

Cumberland Presbyterian Church

D I G E S T

**Contains Constitution,
Rules of Discipline
and Rules of Order**

**with General Assembly Advisories
and Interpretations**

Produced by The Office of The General Assembly

Digest for the Cumberland Presbyterian Church

(This digest contains interpretations and advisories of General Assembly . The entire document can be viewed on this page, or it can be accessed from the [Constitution](#), [Discipline](#), and [Rules of Order](#) by clicking the numbers of linkable sections.)

Constitution

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.
-

Incorporating a Particular Church

1.2 INTERPRETIVE, 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 & B in 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

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.

Session's Jurisdiction Over Elders and Deacons

2.21 INTERPRETIVE, 1887.

The memorial from Tulare 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.

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 up 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.

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 review 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.

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

2.51c 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.)

Resignation of Elders Received by Session and Referred to Congregation

2.53b ADVISORY, 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 reported back to the session and a minute of the same be entered upon its record. 1916, p. 114; 1917, p. 136.

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 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.

Minister, Not Bishop

2.61 INTERPRETIVE, 1850

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

2.61 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.

Office of Lay Pastor

2.61 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.

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.

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.

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

2.63d 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

2.63h ADVISORY, 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, 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 ends 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.

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.

Deacons 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.

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.

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 insure 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.

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

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 insure 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.

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

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, 1884.

An appeal of T. J. Simpson, in behalf of himself and the Allegheny Presbytery, complaining of aggrievance 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 aggrievance 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 find 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.

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.

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)

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, 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.

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 have 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 synodic 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.

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

3.12 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

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 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.

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.

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.

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.

"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.

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)

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.

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 dismissal, 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 dismissal 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.

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, 1845.

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, 1897.

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 in 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.

Church School and Bible Classes Under Direction of Session

4.5i INTERPRETIVE, 1889, 1897, 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.

Financial Support of Members Required

4.5j ADVISORY, 1853.

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.

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, 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

4.5l ADVISORY, 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.

Rotated Elder Cannot be Representative to Higher Judicatories

4.5m 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

4.5m 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.)

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.

Congregation to Review General Assembly Minutes

4.5n ADVISORY, 1969.

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.

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

4.6 INTERPRETIVE, 1998.

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 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, p. 55.

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.

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.

Members of All Meetings of Presbytery

5.1 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.

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.

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)

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. 2010, p.352

Reciprocal Members of Presbytery

5.3 ADVISORY, 1984.

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

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.

Reciprocal Members of Presbytery Must Actually Perform Ministerial Duties

5.3 INTERPRETIVE, 1985, 1988.

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.

Minister Retired from Union Congregation, Status of

5.3 INTERPRETIVE, 1988.

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.

Dual Membership by Ministers Allowed Only as Provided in Constitution

5.3 INTERPRETIVE, 1985.

(See Constitution, 5.2 INTERPRETIVE, 1985.)

Ministers Serving Union Congregations Hold Membership in Both Presbyteries

5.3 INTERPRETIVE, 1988.

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.

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.

Representation of Union Congregations Based on Membership Reported in Yearbook

5.4 INTERPRETIVE, 1983.

A union congregation's right to representation in presbytery and synod (is) 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 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.

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.

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 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.

Records of Preparation for Ordination Put in Minutes

5.6a INTERPRETIVE, 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.

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 dismissal 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 .

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 dismissal 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 dismissal 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 hand 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 voted that it will grant 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.

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. It 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

Approval of Ministers for Other Ministries Does Not Imply Presbyterial

Authority Over Employing Agency

5.6c INTERPRETIVE, 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.

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, 1882.

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.

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.

Verbal Testimony Not Admissible in Records

5.6e INTERPRETIVE, 1853.

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.

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 OOU 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 OOU, 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, 1997.

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.

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

5.6j 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.

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.

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

5.6n 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.

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.

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 for 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.

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 33 (In the 1984 Confession of Faith, the Section is 5.8.) 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.

Guidelines for Presbytery Appointed Moderators of Vacant Churches

5.6p INTERPRETIVE, 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 1

To: Rev.....

You have been appointed as moderator of theChurch 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 judgment, 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

ToChurch 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? Y/N

Has the church had preaching at least once each month? Y/N

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.

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.

Financial Support of Members Required

5.6q ADVISORY, 1853.

(See Constitution 4.5j, 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.

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 Presbyterial 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.

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 Presbyterian 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 .

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

5.65 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.

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;

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

5.6t 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

5.6t INTERPRETIVE, 1873.

(See Constitution, 4.5m INTERPRETIVE, 1873.)

Representative Should Vote Will of Body Electing

5.6t INTERPRETIVE, 1952.

(See Constitution, 4.5m INTERPRETIVE, 1952.)

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

5.6t 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.

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, whereas, 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;

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

5.6u ADVISORY, 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.

Ordinations to be Reported to Synod and General Assembly

5.7 INTERPRETIVE, 1971, 1972.

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, 1987.

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)

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 Judiciary

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.

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 for 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.

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 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 provide 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

5.8 Interpretive, 2010

RECOMMENDATION 11: That the resolution brought to the floor of General Assembly by Reverend Sherrilyn 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. 2010, page 354

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.

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.

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

6.18 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 Without 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 dismissal, 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.)

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 Studies (Const. 6:202, last sentence: "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.") 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

6.202 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.

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.

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, 1967.

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.

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 INTERPRETIVE, 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.

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 for 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.

Minister Must Adopt Confession of Faith

6.36 INTERPRETIVE, 1873.

Can any one 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.

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.

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

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, page 430.

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.

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, 1956, 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.

Restoring 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

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.

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 Licentiate 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 licentiatees 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 licentiatees 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.

Authority of Presbytery Over Relationships Between Ministers and Churches

7.05 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

7.05 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.

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 prsbyteries. 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.

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.

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 dismissal 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.

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

8.2 INTERPRETIVE, 1887.

(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.

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.

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 licensures 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.

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.)

Synod Determines Boundary Changes of Presbyteries

8.5C INTERPRETIVE, 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.

Congregation Cannot Withdraw from Presbytery on Own Vote

8.5C INTERPRETIVE, 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 ADVISORY, 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.

Synods May Formulate Unified Budgets

8.5e 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

8.5f 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

8.5f 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

8.5 INTERPRETIVE, 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.

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

8.5j ADVISORY, 1961.

(See Constitution 5.06u, ADVISORY, 1961.)

Memorials to be Sent to Boards Affected

8.5j ADVISORY, 1970.

(See Constitution 5.06u, ADVISORY, 1970.)

Memorials Can Be Circulated

8.5j INTERPRETIVE, 1952.

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.

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

8.7 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.

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 Endorsements for 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.

Moderator Elect Opposed

9.1 ADVISORY, 1970.

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, 1845, 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

9.1 ADVISORY, 1829.

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 Beard, 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

9.1 ADVISORY, 1957.

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.

Annual Meeting of Assembly Recommended

9.2 ADVISORY, 1898, 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.

Meeting Can Be Held Wherever Convenient

9.2 INTERPRETIVE, 1961.

(See Constitution 4.03.)

Meeting Place Recommended for 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 A.1. 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.

Fact Sheet on Commissioners Provided

9.2 ADVISORY, 1957.

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 recommend 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.

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

9.2 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.

Verbal Protest Against Seating of Commissioner Not Recognized

9.4a INTERPRETIVE, 1896.

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.

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 Congregation Determined by Assembly

9.4c INTERPRETIVE, 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.

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.

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.

Board Members' Churches Must Support Our United Outreach

9.4d INTERPRETIVE, 1953, 1969.

We have had referred to us the memorial from Austin Presbytery that the standard be set that no person shall be elected to any board whose church does not support the Denominational Budget (now Our United Outreach).

Your committee concurs in the spirit of the memorial and recommends that same be granted. 1953, p. 173. [Editor's parentheses]

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

"The committee interprets the word 'support' in Standing Rule 24 (not General Regulation F.1.e) to mean any participation in Our United Outreach. 1969, p. 191. [Editor's parentheses]"

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 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.

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.

Funds Allocated for Other Agencies Handled by Stated Clerk's Office

9.4d ADVISORY, 1967.

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. 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.

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

9.4f 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

9.4g ADVISORY, 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.

Unified Budget Reaffirmed

9.4h ADVISORY, 1972.

We view with alarm and concern an apparent growing tendency to look for additional money in support of ongoing 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 program of finance.

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.

OUO Giving by Congregations to Be 10% of Total Current Income

9.4h ADVISORY, 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 for Others

9.4h ADVISORY, 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.

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 initiate, 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.

Nominating Committee Established

9.4j ADVISORY, 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

9.4j INTERPRETIVE, 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, p. 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

9.4j ADVISORY, 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.

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.

Schismatic Contentions Controlled by Assembly

9.4k ADVISORY, 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

9.4k ADVISORY, 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.

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.

Liberia Presbytery, Provisional Presbytery

9.41 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.

Fraternal Delegates

9.4n ADVISORY, 1836, 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

9.4n ADVISORY, 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

9.04n ADVISORY, 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

9.4n ADVISORY, 1961.

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.

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 of 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.

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.

Congregations Should Be Received With Care

10.2 ADVISORY, 1963.

As a matter of caution we would suggest that presbyteries should use extreme care in receiving congregations into their bodies. 1963, p. 199.

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 NCD 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 Presbyterian Church in all respects, including official representation at presbytery," be adopted. 1999, p. 366.

Presbyteries Forming Union Churches Should Consult with Board of Missions

10.3 ADVISORY, 1983.

In order to maintain some uniformity of agreements, 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.

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 Interrelatedness of Constitutional Amendments

11.3 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.

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.

Digest for the Rules of Discipline, Cumberland Presbyterian Church

Digest for the Rules of Order, Cumberland Presbyterian 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.

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'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.

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.

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 INTERPRETIVE, 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.

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

3.4c 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.

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.

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.

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.

Guidelines for Committees and Commissions

13.08 ADVISORY, 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.

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.

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 preproperty.

(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.")

g. 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

13.08 ADVISORY, 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.

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 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

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.

This OnLine Digest was last updated August 2013.
