbytery, for reasons satisfactory to itself, shall withdraw the license of any probationer, he, at the time of such act, holding himself amenable to, and claiming that his right to preach is from the authority of said presbytery, can any other presbytery restore to him his license? Answer: No. 1860, p. 74.

When a licentiate is dropped from the roll of the presbytery, he is no longer a licentiate; therefore no presbytery has a right to receive him as such. 1917, p. 136.

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

Constitution 6.31---6.33

6.30 Ordination of Ministers

6.31 Ordination is the setting apart of a licentiate to the full work of the gospel ministry. Since the ordained ministry is the highest ecclesiastical office of the church, presbyteries shall be careful to ordain no one until fully satisfied with his or her qualifications for so important a work. A licentiate shall be ordained only if he or she has a call to a church or to a ministry approved by the presbytery. Presbyteries shall not feel obligated to ordain a licentiate because of long tenure as such, nor continue him or her longer than there is promise of usefulness.

6.32 Prior to ordination the licentiate shall sustain a careful and satisfactory examination by the committee on the ministry and the presbytery as a whole upon the following: experimental religion, continuing spiritual growth, the internal call to the ministry, knowledge of the scriptures, church history, systematic theology, pastoral care and counseling, church administration, the edu-

cational task of the church, preparation and delivery of sermons, the nature and meaning of public worship, and the doctrine and government of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America. As part of the above examination presbytery may require such written and spoken discourses as may be judged needful, including the planning and conducting of a presbyterial worship service with the licentiate delivering the sermon. The prior examination by the committee on the ministry shall not preclude examination by the presbytery.

6.33 In addition to the disciplines of study named above, presbytery shall encourage the licentiate as part of his or her preparation for ordination to obtain at least a working knowledge of the Hebrew and Greek languages, the usefulness of which to the understanding of the scriptures is hereby affirmed.

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

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Constitution 6.34---6.35

6.34 No licentiate shall be ordained who has not completed a degree in a graduate school of theology approved by the presbytery. Exceptions may be made only of persons possessing suitable gifts and abilities for a fruitful ministry, but who, because of reasons considered valid in the judgment of the presbytery, cannot be expected to complete the regular course of study in a graduate school of theology. In such cases a licentiate shall not be ordained until he or she has

satisfactorily completed under the direction of the presbytery a two-year program of alternate studies approved by the General Assembly.

6.35 Ordination shall be by the presbytery at either a regular, an adjourned, or a called meeting; or it may be by a commission of the presbytery, which must consist of a quorum of the body and include two ordained ministers.

Ordination Standards Affirmed

6.34 INTERPRETIVE, 1982.

Memorial from Mound Prairie Presbytery concerning the ordination of ministers.

This memorial has asked the Assembly to respond to the following questions:

1. Does the power to ordain to the ministry lie solely with the presbytery?
2. Does the presbytery have the power to make exceptions to the guidelines set by the General assembly in matters of ordaining to the ministry. of those individuals who exhibit unusual motivation, dedication, scholarship, and leadership ability?

Recommendation 9: That the answer to question 1 be "Yes."

Recommendation 10: That the answer to question 2 be "No." 1982, p. 239.

Extraordinary Circumstances for Ordination Defined

6.34 IJ/TERPRETIVE, 1968.

We define "extraordinary circumstances" as those of an older person who exhibits unusual motivation, dedication, scholarship and leadership ability. 1968, p. 150.

Presbyteries Instructed to Use Caution in Implementing Alternate Route

6.34 ADVISORY, 1989.

Resolved that the General Assembly instruct presbyteries to review the process of preparation for probationers under their care and exercise greater caution in implementing an alternate route of study other than the primary standard for ordination outlined in the constitution.... 1989, p. 194.

Graduate School of Theology Defined

6.34 INTERPRETIVE, 1991.

Recommendation 6: That Recommendation 1 of the report of the Commission on the Ministry be adopted, "that the phrase 'a graduate school of theology' be interpreted to mean, 'a master of divinity degree or its equivalent in an accredited school of theology'." 1991, p. 254.

Guidance for Granting Exceptions

6.34 INTERPRETIVE, 1991.

Recommendation 7: That Recommendation 2 of the report of the Commission on the Ministry be adopted, "that the exception is to be granted only when and if the constitutional requirements lie outside the realm of the reasonable, constructive possibility." 1991, p. 254.

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6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

Exceptions Granted Only by Two-Thirds Vote

6.34 *INTERPRETIVE*, 1991.

Recommendation 8: That Recommendation 3 of the Report of the Commission on the Ministry (page 144) be adopted: With the change that the vote would be by a majority rather than two-thirds, thus making the recommendation read as follows: "That an exception be granted only by a two-thirds vote of the members of presbytery present. A full account of the reasons for such an exception shall be included in the minutes of presbytery." [Amended by deleting Recorded Majority, inserting two-thirds--the vote was 49, for: 40, against.] 1991, p. 254.

Educational Requirements for Ordination for Students of the Program of Alternate Studies

6.34 *INTERPRETIVE*, 1999.

That recommendation 26 of the Report of the Committee on Judiciary, "The General Assembly interprets the educational requirements for ordination for students in the Program of Alternate Studies (Const. 6.34, last sentence: "In such cases a licentiate shall not be ordained until he or she has satisfactorily completed under the direction of the presbytery a two-year program of alternate studies approved by the General Assembly,") to mean the completion of thirty-two courses in The Program of Alternate Studies," be adopted. 1999, p. 351.

Interpretation of the "Exception Clause" to Specifically Include Indigenous Leaders/or Cross-Culture Ministry

6.34 *INTERPRETIVE*, 1999.

That recommendation 1 of the joint meeting of the Judiciary Committee and the New Church Development Committee, "that recommendation 1 of the Report of the General Assembly Council recommends the 169th General Assembly approve the following interpretations of the existing constitution," be adopted. "In cross-culture settings in the USA, indigenous leadership is absolutely essential for effective work. A specific interpretation, referencing the Constitution's "exception clause," section 6.34, would be helpful to facilitate recruiting and mentoring effective leaders for cross-culture ministry.

That General Assembly interpret the "exception clause" in section 6.34 of the Constitution to specifically include indigenous leaders for cross-culture ministry.

That General Assembly encourage presbyterial Committees on the Ministry to utilize the General Assembly Board of Missions to assist in providing guidance for ministers and probationers in cross-culture ministries," be adopted. 1999, p. 366.

Elder must be a member of the body to serve on Ordination Commission

6.35 *INTERPRETIVE*. 1990.

A commission to ordain must consist of a quorum of the body. If an elder elected by the church session sends a communication to Presbytery asking to be excused from attending, and he is excused, can he be considered a member of the body so he can be placed on the commission to ordain and be the only elder on the commission?

It is the opinion of the Permanent Committee on Judiciary that the elder in question is not a member of the body until he answers the roll, therefore he cannot be a member of the commission. A commission to ordain must be chosen from the body that created it. 1990, pp. 164, 214

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

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Constitution 6.36

6.36 When a presbytery shall become satisfied with the qualifications of a licentiate, it shall announce a date and place for ordination and make preparation for the same. Following the sermon in a regular worship service at the time and place previously announced, the licentiate shall take his or her place at the front of the sanctuary. After a brief statement by the person presiding as to the purpose of the meeting and the meaning of ordination, the following questions shall be proposed to the licentiate:

I. Do you believe the scriptures of the Old and New Testaments to be the inspired word of God, the authority for faith and practice?

II. Do you sincerely receive and adopt the Confession of Faith of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America as containing the essential doctrines taught in the holy scriptures?

III. Do you approve of and promise to uphold the government of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America?

IV. In participating as a minister in the judicatories of the church, do you promise to share in a responsible way in the decisions that are made, to abide by those decisions, and to promote the welfare of the church?

V. As far as you know your heart, have you been induced by the Holy Spirit to answer the call to the ministry from love of God and neighbor and a sincere desire to glorify God and advance his Kingdom in the world?

VI. As God may enable you, do you promise to be zealous and faithful in maintaining the truths of the gospel and the purity and peace of the church, irrespective

of any opposition that may arise to you on that account?

VII. Do you promise to be faithful and diligent in the exercise of all your duties as a Christian and a minister of the gospel, and endeavor to so conduct yourself both privately and publicly as not to give offense to Christ and his church?

The above questions being answered in the affirmative, the licentiate shall kneel. All ministers of the presbytery present, with advisory members by invitation, and all elders who are members of the presbytery, shall gather around him or her. As the person presiding, or another appointed for the purpose, offers an appropriate prayer, all the presbyters shall, by the laying on of hands, solemnly set the licentiate apart to the office of the gospel ministry.

Then, with all the presbyters reverently standing, the person presiding shall say:

In the name of the Lord Jesus Christ, the great Head of the church, and by the authority of this presbytery, I now declare you duly ordained to the office of the gospel ministry, committing to you full authority to preach the word, to administer the sacraments, and to bear rule in the church.

Then the presiding minister, followed by all the presbyters, shall take the new minister by the hand, saying to him or her: We give you the hand of fellowship to take part in the ministry of the gospel with us.

After the presbyters have returned to their places, the person presiding, or some other person appointed for the purpose, shall deliver an appropriate charge to the new minister. A prayer shall then be offered in which the new minister is recommended to the grace of God for that ministry to which he or she has been set apart.

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- ordination questions

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6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

The transaction shall be duly recorded in the presbyterial minutes, the newly ordained minister's name added to the roll of ministers

of the presbytery, and the church of which the minister was a member notified to drop his or her name from its roll.

Oaths Taken for Ordination Clarified

6.36, INTERPRETIVE, 2024

Interpreted the constitution (Const. 9.4c) by clearly answering the following questions regarding the oaths taken during the ordination of elders/deacons (2.92) and ministers (6.36) and adding the assembly's interpretive rulings to the Cumberland Presbyterian Digest:

Question 1: Regarding sections 2.92 and 6.36, questions I-VII, must a licentiate seeking ordination to the Ministry of Word and Sacrament or a layperson seeking ordination as a deacon or elder within the Cumberland Presbyterian Church answer in the affirmative to each of their respective constitutional questions?

Answer: The Constitution already states that the questions must be answered in the affirmative before ordination and we concur with the Constitution.

Question 2: Regarding sections 2.92 and 6.36, question II: is the entire Confession of Faith sections 1.0 through 7.08 "essential doctrines" for the Cumberland Presbyterian Church in faith and practice, or are some portions of the Confession of Faith "essential" and some portions "non-essential"? If some of the Confession is non-essential, which portions are essential? Who or what has the authority to determine which portions are essential?

Answer: We assert that the Confession of Faith and the Constitution do not contain nonessentials.

Question 3: If a minister, elder, or deacon duly ordained in the Cumberland Presbyterian Church willingly and openly preaches and teaches against our doctrine, should they be subject to disciplinary action by their proper judicatory?

Answer: According to the Constitution this question is addressed by the Rules of Discipline, Section 4.104. 2024, p. 172

Minister Must Adopt Confession of Faith

6.36 INTERPRETIVE, 1873.

Can anyone become a minister and member of a presbytery of the Cumberland Presbyterian Church without adopting the Confession of Faith and Form of Government of the Church?

Answer: "He cannot." 1873, p. 30.

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

91

Constitution 6.41

6.40 Recognition of Ordination

6.41 A minister of another ecclesiastical body who desires to become a minister in the Cumberland Presbyterian Church/ Cumberland Presbyterian Church in America shall appear before the committee on the ministry of the presbytery in which he or she wishes to be received. The committee on the ministry shall investigate the following:

a. Whether the minister has proper credentials from his or her ecclesiastical body;

b. Whether the minister has a degree from a college and graduate school of theology;

c. Whether the minister has a knowledge of the history, theology, and government of the Cumberland Presbyterian Church/ Cumberland Presbyterian Church in America;

d. Whether the minister seems fit for service as a minister in the Cumberland Presbyterian Church/ Cumberland Presbyterian Church in America.

Interpretation for Receiving and Recognizing the Ordination of Non-Anglo Ordained Ministers to Work in Ethnic Communities

6.40 INTERPRETIVE 1999.

That recommendation 1 of the joint meeting of the Judiciary Committee and the New Church Development Committee, "that recommendation 1 of the Report of the General Assembly Council, 'That the General Assembly Council recommends the 169th. General Assembly approve the following interpretations of the existing constitution,' be adopted. "The Constitution provides a procedure for receiving, and recognizing the ordination of, ordained ministers from other denominations (section 6.40) Specific interpretation is needed, though, to receive Non-Anglo ordained ministers to work in ethnic communities. A minister from another church and Non-Anglo heritage may have been unable to acquire the educational requirements set forth in the Constitution. An understanding would be helpful that would permit the minister to begin serving in the Cumberland Presbyterian system, on a provisional basis for a period of time, to develop or serve an ethnic church while being mentored by the presbytery, and undertaking a course of study, administered by the GA Board of Missions and authorized by the Program of Alternate Studies."

"That General Assembly interpret section 6.40 of the Constitution to provide for the recognition of ordination specifically for a Non-Anglo ordained minister who desires to work primarily with his/her own ethnic community to develop or serve a Cumberland Presbyterian congregation, and who because of native language, racial/cultural heritage, economic opportunity or national circumstances, has not acquired full educational requirements for ministry as prescribed by the Constitution, but who nevertheless exhibits suitable gifts and abilities for a fruitful ministry. The interpretation would permit the minister to exercise full ministerial responsibilities in the congregation/ministry to which he/she has received an approved call within the bounds of the presbytery for a provisional period of two years, and be enrolled as a member of presbytery. The minister would submit to the oversight and mentoring of the Committee on the Ministry during the provisional period."

"That General Assembly interpret the 'exception clause' in section 6.34 of the Constitution to specifically include indigenous leaders for cross-culture ministry."

"That General Assembly encourage presbyterial Committees on the Ministry to utilize the General Assembly Board of Missions to assist in providing guidance for ministers and probationers in cross-culture ministries." 1999, p. 367.

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

Constitution 6.42---6.43

6.42 The committee on the ministry, if satisfied in each of the areas described in Section 6.41 may recommend to presbytery that the minister be received as an ordained minister in the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America, upon giving affirmative answer to the questions put to licentiates at their ordination. Such procedure shall not exclude the opportunity for presbytery to examine the minister.

6.43 If the person seeking to become a minister in the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America neither has degrees from a college and a graduate school of theology nor has completed a course of study comparable to the program of alternate studies approved by

the General Assembly, he or she shall be required during a probationary period to meet the educational standards for ordination. A person who does not have a college degree or has not completed the program of alternate studies shall have the status of a candidate. A person who has a college degree or has completed the program of alternate studies required of a licentiate shall have the status of a licentiate. When the educational requirements have been satisfied, the probationary period may be ended and the minister's previous ordination confirmed upon giving affirmative answer to the questions put to licentiates at their ordination. Such procedure shall not exclude the opportunity for presbytery to examine the minister.

Ministers from Other Denominations Do Not Join Local Church During Probationary Period 6.43 INTERPRETIVE, 1946, 1956.

The question is asked, "Is it required of an ordained minister coming from another denomination to become a member of a local Cumberland Presbyterian Church?"

We would answer, "No." 1946, p. 115.

Answering the question raised in the last paragraph of the memorial, an ordained minister from another denomination who is seeking admittance to a presbytery is not eligible and should not be enrolled as a member of a congregation within the bounds of the presbytery either before or after his admission to the presbytery. 1956, p. 128.

Minister Who Left Denomination-How Received 6.43 INTERPRETIVE, 1904.

There have been referred to us the questions propounded by Lebanon Presbytery concerning the legal status of a minister who has joined another church without asking for a letter and afterward asks to be admitted back into the Cumberland Presbyterian ministry.

Your committee thinks that any member of the ministry of the Cumberland Presbyterian Church who joins another church without taking a letter thereby forfeits all his offices, rights, and privileges in our church; and on his return he should be received in the same manner as though he had never been in the Cumberland Presbyterian ministry. 1904, p. 53.

Concerning Reception of Ordained Ministers from Other Denominations 6.43 INTERPRETIVE, 1993

Memorial from Arkansas Presbytery concerning reception of Ordained Ministers from other denominations. 1993, p. 160

"Whereas, the Constitution in the Confession of Faith, Section 6.40, page 51 titled 'Recognition of Ordination' outlines the process for receiving ordained ministers free from other ecclesiastical bodies; and

6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

92b

Constitution 6.42---6.43

Whereas, Section 6.43 states that if the minister does not meet the educational requirements for an ordained minister in the Cumberland Presbyterian Church, he or she is received on probation with the status of a candidate or licentiate until requirements are met; therefore,

Be it resolved that Arkansas Presbytery memorialize the 163rd General Assembly to answer the following questions:

1. Can a presbytery grant him/her permission to:
 - a. Serve Communion,
 - b. Perform baptisms, and
 - c. Moderate the session?
2. How is the person to be listed in the presbyterial directory and the denomination's yearbook?"

The Judiciary Committee, Recommendation 25: That the answer to question 1 of the Memorial *from* Arkansas Presbytery concerning Reception of Ordained Ministers from other denominations is that this person will be permitted only the duties authorized for probationers until received by presbytery as an ordained minister. The answer to question 2 of the memorial is that they may be listed as under the care of presbytery as probationer. 1993, p. 270

Receiving Ministers from Other Denominations

6.42, 6.43 INTERPRETIVE, 2007

In 1993 the General Assembly ruled that the status of a minister desiring to have his/her ordination recognized, has the status of a licentiate while in the process and is permitted only the duties authorized for probationers until received by presbytery as an ordained minister. Constitution 6.31 "A licentiate shall be ordained only if he or she has a call to a church or to a ministry approved by the presbytery." Since an ordained minister coming from another denomination has the status of a licentiate until the ordination is recognized, a call is essential to recognize the ordination. 6.32 The presbytery must have the opportunity to examine the person. 6.42 requires that the questions (6.36) propounded to licentiates prior to ordination must be answered in the affirmative prior to recognizing the ordination. 2007, p. 430

6.00 THE AUTHORITY OF THE PRESBYTERY OVER MINISTERS, LICENTIATES, AND CANDIDATES

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Constitution 6.51—6.53

6.50 Jurisdiction over Ministers

6.51 A letter of dismissal for a minister, licentiate, or candidate shall be granted to a particular presbytery of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America or another ecclesiastical body. A minister, licentiate, or candidate shall remain under the appropriate jurisdiction of the presbytery granting the letter of dismissal until proper notification of reception by the presbytery or other ecclesiastical body to which the letter was granted. No minister, licentiate, or candidate of one presbytery shall be received by another presbytery of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America without a duly certified letter of dismissal from the former presbytery.

6.52 If a minister lives outside the bounds of the presbytery in which he or she de-

sires to hold membership, he or she must receive the consent of the synod in which that presbytery is located to hold membership in that presbytery.

6.53 A minister against whom no charges are pending or who is under no disciplinary action, if fully satisfied that God has not called him or her to the ministry, or if he or she has satisfactory evidence of his or her inability to serve as a minister, or if he or she shall, for any other reason desire to do so, may request that his or her ordination be revoked and that he or she be divested of the office. The committee on the ministry shall be directed to counsel with the person, if it has not already done so, and report to the next stated meeting of the presbytery. If the person remains firm in his or her request, the presbytery shall approve the request, noting that it is not a disciplinary action.

Membership of Minister Transferred by Synod, When

6.51 INTERPRETIVE, 1847.

Synods have no right to change the Presbyterian relations of a minister or ministers; except in constituting new Presbyteries, in which case they have constitutional jurisdiction in reference to both territory and ministers. 1847, p. 620, MSS.

Presbyterial Membership Transferred With Change of Boundaries

6.51 INTERPRETIVE, 1865.

Your Committee appointed on the minutes of Iowa Synod, would report that they have examined the minutes of that Synod, of September 1863, and find that by a resolution of that body, the membership of Rev. Wm. Lynn was changed from Iowa to Oskaloosa Presbytery, without changing the boundaries of those Presbyteries. This in the opinion of your Committee, is a departure from our Book of Discipline. We can conceive of very extreme circumstances when such action is justifiable, but in such cases, an account of the circumstances should be spread upon the minutes. 1865, p. 173.

Membership in Presbytery Where Minister Does Not Reside

6.52 INTERPRETIVE, 1959.

In all cases where permission has been granted by synods for ministers to hold membership in presbytery where they do not reside, **it is** our opinion that when the minister's primary work ceases to be in the presbytery away from his place of residence, said permission is considered cancelled; exceptions being ministers employed in a full-time capacity by some denominational agency.

It is recommended that synods be instructed to re-examine such grants given in the past, that all such matters be kept up to date. 1959, p. 168.

- ministers
(retired/dropped)

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6.00 THE AUTHORITY OF PRESBYTERY OVER MINISTERS, LIC: NTIATES, AND CANDIDATES

Constitution 6.54---6.55

6.54 A minister whose ordination has been revoked at his or her own request or by deposition may be received as a member in a particular church on reaffirmation of faith. .

6.55 A retired ordained clergy may, upon his or her retirement and request be thereafter excused from • further meetings of the presbytery and synod without affecting his or her relationship to presbytery and synod.

Membership of Minister Dropped From Roll

6.54 INTERPRETIVE, 1930.

A minister's church membership is in the presbytery. When his name is "dropped from the roll" he is not a member of the church until he offers himself for membership in some particular congregation and is accepted. After this-time he may present himself to the presbytery or membership and may be received on proper evidence of good standing as a probationer and be fully restored as an ordained minister when the presbytery is satisfied of his sincerity and general fitness for this sacred office. Satisfactory evidence of previous ordination will be recognized as valid.

Presbyteries should use great care and observe the laws of our church. When ministers have been received irregularly, both the presbytery and ministers should be diligent to correct the error, all in a spirit of love and fraternal fellowship. 1930, p. 125.

Retired Minister Defined

6.55 INTERPRETIVE, 1950. 1993.

A retired minister is one who has become unable to continue in the ministry of the church by reason of .. age, physical impairment or prolonged illness and has retired or withdrawn from such active ministry because of such inability or disability.

A retired minister should continue to be interested in the church and its program and he should continue to do whatever he may be able to do in furtherance of the same....

A retired minister has no additional privileges by reason of his retirement unless it be under the voluntary retirement program of the church or under the Ministerial Relief Program of the denomination, eligibility in connection with each of which has been heretofore clearly defined. 1956, pp. 127, 192.

That the General Assembly approve this Celebration of Ministry [1993 Minutes, p. 145] for use by the presbyteries, and that for this purpose retirement be defined as the time when ministers cease to be engaged in full-time ministry. 1993, p. 257.

RestorinK Ordination to Ministers Who Voluntarily Gave Up Ordination

6.53-6.54 INTERPRETIVE, 2005.

When a minister has voluntarily given up his/her ordination according to Sections 6.53 and 6.54 and later requests that his/her ordination be restored, the customary practice has been for the presbytery which approved the request to remove the credentials to restore the credentials. In the case of a disciplinary action, Rules of Discipline 3.409, only the presbytery which suspended or deposed a minister can restore the ordination; however, when a person voluntarily gave up an ordination with no charges pending, the committee is of the opinion that the Rules of Discipline do not apply. It is the opinion of the Permanent Committee on Judiciary that a person who voluntarily gave up his/her ordination, then asks to be restored would have the same status as a new candidate. The person would have to be an active member of a local congregation, present oneself to the presbytery in which the congregation was located, and the particular presbytery would have to determine the length of time needed prior to the restoration of the ordination. In the case of a disciplinary procedure ordination would be restored by a vote of the presbytery, however, in the case of a person who gave up one's credentials, the process would be the same as a new ordination. 2005, p. 411

7.00 RELATIONS BETWEEN MINISTERS, LICENTIATES, OR CANDIDATES AND CHURCHES

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Constitution 7.01---7.03

7.01 A person may be called to a particular church to one of four relationships: pastor, associate/assistant pastor, stated supply, or interim pastor.

7.02 The office of pastor is to be held only by an ordained minister, whom the particular church has called for an indefinite time and to whom the presbytery has entrusted the spiritual care of the church, including the office of moderator of the session.

7.03 The office of associate/assistant pastor is to be held only by an ordained minister whom the particular church has called for a definite or indefinite time to fulfill various pastoral functions as outlined by the church issuing the call, and approved by the presbytery. In the absence of the pastor, the associate pastor may, with the approval of the pastor and session, serve as moderator of the session or of a congregational meeting.

Particular Church May Have More Than One Pastor

7.02 INTERPRETIVE. 1996

Recommendation 11: That the 166th General Assembly go on record to affirm that the Constitution does not limit a particular church to one pastor or to one associate/assistant pastor, nor does it prohibit a congregation having more than one pastor from requesting, by vote of its members, its pastors not serving as moderator to serve as ex-officio members of the Church Session. 1996, p. 318.

7.00 RELATIONS BETWEEN MINISTERS, LICENTIATES, OR CANDIDATES AND CHURCHES

Constitution 7.04

7.04 The office of stated supply may be held by an ordained minister, a licentiate, or a candidate, whom the particular church has called for an indefinite time, or, in the case of an interim supply, for a definite time, for less than full time work. An ordained minister serving as stated supply may fulfill

all duties and functions pertaining to the spiritual care of the church, including moderating the session. A licentiate or a candidate serving as stated supply may fulfill the duties and functions except moderating the session, administering the sacraments, and solemnizing marriages.

Licentiate Not Authorized to Solemnize Marriage

7.04 INTERPRETIVE, 1899.

Until ordination, a licentiate is a probationer. His authority is transient and temporary. He has only been licensed to preach the gospel, and that license is liable to revocation by the arbitrary act of the presbytery, and therefore he is not a minister of the Gospel in the sense of that word as used ordinarily in the statute law of marriage. In this report all of the committee concur. 1899, p. 51.

Authority of Licentiates Limited

7.04 INTERPRETIVE, 1938, 1949, 1963, 1965, 1987.

We have had referred to us a memorial from Memphis Presbytery asking that we so define the standing of a licentiate in the presbytery that he shall have the authority to perform the necessary duties of a pastor within the bounds of his own congregation. We are of the opinion that under our law this cannot be done. We would in this connection urge our presbytery(ies) to exercise proper caution in the ordaining of ministers and that they not be too hasty in this matter. We recommend that the memorial be not granted. 1938, p. 140.

The Committee on Overtures has requested us to recommend to the General Assembly pursuant to the memorial from the Lebanon Presbytery concerning the status of a licentiate that sections 100 and 104 of the Confession of Faith be amended so as to permit the administration of the sacraments of baptism and communion by a licentiate. This we refuse to recommend, inasmuch as it would tend to lower the standards of our ministry which we are endeavoring to uphold. 1949, p. 148.

Memorial from Indiana Presbytery Concerning Lay Ministers

We recommend that this memorial be not granted because we believe that it conflicts with the teaching of the Confession of Faith. Your committee also noted that the General Assembly has consistently ruled against giving any further authority to licentiates or lay preachers. 1963, p. 198.

Memorial from McGready Presbytery

This committee is sympathetic toward the problem expressed in this memorial. However, we do believe that the administration of the sacraments should be performed only by an ordained minister. We believe that the ultimate result of the proposed action would be to lower, rather than raise, the incentive of the probationer to fulfill the standards for ordination. 1965, p. 193.

Recommendation: We recommend that the opinion of the Permanent Committee be concurred in and that the memorial be not granted. 1965, p. 186.

Recommendation: That the memorial from East Tennessee Presbytery on granting the administration of the sacraments to licentiates be denied. 1987, p. 211.

Stated Supply or Interim From Another Presbytery Requires Approval of Both Presbyteries

7.04 INTERPRETIVE, 1983.

Recommendation: That the vacant church may have a stated supply or interim minister from another presbytery provided the relationship is approved by both presbyteries. 1983, p. 142.

7.00 RELATIONS BETWEEN MINISTERS, LICENTIATES, OR CANDIDATES AND CHURCHES

97

Constitution 7.05

7.05 The office of interim pastor is to be held by an ordained minister who is invited by the session of a church without an installed pastor. An interim pastor may preach the word, administer the sacraments, and fulfill pastoral duties for a specified period of time not to exceed twelve months, while the church is seeking a pastor. An interim pastor may not be called to be the next installed pastor or associate/assistant pastor of a church served as interim pastor.

7.06 A person shall enter into one of these relationships with a particular church only with the approval of the presbytery in the bounds of which the particular church is located. The presbytery may authorize its board of missions to act on its behalf in examining the call and to give tentative approval to a relationship between a particular church and a minister, licentiate, or candidate, subject to formal approval at a meeting of the presbytery.

Authority of Presbytery Over Relationships Between Ministers and Churches

7.06 INTERPRETIVE, 1851, 1930, 2002.

Resolved by this General Assembly: That no minister has the constitutional right to take charge of any congregation as its stated supply without the consent of his presbytery and of the presbytery in the bounds of which the said congregation is located. 1851, p. 14.

A presbytery has authority over congregations and ministers within its bounds. This authority should be exercised with great care and consideration. The congregation and minister negotiating a change in pastoral relations should have due respect for the authority of the presbytery. A congregation has a right to issue a call to a minister for a definite or indefinite period of time, but the contract is subject to approval of the presbytery at its next stated meeting. The call should so state. 1930, pp. 125-126.

It is the opinion of the Permanent Committee on Judiciary that presbyteries must follow the Constitution in calling a pastor and approving pastor/church relationships due to the possibility of legal ramifications. 2002, pp. 170, 171.

Indefinite Call to Pastor Implies Request for Installation

7.06 INTERPRETIVE, 1897, 1963.

We recommend that you instruct your presbyteries to install ministers who receive and accept calls from sessions by the consent of presbyteries. In other words, that you interpret these sections as follows: That when a session extends a call to a minister according to the Constitution, such call implies a request for installation and that a minister's acceptance of such a call carries with it his request for installation. 1897, pp. 40-44.

When a congregation desires the services of a minister as pastor, he shall be given an indefinite call. Such a call implies a request on the part of the church, and the acceptance by the minister implies his request to the presbytery for installation. 1963, p. 196.

7.00 RELATIONS BETWEEN MINISTERS LICENTIATES, OR CANDIDATES AND CHURCHES

Constitution 7.07

7.07 The relationship between a minister, licentiate, or candidate and a particular church may be dissolved only by presbytery, acting on the request of both parties,

or on the request of one party if sufficient reasons are presented, or when, in the opinion of the presbytery, the well-being of the particular church demands it.

Dissolution of Pastoral Relationship Complete When Presbytery Approves Request 7.07 INTERPRETIVE, 1962.

Obion Presbytery memorializes the General Assembly requesting information regarding the dissolution of the pastoral relationship. Section 58 of the Constitution seems to imply that when both pastor and church request the dissolution and the presbytery takes note of the request, the matter is completed. 1962, p. 150. Regarding a memorial from Obion Presbytery...we concur in the opinion of the Permanent Committee with the exception that the term "note" used in the memorial shall be interpreted to mean specifically, "when the presbytery takes favorable action to dissolve the relationship." 1962, p. 173.

"Pastor Emeritus" An Honorary Title 7.07 INTERPRETIVE, 1985.

The term "pastor emeritus" is an honorary title conveying no official standing in the courts of the church. 1985, p. 230.

7.00 RELATIONS BETWEEN MINISTERS, LICENTIATES, OR CANDIDATES AND CHURCHES

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Constitution 7.11

7.10 Installation of Pastors and Associate/Assistant Pastors

7.11 Pastors and associate/assistant pastors shall be installed by presbytery or by a commission of presbytery. The service of installation shall include a sermon appropriate to the occasion, a brief explanation of the nature of the pastoral relation, and the asking of the following questions:

To the minister:

I. Are you willing to assume the responsibilities as pastor (or associate/assistant pastor) of this church, according to the agreements made in your acceptance of the call?

II. Do you believe that in taking upon you these pastoral responsibilities you are influenced by a sincere desire to promote the glory of God and the good of the church?

III. Do you solemnly covenant that, in reliance upon the grace of God, you will endeavor faithfully to fulfill the responsibilities of a pastor (or associate/assistant pastor) to this church, to preach and teach the word of God, to care for the sick, the troubled, the dying, and the bereaved, and to lead this church in its witness and ministry, as God gives you wisdom and strength?

When these questions have been answered in the affirmative, the following questions shall be asked:

To the elders of the session:

I. As the immediate representatives of the people, are you willing to share with the minister, as your pastor (or associate/assistant pastor), in the government and leadership of the congregation?

II. The Constitution identifies the session of a particular church as the minister in charge and the elders elected by the people. The session thus constituted is charged with the pastoral oversight of the

congregation. Are you, with this minister in charge, willing to share fully in the pastoral oversight of the congregation?

III. Do you covenant with this minister, as your leader and pastor, to share openly and fully with him or her about all the ministries of this particular church, praying for and with him or her, and encouraging him or her in this work with you?

To the congregation:

I. Are you willing to enter into the pastoral relation with this minister whom you have called to be your pastor (or associate /assistant pastor)?

II. Do you covenant to encourage and assist him or her in the ministry which you share with him or her in this congregation?

III. Do you covenant that through your stewardship and prayers you will continue that material and spiritual support by which he or she will be sustained in his or her ministry with you?

When these questions have been answered in the affirmative, the presiding minister shall say:

*I now declare that
has been regularly called and installed pastor
(or associate/assistant pastor) of this congregation,
agreeable to the word of God and according to the government of the
Cumberland Presbyterian Church/Cumberland
Presbyterian Church in America. Therefore,
_____ is entitled to all support,
encouragement, and honor in the Lord. In the
name of the Father, and of the Son, and of the
Holy Spirit. Amen.*

The presiding minister, or one appointed for the purpose, shall then deliver an appropriate charge to the pastor (or associate/assistant pastor) and to the congregation to fulfill the covenant made between them. Then, by prayer, the minister shall commend them to the grace of God and to God's holy keeping.

8.0 SYNOD

101

Constitution 8.1

8.0 SYNOD

8.1 A synod consists of at least three ministers and the elder representatives from the presbyteries in a prescribed area and the churches within those presbyteries.

Ministers Who Are Members of Presbytery Are Members of All Meetings of Non-Delegated Synod

8.1 INTERPRETIVE, 1933.

(See Constitution 5.01, INTERPRETIVE, 1933, 1961.)

Minister in Transit Cannot Be Member of Synod

8.1 INTERPRETIVE, 1859, 1877.

Is the holder of such a letter a member of the synod composed in part of the presbytery granting the letter?

Your committee are of the opinion that when a member withdraws from presbytery, his name is discontinued in the records of the presbytery; as the roll of synod is made up from the records of the presbytery, the synod could not, therefore, recognize said minister as a member. 1859, p. 41.

The question presented in the minutes of Pacific Synod has been considered. The question is whether a minister with a letter of dismission and recommendation can be received as a member of a synod in another section before he has been received and constituted a member of a presbytery in such synod. It is our opinion that a minister must become a member of a presbytery by its action before he can be a member of synod. 1877, p. 20.

Synodic Jurisdiction Over Ministers' Membership

8.1 INTERPRETIVE, 1847, 1865.

Synods have no right to change the presbyterial relations of a minister or ministers except in constituting new presbyteries, in which case they have constitutional jurisdiction in reference to both territory and ministers. 1847, p. 620, MSS.

- nondelegated/delegated synod, quorum, hearing appeals

Constitution 8.2---8.4

8.2 Representation to synod may be based on either all ministers and the elder representative/s from each church within the presbyteries with one (1) elder representative from each church for every 300 active members or a portion thereof or designated representatives from each presbytery consisting of one (1) elder and one (1) minister for every 1,000 active members or a portion thereof within the presbytery; the elders being from different churches.

8.3 The synod having met at the time and place appointed may proceed to business provided a quorum of six persons (ministers and session representatives) are present, including at least one minister and one elder, with representation from at least three presbyteries.

8.4 Members of a presbytery from which an appeal or protest is made shall not be entitled to vote on that question.

Presbyteries to Hold Members Accountable for Attendance at Synod

8.2 ADVISORY, 1851, 1975.

Our Form of Government defines plainly the several judicatories of our church, requiring prompt attention thereto, a disregard for which inevitably leads to anarchy. To reach delinquent members of synod, your committee recommend that the several synods under your care require each presbytery to hold its members amenable for non-attendance at synod. The reasons rendered shall be spread on the minutes of presbytery, but no reasons shall be sustained unless the hindering causes named were providential. 1851, p. 23.

That each synod adopt a standing rule concerning reporting unexcused absences to the presbyteries where the unexcused absences occur. 1975, p. 214.

Each Church in a Parish Entitled to Representation £:JJl3>

---g' z INTERPRETIVE, 1881.

(See Constitution 5.04, INTERPRETIVE, 1887.)

Right to Demand Attendance of Members

8.2 INTERPRETIVE, 1901. •

There has been referred to your Judiciary Committee a question raised by the protest of I.S. Davenport against the action of Texas Synod in excusing certain of its members from attendance on the synod. The protestant contends that the members of the synod, it being a delegated synod, are responsible alone to their presbyteries, and that hence the action of the synod was unnecessary. Responding to this contention, we recommend that you declare that while the delegates were responsible to their presbyteries, they were also responsible to the synod of which they were members. Section 8 of the Rules of Order provides that it shall be the duty of the moderator to prevent members from leaving the judicatory without his permission, and section 66 provides that no member shall withdraw from the judicatory to return home without the consent of the judicatory.

Every deliberative assembly has an inherent right to the presence of all its members. Each member of the synod represents not only his presbytery but the entire synod. The body and the constituency which it represents are entitled to the benefit of whatever information and ability is possessed by every one of its members. The body is, moreover, entitled to the vote of every one of its members. Cases may be conceived of where the house is very closely divided on important questions, and where the vote and the influence of a very few, or even one absent member, would turn the scale. Such absent member or members might be the wisest and best informed of all those elected to the body. The whole synod might thus be made the victim of their absence of the beneficiary of their presence. At all events, the sentiments of the whole synod are not fully expressed when any of the members are absent, and the synod has the right to command their presence whenever it deems it necessary. Moreover, absence of members may reduce the number present to less than a quorum and absolutely stop the transaction of business. The synod would have no power to prevent this unless it has the power to insist on the presence of its members. It has this power, and the application for leave of absence was properly made to the synod. It should not be understood, however, that leave of absence granted by the synod relieves the members from accountability to their presbyteries for unwarranted absence.

Upon the whole it does not appear that the synod committed any error in entertaining the application. 1901, pp. 114-115.

(continued on next page)

Representation of Union Congregations Based on Membership Reported in Yearbook

8.2 INTERPRETIVE, 1983.

(See Constitution 5.04, INTERPRETIVE, 1983.)

Sunday Morning Meetings of Synod Not Commendable

8.3 ADVISORY, 1871.

Your committee, appointed to examine the minutes of the Synod of Brazos, report that we have had a printed copy of the minutes of 1870 of said synod before us and find them in the main correct. They, however, adjourned on Saturday to meet on Sabbath morning, which your committee think, to say the least, is not commendable. 1871, p. 13.

- duties of synod
(hear appeals,
review actions of presbytery)

104

8.0 SYNOD

Constitution 8.5a---8.5b

8.5 A synod has the oversight and responsibility to:

a. Examine and decide appeals, protests, and referrals regularly sent up from the presbyteries;

b. Review the records of the presbyteries, redress whatever they may have done contrary to order, take effectual care that they observe the government of the church and obey the injunctions of the higher judicatories;

Guidelines for Examination of Presbyterial Records

8.5b ADVISORY, 1976.

Following consultation with the chairman of the Permanent Committee on Judiciary, the Assembly's Stated Clerk recommends that minutes of each of its presbyteries be examined by the synod to ascertain:

1. If the actions taken by the presbytery are legal in the light of the Constitution, the Rules of Order, and the directives of the General Assembly;
2. If the report of the proceedings of the presbytery is recorded in such manner as to assure historical clarity;
3. If the presbytery is functioning as a presbytery in carrying out the program of the church;
4. When the presbytery is using effective or innovative procedures or programs, information concerning which the synod might well advise its other constituent presbyteries;
5. If the presbytery has filed annually with the General Assembly's Commission on the Ministry the questionnaire for reporting on ministerial relations, including a statement on any censures or ordinations; and,
6. If the standards for censures and ordinations were met.

Note: It is the Stated Clerk's opinion that, where possible, the appointed synodic committee should study the minutes of the synod's presbyteries well in advance of the making of its report to synod. Should there be criticisms of the minutes, the affected clerk could be apprised in advance of the scheduled synodic meeting so that he/she might have the opportunity to furnish additional information. 1976, p. 101.

Synod Can Require Presbytery to Correct Records

8.5b INTERPRETIVE, 1864.

We, therefore, do not sustain the appeal charging the presbytery with irregular or disorderly proceeding, there being only one error or omission in the record, which the presbytery should have been directed to correct or supply. 1864, p. 138.

Synod Can Require Presbytery to Correct Actions

8.5b INTERPRETIVE, 1834.

The synod has a constitutional right to order a reconsideration of any irregularity or departure from the Discipline and may properly recommend a presbytery to rescind an act and may also, if necessity seems to require it, recommend that the moderator call a special session of the presbytery forthwith. 1834, pp. 220-221, MSS.

Synod Can Direct Presbytery to Rescind Ordination

8.5b INTERPRETIVE, 1981

A memorial from Arkansas Synod was referred to us asking, "May the synod nullify the ordination of a person who in its judgment was ordained contrary to constitutional requirements?" 1981, p. 187.

Recommendation 1: That the Assembly answer the question "No." However, the synod can direct the presbytery to correct or rescind any illegal judgment to ordain in accordance with Article 37 of the Constitution which states the power of synod. 1981, p. 248.

(continued on next page)

8.0SYNOD

105

Ordinations to be Reported to Synod and General Assembly

8.5b INTERPRETIVE, 1971, 1972.

(See Constitution 5.07, ADVISORY, 1972.)

Synods to Review Ordinations by Presbyteries

8.5b INTERPRETIVE, 1892, 1973.

Whereas, the Constitution of our church prescribes the standard of literary attainment to be reached by licentiates preparatory to ordination and emphatically states that a knowledge of the branches of literature therein enumerated is indispensable to ordination; and whereas, it is the habit of many of our presbyteries to disregard often this requirement of the Constitution, and, by laying hands on men who have not reached the standard required, to thrust into the ranks of the ministry incompetent men; therefore be it

Resolved: That we recommend to this General Assembly that it instruct the synods under its jurisdiction to make careful observation of the work of presbyteries touching this matter, and where presbyteries are found acting in violation of this law of the church to administer to them a severe reprimand and if this fails to correct the evil, to proceed to dissolve said presbytery and distribute their ministers and churches among other presbyteries, according to the wisdom of the synod so acting. 1892, p. 37.

We recommend that synods be instructed to include a statement in their minutes as to whether or not the ordination practices of the presbyteries are in keeping with the directives given in the Assembly of 1968. 1973, p. 180.

Synods to See that Ordination Records Are Complete

8.5b ADVISORY, 1964.

That the synods of the church be instructed to give attention to the examination of presbyterial records to observe that the records of ordination are complete and in order. 1964, pp. 149, 183.

Synods Can Require Presbyteries to Adhere to Program of Church

8.5B ADVISORY, 1960, 1975.

We recommend that synodic committees on presbyterial records be instructed to examine the minutes for accuracy and procedure and for evidence that the program of the church is being carried out in all presbyteries. 1960, p. 192.

That synods be more attentive to holding the presbyteries to the established guidelines of the General Assembly. 1975, p. 214.

Verbal Testimony Not Admissible in Records

8.5b INTERPRETIVE, 1853.

(See Constitution 5.06e, INTERPRETIVE, 1853.)

Lower Judicatories to Review General Assembly Minutes

8.5b ADVISORY, 1975.

(See Constitution 4.05n, ADVISORY, 1975.)

- duties of synod
(set presbyterial boundaries)

106

8.0 SYNOD

Constitution 8.5c

8.5 [A synod has the oversight and responsibility to:] (cont.)

c. Organize, divide, or dissolve presbyteries, when deemed expedient;

Synod Determines Boundary Changes of Presbyteries

8.5CINTERPRETIVE, 1876.

It is objected that the synod had no right to create this presbytery out of Red Oak and others against the objection of all or even one. We think the law is otherwise. That is, as we construe it, (it is) when the synod, not the presbyteries or congregations, deem it expedient or best for the church. Then, if it was considered "expedient" by the synod, they had the power to do it. It might be best to act upon petition or consent, but that is not necessary to the lawful power. We have no right to look into, or pass upon, their motives and objects, if the act done was within their constitutional power. It may be that this body would have the right to correct any abuse of the power, were the matter brought before it by proper mode. But the record in this case does not show any facts to authorize us to reverse and annul their action. From all that appears to us, we cannot but hold that their action was lawful. 1876, p. 31.

Conf!rellatioIt Cannot Withdraw from Presbytery on Own Vote

8.SC TNE'RPRETIVE, 1913.

It seems from a petition from John L. Odum, stated clerk of Greenville Presbytery, that Mt. Zion, a congregation of that presbytery, of its own notion, transferred its membership to Dallas-Bonham Presbytery; and that a memorial from Greenville Presbytery was sent to Texas Synod asking that synod make a ruling on the action of said congregation, which the synod failed to do. The clerk in his petition requests the Assembly to construe the action of Mt. Zion congregation.

It is our opinion that a congregation cannot withdraw from one presbytery and join another, and only by action of synod can a congregation be so transferred. The action of Mt. Zion congregation is illegal. 1913, p. 196.

Principles for Setting Presbyterial Boundaries

8.5c ADr'ISOLfr, 1958.

In its study, the committee agreed that the proper approach was to determine certain general principles and procedures which could guide the synods in dealing with the question of presbyterial boundaries: The following represent the thinking of the committee:

1. A synod should arrange its presbyteries in such a manner as will provide the most effective ministry to its churches. Sentiment with respect to a name or a traditional organizational arrangement should not take precedence over the needs of the churches.

2. To be effective, a presbytery should include enough resident ministers and congregations to insure a functioning organization at all times. Specifically, this means enough competent leadership, both lay and ministerial, to staff the various presbyterial agencies that are required for an effective functioning unit. This also means financial expansion within its own bounds.

3. Presbyterial lines should be drawn with reference to area of responsibility, rather than simply with reference to existing churches.

4. In any effort toward presbyterial re-alignments, the synod should reconsider the overall picture within its bounds, rather than thinking simply of the combination of weak presbyteries.

5. When presbyterial re-alignments are attempted, competent legal counsel should be secured in order to protect property rights, endowments, etc....

Respectfully submitted: H. Shaw Scates, Thomas Campbell, Hubert Morrow, 1958, p. 127.

Changes to Synods

8.5c ADVISORY, 1998

Recommendation 13: That the state of Kansas be added to the boundaries of the Synod of Great Rivers.

Recommendation 14: That the city of Fulton, Kentucky be added to the boundaries of the Synod of the Midwest. 1998, p. 318.

8.0 SYNOD

107

Constitution 8.5d--8.5f

8.5 [A synod has the oversight and responsibility to:] (cont.)

d. Appoint persons to such work as may be under synod's jurisdiction;

e. Formulate budgets and assign shares to the presbyteries;

f In general, to order with respect to the presbyteries, sessions, and churches under its care according to the government of the church, whatever may seem to edify the church;

Synods May Formulate Unified Budgets

8.5*e* INTERPRETIVE, 1959.

Memorial from White River Presbytery Relative to Synodic Apportionments. We concur in the opinion of the Permanent Committee on Judiciary concerning the question, "Does a synod have the privilege of including all its various needs--Christian education, mission, etc.-as a part of the synodical apportionment to presbyteries?" We hereby answer this question in the affirmative. 1959, p. 167.

Synods Should Support General Assembly

8.5/ADVISORY, 1868.

The Pennsylvania Synod of 1876 resolved: "That, for the time being, we will withdraw our co-operation from the General Assembly in the way of declining to support the boards of the church, synodically or individually, or in any other way that would express our sympathy with said Assembly in its teachings on these questions."

To think the Assembly replied that "such action by a synod is subversive of the best interests of the church and contrary to the genius of our ecclesiastical government." 1868, p. 18.

Synodic Workshop to Study Compensation for Ministers

8.5/ADVISORY, 1971.

The 1971 General Assembly should urge each synod to hold at least one workshop each year on the subject of the compensation of pastors. 1971, pp. 149,217.

Synods May Hire Counsel

8.5INTERPRETIVE, 1988.

We were asked if synods have the right to hire counsel to transfer property. We answered in the affirmative. Synods may transact any business within the framework of the constitution. 1988. p. 104, 208.

- duties of synod
(property, general oversight,
memorials)

108

8.0 SYNOD

Constitution 8.5g, 8.5h, 8.5j

8.5 A synod has the oversight and responsibility to:

- g. Settle differences regarding church property and its use, upon appeal;
- h. Concert measures for promoting

the prosperity and enlargement of the church within its bounds; and,

- i. Propose to the General Assembly such measures as may be of common advantage to the entire church.

Memorials Not to Cast Personal Reflection on Church Officers

8.5j *ADVISORY*, 1929.

(See Constitution 5.06u, *ADVISORY*, 1929.)

Memorials Should be Signed and Certified

8.5 } *ADVISORY*, 1961.

(See Constitution 5.06u, *ADVISORY*, 1961.)

Memorials to be Sent to Boards Affected

8.5 } *ADVISORY*, 1970.

(See Constitution 5.06u, *ADVISORY*, 1970.)

Memorials Can Be Circulated

8.5j *INTERPRETIVE*, 1952.

{See Constitution 5.06u, *INTERPRETIVE*, 1952.)

8.0 SYNOD

109

Constitution 8.6

8.6 The synod shall keep full and accurate records of its proceedings, submit them to the General Assembly for review at its stated meetings, and in general, report on all

important changes and the state of religion within its bounds, as well as supplying other information which may be requested by the General Assembly.

Name of Presbytery Should be Given in Roll of Synod

8.6 ADVISORY, 1876.

Your committee appointed to examine the minutes of Green River Synod would respectfully report that they find said minutes in good order, except the following omissions, viz: In making out the roll of members in attendance it is not stated from what presbyteries the elders came. 1876, p. 15.

Minutes of Synod to be Sent to Permanent Committee on Judiciary

8.6 ADVISORY, 1983.

Recommendation: That each member of the Permanent Committee on Judiciary be mailed a copy of the synodic minutes by the synod clerk.

- meetings of synod
(regular/called, location)

110

8.0 SYNOD

Constitution 8.7--8.8

8.7 The synod shall meet as often as once every two years on its own adjournment, and when an emergency shall require a meeting sooner than the time to which it stands adjourned, the moderator, or in case of the moderator's absence, death, or inability to act, the stated clerk shall with written concurrence or at the written request of three minister members and three session members, with representation from at least three presbyteries, call a special meeting. The call shall give notice, specifying the particular business of the intended meeting, to every minister and session of every particular church on its roll, at least thirty days prior to the proposed time of meeting.

Nothing shall be transacted at such a called meeting other than the particular business for which the synod was convened.

8.8 If, for any cause, the synod shall fail to meet according to its adjournment, it shall be the duty of the moderator, or, in case of the moderator's absence, death, or inability to act, the stated clerk, or, in case of the stated clerk's absence, death, or inability to act, persons constituting the equivalent of a quorum, to call a meeting as early as practical, at such place as may be designated, for the transaction of the regular business. For this purpose notice shall be given to every minister and session on its roll at least thirty days prior to the meeting.

Synods Requested to Meet in Spring

8.7 ADVISORY, 1988.

Memorial From White River Presbytery

...Whereas a major role of each judicatory beyond the church session is that of appeal and review, especially the synod. (For example, one of the responsibilities of synod is to review the reports of presbyterial committees on the ministry and, if a synod meets in the fall, this review is of no practical value since the General Assembly has already met. That is, the logical progression of presbytery to synod to General Assembly is reversed); and

Whereas the same problem exists with reference to other issues about which synod has responsibility of reporting to General Assembly: Therefore be it

Resolved that White River Presbytery memorialize the 158th meeting of General Assembly to strongly suggest that all synods, as they make plans for realignment, schedule meetings in the spring, thus creating a more natural progression of the process between presbyteries, synods and the General Assembly. 1988, p. 171.

Recommendation: That the memorial be granted. 1988, p. 207.

Emergency Meeting! Defined

8.7 INTERPRETIVE, 1964.

(See Constitution 5.08, INTERPRETIVE, 1964.)

Meeting Can Be Held Wherever Convenient

8.7 INTERPRETIVE, 1961.

(See Constitution 4.03, INTERPRETIVE, 1961.)

Moderator must call Special Meeting upon the Receipt of a Properly Signed Request

5.8 ADVISORY, 2004

The Moderator of a judicatory must call a special meeting upon the receipt of a properly signed request for a meeting. Although persons signing a call for a meeting should be mindful that the Constitution provides for special meetings only in the event of an emergency, the moderator or stated clerk must presume the existence of an emergency if furnished with a properly signed call. 2004, pp. 337-338.

9.0 GENERAL ASSEMBLY

111

Constitution 9.1

9.1 The General Assembly is the highest judicatory of this church and represents in one body all the particular churches thereof. It bears the title of the General Assembly of the Cumberland Presbyterian Church/Cumberland

Presbyterian Church in America and constitutes the bond of union, peace, correspondence and mutual confidence among all its churches and judicatories.

Election to Second Term as Moderator Opposed

9.1 ADVISORY. 1928.

The following resolution was read and adopted:

Whereas, it was eminently fitting and proper that this General Assembly should show its appreciation of the services rendered to the church by Rev. J. L. Hudgins by conferring upon him the honor of a second term as Moderator, and,

Whereas, such action was breaking a precedent and an unwritten law of our church, established over more than fifty years of her history, and will open up the way for like actions in the years to come, and,

Whereas, there are many ministers and elders in our beloved church who have never held office of Moderator and who are wholly deserving of this honor, and,

Whereas, this resolution is to be taken in no sense as a criticism of the General Assembly's action in recalling Brother Hudgins to the Moderatorship, but merely to prevent an abuse of the precedent:

Therefore be it resolved, that this General Assembly declare itself as being opposed to any future violation of this precedent and hereby making a ruling to that effect. 1928, p. 32.

Intention by Presbyteries to Nominate Moderator Permitted Without Amendment of Constitution

9.1 ADVISORY. 1965.

Resolution concerning Nominations of Moderator Referred to the Permanent Committee on Judiciary by the 1964 General Assembly:

It was the opinion of the committee that no changes in the law of the church or the standing rules of the General Assembly would be necessitated by this action. The Stated Clerk of the General Assembly could be instructed to provide a section in the Preliminary Minutes in which the intent of a presbytery to place in nomination the name of one of *its* commissioners could be listed. 1965, p. 130.

Recommendation: We recommend that the opinion of the Permanent Committee on Judiciary be concurred in. 1965, p. 186.

Recommended Procedures for Election of Moderator by Presbyteries

9.1 ADVISORY. 1965.

Resolution Concerning Nomination of General Assembly Moderator

...Therefore be it resolved that the 135th General Assembly encourage any presbytery which desires to have one of its commissioners nominated for the office of Moderator of the General Assembly of the Cumberland Presbyterian Church to make such nomination known to the General Assembly by submitting a written nomination to the Office of the Stated Clerk of the General Assembly at least one month prior to the meeting of the General Assembly and that the Stated Clerk include such nomination in the Preliminary Minutes, and

Be it further resolved that a personal history of the nominee accompany the nomination and that the nomination and the nominee's history be published in The Cumberland Presbyterian prior to the meeting of the General Assembly. 1965, pp. 162-163.

Recommendation: We recommend that the resolution regarding the election of Moderators be adopted. 1965, p. 197.

(continued on next page)

- memorial list
- seal
- first meeting

Moderator Elect Opposed

9./ ADVISORY. /845', 1870.

We would concur in the Planning Committee's suggestion and recommend that the Assembly go on record as opposing the selection of a Moderator-Elect. 1970, p. 195.

Memorial List of Ministers Printed

9.1 ADVISORY. /845', 1872.

Resolved: That the several presbyteries be and they are hereby requested to make out a list at their fall sessions in 1845, and biennially thereafter, of the names of all the candidates, licentiates, and ordained ministers who have at any time died in their respective bounds, specifying their age, the date of their death, and the length of time they have been connected with the presbytery. Such list shall accompany the minutes of the presbytery to synod, there to be embodied in the synod's records and forwarded to the General Assembly, to be formed into a general schedule for publication. 1845, p. 363, MSS.

Resolved: That in the printed minutes of this General Assembly, one page, or more if necessary, shall be set apart as a memorial page on which shall be printed the names of deceased ministers properly reported to the Stated Clerk. 1872, p. 23.

First Meeting of General Assembly

9./ ADVISORY. T82.

On Tuesday, May 19, 1829, a quorum of the commissioners who had been appointed by their respective presbyteries according to the instructions of the last synod, met in the town of Princeton, Caldwell County, State of Kentucky, for the purpose of constituting the General Assembly of the Cumberland Presbyterian Church.

The Rev. Robert Donnell, being invited, opened the meeting by a sermon from I Kings 3:9.

The Rev. Thomas Calhoun, being then invited, took the chair and constituted the General Assembly by prayer.

The Rev. Thomas Calhoun was chosen Moderator and Rev. Richard Beare clerk.

Rev. Franceway R. Cossitt was appointed Stated Clerk. 1829, pp. 1, 2, 4, 16, MSS.

With the exception of 1839 and 1844, the General Assembly has met annually.

Seal of the General Assembly Adopted

9./ ADVISORY. /957.

The committee was instructed by the 126th General Assembly to submit a recommended seal for the Office of the Assembly. The committee recommends the adoption of a seal which will show a Celtic Cross upon a trefoil within the encircling lettering, "General Assembly Cumberland Presbyterian Church--Founded 1810." An artist's sketch is provided for study by the Assembly committee reviewing this report. 1957, p. 117.

9.0 GENERAL ASSEMBLY

113

Constitution 9.2

9.2 The General Assembly shall meet as often as once every two years, at such time and place as may have been determined, and shall consist of commissioners from the presbyteries in the following proportions:

FOR CUMBERLAND PRESBYTERIAN CHURCH

- a. A presbytery having an active membership (including ordained clergy) of 1-1000 shall be entitled to send one minister and one elder;
- b. A presbytery having an active membership (including ordained clergy) of 1001-2000 shall be entitled to send two ministers and two elders;
- c. The basis for representation shall continue in the above proportions.

FOR CUMBERLAND PRESBYTERIAN CHURCH IN AMERICA

- a. A presbytery having an active church membership of 1-200 shall be entitled to send one minister and one elder;
- b. A presbytery having an active church membership of 201-400 shall be entitled to send two ministers and two elders;
- c. A presbytery having an active church membership of 401-1000 shall be entitled to send three ministers and three elders;
- d. A presbytery having an active church membership of 1001-above shall be entitled to send four ministers and four elders.

An elder must be serving as a member of a session at the time of the meeting of the General Assembly in order to be eligible to serve as a commissioner.

Annual Meeting of Assembly Recommended

9.2 ADVISORY, 189-g_ 1970.

Your committee (ways and means) is of the opinion that inasmuch as the Assembly may at each meeting fix the *time* for its next meeting, provided such meeting be within the constitutional period of two years from adjournment, it would not be wise to attempt further legislation on this subject. Further, your committee fear that biennial meetings would result in a want of proper growth in the various enterprises of the church, that the fires upon the altars would burn low; that much needed care and watchfulness would be lost; and indeed, we fear that the retrograde movement along these lines would prove a loss greater than could be compensated for by the amount of money saved. Your committee therefore recommend that there be no further legislation, at least for the present, upon this subject. 1898, p. 78.

Assembly Meetings: The Commission on the General Assembly Office recommends that the Assembly meet every odd year beginning in 1971. Again, we feel that the disadvantages of such an arrangement outweigh the advantages.

We recommend that the Assembly go on record as approving the continuation of annual meetings, at least until the In-Depth Study is complete and we have had opportunity to evaluate its findings. 1970, p. 194.

(continued on next page)

Meeting! Can Be Held Wherever Convenient

9.2 INTERPRETIVE, 1961.

(See Constitution 4.03.)

Meeting! Place Recommended/or Five Years in Advance

9.2 ADVISORY, 1995.

That the Place of Meeting Committee be authorized to select meeting places up to five years in the future, and that preference be given to places that keep, in as far as possible, the General Assembly, the Cumberland Presbyterian Women's Convention, and motel rooms in one facility. It is recognized that these places will be hard to find and may cost some additional monies. The Place of Meeting Committee will have to use its best judgment. 1995, p. 285.

General Assembly to Meet on Third Monday in June

9.2 ADVISORY, 1991.

Recommendation 6: That if the recommendation of the Executive Committee of the Second Cumberland Presbyterian Church to change their meeting dates is adopted, the stated clerk of the Cumberland Presbyterian Church be instructed to include in the rewriting of the Standing Rules (to be submitted to the 1992 General Assembly) a change in the General Regulations A.4 to begin the meeting of the General Assembly on the third Monday in June. 1991, p. 264.

General Assembly to Meet on Third or Fourth Monday in June

9.2 ADVISORY, 2001

Recommendation 12: That Recommendation 1 of the Place of Meeting Committee "that General Regulation A1. be changed by adding the words 'or the fourth' thus making General Regulation A.1. read, 'The General Assembly shall meet annually on the third or fourth Monday of June at two o'clock in the afternoon to organize, elect a Moderator and transact business,'" be adopted. 2001, pp.361-362

Members Should Attend

9.2 ADVISORY, 1815.

(See Constitution 4.06, 1815.)

Official Credentials Required

9.2 INTERPRETIVE, 1924.

Only commissioners whose names are furnished on official blanks shall be eligible to enrollment in the General Assembly. 1924, p. 129.

Commissioners Accountable to Presbytery

9.2 INTERPRETIVE, 1882.

Resolved: That it is the opinion of this Assembly that it has not the right to require commissioners to render an account for failure to attend at the commencement of the session of the Assembly, they being accountable to their respective presbyteries. 1882, pp. 98-99, MSS.

(continued on next page)

- youth advisory delegates
- commissioner certification
- board representation

9.0 GENERAL ASSEMBLY

115

Fact Sheet on Commissioners Provided

9.2 ADVISORY, 1952:

To prepare and mail annually, in advance of the General Assembly, a facts-sheet form to be filled out and returned by each commissioner, which will supply information (such as age, training, vocation, positions held in church courts or on boards or committees, experience in religious work, etc.) about the commissioner and will be made available to the Moderator in making committee appointments, and in making nominations for memberships on boards, commissions, and agencies of the General Assembly. 1957, p. 154.

Board Representatives, Members in Council

9.2 INTERPRETIVE, 1952.

The Moderator calls attention to the practice that is now followed by the boards in electing representatives to the General Assembly, such representatives not having the privilege of the floor except when some member makes request for them to be heard by the body.

We re-commend that this General Assembly make duly elected representatives of boards "members in council" with following privilege: That he have privilege of addressing moderator requesting permission to speak on questions pertaining only to his board. 1952, p. 156.

Youth Advisory Delegates

9.2 INTERPRETIVE, 1970, 1972, 1996.

Whereas, the church has all too often closed the door of service to her youth, and,

Whereas, the population of our world becomes younger and younger every year, and,

Whereas, the Cumberland Presbyterian Church needs to hear the voice of youth in relation to the vital issues of the day, and

Whereas, the youth of our church are anxious to be heard;

Therefore be it resolved, that the 140th General Assembly of the Cumberland Presbyterian Church go on record as inviting each presbytery to send one youth advisory delegate to the 141st General Assembly in 1971. These delegates would have all the privileges of the commissioners--debate, committees--with the exception of voting privileges. The delegates are to be high school or college age youth. Expenses of these youth delegates will be borne by the individual presbytery, even as they now bear expenses of the commissioners. 1970, p. 194.

That the Assembly interpret the role of advisory delegates as that of advising only and that this does not, therefore, include the making or seconding of motions or voting on motions, either in committees or in the General Assembly. 1972, p. 217.

Recommendation 23: That Standing Rule 3 be amended to add the following sentence. Youth advisory delegates should be 15 through 19 years old. 1996, p. 320.

See also the General Regulations of the General Assembly, printed in the General Assembly Minutes, for various regulations about the conduct of the General Assembly meeting.

Each presbytery is eligible to elect two non-voting youth advisory delegates. Advisory delegates are eligible to serve *with* full rights as members of standing and select committees. 1990, p. 216.

Commissioners Certified Based on Prior Year's Yearbook

9.2 INTERPRETIVE. 1991.

Recommendation 4: We concur in recommendation 1 "That the Credentials Committee of the General Assembly use the *Yearbook* in existence in the fall prior to the meeting of the General Assembly for recommending certification of commissioners to the General Assembly each year." 1991, p. 264.

- called meeting of General Assembly

115b

9.0 GENERAL ASSEMBLY

9.2 continued When an emergency shall require a meeting sooner than the time to which it stands adjourned, the Moderator, or in case of the Moderator's absence, death, or inability to act, the Stated Clerk shall with the written concurrence or at the written request of twenty commissioners, ten of whom shall be ministers and ten elders, representing at least five presbyteries, call a special meeting. The call shall give notice in writing at least sixty days prior to the proposed meeting, specifying the particular business of the intended meeting, to the stated clerks of all presbyteries, and to all commissioners and their alternates. Nothing shall be transacted at such a called meeting other than the particular business for which the General Assembly was convened.

Call for a Special Meeting

9.2 ADVISORY, 1997

Recommendation 4: That all other appropriate avenues for handling emergencies within the denomination be used before requesting the moderator to call for a special meeting of the General Assembly. 1997, p. 313.

Moderator must call Special Meeting upon the Receipt of a Properly Signed Request

5.8 ADVISORY, 2004

The Moderator of a judicatory must call a special meeting upon the receipt of a properly signed request for a meeting. Although persons signing a call for a meeting should be mindful that the Constitution provides for special meetings only in the event of an emergency, the moderator or stated clerk must presume the existence of an emergency if furnished with a properly signed call. 2004, pp. 337-338.

- quorum
- duties (appeals, doctrine)

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9.0 GENERAL ASSEMBLY

Constitution 9.3---9.4b

9.3 Any twenty or more commissioners, of whom at least ten are ministers, and ten elders, being met on the day and at the place appointed shall be a quorum for the transaction of business.

9.4 The General Assembly has oversight and responsibility to:

- a. Receive and decide all appeals, protests, and referrals regularly brought before it from the lower judicatories; .
- b. Bear testimony against error in doctrine and immorality in practice, injuriously affecting the church;

Verbal Protest Against Seating of Commissioner Not Recognized

9.4a/INTERPRETIVE, /896.

Your committee beg leave to report that we have examined the credentials of Rev. E. C. Boaz and find them regular. The protest against his being seated as a commissioner to this body being verbal only, we have no grounds to recognize the same. 1896, p. 9.

9.0 GENERAL ASSEMBLY

117

Constitution 9.4c

9.4 [The General Assembly has oversight and responsibility *to:*] (cont.)

c. Decide in all controversies respecting doctrine, discipline, church property, and interpretation of the Constitution;

Law of Church Cannot be Changed by Assembly **9.4c INTERPRETIVE, 1937.**

Our committee has been requested to make deliverance on the question as to whether the General Assembly is empowered to make or change a law of the church. Your committee is of the opinion that such cannot be done. 1937, p. 156. • •

A motion to rescind all deliverances of the General Assembly in conflict with the report of the Judiciary committee relative to making laws by vote of General Assembly was concurred in. 1937, p. 33.

Apparent Error in Constitution Text Corrected by Assembly **9.4c INTERPRETIVE, 1950.**

We have discovered what appears to be an error in Article 47 of the Constitution as it now appears in the printed text of the Confession of Faith.

...It has been impossible to determine whether this fact resulted from a misinterpretation of the Assembly's action or from an error on the part of the printer in resetting the article; nor just when the error occurred.

It is our opinion that however this situation was brought about, it was an error and further that the omitted section should be included in the printed text of the Confession of Faith. The inclusion of such omitted section would, we think, act to correct some unpleasant situations throughout the denomination. The omitted section is quoted in all the digests of the denomination, as see: Stephens, p. 113; Biddle, p. 96; New Digest, 2.302.

We therefore recommend that the General Assembly declare the omitted section, as quoted herein, to be a part of the Constitution of the church; that it was in fact omitted by error, and direct that such section be included in the printed text of the Confession of Faith. 1950, pp. 85-86.

In view of the foregoing your committee recommends that the omitted section be included in the printed text of the Confession of Faith. 1950, p. 168.

Members' Participation in Social Movements Affirmed **9.4c ADVISORY, 1968.**

We call attention to Section VI of the Report of the Permanent Committee, "The Memphis Crisis" and in particular to the statement, "Therefore the committee feels that the Assembly should trust our fellow Christians to act on our behalf in good conscience before God in their respective communities."

We concur in the statement with the exception of the words "on our behalf."

We recommend that the General Assembly make it clear to all members of the Cumberland Presbyterian Church that participation by Cumberland Presbyterians in the Memphis crisis or in similar social movements in the future is a right guaranteed to every individual. Further, it should be understood that any individual exercising his rights is not representing the denomination in an official capacity. 1968, p. 178.

Legitimate Collection Determined by Assembly **9.4c INTERPRETIVE/VII 1872.**

The undersigned, members of Ohio Synod, have positive information that owing to dissensions in the Waterford congregation of the Cumberland Presbyterian Church at Beverly, Ohio, in the bounds of Muskingum Presbytery, and owing to the failure of said presbytery to meet on its own adjournment, and to the improbability of its being able to call a quorum, important church interests in said congregation are jeopardized, there being an effort by a fraction of said congregation to withhold the church property from the use and control of Cumberland Presbyterians and to transfer it to the Presbyterian Church.

(continued on next page)

- duties of General Assembly
(decide controversies)

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9.0 GENERAL ASSEMBLY

Therefore, we respectfully memorialize your reverend body to recognize that portion of said Waterford congregation represented by David Thompson, Allen Nickerson, and Thomas Clark, ruling elders, and H. S. Clark, J. T. Palmer, and Samuel Leget, trustees, as the identical Cumberland Presbyterian Church of Waterford, and that as such they are entitled to hold the church property at Beverly belonging to the Cumberland Presbyterian Church.

Your committee recommend that said memorial be granted and that the organization represented by David Thompson, Allen Nickerson and Thomas Clark, ruling elders, and H. S. Clark, J. T. Palmer and Samuel Leget, trustees, mentioned in said memorial, be and is hereby recognized by this General Assembly as the true and legitimate Waterford congregation of the Cumberland Presbyterian Church at Beverly, Ohio, and entitled to hold all the church property hitherto owned and held in law by said Waterford congregation at Beverly, Ohio. 1872, p. 28.

9.0 GENERAL ASSEMBLY

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Constitution 9.4d

9.4 [The General Assembly has oversight and responsibility to:] (cont.)

d. Institute and oversee the agencies necessary in its work;

Duties of Former Committee on Examination of Records Assigned to Agencies

9.4d INTERPRETIVE, 1981.

Recommendation 13: That Recommendation 11, Section XIV, p. 122 of the report, which states, "that General Regulation A-9 and E-6 be changed in order to eliminate in future assemblies a Committee on Examination of Records and that the duties of this committee be handled in the following manner...,"

Audits be examined by GAEC;

Records of ordinations of ministers be examined by the Commission on the Ministry;

Examinations as reported by the above committees/commissions be reviewed by appropriate standing committees at the General Assembly. 1981, p. 232.

Board Membership Representative as Possible

9.4d ADVISORY, 1950.

Whereas the General Assembly in 1949 adopted a rule obligating the "Assembly committees to see that not over two members of any board are from the same synod," and

Whereas, we find that to follow this rule may work a handicap upon the boards and handicap our work in general;

Therefore be it resolved:

1. That this rule be abolished.

2. That Assembly committees be advised to try to make their recommendations for board membership as representative as possible without creating a handicap to the program of the church.

We recommend the adoption of this resolution. 1950, pp. 143-144.

Resignations of a Committee, Commission, or Board

9.4d ADVISORY, 1998.

We agree they will provide for an agency's continuity in the face of multiple resignations between meetings of the General assembly. Therefore we recommend:

Recommendation 5: That recommendation 1 of the Report of the Permanent Committee on Judiciary, "that the General Regulations be amended by adding to C.1.d., 'In cases of emergency (when resignations of a committee, commission, or board impairs the ability of the entity to function) the Moderator may appoint the Stated Clerk to act, until the General Assembly Council or the General Assembly meets,' be adopted.

Recommendation 6: That Recommendation 2 of the Report of the Permanent Committee on Judiciary, "that the General Regulations of the General Assembly committees and commissions are effective when delivered in writing to the Stated Clerk of General Assembly. Resignations from the incorporated boards and agencies are effective when delivered in writing to the corporation's secretary or board chair, who shall immediately advise the Stated Clerk of the General Assembly of the resignation," be adopted.

Recommendation 7: That recommendation 3 of the Report of the Permanent Committee on Judiciary, "that the Stated Clerk shall notify the President of GAG when resignations threaten the ability of a General Assembly entity to function. The President shall then notify GAC. Once GAC has received notice of the resignations, a quorum of GAC may, by meeting, conference call, or mail ballot, make temporary appointments to fill the vacancies until the next meeting of General Assembly," be adopted. 1998, p. 316.

Court Actions Can be Taken by Boards and Agencies

9.4d INTERPRETIVE, 1971.

Report of the Permanent Judiciary Committee and a memorial from the former Mississippi Presbytery concerning General Assembly agencies becoming parties to court action; Section IX of the report of the Commission on the General Assembly Office, and Section XIII-1 of the report of the Board of Finance, all dealing with the same subject.

Recommendation: We concur in the report of the Permanent Committee, Item. III-A; XIII-1 of the Report of the Board of Finance; and Section IX of the report of the Commission on the General Assembly Office. We therefore recommend that the memorial from the Mississippi Presbytery be not granted. The boards and agencies will continue to enter court suits if the need arises. 1971, p. 206.

- duties of general Assembly
(oversee agencies)

Funds Allocated for Other Agencies Handled by Stated Clerk's Office

9.4d ADVISORY, 196f.

The Planning Committee adopted a recommendation to the 1967 General Assembly in regard to the administration of certain agency budgets, but the recommendation was inadvertently omitted from its report. The Stated Clerk has reported the substance of the recommendation to us; we concur in it and report it to the Assembly in the following form:

Recommendation: That funds allocated to the Assembly's agencies (other than boards) be administered as a part of the Stated Clerk's budget, effective January 1, 1968. This will eliminate the need for a treasurer and bank account for each of the agencies. Funds will be disbursed by the Stated Clerk at the request of the agencies, with the Clerk providing an authorization form to be signed by the authorized person(s) representing each agency. After 1967 no balances will be carried over from year to year. Each agency will be required to submit a proposed annual budget as is done at present. 1967, p. 229.

New Programs to be Funded for Three Years by Agency

9.4d ADVISORY, 1974.

That Recommendations 22, 23, and 24, regulating the establishment of plans and programs be adopted. 1974, p. 209.

Recommendation 22: That no board or agency add continuing programs or staff on the strength of special gifts or donations, such as Second Mile Giving, without having adequately planned for its inclusion into the total program of the church. Adequate planning will include a description of the program, program elements, goal(s), duration (number of years), initial cost and projected annual cost for three years beyond the initial year, and identification of its priority among the other programs of that board and the priorities of the denominations, with proposed sources of income clearing the Executive Committee and the General Assembly.

Recommendation 23: That all programs shall be developed in keeping with the goals and objectives of the church. All new proposals shall include a statement of the objective and goal being served (or the recommended new goal), a description of the concern or need being programmed for, a description of the program, including program elements, cost, duration, initial cost, and a three-year projected cost, with proposed sources of income (this policy shall be applicable to institutions in all cases where additional money from the church is required).

Recommendation 24: That all capital improvement plans (including those financed with individual gifts or non-church money which will require additional operational funds from the church) shall be submitted to the Executive Committee and to the General Assembly. In the case of urgency between the meetings of General Assembly, the proposal shall be submitted to the Executive Council. The plan shall include a description of the improvement, the need being served, the total improvement cost, the time schedule for the improvement(s), sources of income for the improvement(s), a pay-back schedule (how many years, the cost per year), and particularly the dollar impact on the annual operating budget beginning with the completion date of the improvement(s), with projections for three years and beyond if major increases or decreases are anticipated in the operational budget as a result of the improvement(s). 1974, p. 146.

Evaluation Forms for Executives

9.4d ADVISORY, 1977. 1978.

Whereas, the Cumberland Presbyterian Church has been called by the Lord our God to and preach the good news of the Gospel, and

Whereas, we are assisted in that mission by various executives of the General Assembly's boards, and,

Whereas the church and its boards have a direct responsibility to said executives to support, guide, and evaluate the work of their office,

Therefore be it resolved, that the North Central Texas Presbytery memorialize the 147th General Assembly of the Cumberland Presbyterian Church to:

1. Instruct the Stated Clerk to obtain and develop a form for the evaluation of General Assembly executives, and
2. Instruct each board to evaluate its executive annually and to make a report to the General Assembly every other year (even numbered years), using the provided form, and
3. Instruct the Stated Clerk to have the evaluation form in the hands of the various boards by January 1, 1978. 1977, p. 161.

9.0 GENERAL ASSEMBLY

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We have had the memorial from North Central Texas Presbytery concerning the evaluation of board executives. We recommend:

Recommendation 26: That items 1 and 3 be granted.

Recommendation 27: That item 2 be not granted and that each board be instructed to report to the General Assembly each year its compliance with the provision for an annual evaluation of its executives. 1977, p. 201.

In response to recommendation 4, p. 122, we feel that the Stated Clerk already has the authority to revise the forms for evaluation of executives.

Recommendation 6: Regarding recommendation 5, p. 122, we recommend that the Assembly authorize the boards of trustees of the Institutions to substitute equivalent forms or means of evaluating executives if they choose, and that they report such evaluation to the Assembly.

Recommendation 7: Regarding recommendation 6, p. 122, we recommend evaluations be encouraged annually, and required biennially of the chief executive of each board and agency. 1978, p. 187.

Agencies to Provide Notices of Meetings to Stated Clerk and Moderator

9.4d ADVISORY, 1985.

Recommendation: That all boards, agencies, and committees provide the Stated Clerk and Moderator with announcements of meetings, agendas, and reports. 1985, p. 190.

Resignations from Boards and Agencies

9.4d ADVISORY, 1998

We concur in the permanent committee's proposals in regard to the Resignation of Committees and Commissions. We agree they will provide for an agency's continuity in the face of multiple resignations between meetings of the General Assembly. (Section II of their report, 1998 G.A. Minutes, pp. 161-162) Therefore we recommend:

Recommendation 5: That recommendation 1 of the Report of the Permanent Committee on Judiciary, "that the General Regulations be amended by adding to C.1.d., 'In cases of emergency (when resignations of a committee, commission, or board impairs the ability of the entity to function) the Moderator may appoint the Stated Clerk to act, until the General Assembly Council or the General Assembly meets,'" be adopted.

Recommendation 6: That Recommendation 2 of the Report of the Permanent Committee on Judiciary, "that the General Regulations of the General Assembly be amended by adding as F.1.k., 'resignations of members of General Assembly committees and commissions are effective when delivered in writing to the Stated Clerk of General Assembly. Resignations from the incorporated boards and agencies are effective when delivered in writing to the corporation's secretary or board chair, who shall immediately advise the Stated Clerk of the General Assembly of the resignation,'" be adopted.

Recommendation 7: That recommendation 3 of the Report of the Permanent Committee on Judiciary, "that the Stated Clerk shall notify the President of GAC when resignations threaten the ability of a General Assembly entity to function. The President shall then notify GAC. Once GAC has received notice of the resignations, a quorum of GAC may, by meeting, conference call, or mail ballot, make temporary appointments to fill the vacancies until the next meeting of General Assembly," be adopted. 1998, p. 316.

Missions Ministry Team - Oversight, Guidance, Authority for Mission Work

9.4d INTERPRETIVE, 2013

Recommendation: That the Missions Ministry Team (elected and staff members) or its successor as the agency responsible for oversight, guidance and authority for mission work and mission fields that cannot have a meaningful relationship with a presbytery due to distance and/or language. The Missions Ministry Team is authorized to conduct all actions typical in oversight of such mission work until such time as a presbytery can be formed to accommodate the mission churches, pastors and probationers. As part of its oversight, the Missions Ministry Team may, if circumstances warrant, attach mission work to an existing presbytery, with its approval, following General Assembly-approved guidelines for host presbyteries.

- duties of General Assembly
(give instruction,
review synod records)

122

9.0 GENERAL ASSEMBLY

Constitution 9.4e---9.4g

9.4 [The General Assembly has oversight and responsibility to:] (cont.)
e. Give its counsel and instruction in conformity with the government of the church in all cases submitted to it;

f. Review the records of the synods;
g. Take care that the lower judicatories observe the government of the church and redress what they may have done contrary to order;

Questions of Future Concerns not Considered by Assembly

9.4e INTERPRETIVE, 1890.

The committee does not think it would be the duty of this body to express itself in advance upon matters on which it may be required to sit as a court hereafter, or to give its opinion upon questions which may never arise. "Sufficient unto the day is the evil thereof." We therefore recommend that the General Assembly respectfully decline to respond to the said interrogatives. Adopted. 1890, p. 16.

Verbal Testimony Not Admissible in Records

9.4f INTERPRETIVE, 1853.

(See Constitution 5.06e, INTERPRETIVE, 1853.)

Committee on Examination of Records Dissolved

9.4/ INTERPRETIVE, 1981.

· Recommendation 13: That recommendation 11, Section **XIV**, p. 122 of the report, which states, "that General Regulation A-9 and E-6 be changed in order to eliminate in future assemblies a Committee on Examination of Records and that the duties of this committee be handled in the following manner:
Synod minutes be examined by the Permanent Committee on Judiciary. 1981, p. 232.

Synopsis of Actions of Assembly to be Prepared

9.4gADVISORY, 1957.

It is recommended that a synopsis of the actions of the General Assembly pertaining to presbyterial and local church programs be prepared by the Office of the Stated Clerk. It is further recommended that copies be distributed to presbyterial clerks, General Assembly commissioners, and clerks of sessions. It is further recommended that the Assembly suggest to the presbyteries that this synopsis be made a part of all presbyterial minutes. 1957, p. 127.

9.0 GENERALASSEMBLY

123

Constitution 9.4h

9.4 [The General Assembly has oversight and responsibility to:] (cont.)

h. Formulate budgets and assign shares to the presbyteries;

Unified Budget Reaffirmed

9.4hADVISORY, 1972.

We view with alarm and concern an apparent growing tendency to look for additional money in support of non-denominational programs from congregational sources outside the structure of the OUO. We do not believe that many exceptions can be made to our unified budget, other than approved Second Mile giving, without weakening and eventually destroying this proven, successful structure.

Recommendation: That this General Assembly reaffirm its belief in the basic principle underlying our unified denominational budget as structured through OUO and that we discourage efforts to find congregational support for any ongoing denominational program, other than approved Second Mile giving, except through this means. 1972, p. 232.

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e duties of General Assembly
(assign budgets)

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9.0 GENERAL ASSEMBLY

OUO Giving! by Congregations to Be 10% of Total Current Income

9.4h ADVJSORY, 1985.

Recommendation: That OUO giving by congregations to denominational programs be ten percent of the congregation's total current income. That funding for OUO be planned in this way for a minimum of the next ten years and with the expectation that it will continue indefinitely. 1985, p. 226.

OUO Giving by Overseas Presbyteries 30% of Rate Set/or Others

9.4h ADVJSORY, 1985.

Recommendation: That the principle for determining Our United Outreach shares for overseas presbyteries be 30 percent of the rate set by the General Assembly any given year.

- duties of General Assembly
(promote church's mission,
synod boundaries)

9.0 GENERAL ASSEMBLY

125

Constitution 9.4i

9.4 [The General Assembly has oversight and responsibility to:] (cont.)

- Concert measures for promoting the

prosperity and enlargement of the church and create, divide, or dissolve synods;

Yearbook Printed Annually

9.4i ADVISORY, 1970.

The commission pointed out that the cost of printing has increased to such an extent that it seems to be advisable to print the Yearbook every two years rather than annually as in the past. However, it is the opinion of your committee that the Yearbook is needed and that this is not the place to economize.

Recommendation: We recommend that the Yearbook continue to be printed and distributed annually. 1970, p. 194.

Church Year Promotion Begins Immediately after Assembly

9.4i ADVISORY, 1960.

The promotion of the church year program begins immediately after the meeting of the General Assembly in which that program is presented. 1960, p. 183.

Funds Not Appropriated for Special Purposes Subject to General Assembly Action

9.4i INTERPRETIVE, 1924.

We further recommend that all funds now in the hands of the Trustees of the General Assembly, or which may be hereafter received, not specifically directed to be otherwise appropriated, shall be subject to the control and appropriation of the General Assembly. 1924, p. 153.

Synod Exists as Soon as Ordered

9.4i INTERPRETIVE, 1833.

Whereas, the mind of this Assembly is solicited relative to the period in which a synod received its being. Resolved, that it is the opinion of this house that a synod exists as soon as it is ordered. 1834, pp. 134-135, MSS.

Interested Synods May Speak on Boundary Changes

9.4i INTERPRETIVE, 1892.

We have considered the memorial from Arkansas Synod with reference to the change of boundary lines between said synod and the Synod of Texas. We find the Arkansas Synod proposes certain changes in the boundary lines and that the Texas Synod has agreed to only a portion of the proposed changes. We think that the Arkansas Synod should have the privilege of considering the matter again before the General Assembly takes action. We therefore recommend that the matter be referred to the Arkansas Synod for further action. 1892, p. 33.

Mission and Relationships take Precedence in Synod Boundaries

9.4i INTERPRETIVE, 2004

The General Assembly, in its responsibility to create, divide or dissolve synods, shall affirm that mission and relationships take precedence over strict geographical definition of judicatory boundaries, and further affirm that the geographic boundaries of existing synods be logically expanded in the USA to include all States, and those countries where we have Cumberland Presbyterian work, with the understanding that presbyteries may invite, sponsor and incorporate new churches, provisional churches, ministries and mission activities in areas outside their own synod bounds with appropriate note and permission of the synod nearest the work. 2004, pp. 339-340.

- duties of General Assembly
(selecting personnel)

126

9.0 GENERAL ASSEMBLY

Constitution 9.4j

9.4 [The General Assembly has oversight and responsibility to:] cont.

j. Appoint persons to such labors as are under its jurisdiction;

Nominating Committee Established

9.4) ADVJSORY, 1968.

The 137th General Assembly referred the question of a permanent Assembly Nominating Committee to the Planning Committee for study, instructing this committee to make recommendations on this matter to the 138th General Assembly. The committee reports as follows:

Your committee recognizes the problems of the present practice of making nominations through an Assembly committee, the functioning of which is restricted to the period of time during which the Assembly is in session. In order to provide for a more satisfactory plan for filling vacancies at the Assembly level, it is recommended that the General Assembly approve the following:

1. The Moderator shall name a Nominating Committee *at* the earliest opportunity following the election of commissioners to the General Assembly. Such a committee would be named in the spring, several weeks in advance of the Assembly meeting date.

2. The Nominating Committee shall meet not later than Tuesday noon prior to the opening of the General Assembly on Wednesday (now Saturday afternoon prior to the opening of the General Assembly on Monday.)

3. The moderators and stated clerks of the synods shall be asked to secure names of and pertinent data on persons who may be qualified to serve on Assembly boards and agencies and file the same with the Stated Clerk of General Assembly.

4. (Not approved.)

5. The General Assembly's Nominating Committee shall not be limited to data on file.

6. The Stated Clerk's Office shall continue to be the office through which pertinent data is gathered and filed. 1968, p. 130.

Recommendation: That the General Assembly approve the recommendations of Section X of the Report except for No. 4. 1968, p. 183.

New Members of Agencies Contacted Before Nomination

9.4) JNTERPRETIVE, 1968.

North Central Texas presbytery does hereby memorialize your reverend body that the standing rules of the General Assembly be changed as follows:

That the sentence pertaining to consent of the nominee be amended to read: "the consent of every new nominee must be obtained from him personally before his nomination of subsequent election shall be valid." 1968, - 149.

A "new member" is one who has not previously on the designated board or committee, or one whose previous period of service shall have lapsed one or more years prior to his nomination. 1968, p. 170. [Editor's parentheses]

Nominations for Stated Clerk

9.4) ADVJSORY, 1967.

If the nominating committee declines to nominate the serving Stated Clerk for re-election, or if the Stated Clerk has vacated the office, resigned, or declined to be re-nominated, then the Corporate Board shall conduct a search for and nominate a candidate to the General Assembly. Bylaw 8.02, 2010 General Assembly.

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9.0 GENERAL ASSEMBLY

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Missions Ministry Team - Oversight, Guidance, Authority for Mission Work

9.4J INTERPRETIVE, 2013

Recommendation: That the Missions Ministry Team (elected and staff members) or its successor as the agency responsible for oversight, guidance and authority for mission work and mission fields that cannot have a meaningful relationship with a presbytery due to distance and/or language. The Missions Ministry Team is authorized to conduct all actions typical in oversight of such mission work until such time as a presbytery can be formed to accommodate the mission churches, pastors and probationers. As part of its oversight, the Missions Ministry Team may, if circumstances warrant, attach mission work to an existing presbytery, with its approval, following General Assembly-approved guidelines for host presbyteries.

- duties of General Assembly
(resolve disputes)

128

9.0 GENERAL ASSEMBLY

Constitution 9.4k

9.4 [The General Assembly has oversight and responsibility to:] (cont.)
k. Resolve schismatic contentions and disputations,

according to the government and discipline of the church;

Schismatic Contentions Controlled by Assembly

9.4kADVJSORY, 1947.

We sincerely regret that a foreign missions movement has arisen within our church that is attempting to operate outside of our Board of Foreign Missions. Our sincere desire is that all phases of our church work might be in harmony. We feel that all foreign mission work of and within the Cumberland Presbyterian Church should rightfully come under the supervision and direction of the Board of Foreign Missions. We also feel that any solicitation for funds within the membership of the Cumberland Presbyterian Church for any cause that rightfully belongs under the supervision of any board but is acting independent of the board is improper, irregular and should not be done.

We feel that any board that has the full approval of the General Assembly is due the full and complete support of every member of the denomination. We recognize the need for enlarging our foreign missions work and pray that the day might soon come when we will be enabled to open new fields. At the same time we believe that the Board of Foreign Missions is honestly endeavoring to do the best it can under present conditions. 1947, p. 138.

Fellowship of Cumberland Presbyterian Conservatives Held Schismatic

9.4kADVISC5RY, 1954.

With regard to the "Fellowship of Cumberland Presbyterian Conservatives" which came into existence in 1953 the General Assembly made the following deliverance:

Four documents were referred to this committee relating to the "Fellowship of Cumberland Presbyterian Conservatives." These were the report of the Permanent Committee on Judiciary (majority & minority opinions), the Appeal from Tennessee Synod, the Memorial from Cookeville Presbytery, and the Memorial from Dallas Presbytery. The committee has given long and prayerful consideration to these matters. Every person who has asked to come before the committee to speak about this issue has been given all the time he wished to talk. From our study we submit the following findings and recommendations:

A. There is evidence that both those who have supported the "Fellowship of the Cumberland Presbyterian Conservatives" and those who have opposed it have not always exercised restraint in speech nor acted in accordance with the spirit of Christian love. Those who felt that the "Conservative" brethren were in error might have followed the Biblical injunction more carefully in attempting to correct them. The "Conservative" brethren might have been more careful in making such charges as heresy against those who labor with them in our beloved church. It is our opinion that this matter should be approached in love and understanding. Fear and distrust cannot be the basis of our brotherhood in Christ.

B. When we speak of the "Fellowship of Cumberland Presbyterian Conservatives" in this report, it will be understood that we recognize that different members of the "Fellowship" may hold different views on particular matters. What is said of the movement is not necessarily said of each individual who has had a part in the movement. We do feel that the movement has certain characteristics in general. It is to these that we speak.

C. Characteristics of the "Fellowship of Cumberland Presbyterian Conservatives."

1. It is an organization. This is denied by members of the "Fellowship," and was so denied by members who appeared before our committee. Evidence which exists seems to indicate clearly that it is an organization. Officers were elected, voting was done, there were conditions of membership, minutes were kept, a publication was authorized. These things are unmistakably the marks of an organization.

2. The organization is illegal. In this we concur in the majority opinion of the Permanent Committee on Judiciary, which is as follows: "In our opinion an individual or a group has no right to constitute an organization outside the official governmental structure of our Church and attach the name 'Cumberland Presbyterian' to it except for the promotion of the interests of the Church and with the sanction of the proper church court." The "Fellowship of Cumberland Presbyterian Conservatives" has no such sanction. According to statements made to us by members of the "Fellowship," there was no intent to act illegally. This may be accorded, but the illegality of the organization is still a fact.

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9.0 GENERAL ASSEMBLY

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3. The organization is disruptive in the fellowship of the Church. Again, any intent to destroy the peace and harmony of the Church has been denied. That disturbances and confusion in local churches and presbyteries have resulted from the activities of the organization cannot be denied. Such conditions are grounds for concern on the part of synods and presbyteries as they carry out their responsibilities in promoting the spiritual welfare of their churches.

4. Membership in the organization does involve signing a statement of "Beliefs" which contains elements not contained in our Confession of Faith. As in the previous items, it is declared by members of the "Fellowship" that they are loyal to our Confession of Faith, and that they believe it to be an adequate statement of the doctrines found in the Bible. This we may allow, yet we point out that the Confession of Faith is the doctrinal basis of our fellowship as Cumberland Presbyterians. If at any time another document containing doctrinal statements, other than the Confession of Faith, is made the basis of fellowship this tends to destroy one of the binding powers of our church.

5. The activities of the "Fellowship" have resulted in some instances in rebellion against the authorized program of the Church. Members of the "Fellowship" say that such instances of rebellion are not the responsibility of the "Fellowship," but that they are actions of individual ministers and churches. They further argue that many churches do not support different phases of the program of the church. We admit that many churches because of lack of information, inspiration, and because of sheer lethargy fail in their support of the enterprises of our denomination. There is a difference, however, in a lack of support for these reasons and a rebellion against the actions of the courts of the Church. Again, it is agreed that the "Fellowship" cannot be charged with the actions of each of its members. At the same time it must be admitted that no organization can disclaim all responsibility for the actions of its members.

6. The "Fellowship" gives evidence of the influence of independent, non-denominational groups which are not necessarily concerned with the welfare of the Cumberland Presbyterian Church. The introduction of these foreign elements into the life of our Church is not in the best interests of our peace and harmony.

7. In the light of these characteristics, we believe the "Fellowship of the Cumberland Presbyterian Conservatives" endangers the spiritual welfare of the Cumberland Presbyterian Church. The "Constitution" states that the General Assembly shall "concert measures for promoting the prosperity and enlargement of the church;" and that it shall "suppress schismatical contentions and disputations, according to the rules provided therefore." Therefore, we recommend that presbyteries be directed to counsel with their ministers and churches concerning this matter, following the Biblical injunction to restore such as are in error in the spirit of love, and to take other such measures as are provided by the *Confession of Faith* to promote the peace and harmony of the Church. We raise this caution, that presbyteries not depend simply on legal procedures to remedy these conditions, in the attitude of punishment. Further, in every action it should be remembered that all of us are subject to mistakes; but that the glorious truth of the Gospel is that there is forgiveness for wrong doing, and among believers in Christ there is a bond of fellowship which over-reaches all differences of opinions.

D. In the light of the foregoing, we concur in the majority opinion of the Permanent Committee on Judiciary.

E. We recommend that the memorial from Dallas Presbytery be granted, which asks that the General Assembly "voice its disapproval of the 'Fellowship of Cumberland Presbyterian Conservatives' and any and all other irregular 'assemblies' which use the name Cumberland Presbyterian but do not respect the decisions and pronouncements of the General Assembly of the Cumberland Presbyterian Church.' It is our opinion, however, that the violations of ordination vows referred to in the memorial were not deliberate on the part of the members of the "fellowship."

F. We recommend that the memorial from Cookeville Presbytery be granted, which asks that the General Assembly "adopt the opinion of the Permanent Committee on Judiciary concerning the 'Cumberland Presbyterian Conservative Movement' with special emphasis on the item reading 'an individual or a group has no right to constitute an organization outside the official governmental structure of our church and attach the name, 'Cumberland Presbyterian' to it except for the promotion of the interests of the church and with the sanction of the proper church court.'" 1954, p. 191.

- duties of General Assembly
(receive presbyteries,
oversee whole church)

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9.0 GENERAL ASSEMBLY

Constitution 9.4l---9.4m

9.4 [The General Assembly has oversight and responsibility to:] (cont.)

1. Receive under its jurisdiction other ecclesiastical bodies whose organization conforms to the doctrine and order of this church, and authorize synods and presbyteries to exercise

similar power in receiving bodies suited to become constituents of those judicatories and lying within their geographical bounds, respectively;

m. Oversee the affairs of the whole church;

Liberia Presbytery, Provisional Presbytery

9.4l ADVISORY, 1980.

In response to the directive of the 1979 General Assembly, Joe Matlock, executive director of the Board of Missions, and David Brown, director of the Division of World Missions, visited the Presbytery of Liberia and conferred with its members and obtained substantial information about its history and its present work. This presbytery has expressed desire that a relationship be established with the Cumberland Presbyterian Church. We make the following recommendations:

Recommendation 7: That the Presbytery of Liberia be invited to join with the Cumberland Presbyterian Church as a "provisional presbytery." 1980, pp. 215-216.

Missions Ministry Team - Oversight, Guidance, Authority for Mission Work

9.4m INTERPRETIVE, 2013

Recommendation: That the Missions Ministry Team (elected and staff members) or its successor as the agency responsible for oversight, guidance and authority for mission work and mission fields that cannot have a meaningful relationship with a presbytery due to distance and/or language. The Missions Ministry Team is authorized to conduct all actions typical in oversight of such mission work until such time as a presbytery can be formed to accommodate the mission churches, pastors and probationers. As part of its oversight, the Missions Ministry Team may, if circumstances warrant, attach mission work to an existing presbytery, with its approval, following General Assembly-approved guidelines for host presbyteries.

- duties of General Assembly
(other churches,
promote love, truth, holiness)

9.0 GENERAL ASSEMBLY

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Constitution 9.4n---9.4o

9.4 [The General Assembly has oversight and responsibility to:] (cont.)

n. Correspond with other churches; and,

o. In general, recommend measures for the promotion of love, truth, and holiness throughout all the churches under its care.

Fraternal De/ef!ates

9.4nADVISORY, 1816, 1850, 1854, 1869.

Whereas, the General Synod of the Evangelical Lutheran Church, at its sessions of 1835, expressed a disposition to cultivate a friendly and Christian intercourse with the Cumberland Presbyterian Church, and we believe that it is the duty of all who hold the Head Christ, and are employed in promoting the interests of the Redeemer's kingdom among guilty men to cultivate a spirit of love and union; therefore,

Resolved, that we do most heartily reciprocate the Christian sentiments entertained towards our church by our sister denomination, and that the Stated Clerk of this Assembly be directed to forward to the secretary of the General Synod of the Evangelical Lutheran Church a copy of this resolution, and through that gentleman, propose to that reverend body that some plan for the interchange of delegates betwixt the two bodies shall be devised. 1836, p. 276, MSS.

Whereas, it would promote harmony, confirm and strengthen the friendly relations so happily now existing between the Presbyterian Church in the United States of America and ours, to keep up a friendly interchange of delegates to the General Assemblies of each other; therefore,

Resolved, that this General Assembly will now proceed to elect a delegate to attend the next General Assembly of the Presbyterian Church (**New** School) of the United States of America. 1850, p. 7. [Parentheses in original.]

Resolved that a standing committee of three be raised on the subject of a friendly correspondence with the higher judicatories of other churches and to recommend delegates for the confirmation of the General Assembly. 1854, p. 9.

Whereas, it is desirable that a fraternal correspondence be maintained between our church and other branches of the Presbyterian family; therefore,

Resolved, that this Assembly appoint a committee to select delegates to those bodies with whom we are already in correspondence and also to the Evangelical Lutheran Church. 1869, p. 27.

Written Correspondence with Other Churches

9.4nADVISORY, 1880.

Resolved, that in the future the correspondence on the part of the General Assembly of this church with other ecclesiastical bodies shall be written, instead of by delegates attending said bodies. 1880, p. 13.

Written Correspondence With Other Churches Conducted by Stated Clerk

9.04nADVISORY, 1884.

On motion, it was ordered that hereafter correspondence between this General Assembly and other ecclesiastical bodies be conducted, on the part of the General Assembly, by the Stated Clerk. 1884, p. 34.

Christian Unity Expressed Through Interdenominational Relationships

9.4nADVISORY, 1911.

We believe that some specific directions should be given by our General Assembly in order to avoid many speculations which are bound to arise around the particular issues of organic union.

(continued on next page)

- duties of General Assembly
(other churches)

With reference to Christian unity, there exists no point of argument. Our unity grows out of the God-made relationship in Jesus Christ. We who are one with Christ are one with all men in Christ. This relationship is superior to every other which we experience.

After recognizing our Christian unity, there arises the necessity of addressing ourselves to the question of how we may give practical expression to that unity.

If this question is adequately answered, first of all we must surrender our will in complete submission to God's will for our life and its structures. We must ever be responsive to the leadership of his spirit, rejecting every attempt to impose upon God some prior condition by which we are willing to express our unity.

With reference to the invitation from the United Presbyterian Church U.S.A., we believe that a present involvement to consider organic union would be inadvisable.

We are of the opinion that there are numerous ways and inter-denominational relationships through which we may express our Christian unity. These are means which provide opportunity for a more effective Christian witness. Let us receive these opportunities as fully as we are able that God may be glorified, that men might be redeemed. 1961, p. 189.

Affiliation With Ecumenical Agencies Requires Approval of General Assembly

9.4n INTERPRETIVE, 1951.

The Permanent Committee on Judiciary submitted majority and minority reports to the General Assembly.... The General Assembly concurred in the majority opinion of the Permanent Committee on Judiciary. The concluding paragraphs of the majority opinion adopted by the General Assembly follow:

If membership in or affiliation with some organization outside of the denomination by either the General Assembly or one of its boards, agencies, or institutions is either necessary, proper or helpful in carrying out any of the general powers and purposes of the General Assembly and does not involve either the surrender of the autonomy of the General Assembly, board, or agency or any doctrinal change or commitment, in our opinion, the church, or a board or agency or institution of the church may become a member of or affiliated with such organization outside of the denomination with the consent and approval of the General Assembly, provided that such membership or affiliation with such outside organization shall be likewise within the express or implied charter powers of any affected incorporated board.

However, it is our opinion that under the Constitution neither our church nor any of its boards, agencies, or institutions may become a member of or affiliated with any organization outside of the denomination without prior approval of the General Assembly.

If membership in or affiliation with such organization involved a surrender of the autonomy of either the church, board, agency or institution to such outside organization, the General Assembly does not have the power to authorize or approve such membership in or affiliation with such organization.

If membership in or affiliation with such organization outside the denomination involves a change in the doctrine of the church or the commitment of the church board or agency to some matter of doctrine contrary to our Confession of Faith, prior approval must be had from three-fourths of the presbyteries of the church as well as the prior approval of not less than 75 percent of the full membership of the General Assembly as provided in Article 60 {now 11.2} of the Constitution. 1951, p. 130.

Affiliation With Ecumenical Agencies Not to be Referred to Presbyteries

9.4n INTERPRETIVE, 1955, 1969.

We have had referred to this committee the memorials from Missouri Synod, Ozark Presbytery, Mississippi Presbytery, Platte-Lexington Presbytery, and Greer Presbytery requesting that the matter of our boards being affiliated with the National Council of Churches be referred to the presbyteries for their approval or disapproval.

It is the interpretation of this committee that only constitutional matters should be referred to the presbyteries, and that the matter of the National Council of Churches affiliation as it is now experienced in our church is not a constitutional matter. We therefore recommend that these memorials be not granted. 1955, pp. 183-184.

We, your Committee of Judiciary, concur in the opinion of the Permanent Judiciary Committee that this is not a matter which can properly be referred to the presbyteries. The General Assembly of 1955...ruled, "...that only constitutional matters should be referred to the presbyteries, and that the matter of the National Council of Churches affiliation as it is now experienced in our church is not a constitutional matter."

Recommendation: We recommend that the 139th General Assembly of the Cumberland Presbyterian Church concur in and reaffirm the ruling of the General Assembly of 1955. 1969, p. 182.

9.0 GENERAL ASSEMBLY

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Revitalization of Congregations a Primary Goal of the Church

9.40 ADVISORY, 1996

Recommendation 1: That Recommendation 1 of the Report of the Moderator be adopted, "that the General Assembly declare revitalization of congregations a primary goal of the Cumberland Presbyterian Church during the next five years." 1996, p. 321.

Sexual Misconduct/Harassment Policy Recommended

9.40 ADVISORY, 1996

Recommendation 9: That Recommendation 2, "that the General Assembly adopt the Sexual Misconduct/Harassment Policy for the Cumberland Presbyterian Church," be adopted.

Recommendation 10: That Recommendation 3, "that the policy be transmitted to the agencies of the General Assembly, the Synods, Presbyteries, and Congregations of the Cumberland Presbyterian Church for adoption," be adopted. 1996, p. 318.

Sexual Misconduct/Harassment Policy

The Cumberland Presbyterian Church condemns sexual misconduct/harassment.

Sexual misconduct/harassment includes but is not limited to all crimes involving sexual conduct under state penal codes such as indecent exposure, indecency with a child, sexual assault (including rape) and also other inappropriate sexual conduct which may not violate a penal statute. Again these actions include but are not limited to the coercion of another person into a sexual relationship, or an attempt to coerce another person into a sexual relationship, or to subject a person to unwanted sexual attention, or to create a sexually suggestive, intimidating, hostile, or offensive working or worship or educational environment. Sexual misconduct/harassment includes a wide range of behaviors, from actual sexual coercion to the unwelcome emphasizing of sexual identity. This policy is based upon an understanding of accepted standards of mature behavior, Christian tradition, and freedom of expression.

Sexual misconduct/harassment in any situation is absolutely unacceptable. Sexual misconduct/harassment is particularly reprehensible when it exploits the religious, spiritual, or psychological dependence and trust between persons. Sexual misconduct/harassment in the Cumberland Presbyterian Church is always totally unacceptable. All people in positions of authority should be sensitive to the possible misunderstanding that could result from personal relationships that also involve professional and religious relationships.

Individuals who believe that they have been sexually harassed or are victims of other misconduct should report the misconduct through the established informal and formal procedures of the church. Only a written, signed complaint to the session clerk/stated clerk can initiate formal procedures against alleged sexual misconduct/harassment. People in authority who receive reports of misconduct or harassment must respond promptly and fairly, and comply with the law of both church and state. The church *will* respect the right to confidentiality of all members of the community in both informal and formal procedures, insofar as possible. This policy condemns retaliations against persons bringing complaints of sexual misconduct/harassment. An individual found to be guilty of sexual misconduct/harassment is subject to disciplinary action consistent with the *Confession of Faith of the Cumberland Presbyterian Church*.

Any person who feels a sexual misconduct/harassment complaint did not receive prompt and fair response should appeal to the next highest judicatory in the church. 1996, pp. 148-149.

9.0 GENERAL ASSEMBLY

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Constitution 9.5

9.5 If, for any cause the General Assembly shall fail to meet at the time and place to which it stands adjourned, it shall be the duty of the moderator, or, in case of the moderator's absence, death, or inability to act, the stated clerk, to call a meeting as early as practical, at such place as may be designated, for the transaction of the regular

business. For this purpose notice shall be sent to the stated clerks of the presbyteries not less than sixty days prior to the meeting. In case of the absence, death, or inability to act of both the moderator and stated clerk, such meeting may, in like manner, be called by five commissioners, from any five of the presbyteries.

10.0 RELATIONS BETWEEN CHURCHES

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Constitution 10.1---10.5

10.0 Relations Between Churches

10.1 The General Assembly, a synod, or a presbytery may cooperate with the General Assembly, a synod, a presbytery or a comparable judicatory of another ecclesiastical body or bodies, and a presbytery may authorize one or more of its constituent churches or agencies to cooperate with a church, churches, or agencies of another ecclesiastical body or bodies in undertaking and conducting a program. This may be done through informal arrangement or through formal structure, including incorporation.

10.2 When a particular church of another ecclesiastical body, whose constitution contains provisions similar to these, requests that it be received by a presbytery of this church, the presbytery shall not receive the particular church from the other ecclesiastical body unless:

a. That particular church has been regularly dismissed by the presbytery or comparable judicatory of jurisdiction and any timely complaint to such action of dismissal has been finally determined; and

b. Both the receiving and dismissing presbytery have sought the advice of the appropriate agency of the highest judicatory of their church dealing with relations between ecclesiastical bodies. When a particular church has been properly dismissed and received under the above provisions, no financial consideration shall be required of the receiving presbytery except that if the property is encumbered by mortgage, or other encumbrance, the receiving presbytery shall assume an agree to pay all obligations of such encumbrance.

10.3 When a particular church of another ecclesiastical body with dissimilar constitutional provisions to these, or an independent congregation, requests that it be received by a presbytery of this church, the presbytery shall not receive the particular church unless:

1. That particular church has been regularly dismissed by a comparable judicatory, or is certified by congregational vote to be free to

pursue a relationship with this church because it is self-determining, and there are no pending ecclesiastical or civil complaints against the congregation, and

2. The presbytery has investigated to assure that the congregation comes on good faith and desires to embrace Cumberland Presbyterian doctrine, polity, and practice, and will undergo mentoring, clergy and lay, for a provisional period of not less than two years.

During the provisional period, the congregation shall, under supervision of presbytery, operate as a Cumberland Presbyterian Church *in* all respects, and shall have official representation at presbytery. Members of the congregation will be eligible to serve on judicatory boards and as General Assembly Commissioners upon completion of the provisional period. If at any time during the provisional period either presbytery or the congregation is dissatisfied with the progress toward assimilation as a Cumberland Presbyterian Church, the relationship shall be dissolved thirty days after formal vote by the presbytery and/or congregation to that effect, with written notice of that intent to presbytery and the congregation.

10.4 A presbytery may authorize one or more of its constituent churches to form a federated or union church with a church or churches of another ecclesiastical body or bodies or may organize a federated or union church *acting* in concert with a comparable judicatory of another ecclesiastical body or bodies. This shall be done by agreement in writing between the presbytery and the comparable judicatory of the other ecclesiastical body or bodies.

10.5 A presbytery or synod of the Cumberland Presbyterian Church in America and a presbytery or synod of the Cumberland Presbyterian Church, whose boundaries coincide or can be made to coincide, may form a union presbytery or synod which shall be related in the same way to both denominations.

- receiving churches
- union churches

135b 10.0 RELATIONS BETWEEN CHURCHES

ConJ{reJ}ations Should Be Received With Care

10.2 ADVTSORY. 1963.

As a matter of caution we would suggest that presbyteries should use extreme care in receiving congregations into their bodies. 1963, p. 199.

Presbyteries Forming Union Churches Should Consult with Board of Missions

10.3 ADVISORY, 1983.

In ordertomaintain some uniformity of agreeme_nts, any presbytery engaged in the establishment of union churches with presbyteries of other denominations should request the assistance of the Cumberland Presbyterian Board of Missions in the drafting of the agreements. 1983, p. 260.

Interpretation to Allow Reception of a Particular Church from Another Ecclesiastical Body

10.2 INTERPRETIVE 1999

That recommendation 1 of the report of the Joint Meeting of the Judiciary Committee and the New Church Development Committee, "that recommendation 1 of the Report of the General Assembly Council, 'That the General Assembly Council recommends the 169th. General Assembly approve the following interpretation of the existing constitution.' 'The Constitution provides a procedure for the reception of churches and ordained ministers from other ecclesiastical bodies (Section 10.2). In the case

of churches, though, the Constitution now appears to limit reception to those congregations from ecclesiastical systems similar to our own--that is, a connectional church, with compatible doctrine. There is good reason to believe that the Cumberland Presbyterian Church can attract particular churches from systems different from ours, such as the independent church. The potential to receive cross culture congregations into the denomination may be especially significant. A broad interpretation of section 10.2 could recognize that possibility, and promote the NCO model of 'adoption,' the assimilation of churches new to the denomination.

That General Assembly interpret section 10.2 of the Constitution to include the possibility of receiving a particular church from another ecclesiastical body, or an independent congregation, that desires to embrace Cumberland Presbyterian doctrine, polity and practice, and is willing to undergo a period of mentoring by presbytery for leaders (clergy and lay) for a suggested provisional period of two years. During the provisional period, the congregation would operate as a Cumberland Pre3byterian Church in all respects, including official representation at presbytery," be adopted. 1999, p. 366.

Constitution 11.1---11.3

11.0 Amendments

11.1 Amendments to the Confession of Faith, Catechism, Constitution, Rules of Discipline, Directory for Worship, and Rules of Order may be proposed to the General Assembly of the Cumberland Presbyterian Church or the General Assembly of the Cumberland Presbyterian Church in America. If received favorably by either General Assembly, all proposed amendments shall be referred to a Joint Committee on Amendments composed of the five members of the Permanent Committee on Judiciary of each General Assembly for preparation for the two assemblies for action.

11.2 When a proposed amendment to the Confession of Faith, Catechism, Constitution, or Rules of Discipline is presented by the Joint Committee on Amendments to

the General Assembly of each church, on recommendation of each assembly the amendment may be transmitted to its presbyteries by three-fourths vote of the members thereof voting thereon, provided there is present and voting not less than 75% of the full membership of the assembly based on the complete representation of all its presbyteries.

11.3 An amendment to the Confession of Faith, Catechism, or Rules of Discipline shall have been adopted when, on its transmission by both assemblies to their presbyteries, a three-fourths majority of the presbyteries of each General Assembly shall have approved it and such approval is declared by each General Assembly to have been given. The vote of a presbytery shall be by simple majority.

Preparation of Amendments by the Joint Committee on Amendments

11.1 ADVISORY, 1999.

That the General Assembly of the Cumberland Presbyterian Church rule that when it refers recommendations to the Joint Committee on Amendments to prepare amendments, that the committee must prepare and submit such amendments, even if the members of the committee are not personally in favor of such amendments. 1999, p. 344.

Preparation of Proposed Amendments

11.1 ADVISORY, 1999.

All amendments to the Constitution, Rules of Discipline, General Regulations, and Rules of Order proposed to the General Assembly should be prepared by the agency, board or commission proposing the amendments or by the Permanent Committee on Judiciary at the request of an agency, board or commission. 1999, p. 344.

General Assembly Determines Inter-relatedness of Constitutional Amendments

JJ.3/INTERPRETIVE. 1978.

We canvassed the votes of the presbyteries on the proposed amendments to the Constitution submitted by the 1977 General Assembly. These amendments provided for amendments to Sections 30, 36, and 42, dealing with determining quorums for church judicatories....

Of the 48 presbyteries to whom the amendments were submitted, 39 approved all three, four (4) disapproved all three, three (3) did not report, and two (2) approved part and disapproved part.

We were asked to determine whether or not the votes of the two (2) presbyteries were legal in not approving all, or rejecting all.

We examined the 1977 Minutes and find that they were submitted to the presbyteries as amendments. Since section 30 refers to presbyteries, section 36 to synods, and section 42 to the General Assembly, we do not see that they are so related that an affirmative or negative vote on one would require a similar vote on the other two.

Recommendation 2: That the votes of these two presbyteries be considered legal.

Recommendation 3: That General Assembly declare the amendments to the Constitution passed. 1978, p. 198.

- amending confessional statement

11.0 AMENDMENTS

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Constitutional Matters Only to be Referred to Presbyteries

11.3 INTERPRETIVE, 1955.

It is the interpretation of this committee that only constitutional matters should be referred to the presbyteries.... 1955, p. 184.

Presbyteries in Existence When Votes Are Certified by Ensuing General Assembly Constitute Valid Votes

11.3 INTERPRETIVE, 1988.

We wish to *clarify* the process for considering constitutional amendments during realignment.

Recommendation 25: That the valid vote of presbyteries shall be the vote of those presbyteries in existence when the vote is certified by the ensuing General Assembly. 1988, p. 210.

11.0 AMENDMENTS

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Constitution 11.4--- 11.5

11.4 An amendment to the Constitution shall have been adopted:

a. For both churches, when a three-fourths majority of the presbyteries of each General Assembly shall have approved it and such approval is declared by each General Assembly to have been given; each presbytery voting by simply majority, and,

b. For either church when a three-fourths majority of its presbyteries shall have approved it and such approval is declared by its General Assembly⁹ have been given; each presbytery voting by simple majority. In such instances the amendment shall be identified as applicable to the Constitution of the church adopting it, and the original section to which the amendment was applied

shall remain a part of the Constitution of the church rejecting it.

c. Presbyteries shall act upon an amendment referred by the General Assembly within the first year of the referral and report their vote no later than the next meeting of the General Assembly after the amendment was transmitted to the presbyteries.

11.5 An amendment to the Directory for Worship or the Rules of Order shall have been adopted when a two thirds majority of the entire number of commissioners enrolled at each General Assembly shall have approved it, provided such amendment shall not conflict in letter or spirit with the Confession of Faith or Constitution.

- church membership letters

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APPENDICES

Appendices to the Constitution

APPENDIX I

LETTER OF DISMISSION FOR CHURCH MEMBERS

(To be forwarded by the clerk of the session of the dismissing congregation to the proper official of the receiving church. Husband and wife should be issued individual letters.)

This certifies that _____ a member in good standing of the _____ congregation of _____ Presbytery of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America, is hereby dismissed at his/her own request to the _____ congregation of the _____ Church. The following are the names of his/her baptized children: _____ . The above named person is an elder ☐, deacon ☐, in the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America.

Given by order of the session of the _____ congregation of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America, this the _____ day of _____ AD

Signed _____

(Moderator or Clerk of Session)

Address _____

APPENDIX 2

CERTIFICATE OF RECEPTION FOR CHURCH MEMBERS

(The pastor of the receiving congregation should complete this form, detach, and mail to the moderator or clerk of the session granting the letter.)

This certifies that _____, a member in good standing of the _____ congregation of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America, upon presentation of a letter of dismission from the above named congregation, bearing the date _____, 19____, was received by the _____ congregation of the _____ Church on _____ 19____. Signed _____ (Pastor).

A permanent record of the dismissal should be kept by the clerk and should include the following:

Session Clerk's Record

Name of Member _____

Address _____

Dismissed to:

Name of congregation _____

Name of denomination _____

- calling ministers
- new churches

APPENDICES

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Letter of Dismission sent to: Name _____
 Address _____, Date sent _____
 Certificate of Reception returned: Date received _____

Note: If Certificate of Reception is not returned in six months inquiry should be made.

APPENDIX 3

ADMISSION OF NEW CHURCHES.

When a new church is organized, the session shall apply for the new church's admission into the presbytery in whose bounds it is located. The following form may be used:

TOTHE PRESBYTERY OF _____
 The undersigned respectfully declare that on the _____ day of _____, AD
 — — — — a new church was organized at _____ by the Reverend
 _____ (or a commission of presbytery), which adopted the principles of
 the government of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America,
 and has a membership of _____. The following persons were elected as
 elders: _____ The following
 persons were elected as deacons: _____

We apply to be received under your care, and promise as the session to comply with all the duties and obligations enjoined upon particular churches and their officers by the government of the Cumberland Presbyterian Church/ Cumberland Presbyterian Church in America.

Date _____

 Elders

APPENDIX 4

SELECTING PASTORS AND ASSOCIATE/ASSISTANT PASTORS

In calling a minister to be the pastor or associate/assistant pastor of the church, the session should endeavor to ascertain the will of the membership, and should select the minister it believes will best serve the interests of that particular church. The call should be presented to the minister as follows:

_____ Church, being satisfied of your ministerial qualifications and being confident of your ability to minister to the diverse needs of this congregation

- letters for ministers

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APPENDICES

extends to you a call to serve for an indefinite period of time as pastor (or associate/assistant pastor) of *this* church and to join with us in a ministry to the entire community. We commit ourselves to provide the support, cooperation, and encouragement necessary to enable you to fulfill this calling. We pledge to pay an annual salary of\$ _____

The call may then detail other considerations such as vacation arrangements, sick leave, travel costs in serving the congregation, and terms regulating the termination of the contract. The call in its entirety will be subject to the approval of the presbytery.

APPENDIXS

LEITER OF DISMISSION FOR MINISTERS OR PROBATIONERS

(To be completed and forwarded by the stated clerk of the dismissing presbytery to the stated clerk or the proper official of the receiving judicatory.)

This certifies that _____ an ordained minister ☐,
 licentiate D, candidate ☐, in good standing in the _____ Presbytery of
 the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America, is hereby at his/her
 own request dismissed therefrom and is recommended favorably to the _____
 resbytery of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America, or to
 he following judicatory of the designated church: _____. Given by the order
 of _____ Presbytery, this _____ day of _____ A.D. _____
 Signed _____ (Stated Clerk)
 Address _____

APPENDIX6

CERTIFICATE OF RECEPTION FOR MINISTERS OR PROBATIONERS

(The stated clerk or the proper official of the receiving judicatory must complete this form. detach. and mail to the stated clerk of the dismissing presbytery.)

This certifies that _____, an ordained minister ☐,
 licentiate D, candidate D, of the Cumberland Presbyterian Church/Cumberland Presbyterian Church
 in America, upon presentation of a letter of dismission from the _____ Presbytery,
 bearing the date _____, 19____, was received by the _____
 Presbytery of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America, or the
 following judicatory of the designated church: _____ on the date _____
 19____
 Signed _____ (Stated Clerk or other authorized official)
 Address _____

APPENDICES

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Presbyterial Clerk's Record of Dismission

Name _____ an, ordained minister ☐, licentiate ☐, candidate ☒, was dismissed to the ----- 'Presbytery of the Cumberland Presbyterian Church/Cumberland Pre.sbyterian Church in America, or the following judicatory of the designated church: _____ on the ____ day of _____ A. D. _____

Record of Reception

The above named person was received by the _____ Presbytery of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America, or the following judicatory of the designated church: _____ on the _____ day of _____ A. D. -----

Record of the Reception signed by: _____
(Stated Clerk or other authorized official)

Address _____

1.0 PURPOSE OF DISCIPLINE

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Rules of Discipline 1.1---1.3

1.1 Discipline in the church is a positive expression in the spirit of love and helpfulness of concern both for the offender and for the church. Its purpose is that the life and work of the church may be orderly, conducive to the spiritual growth of the members, and corrective of weaknesses, mistakes and offenses by individuals and judicatories. Appropriate reasons for discipline are actions contrary to the faith and practice to which, according to the scriptures, all Christians are called, or which are contrary to the government of the church.

1.2 Discipline in the church should be appropriate to the nature of the error or offense. All acts of discipline, both for individuals and judicatories, should be weighed carefully, keeping in mind the purpose of discipline.

1.3 The various approaches in discipline have the same purpose and generally should begin with counseling and only then proceed to the more severe approaches. Discipline may include, but is not limited to, the following:

a. Counseling is the effort to encourage and assist the person or judicatory to correct what is wrong, to remedy deficiencies, and to learn and grow spiritually through the experience;

b. Admonition is a formal action to identify the weakness, mistake, or offense of a person or judicatory and to urge or order its correction;

c. Suspension of a member of a church is a temporary exclusion from the right to vote in a congregational meeting and a removal from any position of leadership, including the session and diaconate. For a minister it is a temporary prohibition against the performance of the duties of the office. For a judicatory it is a temporary withdrawal of its power to act and a denial of representation in higher judicatories. Suspension may be for a definite or indefinite period of time;

d. The act of deposing is the revoking of the ordination of a minister, elder, or deacon and removal from the office.

- ministers, members,
congregations

Rules of Discipline 2.1---2.2

2.1 The responsibility and authority for discipline in a particular church belongs to the session. Oversight of the children of the church belongs first to their parents, but the session is responsible to give support to parents as they lead and guide children in their spiritual formation. The action by the session to admonish or suspend a member shall be taken only with respect to serious offenses, and then only after full opportunity is given for the approach of counseling. Removal of an elder from the session or a deacon from the diaconate may be accompanied by deposition from office.

2.2 The responsibility and authority for the discipline of ministers and churches rests with the presbytery to which they belong. The action by the presbytery to admonish, suspend, or depose shall be taken only with respect to serious offenses and then only after full opportunity is given for the approach of counseling.

2.0 AUTHORITY IN DISCIPLINE

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Rules of Discipline 2.3---2.5

2.3 . When the action of a particular church is detrimental to the spiritual welfare of its members or to the connectional relations and ministries of the larger church, it shall be counseled by the board of missions of the presbytery or by a special committee or commission appointed by the presbytery. Should counseling fail to achieve the desired objective, the presbytery may admonish the church and instruct its session to correct what is wrong, suspend the session and govern the church temporarily through a commission, dissolve the session and conduct a new election of elders, or dissolve the church and attach its members to other congregations.

2.4 The responsibility and authority for discipline of their constituent judicatories by synods and the General Assembly is exercised in general review and control, or in response to an appeal of an action taken by a constituent judicatory. When the action of a constituent judicatory is contrary to the rules of government of the church or detrimental to the connectional relations or life and ministries of the church, it may be counseled through a special committee or commission, admonished, suspended, instructed to correct what is wrong, or dissolved.

2.5 Each presbytery shall have a standing commission which shall be called the "judiciary committee." Each judicatory above the session shall have a standing commission which shall be called the "disciplinary commission." Notwithstanding that these bodies may be called "committees," each of these standing commissions shall exercise the powers and responsibilities entrusted to it under these Rules, and shall be authorized to deliberate upon and conclude any business submitted to it pursuant to these Rules.

A judicatory may assign other duties and responsibilities to its judiciary committee or its disciplinary commission, with or without the authority to act upon or to conclude such other the matters.

Comment: The judiciary committee and disciplinary commission may be separate bodies or may be subcommittees of existing committees or commissions of the judicatory. These bodies could also have responsibilities in addition to those assigned in these rules. In some instances, a committee may be a "hybrid" body, acting in some of its responsibilities as a committee and at other times acting with the authority of a commission. For example, a presbytery may already have a judiciary committee which performs other, committee-like functions. The judiciary committee can continue to perform its function as a presbyterial committee, exercising only the traditional role and authority of a committee. However, when the judiciary committee is performing a function under these disciplinary rules, it takes on the role of a commission and "shall be authorized to deliberate upon and conclude any business submitted to it." Because the judiciary committee and disciplinary commission may act as commissions, each should be composed of enough ministers and elders to constitute a quorum of the presbytery (or synod, as the case may be).

- acknowledged offenses
- transferring without letter

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3.00 DISCIPLINE OF PERSONS

Rules of Discipline 3.101---3.104

3.100 Cases Without Disciplinary Hearings

3.101 When a member, at his or her own initiative, acknowledges to the session an error or offense and gives evidence of a sincere effort to correct the matter, a record shall be made of the case. With the consent of the person, any disciplinary action taken shall be without a formal disciplinary hearing.

3.102 When a member in good standing without securing a letter of dismission or asking that his or her name be removed, shall join some other Christian church or religious body, the irregularity shall be noted and his or her name removed from the membership roll by action of the session. If there are charges pending against the person, or if he or she is under some disciplinary action, this information shall be communicated to the church or religious body upon its request. If the member is an elder or deacon, and he or she joins a religious body other than a Christian church, his or her ordination shall be revoked and he or she shall be divested of the office.

Comment: Paragraph 3.102 applies only if the member is moving to another denomination. If the member is joining another Cumberland Presbyterian church, the fact that charges are pending may, and generally should, be communicated to the new church. When the member is leaving the Cumberland Presbyterian denomination, information on charges pending against the member is provided only upon the request of the receiving church.

3.103 A minister, at his or her own initiative, may acknowledge to the judiciary committee an error or offense. If the minister gives evidence of a sincere effort to correct the matter and consents to any discipline proposed by the committee, the matter may be resolved and the discipline imposed without a formal disciplinary hearing. Otherwise, the judiciary committee shall refer the matter to the disciplinary commission for action as provided in section 3.400.

3.104 When a minister in good standing, without asking for a letter of dismission, shall join some other Christian church or religious body, the irregularity shall be noted and his or her name removed from the presbyterial roll by action of the presbytery. If charges are pending against the person, or if he or she is under disciplinary action, this information shall be communicated to the church or religious body upon its request. If the minister joins a religious body other than a Christian church, his or her ordination shall be revoked and he or she shall be divested of the office.

Comment: Paragraph 3.104 applies only if the minister is moving to another denomination. If the minister is moving to another presbytery of the Cumberland Presbyterian church, the fact that charges are pending should be communicated to the new presbytery. When the minister is leaving the Cumberland Presbyterian denomination, information on charges pending against the minister is provided only upon the request of the receiving church.

3.00 DISCIPLINE OF PERSONS

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Rules of Discipline 3.201---3.205

3.200 Disciplinary Hearings Before Sessions

3.201 Any charges made against a member (the accused) shall be acted upon by a session only if they are in the form of a written document signed by the person making the charges (the complainant). The complainant may be a person who claims to be a victim of the conduct which is the basis for the complaint or another member who has reliable and compelling information about the conduct in the complaint. Whether or not the charges are written, the session or any of its members may counsel with a member to encourage and assist the member to learn and grow spiritually.

Comment: Disciplinary hearings for church members and for ministers are addressed in separate sections.

Paragraph 3.201 makes it clearer that the charges may be brought, and the written charges can be signed, by a person other than the victim of the misconduct. For example, written charges can be brought by a witness to the misconduct or someone in whom the victim has confided (such as a parent) if there is "reliable and compelling information" that misconduct has occurred. The paragraph also reminds sessions that Christian counseling is always in order.

3.202 No charges against a person shall be considered if they are made more than two years after the alleged error or offense, except in the case of sexual misconduct or sexual harassment, in which case a ten (10) year time limit shall apply, but in the case of the sexual abuse or molestation of a child, no time limit shall apply.

3.203 When a session has received charges affecting the Christian character of a person under its care, it shall designate a committee to investigate the charges and counsel with the person accused. If the charges concern matters of potentially serious consequences, the session may at any time suspend the person from any position of leadership until the conclusion of the hearing and of any appeals. It shall be stated that the suspension is not a presumption of guilt but is a measure needed for the welfare of the church.

3.204 If the committee reports that, upon investigation, it finds no basis for the charges,

the session shall dismiss the charges. If the committee finds that there are grounds to believe that an offense was committed by the accused, and the accused acknowledges the error or offense, and gives evidence of a sincere effort to correct the matter, the committee shall so report to the session and recommend appropriate disciplinary action. With the consent of the person, disciplinary action may be imposed without a formal disciplinary hearing. A record shall be made of the case, and the moderator shall direct the clerk to notify the complainant of the discipline imposed.

3.205 If the committee, upon investigation, finds that there are grounds to believe that an offense was committed by the accused, but the accused has not acknowledged the error or offense, or does not consent to the proposed disciplinary action, the committee shall present a written report to the session which includes a statement of the charges, the information the committee obtained in its investigation, the committee's findings, and its recommendations for discipline. The session shall hold a hearing to determine guilt, to impose discipline, or both.

a. Unless the accused, the complainant, and the session agree otherwise, a date for the hearing shall be set no sooner than ten (10) days. The moderator shall direct the clerk to give written notice of the hearing to the person charged (the accused); the person filing the charges (the complainant); all active members of the session; the investigating committee; and all witnesses requested by the accused, the complainant, or the session. The notice shall include the statement of the charges as framed by the investigating committee and shall state that the decision to conduct the hearing is not an indication that the accused is guilty of the offense.

b. Written notice should be hand delivered or sent by first class mail to the last known address of the person entitled to notice. Written notice provided in some other manner is effective if actually received.

c. The session may postpone the hearing for good cause. The failure of the accused or the complainant to appear at the hearing shall not automatically cause a postponement.

- disciplinary hearing

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3.00 DISCIPLINE OF PERSONS

Rules of Discipline---3.206

3.206 The hearing shall be conducted as follows:

a. The hearing shall be a closed meeting unless the accused, the complainant, and the session agree otherwise. If closed, the persons permitted to attend shall be: the members of the session; the accused and a companion; the complainant and a companion; and, if requested by the session, a representative from the investigating committee. The session shall determine whether to permit all of the witnesses to be present for the entire proceeding or to hear witnesses one at a time. *Comment: The "companion" who is permitted to accompany the complainant or accused may be a spouse, parent, other family member, friend, or a professional adviser such as a counselor or attorney. However, unless the companion is also a witness, he or she has no role in the process except to provide support and advice to the complainant or accused. The companion should not inject himself or herself into the proceedings. If the companion is an attorney, he or she should bear in mind that the proceeding is an ecclesiastical or spiritual proceeding, not a legal one.*

b. The clerk shall keep a complete recording of the hearing, either by audio recording, audio-video recording, or by a written transcript.

c. The moderator shall charge the members of the body and all others present to remember the purpose of discipline in the church as stated in Section I. 1.

d. The statement of charges prepared by the investigating committee shall be read.

e. The list of witnesses shall be reviewed. Any person may challenge whether a witness is competent to provide evidence. The session shall be the final judge of whether a witness is competent to provide evidence and whether any evidence offered is relevant to the proceeding.

f. The accused may give a statement in response to the charges.

g. Testimony and other evidence against the accused shall be received first, followed by testimony and other evidence on behalf of the accused. Testimony should be offered in a manner consistent with the purposes of discipline, and not in a bitter or retaliatory spirit.

h. . The moderator shall provide an opportunity for the accused, the complainant, or members of the session to question each witness and any other evidence. The moderator may disallow any question which is frivolous, irrelevant, or otherwise inappropriate, but the moderator's ruling may be appealed to the session.

i. The accused or the complainant may challenge the right of any member of the session to speak or vote on the grounds of personal prejudice, including undue personal interest in the matter. All challenges shall be decided by the session.

j. A final statement may be made by the complainant and the accused, who shall have the right to speak last.

k. Only the members of the session shall be present during, and participate in, the deliberation of the case. All of the evidence shall be weighed and evaluated.

l. The session shall vote on the following question: "According to the evidence presented, is it more likely that the accused is guilty or not guilty of the charge(s) made against him or her?" The accused shall be found not guilty unless a majority of those members of the session who are present and voting shall find the accused guilty.

3.00 DISCIPLINE OF PERSONS

Rules of Discipline 3.207u•3.208

3.207 If the accused is found not guilty:

a. The moderator shall announce the decision to the accused and the complainant. The moderator shall remind those present of the gravity of disciplinary proceedings, the nature of the church as a fellowship of reconciliation, and the responsibility of all Christians to act toward each other in the spirit of repentance and forgiving love.

b. No record of the charges or the decision need be entered into the minutes unless the session, for good cause, shall direct otherwise.

3.208 If the accused is found guilty:

a. The session shall determine the discipline under which he or she shall be placed. When the nature of the discipline has been determined, the moderator shall announce the decision and the discipline to the accused and the complainant. Any discipline imposed shall take effect immediately unless the session directs otherwise.

b. The moderator shall urge the person placed under discipline to respond to the decisions in prayer and self-examination and to make such efforts as are possible to remedy the error or offense.

c. The moderator shall remind those present of the gravity of disciplinary proceedings, the nature of the church as a fellowship of reconciliation, and the responsibility of all Christians to act toward each other in the spirit of repentance and forgiving love.

d. The minutes shall reflect the name of the accused, the charges of which he or she has been found guilty, and the discipline imposed. Appropriate care shall be taken to protect the name or identity of any victim.

- disciplinary hearing

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3.00 DISCIPLINE OF PERSONS

Rules of Discipline 3.209---3.211

3.209 If, after a disciplinary hearing has been held, new evidence is discovered that could alter the decision that was made, the person under discipline may ask the session to conduct a supplemental hearing. If the session determines that a new hearing should be held, only evidence not already presented may be offered at the new hearing.

3.210 If there appears to be sufficient evidence to warrant terminating the discipline imposed, the session may conduct a hearing to consider such action. The discipline may be terminated if sufficient and reliable testimony or other evidence is presented that (i) the person has repented of the error or offense; (ii) the person has taken steps to correct the matter; and (iii) the session finds that the person is unlikely to commit the error or offense again.

Comment: Discipline should not be terminated unless the session believes it is unlikely that the person will commit the error or offense again.

3.211 When a person under some kind of discipline moves his or her membership to another church, the session may, if it seems advisable, transmit a summary of the disciplinary hearing to that body, which shall proceed to act as though it had imposed the discipline.

3.00 DISCIPLINE OF PERSONS

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Rules of Discipline 3.301---3.305

3.30 Specific Procedures for Elders and Deacons

3.301 No elder or deacon, because of the office, is to be shielded from investigation or discipline; nor is he or she, because of the prominence which the office gives, to be subjected to investigation on insignificant charges nor disciplined on slight grounds.

3.302 If, as a result of an investigation and hearing as provided in section 3.200, an elder or deacon has been found guilty of an error or offense that has caused great harm in the church or seriously compromised his or her ability to perform the duties of the office, regardless of any mitigating circumstances, he or she shall be suspended or deposed. The session shall nevertheless express its hope that healing and reconciliation may be accomplished.

3.303 When an elder or deacon has been suspended or deposed, the session shall continue to exercise pastoral care over the person, with the particular intention of bringing about reconciliation and restoration.

3.304 When an elder or deacon is suspended or deposed, or when the suspension or deposition has been removed, notice of the action shall be given to the congregation.

3.305 When an elder or deacon has been deposed, the action to remove the discipline renews the ordination and restores the office, but in order to serve in a congregation the person must be elected again.



Rules of Discipline 3.401 --3.403

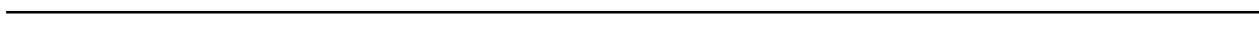
3.400 Discipline of Ministers

3.401 A complaint of misconduct on the part of a minister should be reported to the stated clerk of the presbytery or a member of the disciplinary commission. The person who receives the complaint shall promptly communicate it to the chair of the disciplinary commission and the stated clerk.

Comment: These rules recognize an important philosophical principle regarding a complaint: Once a complaint has been made jurisdiction over the complaint belongs to the body (in this case, the presbytery or its subordinate bodies), and not to the individual who initially brought the complaint. A complaint will not result in a formal disciplinary hearing if the disciplinary commission, upon investigation, finds the complaint to be groundless. Conversely, if it appears that a member of the presbytery has engaged in misconduct, it is the duty of the presbytery, not the complainant, to see that the misconduct is stopped and appropriate discipline is imposed. These rules place the burden of going forward on a complaint on the disciplinary commission and the judiciary committee, not on the complainant. Any person with knowledge of a complaint should assist the complainant in getting the complaint to the attention of the proper authority.

3.402 Any charges made against a minister (the accused) shall be acted upon by the disciplinary commission only if they are in the form of a written document signed by the person making the charges (the complainant). The complainant may be a person who claims to be a victim of the conduct which is the basis for the complaint or another person who has reliable and compelling information about the conduct in the complaint. Whether or not the charges are written, the disciplinary commission or any other member of a presbytery may counsel with a minister to encourage and assist the minister to learn and grow spiritually.

3.403 No charges against a minister shall be considered if they are made more than two years after the alleged error or offense except as provided below. In the case of sexual misconduct or sexual harassment, the charges must be brought within ten (10) years after the alleged error or offense. In the case of the sexual abuse or molestation of a child, no time limit shall apply.



3.00 DISCIPLINE OF PERSONS

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Rules of Discipline 3.404---3.407

3.404 When the disciplinary commission has received charges affecting the Christian character of a person under the care of the presbytery, it shall investigate the charges and counsel with the minister accused. If the charges concern matters of potentially serious consequences, the disciplinary commission may at any time place limitations on the person's ministry or suspend the person from any position of ministry until the conclusion of the hearing and of any appeals. It shall be stated that the action taken is not a presumption of guilt but is a protective measure for the welfare of the church.

3.405 If the disciplinary commission, upon investigation, finds no basis for the charges, it shall close the matter and report that action to the accused, the complainant, and the judiciary committee. If the committee finds that there are grounds to believe that an offense was committed by the accused, and the accused acknowledges the error or offense and gives evidence of a sincere effort to correct the matter, the disciplinary commission shall so report to the judiciary committee and recommend appropriate disciplinary action. With the accused's consent, the judiciary committee may impose disciplinary action without a formal disciplinary hearing. A record shall be made of the case, and the committee on ministry shall notify the complainant of the discipline imposed.

3.406 If the disciplinary commission, upon investigation, finds that there are grounds to believe that an offense was committed by the accused, but the accused has not acknowledged the error or offense, or does not consent to the proposed disciplinary action, the disciplinary commission shall name from one to three of its members to serve as representatives to bring the charges before the

judiciary committee in a formal hearing. The disciplinary commission shall promptly provide a written report to the chair of the judiciary committee which includes the names of the commission's representatives, a statement of the charges, the information the commission obtained in its investigation, the commission's findings, and its recommendations for discipline.

3.407 The judiciary committee shall hold a hearing to determine guilt, to impose discipline, or both.

a. Absent extraordinary circumstances, the hearing shall take place no sooner than fourteen (14) days nor more than thirty (30) days from the date the disciplinary commission makes its report. The chair of the judiciary committee shall give written notice of the hearing to the accused; the complainant; the members of the judiciary committee; the representatives of the disciplinary commission; and all witnesses requested by the accused or representatives of the disciplinary commission. The notice shall include the statement of the charges as framed by the disciplinary commission and shall state that the decision to conduct the hearing is not an indication that the accused is guilty of the offense.

b. Written notice should be hand delivered or sent by first class mail to the last known address of the person entitled to notice. Written notice provided in some other manner is effective if actually received.

c. The judiciary committee may postpone the hearing for good cause. The failure of the accused or the complainant to appear at the hearing shall not automatically cause a postponement.

- removing suspension/deposition

Rules of Discipline 3.408---3.409

3.408 The hearing shall be conducted as follows:

a. The hearing shall be closed except to those persons entitled to notice of the hearing. The judiciary committee may determine whether to permit all of the witnesses to be present for the entire proceeding or to hear witnesses one at a time.

b. The judiciary committee shall keep a complete recording of the hearing, either by audio recording, audio-video recording, or by a written transcript.

c. The hearing shall be conducted by the chair of the judiciary committee or, if the chair is absent, by the vice chair or another member of the judiciary committee. The chair shall charge all those present to remember the purpose of discipline in the church as stated in Section 1.1.

d. The statement of charges submitted by the disciplinary commission shall be reviewed.

e. The list of witnesses shall be reviewed. Any person may challenge whether a witness is competent to provide evidence. The judiciary committee shall be the final judge of whether a witness is competent to provide evidence and whether any evidence offered is relevant to the proceeding.

f. The accused may give a brief statement in response to the charges.

g. Testimony and other evidence against the accused shall be received first, followed by testimony and other evidence on behalf of the accused. Testimony should be offered in a manner consistent with the purposes of discipline, and not in a bitter or retaliatory spirit;

h. The chair shall provide an opportunity for the accused, the representatives of the disciplinary commission, or members of the judiciary committee to question each witness and any other evidence. The moderator may disallow any question which is frivolous, irrelevant, or otherwise inappropriate, but the chair's ruling may be appealed to the judiciary committee.

i. The accused or the representatives of the disciplinary commission may challenge the right of any member of the judiciary committee to speak or vote on the grounds of personal prejudice, including undue personal interest in the matter. All challenges shall be decided by the judiciary committee.

j. A final statement may be made by the representatives of the disciplinary commission and/or the complainant and the accused, but the accused shall have the right to speak last.

k. Only the members of the judiciary committee shall be present during, and participate in, the deliberation of the case. All of the evidence shall be weighed and evaluated.

l. The judiciary committee shall vote on the following question: "According to the evidence presented, is it more likely that the accused is guilty or not guilty of the charge(s) made against him or her?" The accused shall be found not guilty unless a majority of those members of the judiciary committee who are present and voting shall find the accused guilty.

3.409 If the accused is found not guilty:

a. The chair shall report the decision to the accused, the complainant, and the representatives of the disciplinary commission. The chair shall remind those present of the gravity of disciplinary proceedings, the nature of the church as a fellowship of reconciliation, and the responsibility of all Christians to act toward each other in the spirit of repentance and forgiving love.

b. The judiciary committee shall make a report to the presbytery as follows: "The judiciary committee considered charges brought against [name of accused]. After an investigation and hearing, the committee found [name of accused] not guilty of the charges."

3.00 DISCIPLINE OF PERSONS

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Rules of Discipline 3.410---3.414

3.410 If the accused is found guilty:

a. The judiciary committee shall determine the discipline under which he or she shall be placed. If the error or offense has caused great harm in the church and seriously compromised his or her ability to perform the duties of the office, regardless of any mitigating circumstances, he or she shall be suspended or deposed.

b. When the nature of the discipline has been determined, the chair shall announce the decision and the discipline to the accused, the complainant, and the representatives of the disciplinary commission. Any discipline imposed shall take effect immediately unless the judiciary committee directs otherwise.

c. The chair shall urge the minister placed under discipline to respond to the decisions in prayer and self-examination and to make such efforts as are possible to remedy the error or offense.

d. The chair shall remind those present of the gravity of disciplinary proceedings, the nature of the church as a fellowship of reconciliation, and the responsibility of all Christians to act toward each other in the spirit of repentance and forgiving love.

e. The judiciary committee shall make a report to the presbytery in a closed meeting attended only by the committee and the members of presbytery, except that the complainant and the accused shall have the opportunity to address the presbytery in the meeting. The report shall include the name of the accused, the charges of which he or she was found guilty, and the discipline imposed. Appropriate care shall be taken to protect the name or identity of any victim. The action of the judiciary committee shall be final unless the presbytery, by a two-thirds vote shall appoint a new commission to review the finding of guilt, the discipline imposed, or both. If a new commission is appointed, it shall review the decision of the judiciary committee using the rules applicable to an appeal.

Comment: There are several reasons why a two-thirds vote of the presbytery is required to overturn the decision of the judiciary committee. The presbytery has vested its authority in the judiciary committee. Rescinding the committee's decision is treated like a motion to rescind, which requires a two-thirds vote (see Rules of Order sec. 8.35b). Most presbyteries have considered it wise not to address disciplinary matters on the floor of presbytery for several reasons (including the press of time, the need to protect a victim's privacy, concern about defamation or other legal liabilities, and the fact that, especially for larger presbyteries, presbyterial meetings do not lend themselves well to conducting hearings). An appeal can proceed directly to the next highest judicatory without the delay inherent in waiting for the presbytery to meet.

3.411 If, after a disciplinary hearing has been held, new evidence is discovered that could alter the decision that was made, the minister under discipline may ask the judiciary committee to conduct a supplemental hearing. If the judiciary committee determines that a new hearing should be held, only evidence not already presented may be offered at the new hearing.

3.412 No minister, because of the office, shall be shielded from investigation or discipline; nor shall he or she, because of the prominence which the office gives, be subjected to investigation on insignificant charges nor disciplined on slight grounds.

3.413 If a minister habitually fails to engage in some form of ministry approved by the presbytery as described in the Constitution, it shall be the duty of the presbytery to inquire into the reasons for such failure and to take such action as may be proper.

3.414 When a minister has been suspended or deposed, the presbytery shall continue to exercise pastoral care over the person and shall confer with the person about his or her continuing church relation.

- review and control

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3.00 DISCIPLINE OF PERSONS

Rules of Discipline 3.415---3.419

3.415 A minister who has been suspended or deposed may be restored only at his or her request. If there appears to be sufficient evidence to warrant restoring the minister, the judiciary committee may conduct a hearing to consider such action. The minister may be restored only if the judiciary committee finds on the basis of sufficient and reliable testimony or other evidence that (i) the person has, over a satisfactory period of time, exhibited repentance for the error or offense; (ii) the person has taken steps to correct the matter; (iii) the person is unlikely to commit the error or offense again; and (iv) the person is fit for ministry in the Church. Restoring a minister who has been deposed renews his or her ordination and restores the office.

3.416 When a minister is suspended he or she shall not perform the duties of the office in any church during the time of suspension. Any church which he or she is serving as pastor shall be notified of the suspension. Any church, aware of the suspension, and which permits the minister to perform the duties of the office in its bounds during the time of suspension, becomes liable to discipline.

3.417 When a minister is suspended, the presbytery may, at its discretion, dissolve the pastoral relationship which he or she has with any church in its bounds.

3.418 When a minister is deposed he or she shall not perform the duties of the office in any church. Any church which he or she is serving as pastor shall be notified, and the presbytery shall dissolve the pastoral relationship. Any church which is aware of the act of deposing, and which permits the minister to perform the duties of the office in its bounds, becomes liable to discipline.

3.419 When a minister has been suspended or deposed, the clerk shall send a notice to the clerks of all other presbyteries stating that the person was found guilty of a serious error or offense and deposed. When a minister has been restored, the clerk shall send a notice to the clerks of all other presbyteries stating that the person has been restored.

3.00 DISCIPLINE OF PERSONS

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Rules of Discipline 3.501 --3.507

3.500 Appeals Regarding the Discipline of Persons

3.501 An appeal of a disciplinary action removes the case to the next higher judicatory. An appeal of any disciplinary action of a lower judicatory must be filed within thirty (30) days after the decision of the session, the presbytery's judiciary committee, or the synod's judiciary committee, whichever shall apply. If no appeal of a judicatory's action is filed in a timely manner, the action of the lower judicatory shall be final.

Comment: An appeal may be filed long before the disciplinary action has been reported to the full presbytery or synod. If the presbytery or synod votes to reconsider the disciplinary decision which has been made on its behalf, the appeal is dismissed in order to give the lower judicatory the opportunity to make a final decision. Once an appeal has been decided by a higher judicatory, it is too late for the lower judicatory to undertake a reconsideration of its own decision.

3.502 If a lower judicatory whose action is being appealed votes to reconsider its decision, the appeal shall be dismissed and the matter sent back to the lower judicatory. When the lower judicatory has completed its reconsideration and taken a final action on the matter, that action may be the subject of a new appeal.

3.500 Proper grounds for appeal are: the lower judicatory failed to follow the proper procedures; the lower judicatory committed an error or injustice in the decision; or the lower judicatory acted contrary to the Constitution or other rules of the church.

3.501 An appeal of a matter regarding the discipline of persons may be made by the complainant or an accused who has been

found guilty of an offense or error. A disciplinary decision of a presbytery's judiciary committee may also be appealed by the presbytery's disciplinary commission.

3.502 An appeal is begun by filing a notice of appeal with the stated clerk of the next higher judicatory. The notice of appeal shall include information sufficient to identify the person making the appeal, the body which issued the ruling from which the appeal is taken, the grounds for the appeal, and that portion of the decision below which is being appealed.

3.503 The stated clerk shall promptly forward a copy of the appeal to the chair of the judicatory's standing judiciary committee. The appeal shall go forward unless the stated clerk and the chair of the judiciary committee find that the appeal fails to meet the criteria for a proper appeal, in which case the appeal shall be dismissed. If the appeal is dismissed, the stated clerk shall write a letter to the person who filed the appeal explaining why the appeal was dismissed. If the appeal is permitted to go forward, the chair of the judiciary committee shall obtain the record of the full hearing held by the session or the judiciary committee, whichever shall apply.

3.504 The proper parties to an appeal are as follows:

a. In an appeal from the action of a session, the accused and the complainant.

b. In any other appeal, the accused, the complainant, and the presbytery's disciplinary commission.

c. The party which files the appeal shall be the appellant, and all other parties shall be considered respondents.

Rules of Discipline 3.508---3.513

3.505 The appeal shall be considered by the judiciary committee of the higher judicatory, which shall hold an appeal hearing as soon as practical after the receipt of the appeal.

a. Written notice of the appeal hearing shall be provided to the accused, the complainant, the presbytery's disciplinary commission, and the members of the judiciary committee hearing the appeal. The notice shall include the date, time, and place of the appeal hearing; the names of the accused and the complainant; the statement of the charges which were the subject of the hearing below; the decision reached by each lower judicatory which has considered the matter; the name of the party who appealed; the grounds for the appeal; and describe the portion of the decision below which is being appealed.

b. Written notice should be hand delivered or sent by first class mail to the last known address of the person entitled to notice. Written notice provided in some other manner is effective if actually received.

c. The judiciary committee may postpone the appeal hearing for good cause. The failure of any party to appear at the hearing shall not automatically cause a postponement.

3.506 The appeal hearing according to the following rules.

a. The judiciary committee shall review the record of the hearing below, either during or shortly before the appeal hearing.

b. The judiciary committee shall hear first from the appellant, who shall explain why the action of the lower judicatory was flawed or incorrect. The judiciary committee shall then hear from the respondent or respondents. The appellant shall then be entitled to make a closing statement.

c. The appeal hearing shall be conducted entirely on the record of the proceedings below unless the judiciary committee shall request additional evidence or information. The appeal hearing may be continued in order that the additional information or evidence may be obtained.

d. Only the members of the judiciary committee shall be present during, and participate in, the deliberation of the appeal.

3.507 The judiciary committee shall rule against the appeal unless the appellant shows both:

a. the lower judicatory failed to follow the proper procedures; committed an error or injustice in the decision; or acted contrary to the Constitution or other rules of the church; and

b. the improper action by the lower judicatory had a significant affect on the final decision in the case.

3.508 If the judiciary committee rules against the appeal, the ruling of the lower judicatory shall stand. The appellant shall have a right of appeal to the next higher judicatory, if any.

3.509 If the judiciary committee rules in favor of the appeal, it may reverse the action appealed in whole or in part; remit the case to the lower judicatory for the purpose of amending an incorrect or defective record; or direct the lower judicatory to reconsider the action appealed.

3.510 The judiciary committee shall make a report directly to its judicatory which states: that an appeal was made, the parties to the appeal (except that appropriate care shall be taken to protect the name or identity of any victim), the grounds for the appeal, and the disposition of the appeal. The judiciary committee's disposition of the appeal shall be final unless the judicatory, by a two-thirds vote, shall appoint a new commission to review the appeal. If a new commission is appointed, it shall review the decision of the lower judicatory using the rules applicable to an appeal.

Comment: Because the judiciary committee's action is the act of a commission, the report of its action should go directly to the judicatory and should not pass through or be made to a committee of the judicatory.

4.00 DISCIPLINE OF JUDICATORIES

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Rules of Discipline 4.001--4.105

4.01 Every decision made by any judicatory, except the General Assembly, is subject to review by the next highest judicatory and may be brought before it by general review and control, appeal, or protest.

4.02 Persons who are members of a judicatory whose actions are the subject of appeal or protest shall not be eligible to serve on a committee or commission of the higher judicatory dealing with the appeal or protest; nor shall such persons, if members of the higher judicatory, be eligible to vote on any motions related to the appeal or protest.

4.100 General Review and Control

4.101 Every judicatory above the session shall, at stated intervals as prescribed, review the proceedings of the judicatory next below. If any judicatory shall fail to send its records to the next highest judicatory for this purpose, it may be ordered to do so immediately or on a specified date, or else face disciplinary action.

4.102 In reviewing the records of a lower judicatory, it is proper to examine whether:

- a. The proceedings have been correct;
- b. The proceedings have been wise and equitable and for the edification of the church;
- c. The proceedings have been correctly recorded; and
- d. The directives of the higher judicatories have been obeyed.

4.103 Generally, the higher judicatory shall record in its minutes the approval of the record or any action it considers appropriate with regard to any errors or irregularities that were found. It shall make an entry of the same in the records under review. In addition, if any action is taken, it shall send a communication to the clerk of the judicatory

whose records were under review, listing the errors or irregularities and indicating the corrective action that is to be taken. In reviewing the record of disciplinary actions against persons, no action of a lower judicatory shall be altered or reversed, unless regularly brought up by appeal.

4.104 Should a judicatory neglect to perform its duty, and thereby allow false doctrine or immorality to develop, offenders to go undisciplined, or other great irregularities to occur and not be properly recorded, the higher judicatory being aware by other means that such neglect or irregularity has occurred, shall make inquiry into and shall examine, deliberate, and decide the entire matter as if it had been recorded, and thus brought up by review and control.

4.105 When a judicatory has been advised by the records of a constituent judicatory, by resolution, or by any other satisfactory means of any important neglect, error, or irregularity of its proceedings, it may cite the lower judicatory to appear through a representative or in writing to explain what it has done or failed to do in the matter in question. Except in disciplinary cases, after full investigation the actions of a lower judicatory may be reversed in part or as a whole; or the matter may be referred back to the lower judicatory with instructions that it be reconsidered and corrective action taken. If the explanations of the lower judicatory are satisfactory and it is able to show that the matter is not of serious consequence, the review may be terminated with a caution to exercise greater care in future actions.

- suspending action

Rules of Discipline 4.201---4.207**4.200 Appeals**

4.201 The following rules apply to appeals of a disciplinary action by a judicatory concerning a constituent body and appeals of all non-disciplinary actions. An appeal removes a case already decided from a lower to the next higher judicatory.

4.20.2 Proper grounds for appeal are: the lower judicatory failed to follow the proper procedures; the lower judicatory committed an error or injustice in the decision; or the lower judicatory acted contrary to the Constitution or other rules of the church.

4.203 An appeal is begun by filing a written notice of appeal with the stated clerk of the next higher judicatory. The notice of appeal shall include information sufficient to identify the person(s) or judicatory making the appeal, the action which is being appealed, the judicatory which took the action which is being appealed, the grounds for the appeal, and that portion of the action below which is being appealed. Notice of appeal by a person or persons must be given within ten days of the action being appealed. Notice of appeal by a judicatory must be given within sixty days following the date of the action it wishes to appeal.

4.204 An appeal of a disciplinary action by a judicatory of one of its constituent judicatories may be made by any member of the higher judicatory, provided it is signed by one-third of those present and voting when the disciplinary action was taken; or it may be authorized by an action of the judicatory that is the subject of the discipline. The appeal suspends the disciplinary action until the appeal is finally decided.

4.205 An appeal of any and all non-disciplinary actions of a judicatory may be made by any person who is a member of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America, but it shall not suspend the action until the appeal is

finally decided, except in the following cases, and then only if the appeal is signed by one-third of the members of the judicatory who were present and voting at the time the action was taken:

- a. The ordination of a minister;
- b. The action of a presbytery to unite, divide, or dissolve particular churches;
- c. The action of a synod to unite, divide, or dissolve any of its presbyteries.

4.206 The proper parties to an appeal are as follows:

- a. The person(s) or judicatory which filed the appeal, which shall be the appellant.

- b. The judicatory which is alleged to have committed the error or offense, which shall be the respondent.

4.207 If the appeal has been properly and timely made, an appeal hearing shall be held as soon as practical after the receipt of the appeal. The appeal hearing shall be conducted by the higher judicatory or by a commission it appoints for that purpose.

- a. Written notice of the appeal hearing shall be provided to the appellant, which shall be directed to the stated clerk if the appellant is a judicatory; to the stated clerk of the respondent; and to the members of the judicatory or commission which is hearing the appeal. The notice shall include the date, time, and place of the appeal hearing and shall include a copy of the notice of appeal filed by the appellant.

- b. Written notice should be hand delivered or sent by first class mail to the last known address of the person entitled to notice. Written notice provided in some other manner is effective if actually received.

- c. The judicatory or commission hearing the appeal may postpone the appeal hearing for good cause. The failure of any party to appear at the hearing shall not automatically cause a postponement.

4.00 DISCIPLINE OF JUDICATORIES

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Rules of Discipline 4.208---4.211

4.208 The appeal hearing shall be conducted according to the following rules.

a. The judicatory or commission hearing the appeal shall confirm that the appeal was properly and timely filed.

b. The record of the action being appealed shall be reviewed.

c. The appellant (or a representative of the appellant if the appellant is more than one person or a judicatory) shall be called upon to explain the error or offense of the lower judicatory. The respondent shall have an opportunity to defend the action, or failure to act, of the lower judicatory. The appellant shall then be entitled to make a brief closing statement.

d. The body hearing the appeal may request additional evidence or information. If necessary, the appeal hearing may be continued in order that the additional information or evidence may be obtained.

e. Only the members of the judicatory or commission hearing the appeal shall participate in the deliberation of the appeal.

4.209 The appeal shall be denied unless the appellant shows the lower judicatory failed to follow the proper procedures; or committed an error or injustice in the decision; or acted contrary to the Constitution or other rules of the church.

4.210 If the appeal is denied, the action of the lower judicatory shall stand. The appellant shall have an immediate right of appeal to the next higher judicatory, if any. If the appellant fails to pursue another appeal in a timely manner, the appeal shall be regarded as abandoned and the action or decision appealed from shall be final.

4.211 If the judicatory or commission hearing the appeal rules in favor of the appeal, it may reverse the action appealed in whole or in part; remit the case to the lower judicatory for the purpose of amending an incorrect or defective record; or direct the lower judicatory to reconsider the action appealed. If the action of the lower judicatory is of such a nature that it cannot be corrected, the lower judicatory may be admonished.

- dissents/protests

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4.00 DISCIPLINE OF JUDICATORIES

Rules of Discipline 4.301---4.304

4.300 Dissents and Protests

4.301 A dissent is a declaration unaccompanied by reasons by one or more members of a minority of a judicatory, expressing a different opinion from that of the majority as to a particular matter. If stated in temperate language, the dissent shall be noted in the records of the judicatory, together with the names of the persons dissenting.

4.302 A protest is a declaration accompanied by reasons by one or more members of a minority of a judicatory, expressing a different opinion from that of the majority, as to a particular matter. If stated in temperate language, the protest with its reasons shall be entered in the records, together with the names of the persons protesting.

4.303 When a protest is lodged by any member of a judicatory, the judicatory may respond to the reasons given in the protest.

4.304 The higher judicatory shall take cognizance of all protests appearing upon the records passing under its review. The higher judicatory may, but need not, take any other action with respect to a protest.

1.0 MODERATOR

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Rules of Order 1.1

1.0 MODERATOR

1.1 The moderator has all the authority necessary to maintain order and for directing the business of the judicatory according to the rules and regulations of the church.

Elders Eligible to Serve as Moderator of Judicatories

1.1 INTERPRETIVE, 1880, 1887.

The Judiciary Committee beg leave to report that they have duly considered the memorial and reference of Brazos Synod, presenting the question of the eligibility of elders for the position of moderator in the judicatories of the church. Your committee is of the opinion, and so report, that by the form and genius of our government there is no discrimination between the ministers and elders constituting our presbyteries, synods, and General Assembly as to powers, duties, and eligibility to office in said courts. Such a discrimination would be disparaging to the laical constituency of said bodies and destroy that equality in dignity and power which was intended to exist. To produce this effect would require some express provision. The omission of such provision, your committee considers almost conclusive evidence that none such was intended. The long-existing usage, which will perhaps continue, of selecting ministers to the moderatorship, is very different from the question of legal eligibility. Your committee is, therefore, of opinion, and so report, that it is the right of the judicatory to elect any member of the body, either minister or elder, to preside over its deliberation, and that every member is equally eligible, whether he be minister or elder. Referred to the next General Assembly. 1880, p. 35.

The Judiciary Committee of the next Assembly, 1881, took up this question of elders as moderators of church courts, made majority and minority reports, which were each tabled; but the Assembly of 1887 made the following deliverance:

There is nothing either in the spirit or genius of Presbyterianism violated by such action (the electing of a ruling elder to moderate the body.) 1887, p. 32. [Editor's parentheses]

Dismissed Elders Cannot Serve as Moderator

1.1 INTERPRETIVE, 1932.

Your committee is of the opinion, based on Confession of Faith, that when an elder is granted a letter of dismissal from his congregation he ceases to be a ruling elder until he is again received by his or another congregation as such. Therefore we are of the opinion that he cannot act in the capacity of moderator. 1932, pp. 33, 112.

Alternate Delegate Can Be Elected Moderator

1.1 INTERPRETIVE, 1953.

Can an alternate from the church session serve in the office of presbyterial moderator when his principal is present...?

It is our opinion that an alternate cannot serve as moderator of a presbytery unless such alternate has been enrolled by the presbytery as the representative from the church session of his particular congregation. An alternate may be enrolled by the presbytery in place of the principal when the principal is present at the request or with the concurrence of the principal. 1953, p. 145.

- moderator of session/
other judicatories

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1.0 MODERATOR

Rules of Order 1.2

1.2 The minister in charge is the moderator of the session. The moderators of the other judicatories shall be elected for a set term and hold office until a successor is elected.

Moderator's Office Should Be Declared Vacant Before Successor Is Elected

1.2 INTERPRETIVE, 1884.

They (the Committee on Judiciary) have considered the case from McAdow Synod, referred to them by our body. It appears that said synod at its session for 1883 organized and regularly elected a moderator. On the second day of its session it took recess until 2 o'clock p.m. At that hour the moderator was absent. The stated clerk then called the synod to order and without declaring the office vacant, the synod elected another moderator.

This action of the synod your committee consider irregular. We are of the opinion that it is contemplated under our Form of Government that the moderator elected at the organization of our church courts at their regular sessions should hold his office until the next stated meeting of such court and to make the election of another at an earlier date regular, the office should in some way have first become vacant, and this fact should appear on record. 1884, p. 33.

Time of Election of Moderator at Discretion of Judicatory

1.2 INTERPRETIVE, 1949.

The McAdow Presbytery of the Cumberland Presbyterian Church, meeting with the Mt. Hope Congregation, April 5-6, 1949, hereby memorializes your revered body to reverse the deliverance of the 1948 General Assembly regarding the election of the moderator of a presbytery, and,

That the time of election of the moderator be left to the discretion of the presbytery, provided that said election shall take place at each stated meeting thereof, thereby conforming to the General Rules governing our church.

We recommend the allowance of the memorial from the McAdow Presbytery requesting the reversal of the deliverance of the 1948 General Assembly regarding the election of the moderator of a presbytery. 1949, p. 148.

Moderator Elect Opposed by the General Assembly

1.2 INTERPRETIVE, 1970.

A memorial from Northeast Oklahoma Presbytery requested the General Assembly to rule on the legality of the practice of some presbyteries and synods electing a moderator at the close of one meeting to serve through the close of the next meeting. It is the feeling of your committee that this practice is illegal in that one judicatory cannot take action for another judicatory. We would cite the Assembly to a previous action taken by the General Assembly in 1968 concerning the election of the Moderator Elect of the General Assembly. (Page 140, General Assembly Minutes 1968)

The General Regulations provide that the Moderator of all church courts above the local session shall be elected at each stated meeting thereof. The Committee notes that this may be amended by a simple action of the General Assembly. However the committee notes the following:

- A. Each Assembly elects its own Moderator.
- B. The Moderator must be a member of the body (Standing Rule 1, Minutes, 1967) and Robert's Rules of Order, page 238, Sec. 58, paragraph 5, in which it is noted that the Moderator possesses the power to vote in ties, etc.)
- C. No Assembly can bind a particular presbytery in the election of its commissioners.
- D. Therefore, the selection of a Moderator elect would bear legality through an amendment of the Rules of Order, but neither the presbytery nor the succeeding Assembly would be bound to elect such a person as either a commissioner or the Moderator.

It is the feeling of your Committee that these regulations regarding a Moderator Elect of the General Assembly would apply to all church courts above the church session. 1970, p. 197.

1.0 MODERATOR

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Rules of Order 1.3---1.5

1.3 The moderator should be well-versed in parliamentary law and be familiar with the standing rules of the judicatory. At the same time, the moderator should bear in mind that rules are not a substitute for common sense.

1.4 It is the duty of the moderator:

- a. to announce in proper sequence the business that comes before the judicatory in accordance with the agenda or program and the existing orders of the day;
- b. to recognize members who are entitled to the floor;
- c. to state and to put all questions that legitimately come before the judicatory as motions or that otherwise arise in the course of proceedings (except those that relate to the moderator), and to announce the result of each vote; or, if a motion that is not in order is made, to rule it out of order;
- d. to protect the judicatory from frivolous or dilatory motions by refusing to recognize them;
- e. to require that the rules relating to debate and to order and decorum within the judicatory be observed;
- f. to expedite business in every way compatible with the rights of the members;
- g. to decide all questions of order, subject to appeal--unless, when in doubt, such a question is submitted to the judicatory for decision;

h. to respond to inquiries of members relating to parliamentary procedure or factual information bearing upon the business of the judicatory;

i. to authenticate by signature, when necessary, all acts, orders, and proceedings of the judicatory;

j. to declare the meeting adjourned when the judicatory so votes or--when applicable--at the time prescribed on the program, or at any time in the event of a sudden emergency affecting the safety of those present;

k. to appoint all committees unless otherwise determined by the judicatory, and

l. to call the vice-moderator (or some other member) to the chair to preside temporarily; or before engaging in debate (except upon questions of order).

1.5 At each meeting, in addition to the necessary papers proper to that meeting's business, the moderator should have at hand:

- a. a copy of the standing rules of the judicatory;
- b. a copy of the *Rules of Order* of the Cumberland Presbyterian Church/Cumberland Presbyterian Church in America;
- c. a copy of the current edition of *Robert's Rules of Order*, and
- d. a memorandum of the complete order of business.

- voting rights
- succession

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1.0 MODERATOR

Rules of Order 1.6---1.9

1.6 A judicatory may name the moderator an ex-officio member of all its boards and agencies (with voting rights); otherwise, the moderator is an advisory (non-voting) member of such boards and agencies.

1.7 If the moderator of a session is absent, or if the session is without a moderator, the clerk, or in his/her absence a member of the session, shall preside until a moderator pro tern is elected. In a congregation without a pastor, the moderator pro tern may be a member of the session or any ordained minister of the presbytery.

1.8 In judicatories above the session, if, during the term of office, the moderator is absent, the vice-moderator shall preside. If the vice-moderator is also absent (or if the judicatory does not have such an office),

the stated clerk shall preside until a moderator pro tern is elected. In the absence of all of these officers, the members shall select a member of the judicatory to preside until a moderator pro tern is selected. If the absence occurs at the end of the moderator's term of office, the same procedure applies, but the member elected by the judicatory shall become the moderator, rather than the moderator pro tern.

1.9 When an issue is being considered by a judicatory that refers to the moderator in a capacity not shared in common with other members, or that commends or censures the moderator, the chair should be occupied by the vice-moderator or an appropriate temporary occupant.

Moderator Ex-officio Member of All Agencies

1.6 INTERPRETIVE, 1960.

I recommend: That the Moderator, since he is by nature of his position head of the church, be declared an ex-officio member of all boards and agencies of the church. 1950, p. 140.

We recommend that this recommendation of the moderator be adopted, with the understanding that he be permitted, but not required, to be present at the meetings and that he not be counted as a part of the quorum of such groups. 1960, p. 181.

Invited Moderator May Not Vote

1.7 INTERPRETNE, 1895.

A minister acting as moderator of the session by invitation of the church session shall not have the right to vote. 1895, p. 34.

2.0 VICE-MODERATOR

167

Rules of Order 2.1---2.2

2.1 A judicatory above the session may have a vice-moderator when such an office is incorporated within its standing rules which prescribe the manner of election.

2.2 The vice-moderator shall perform the duties of the moderator during the absence

or disability of the moderator or in the case of a vacancy in the office of moderator, and shall perform such other duties as from time to time may be assigned to the office of vice-moderator by the judicatory.

Rules of Order 3.1--3.4

3.1 Each judicatory shall elect a stated clerk who shall preserve all minutes, documents, and papers committed to the office of stated clerk and submit these records to the next higher judicatory in compliance with that judicatory's rules and regulations.

3.2 The stated clerk shall be elected for a definite term (nonnally three years) and shall hold office until a successor is elected.

3.3 All records and documents are the property of the judicatory and shall be kept and stored in accordance with the provision of the Constitution. Upon leaving office, the stated clerk shall transfer all such records and documents to the successor.

3.4 It shall be the duty of the stated clerk to record all minutes in permanent form and to supply extracts from them when properly requested. The stated clerk shall perform the duties of the office of stated clerk during the meeting of the judicatory unless otherwise determined by the judicatory. Other duties of the stated clerk shall be:

- a. to keep on file all committee records;
- b. to keep the judicatory's official membership roll;
- c. to make copies of the official minutes of the judicatory and distribute them to the members prior to the next stated meeting (unless otherwise determined by the judicatory);
- d. to notify officers, committee members and delegates of their election or appointment, to furnish committees with whatever documents are required for the performance of their duties and to have on hand at each meeting a list of all existing committees and their members;
- e. to certify delegates or commissioners;
- f. to sign the minutes of all meetings;
- g. to read all papers to be acted upon (unless otherwise determined by the judicatory), and
- h. to record any vote which requires more than a majority following a polling of the judicatory or a division of the house.

Roll of Persons Baptized a Permanent Record

3.4b INTERPRETIVE, 1997

Recommendation 18: That the General Assembly affirm that a roll of individuals (whether children or adults) baptized in a particular church is a permanent record of that particular church. No name should ever be removed from that roll. 1997, p. 315.

Printed Minutes Not Necessary for Certification

3.4 c INTERPRETIVE, 1959.

We concur in the opinion of the Permanent Committee on Judiciary which reads as follows:

It is our opinion that any minute, whether written, mimeographed or printed, is a legal minute if the same is certified as a true and correct copy of the original minute of the judicatory, and it is necessary that this legal minute, bearing the certificate and the signature of the moderator and stated clerk be presented by the presbytery to synod for review.

It is also our opinion that printed or mimeographed publications of the minutes of a judicatory should be made the official minute of that judicatory at the subsequent meeting of the judicatory. This should be done to make available for future use for legal actions or any other purposes, the records of the judicatory in the event of loss or destruction of the original record of minute. 1959, p. 167.

3.0 STATED CLERK

169

Rules of Order 3.5---3.6

3.5 The stated clerk shall record only those motions which are adopted unless instructed otherwise by the judicatory.

3.6 The stated clerk may or may not be a member of the judicatory.

Clerk May Speak and Vote If Member of Body

3.6 INTERPRETIVE, 1928.

Resolved, that White River Presbytery, in regular session at Barren Fork congregation, Mt. Pleasant, Arkansas, July 7, 1927, respectfully memorialize the General Assembly of the Cumberland Presbyterian Church at Jackson, Tennessee, that any stated clerk of any judicatory of the Cumberland Presbyterian Church, while only in capacity as stated clerk is not entitled to vote upon any measure that may come before the judicatory; yet, when belonging to such judicatory as a member, delegate or commissioner, shall not be excused from voting upon any measure that may come before the body except in the regular way, as given in the Confession of Faith and is not debarred from speaking upon any subject that may come up for discussion. 1928, p. 131.

- treasurer

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4.0 TREASURER

4.1 The treasurer shall be elected for a definite period of time (normally a three-year term).

4.2 The treasurer shall keep the books properly posted so as to be able to provide a current report on the financial condition of the judicatory.

4.3 The treasurer shall prepare a detailed annual report at the end of each fiscal year and such supplemental reports as the judicatory may require.

4.4 The treasurer shall present the financial records for an annual review or audit, the nature of such to be determined by the judicatory.

4.5 The treasurer shall not disburse any funds without proper authorization from the judicatory.

4.6 The treasurer may or may not be a member of the judicatory.

5.0 OPENING AND CLOSING OF JUDICATORY MEETINGS 171

Rules of Order 5.1---5.4

5.1 The moderator shall open the meetings at the appointed time by taking the chair, calling the meeting to order, and after ascertaining that a quorum is present, calling the judicatory to prayer.

5.2 Should a quorum not be present at the appointed time, any two members can adjourn the meeting from time to time to afford an opportunity for a quorum to convene.

5.3 Following the roll call, the minutes not previously approved shall be read, corrected, and approved by a vote of the judicatory. The minutes of a church session shall be corrected and approved at the close of the meeting or at the beginning of the next regular meeting. The minutes of all judicatories above the

church session shall be corrected and approved before the adjournment of that particular meeting. If the existence of an error or material omission in the minutes becomes reasonably established after their approval--even many years later--the minutes can then be corrected by means of the motion to *Amend Something Previously Adopted*, which requires unanimous consent or a two-thirds vote.

5.4 The moderator of every judicatory above the session, in closing its meeting, may have a hymn to be sung in addition to the praying of a closing prayer or the pronouncement of a benediction.

Meeting After Time of Adjournment

5.2 INTERPRETIVE, 1862.

Your Judiciary Committee respectfully report on the reference made to us as to the constitutionality of the meeting of Green River Synod. In this case it appears that the synod adjourned to meet October 24, 1861, at 7 o'clock p.m., but did not meet until 11 o'clock a.m., October 25, 1861, which facts are recorded in the minutes. We therefore report Green River Synod in order. 1862, p. 54.

Approval of Minutes of Called Meeting

5.3 ADVISORY, 1955.

A memorial from Alabama-Mississippi Synod inquires as to the proper time for approving the minutes of a called meeting of a presbytery....

In our opinion the best course is for the minutes to be read, corrected and approved at the close of the called meeting in view of the fact that the membership of the presbytery is constantly changing and there is a lapse of time between the meetings....

Robert's Rules of Order reads as follows: "If the next meeting of the organization will not be held for a long period, as six months or a year, the minutes that have not been read previously should be read and approved before final adjournment." 1955, pp. 129-130, 182.

Provision for Approval, of Minutes

5.3 ADVISORY, 1982.

Attention is called to specific questions posed in the Minutes of Texas Synod to which the Permanent Committee has made specific recommendations in the context of general review and control.

What remedy, if any, is available for the approval of the minutes of a regular meeting of a presbytery when such a presbytery adjourns without having taken action to approve the same?

Recommendation 5: We concur in Recommendation 4 of the Permanent Committee "that the presbytery may approve the minutes at the next regular meeting. In our opinion the best course is for the minutes to be read, corrected, and approved at the close of the meeting in view of the fact that the membership of presbytery is constantly changing and there is a lapse of time between the meetings." 1982, p. 244.

Rules of Order 6.1---6.4

6.1 A majority of the session shall constitute a quorum unless the congregation has set a quorum otherwise.

6.2 Four members shall constitute a quorum for the presbytery provided at least one minister and one elder are present.

6.3 Six members from at least three

presbyteries shall constitute a quorum for synod providing this includes at least one minister and one elder.

6.4 Any twenty or more commissioners, of whom at least ten are ministers and ten elders shall constitute a quorum for the General Assembly.

7.0 ADOPTION OF PROGRAM: ORDERS OF THE DAY 173

Rules of Order 7.1--- 7.6

7.1 A program or agenda *is* adopted by a majority vote and is always subject to change. However, after having been adopted, a two-thirds vote is required for change.

7.2 An order of the day is a particular subject, question, or item of business that is set in advance to be taken up at a given session, day, or meeting, or at a given hour provided that no business having precedence over it interferes.

7.3 Orders of the day are divided into two classes: general orders and special orders. When an hour is assigned to a particular subject on the program, that subject is thereby made a special order. Subjects for which no hour is specified are general orders.

7.4 An order of the day that has been set for a particular hour cannot be considered before that hour unless the rules are suspended by a two-thirds vote.

7.5 A general order cannot be considered if other business is pending or if a prior general order has not been considered. A special order interrupts all business except certain privileged questions (See *Robert's Rules of Order*).

7.6 Regular order of business:

a. Reading and Approval of Minutes (session only)

b. Reading and Referring (or acting upon) Communications Addressed to the Judiciary

c. Reading of Resolutions

d. Reports of Officers, Boards, Standing Committees and Commissions

e. Reports of Select Committees

f. Unfinished Business

g. New Business

- consideration of motions

Rules of Order 8.11---8.21**8.10 Bringing a Motion Before a Judiciary**

8.11 There are three steps by which a motion is normally brought before a judiciary: (1) a member makes a motion; (2) another member seconds the motion, and (3) the moderator states the question on the motion.

8.12 To make a motion a member must rise, address the moderator and be recognized, and then state the motion.

8.13 The purpose of a second is to assure that more than one member of the judiciary wants to deal with a particular

issue. It is not necessary for a member to obtain the floor to second a motion. A motion made by direction of a committee composed of judiciary members requires no second from the floor.

8.20 Considering a Motion

8.21 There are three basic steps by which a motion is considered:

- a. the members debate the motion (if debatable);
- b. the moderator puts the question (has the members vote), and
- c. the moderator announces the result of the vote.

8.00 MOTIONS

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Rules of Order 8.31---8.35

8.30 Types of Motions

8.31 Main Motion

Purpose: To bring business before the judicatory.

Characteristics: Requires a second; is debatable; is amendable; requires only a majority vote (with few exceptions, see *Robert's Rules of Order*); can be reconsidered.

8.32 Subsidiary Motions

Purpose: To assist the judicatory in treating or dispensing of main motions.

A listing of subsidiary motions from the lowest to the highest in the order of precedence:

a. *Postpone Indefinitely*

Purpose: To kill a main motion for the duration of the session and avoid a direct vote on the question.

Characteristics: Requires a second; is debatable; is not amendable; requires only a majority vote; an affirmative vote can be reconsidered, a negative vote cannot.

b. *Amend*

Purpose: To modify the wording--and within certain limits (see *Robert's Rules of Order*, Section 12) the meaning--of a pending motion.

Characteristics: Requires a second; is debatable; is generally amendable; requires only a majority vote; can be reconsidered.

c. *Commit or Refer*

Purpose: To send a pending question to a committee so that the question may be carefully investigated and put into better condition for the judicatory to consider.

Characteristics: Requires a second; is debatable; is amendable; requires only a majority vote; can be reconsidered if the committee has not begun consideration of the question.

d. *Postpone to a Certain Time (or Definitely)*

Purpose: To defer action on a pending question within limits (see *Robert's Rules of*

Order, section 14) to a definite day, meeting, or hour, or until after a certain event.

Characteristics: Requires a second; is debatable; is amendable; requires only a majority vote; can be reconsidered.

e. *Limit or Extend the Limits of Debate*

Purpose: To exercise special control over debate.

Characteristics: Requires a second; is not debatable; is amendable but any amendment is undebatable; requires a two-thirds vote; can be reconsidered without debate any time before the order limiting or extending debate is exhausted.

f. *Previous Question*

Purpose: To bring the judicatory to an immediate vote on one or more pending questions.

Characteristics: Requires a second; is not debatable; is not amendable (except another member can move the previous question on more or fewer pending questions); requires a two-thirds vote; can be reconsidered (before any vote has been taken).

g. *Lay on the Table*

Purpose: To allow the judicatory to lay the pending question aside temporarily.

Characteristics: Requires a second; is not debatable; is not amendable; requires only a majority vote; cannot be reconsidered.

8.33 Privileged Motions

Purpose: To allow the judicatory, without debate, to deal with special matters of immediate and overriding importance that do not relate to the pending business.

A listing of privileged motions from the lowest to the highest in the order of precedence:

a. *Call/or the Orders of the Day*

Purpose: To require the judicatory to follow its adopted program or agenda.

(continued on next page)

Characteristics: Does not require a second; is not debatable; is not amendable; does not require a vote, but can be set aside by a two-thirds vote; cannot be reconsidered.

b. *Raise a Question of Privilege*

Purpose: To permit a request or main motion relating to the rights and privileges of the judicatory or any of its members to be brought up for immediate consideration while business is pending.

Characteristics: Does not require a second; is not debatable; is not amendable; is ruled upon by the moderator; cannot be reconsidered.

c. *Recess*

Purpose: To permit a short intermission in the judicatory's proceedings which does not close the meeting, and after which business will be immediately resumed at the point where it was interrupted.

Characteristics: Requires a second; is not debatable; is amendable as to the length of time, but such an amendment is not debatable; requires only a majority vote; cannot be reconsidered.

d. *Adjourn*

Purpose: To close the present meeting when no time for adjourning has been set and provision for a future meeting exists.

Characteristics: Requires a second; is not debatable; is not amendable; requires only a majority vote; cannot be reconsidered.

e. *Fix Time to Which to Adjourn*

Purpose: To set the time, and sometimes the place, for another meeting to continue business of the session with no effect on when the present meeting will adjourn.

Characteristics: Requires a second; is not debatable; is amendable as to the date, hour or place, but such amendments are not debatable; requires only a majority vote; can be reconsidered.

8.34 Incidental Motions

Purpose: To raise incidental questions (usually questions of procedure). Incidental questions usually must be decided before business can proceed.

A listing of incidental motions:

a. *Point of Order*

Purpose: To call upon the moderator for a ruling and an enforcement of the rules of order.

Characteristics: Does not require a second; is not debatable; is not amendable; is ruled upon by the chair (no vote is taken unless the moderator is in doubt or his ruling is appealed); cannot be reconsidered.

b. *Appeal*

Purpose: To take the moderator's ruling to the judicatory for final decision.

Characteristics: Requires a second; is normally undebatable (see *Robert's Rules of Order* for exceptions); is not amendable; a majority or tie vote sustains the decision of the moderator; can be reconsidered.

c. *Suspend the Rules*

Purpose: To allow the judicatory to do something it cannot do without violating one or more of its regular rules.

Characteristics: Requires a second; is not debatable; is not amendable; requires a two-thirds vote; cannot be reconsidered.

d. *Objection to the Consideration of a Question*

Purpose: To enable the judicatory to avoid a particular main motion when it believes it would be undesirable for the motion to even come before the judicatory.

Characteristics: Does not require a second; is not debatable; is not amendable; a two-thirds vote against consideration is required to sustain the objection; a vote sustaining the objection can be reconsidered, but one not sustaining the objection cannot.

(continued on next page)

8.00 MOTIONS

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e. *Division of a Question*

Purpose: To allow the parts of a question to be separated.

Procedure: The motion to divide must clearly state the manner in which the question is to be divided. A motion cannot be divided unless each part presents a proper question for the judicatory to act upon if none of the other parts are adopted. If a series of independent questions are offered in one motion, the questions must receive separate consideration at the request of a single member and the motion for Division of a Question is not used. (See *Robert's Rules of Order*, Section 27).

Characteristics: Requires a second; is not debatable; is amendable; requires only a majority vote; cannot be reconsidered.

f. *Consideration by Paragraph or Seriatim*

Purpose: To allow a report or long motion consisting of a series of resolutions, paragraphs, articles, or sections to be considered by opening the different parts to debate and amendment separately.

Procedure: Each sub-division should be read, explained by its proponent and then opened for debate and amendment. Amendments are voted on as they arise, but no sub-division is finally adopted at that time. After all parts have been considered, the entire document is opened for amendment. Following this, the vote is taken on the entire document as amended.

Characteristics: Requires a second; is not debatable; is amendable; requires only a majority vote; cannot be reconsidered.

g. *Division of the Judicatory*

Purpose: To allow a member, whenever that member doubts the results of a voice vote, or a vote by show of hands, or that a representative number of the members present have voted, to require a standing vote.

Characteristics: Does not require a second; is not debatable; is not amendable; does not require a vote since a single member can demand a division; cannot be reconsidered.

8.35 Motions that Bring a Question Again Before the Judicatory

Purpose: To allow the judicatory to bring questions before it again through special procedures.

A list of motions that bring questions again before the judicatory:

a. *Take from the Table*

Purpose: To bring before the judicatory a motion or a series of adhering motions that has previously been laid on the table.

Characteristics: Requires a second; is not debatable; is not amendable; requires only a majority vote; cannot be reconsidered but can be renewed each time that any business has been transacted.

b. *Rescind; Amend something previously Adopted (two forms of one motion)*

Purpose: To allow a previous action or order to be cancelled or countermanded. The form to Rescind should be used when the object is to delete; the form to Amend Something Previously Adopted should be used when the object is to change a portion or all of a text.

Characteristics: Require a second; are debatable; are amendable; require a two-thirds vote, a negative vote can be reconsidered, but an affirmative cannot. These motions are not in order when it has previously been moved to reconsider the vote on the main motion, and the question can be reached by calling up the motion to Reconsider. There is no time limit on these matters and they can be moved by any member, regardless of how the member voted on the original question.

To Expunge: It shall require the unanimous vote of the members present to expunge any matter from the records.

(continued on next page)

- types of motions

c. *Discharge a Committee*

Purpose: To take a matter out of a committee's hands before the committee has made a final report on it. So long as a question is in the hands of a committee, the judicatory cannot consider another motion involving practically the same question.

Characteristics: Requires a second; is debatable; is amendable; requires a two-thirds vote; a negative vote can be recon-sidered, but not an affirmative vote.

d. *Reconsider*

Purpose: To allow the judicatory--within a limited time and without notice--to bring back for further consideration a motion

which has already been voted on.

Characteristics: Requires a second; is debatable when the original question was debatable; is not amendable; requires only a majority vote regardless of the vote necessary to adopt the motion to be considered; cannot be reconsidered.

Special requirements of this motion:

i. It can only be made by a member who voted with the prevailing side.

ii. In a meeting of more than one day, the motion to reconsider can be moved only on the same day the original vote was taken, or on the next succeeding day.

Rescinding of Actions Permissible

8.35B INTERPRETIVE, 1858.

Resolved: 1. That the Memphis Presbytery did act unconstitutionally in declaring J. A. Dewoody a member of said presbytery and restored to the ministry while he stood deposed by the Tennessee Presbytery.
2. That it is constitutional and proper for Memphis Presbytery to rescind her act in obedience to the request of West Tennessee Synod, purporting to restore J. A. Dewoody. 1858, pp. 18-20.

8.00 MOTIONS

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Rules of Order 8.40

8.40 Miscellaneous Rules Concerning Motions

a. Until the moderator states the question, the maker has the right to modify the motion or to withdraw it.

b. After the question has been stated by the moderator, the motion becomes property

of the judicatory and cannot be modified or withdrawn without the judicatory's consent.

c. If the maker of a motion modifies it before the question is stated, the member who seconded it has a right to withdraw the second.

9.10 Classification as to form

9.11 To insert or to add words or a paragraph.

9.12 To strike out words or a paragraph.

9.13 To strike out and insert (which applies to words) or to substitute (which applies to one or more paragraphs).

9.20 To Amend by Substitution

9.21 A motion to amend by striking out one or more paragraphs and adding one or more new paragraphs as a replacement is called a motion to substitute. In the case of a motion to substitute, the pending question is first opened to improvement by secondary amendment; then opportunity is given to amend the proposed substitute--so that both the pending question and the substitute may be put in the most desirable form before the vote is taken on whether the substitution shall be made. If the motion to substitute is carried, the substituted material can no longer be amended except by adding nonmodifying matter.

9.30 Primary and Secondary Amendments

9.31 A primary amendment amends a main motion. A secondary amendment amends a primary amendment. (It is sometimes called an amendment to the amendment). A secondary amendment cannot be amended since it would make parliamentary procedure too complicated.

9.40 Improper Amendments

9.41 Improper amendments include those that:

- a. are not germane to the question to be amended;
- b. merely make the adoption of the amended question equivalent to a rejection of the amended motion;
- c. purposes to change one form of an amendment to another, and
- d. would have the effect of converting one parliamentary motion into another.

10.00 ASSIGNMENT OF THE FLOOR AND DEBATE

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Rules of Order 10.01 - 10.11

10.01 To gain the floor, a member must rise, address the moderator, and be recognized by the moderator.

10.02 If two or more members rise to seek the floor at the same time, the one farthest from the moderator shall be recognized.

10.03 Until a matter has been brought before the judicatory in the form of a motion proposing a specific action, it cannot be debated.

10.04 A member having obtained the floor for the purpose of engaging in debate can speak no longer than ten minutes without obtaining the consent of the judicatory. Such permission can be given by unanimous consent or by means of a motion to extend the limits of debate which requires a two-thirds vote and is not debatable.

10.05 No member can speak more than twice to the same question on the same day without the consent of the judicatory. Asking or answering a question is not counted as speaking in debate.

10.06 Debate can be closed by moving the previous question. The previous question can be applied to any pending debatable or

amendable motion; to an entire series of such motions; or to any consecutive part of such a series.

10.07 Rights in debate are not transferable. A member may not yield a portion of time to another member or reserve it for later except by unanimous consent or by suspension of the rules.

10.08 In debate a member's remarks must be germane to the question before the judicatory. For example, when a secondary amendment is the pending question, the member can debate only that amendment, not the primary amendment or the main motion.

10.09 When a question is pending, that measure can be criticized in strong terms, but personalities should not be brought into the debate nor should the motives of other members be questioned or attacked. Members should always treat one another with respect.

10.10 Members of the judicatory should not address one another directly, but should address all remarks through the moderator.

10.11 As much as possible, the use of members' names should be avoided in debate.

Rules of Order 11.1---11.6

11.1 Nominations are usually made by a nominating committee and from the floor. The use of a nominating committee must not preclude the making of nominations from the floor.

11.2 A nominating committee should be elected by the judicatory unless its composition is determined by the standing rules.

11.3 Whenever possible, a member's consent should be obtained before that member's name is placed in nomination.

11.4 After a motion to close nominations is duly made and seconded, two votes must be taken: the first, to close nominations; the second, to elect the nominees.

11.5 Election to an office becomes final immediately, if the candidate is present, and does not decline; or if absent, has given prior consent. If the member is absent and has not given prior consent, the election becomes final when notice of election is given to the member, provided the member does not immediately decline.

11.6 A judicatory after having elected one of its members to represent it at a higher judicatory shall not instruct that member how to vote on the issues; however, counseling with representatives is always in order.

12.0 VOTING

183

Rules of Order 12.1---12.9

12.1 Voting is normally by voice, by rising, by show of hands, or by ballot.

12.2 When more than one person is nominated for the same office, the method of voting shall be by ballot.

12.3 All members who are eligible to vote shall do so unless excused by the judicatory. Members thus excused shall not be allowed a vote in subsequent proceedings relating to that particular question.

12.4 The moderator shall vote only when the moderator's vote would create or break a tie, or cause or block the attainment of a two-thirds majority, or when the vote is taken by roll call.

12.5 No member should vote on a question in which the member has a direct personal or pecuniary interest not common to other members of the judicatory. This does not

mean that members are prevented from voting for themselves for an office or other position to which members generally are eligible (see *Robert's Rules of Order*, Section 44).

12.6 When various motions are made with respect to the filling of blanks with particular numbers or times, the question shall always be first taken on the highest number and the longest time.

12.7 When the moderator has begun taking the vote, no further debate or remark shall be allowed except to correct a mistake.

12.8 A roll call vote on any question shall not be taken unless requested by at least one-fifth of the members present.

12.9 In all elections, a majority of votes are necessary to elect.

- boards/committees/
commissions

184 **13.00 BOARDS, COMMITTEES AND COMMISSIONS**

Rules of Order 13.01---13.08

13.01 A board is an administrative body of elected persons whose powers are delegated to it by the authority of the judicatory.

13.02 A board cannot delegate its authority, but any board can appoint subcommittees to work under its supervision or according to its specific instructions. Such subcommittees always report to the board.

13.03 A committee is a body of one or more persons, elected or appointed by a judicatory to consider, investigate, or take action on certain matters or subjects, or to do all of these things.

13.04 Committees are of two types: standing committees (which have a continuing existence) and special committees (which go out of existence as soon as they have completed a specified task or tasks). Special committees are sometimes called select committees or ad hoc committees.

13.05 The first person named on a committee shall be considered the chairperson, whose duties it shall be to convene

the committee and preside over its meetings. If for any reason this person cannot act in this capacity, the second person named shall assume these responsibilities.

13.06 The moderator shall appoint the usual standing committees but shall not raise new committees without instruction.

13.07 A member who is in opposition to the whole matter upon which a committee is to act shall not be compelled to serve on that committee.

13.08 A committee has less authority to act independently for the judicatory than a board. When a judicatory needs an ad hoc group, which can act with more authority than a committee normally has, a commission should be elected. Commissions differ from ordinary committees in that while a committee can simply examine, consider and report, a commission is authorized to deliberate upon and conclude the business submitted to it, subject to the review of the judicatory appointing it.

Membership of Commissions

13.08 INTERPRETIVE, 1990

It is the opinion of the Permanent Committee on Judiciary that commissions are appointed by the judicatory by the process of election and this action cannot be delegated. 1990, pp. 164, 214.

13.08 INTERPRETIVE, 2002

It is the considered opinion of the Permanent Committee on Judiciary that every Commission shall have a quorum of the judicatory since it is empowered to act for the body. That at the time a commission is elected elders must be members of the body. To become a member of the body, an elder must be elected by the session and enrolled at the meeting of the duly constituted judicatory. 2002, pp. 170, 171.

Commissions to Install Pastors

INTERPRETIVE, 2006

When electing a commission to install a pastor, presbyteries are encouraged not to name to the commission an elder from the congregation in which the pastor is being installed. 2006, p. 424.

13.00 BOARDS, COMMITTEES AND COMMISSIONS

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Commissions Elected to Oversee a Congregation

13.08 INTERPRETIVE, 1998

Resolution from Arkansas Presbytery Concerning the Nature and Scope of Authority of a Commission appointed to govern a church.

This resolution asked four specific questions of clarification for commissions governing a congregation:

1. Is the scope of authority of such a commission identical to the scope of authority of a session? (The Permanent Committee on Judiciary's response is yes.)
2. In a church which has a pastor, what is the relationship of the pastor to the commission, and may/should the pastor attend meetings of the Commission?
(The Permanent Committee on Judiciary responds, this is at the direction of the commission since the pastor is not a member of the commission.)
3. If the members of the session also constitute the board of trustees, what does the suspension or dissolution of the session mean regarding the trustees; and what is the relation of the commission to the trustees?
(The General Assembly Committee on Judiciary responded in Recommendation 2: If the members of the session also constituted the board of trustees, then the commission constitutes the board of trustees. If there are separately elected trustees, then the commission may continue them in office or elect new trustees if necessary.)
4. Specifically does such a commission have the authority to:
 - a. receive members into the church.
 - b. recommend the dissolution of a pastoral relationship
 - c. issue a call and recommend to presbytery the approval of a pastoral relationship
 - d. approve a budget for the operation of the church and authorize expenditures provided by the budget.

(The Permanent Committee on Judiciary responded in the affirmative to these four questions.)

e. with the approval of presbytery, to authorize the purchase and sale of property.

(The Permanent Committee on Judiciary says: If this duty was set forth when the commission was established or the commission was subsequently authorized to do so, it may. Otherwise, it may not.)

f. to authorize loans and mortgages

(The General Assembly Committee on Judiciary, Recommendation 3: "if the duty (to authorize loans and mortgages) was set forth when the commission was established or the commission was subsequently authorized to do so, it may. Otherwise, it may not.")

9:..elect one of its members to represent the church at presbytery.

(The General Assembly Committee on Judiciary, Recommendation 4: "No a church under the jurisdiction of a commission cannot be officially represented at a meeting of presbytery.") 1998, pp. 161,315,316

Guidelines for Committees and Commissions

13.08ADVISORY, 1999

The General Assembly Council recommends that the use of Commission and Committee remain as part of the General Assembly structure with the following guidelines for each term: a committee will be appointed to study and research an issue or situation, and recommend courses of action but will not be given the authority to carry out that action until after it has reported back to the appointing body; a commission can be created to study, research, manage an area of responsibility, employ staff if required, and act upon results from study or research and report back to the appointing body. 1999, p. 344.

- ex-officio members
- reports
(board/committee/minority)

186 13.00 BOARDS, COMMITTEES AND COMMISSIONS

Rules of Order 13.09---13.16

13.09 Board reports which are reviewed by a select committee cannot be amended by the judicatory and, if printed, shall be printed as submitted by the board. However, board reports which are brought directly to the floor of the judicatory for review and action shall be treated as committee reports and be subject to amendment, but the judicatory shall not make such a board report (or a committee or commission report) appear to say something different from the wording that was actually reported. For this reason, the published report would show clearly whatever changes the judicatory makes by the use of brackets, underlining, italics, or other appropriate means.

13.10 A judicatory may accept a report by concurring in it and adopting its recommendations, or by simply adopting its recommendations.

13.11 No action apart from filing is necessary upon a report that contains only statements of fact or opinions for judicatory information.

13.12 Minority reports shall be heard only by consent of, or by a majority vote of, the judicatory. When a minority report is presented it is for information only and it cannot be acted upon except by a motion to substitute it for the report of the committee.

13.13 Ex-officio members of boards and committees are members by virtue of some office that they hold. There is no distinction between ex-officio members and appointed or

elected members. When ex-officio members cease to hold the offices that entitle them to membership on a board or committee, their membership terminates automatically.

13.14 Advisory members are non-voting members who have the privilege of offering counsel or advice to the board or committee.

13.15 Members of judicatory boards and committees who are not members of the judicatory may vote in the board and committee meetings but not in the meetings of the judicatory.

13.16 Every judicatory has a right to resolve itself into a Committee of the Whole, in which members may freely converse together without the formalities necessary in their ordinary proceedings. In all such cases the moderator shall name the member who is to preside as chairperson. If the committee be unable to agree, a motion may be made that the committee rise; and upon adoption of such motion, the moderator shall resume the chair, and the chairperson of the committee shall report what has been done, and ask that the committee be discharged, which being allowed, the matter shall be dropped. If the committee shall agree upon the report to be made, or have made progress in the same without coming to a conclusion, the committee may rise, report what has been done, and, if the case require, may ask leave to sit again; or the Committee of the Whole may be dissolved, and the question considered by the judicatory in the usual order of business.

Reports of Boards Cannot Have Items Deleted

13.09 INTERPRETIVE, 1963.

The memorial from Indiana Presbytery concerning presbyterial minutes pleads for a decision by this Assembly on this matter. We reply that the presbytery does not have power to delete items from the reports of its boards and agencies in the compiling of its minutes. 1963, p. 195.

Commission May Form Joint Commission with That of Another Presbytery

13.12 INTERPRETNE, 1983.

There is no standing for a union or tri-union commission if by that we mean one commission appointed by two or three presbyteries.

It would be constitutional to have separately appointed commissions to act as a joint commission. It is in order for the joint commission to make one report to be delivered to all of the involved presbyteries. If the report is in writing, it should be signed by the Cumberland Presbyterian members of the Cumberland Presbyterian presbytery appointing it. If the report is given orally, it should be reported by a Cumberland Presbyterian member of the commission.

13.00 BOARDS, COMMITTEES AND COMMISSIONS

186b

Commissions Cannot Act on Business for Which It Has Not Been Commissioned

13.12 INTERPRETIVE, 1987.

We do not believe a commission can act on business matters for which it has not been commissioned. However, we are much aware that the new presbyterial structures have created problems relative to frequent called meetings. Therefore, we recommend:

Recommendation 10: That the Permanent Committee on Judiciary be instructed to study the memorial and specifically the question of a commission being empowered to receive and grant letters on a continuing basis

Reception and Dismissal of Ministers are Acts of Presbytery

13.12 INTERPRETIVE, 1880, 1897.

(See Constitution 5.6b, INTERPRETIVE, 1880, 1897.)

Presbyteries May Not Delegate to Commissions Power to Receive and Grant Letters

13.12 INTERPRETIVE, 1990.

The second opinion is a response to the Memorial from Cumberland Presbytery (1989 G.A. Minutes, page 228.) The memorial raises the question of permanent commissions for the purpose of receiving and granting letters.

Answer: It is the Committee's opinion, based on the present constitution, that these are presbyterial acts (responsibilities) and can not be delegated to a commission. We feel that presbyteries must be very careful not to delegate their responsibility away to small groups. Regarding the creating and/or dissolving of pastor/church relationship, it is our opinion that the Constitution, sections 7.05 and 7.06, deals with this matter, and that section 7.06 is complementary to 7.05 and that the Board of Missions may give tentative approval to the creating and/or dissolving pastor/church relations. However, any action of the Board is always subject to review by presbytery.

187 14.0 CASES NOT PROVIDED FOR IN THESE RULES
Rules of Order 14.1

14.1 These Rules of Order are based on
Robert's Rules of Order. All cases that may
arise which are not provided for in these

Rules or in the Government of the church
shall be governed by *Robert's Rules of Order*.

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