

A Handbook for Evangel Presbytery Clerks

Office of the Stated Clerk

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Chapter 1

Introduction

The introduction, if there is any, should be put here. This is what people will see first when they land on this book.

Chapter 2

Overview (Alex)

Chapter 3

Helpful Resources (Daniel)

Helpful!

Chapter 4

Keeping Minutes (Alex)

Do it!

Chapter 5

Church Membership (Josh)

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Chapter 6

Church Discipline

The Evangel Presbytery Book of Church Order addresses church discipline in chapters 30-49 (see here). This chapter exists to be a help and a short-hand reference for clerks where *judicial process* is necessary (see BCO 30.1). It pertains, in other words, to church discipline that is *formal* rather than *informal*.

Clerks have specific duties in cases of discipline, and those duties are outlined below. But aside from their specific duties, clerks will often be called upon to help others understand disciplinary procedure. It is essential, therefore, for clerks to understand both the theoretical and practical aspects of church discipline, and there is no substitute for carefully reading the entire section on church discipline in our BCO. This page is only meant to be a help, and the BCO always takes precedence.

6.1 General Principles

6.1.1 Jurisdiction

Original jurisdiction in relation to Ministers of the Gospel pertains exclusively to the Presbytery, and in relation to other church members to the Session, unless the Session is unable to try the person or persons accused, in which case the Presbytery has the right of jurisdiction.

6.1.2 Offenses

An offense, the proper object of judicial process, is anything in the principles or practice of a church member professing faith in Christ, which is contrary to the Word of God. Offenses are either personal or general, private or public.

6.1.3 Church Censures

The censures which may be inflicted by church courts are:

- admonition,
- suspension from the Sacraments,
- suspension from office,
- deposition from office, and
- excommunication.

6.1.4 The Parties in Cases of Process

The original and only parties in a case of process are the accuser and the accused. The accuser is always Evangel Presbytery, whose honor and purity are to be maintained.

Every indictment shall begin: “In the name of Evangel Presbytery” and shall conclude, “against the peace, unity and purity of the Church, and the honor and majesty of the Lord Jesus Christ as the King and Head thereof.” In every case the Church is the injured and accusing party, against the accused.

6.1.5 Duties of the Clerk

Overall, the Clerk’s responsibility is to assemble the **Record of the Case** without delay. That record should include:

- the charges,
- the answer,
- the citations and returns thereto, and
- the minutes herein required to be kept.

6.2 Specific Steps in Judicial Process

All charges brought before either the Session or Presbytery must be reduced to writing.

It is common in judicial proceedings for the session to appoint a Judicial Committee whose duty will be to digest and arrange all the papers, and to prescribe, under the direction of the court, the whole order of the proceedings. The clerk should work closely with the Judicial Committee to ensure that all papers and correspondence pertaining to the proceedings are recorded and stored properly.

6.2.1 The First Meeting

Nothing should be done at the first meeting of the court, unless by consent of parties, except to:

- appoint a prosecutor,
- write up the indictment,
- create a list of witnesses who support the indictment,
- send the indictment, and the list of supporting witnesses, to the accused and cite all parties and their witnesses to appear and be heard at another meeting, which shall not be sooner than ten days after such citation.

Indictments and citations shall be delivered in person or in another manner providing verification of the date of receipt. In drawing the indictment, the times, places, and circumstances should, if possible, be particularly stated, that the accused may have an opportunity to make his defense.

6.2.2 Second Meeting

At the second meeting of the court:

- the charges shall be read to the accused, if present, and he shall be called upon to say whether he be guilty or not. If he confess, the court may deal with him according to its discretion; if he plead and take issue, the trial shall be scheduled and all parties and their witnesses cited to appear.
- The trial shall not be sooner than fourteen (14) days after such citation.
- Accused parties may plead in writing when they cannot be personally present.
- Parties necessarily absent should have counsel assigned to them.

6.2.3 The Trial

The following order shall be observed at any trial:

1. The Moderator shall charge the court.
2. The indictment shall be read, and the answer of the accused heard.
3. The witnesses for the prosecutor and then those for the accused shall be examined.
4. The parties shall be heard; first, the prosecutor, and then the accused, and the prosecutor shall close.
5. The roll shall be called, and the members may express their opinion in the cause.

6. The vote shall be taken, the verdict announced and judgment entered on the records.

The clerk must keep a record of the minutes of the trial. Those minutes should include:

- the charges,
- the answer,
- all the testimony,
- all such acts, orders, and decisions of the court relating to the case, as either party may desire, and
- the judgment.

6.2.4 Appeals

An appeal is the transfer to a higher court of a judicial case on which judgment has been rendered in a lower court, and is allowable only to the party against whom the decision has been rendered.

An appeal cannot be made to any court other than the next higher, except with its consent.

Only those who have submitted to a regular trial are entitled to an appeal. Those who have not submitted to a regular trial are not entitled to an appeal.

The grounds of appeal are such as the following:

- any irregularity in the proceedings of the lower court;
- refusal of reasonable indulgence to a party on trial;
- receiving improper, or declining to receive proper, evidence;
- hurrying to a decision before all the testimony is taken;
- manifestation of prejudice in the case; and
- mistake or injustice in the judgment and censure.

Written appeals must be filed with both the clerk of the lower court and the clerk of the higher court, **within thirty days of notification of the last court's decision.**

The clerk of the lower court must file a copy of all proceedings in connection with the case with the clerk of the higher court not more than thirty (30) days after receipt of notice of appeal.

Chapter 7

Church Statistical Reports (Josh)

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Chapter 8

Church Budgets (Lucas)

Money

Chapter 9

Presbytery Records Review (Alex)