

PRESBYTERIAN CHURCH OF EASTERN AUSTRALIA

- PRO RE NATA SYNOD MINUTES, -

October 12 & 13, 1979

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EASTERN AUSTRALIA  
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MEETING PRO RE NATA

SEDERUNT 1.

At Taree on Friday, 12 October, 1979 at 10.30 a.m., the Synod of Eastern Australia met pro re nata at the call of the Moderator, and was constituted.

The Moderator's action in calling the meeting upon request of the Southern Presbytery, and for the purposes stated in the Circular calling the meeting, was approved by Synod.

The Clerk reported that he had received the certified Rolls of Presbyteries. Synod resolved that the names be recorded in the Sederunt.

Northern Presbytery:

Ministers:

A.R. Beaton (Moderator)  
A.L. Tripovich  
D.E. Nicholds  
G.M. Bradbeer  
D.R. Nibbs  
W.P. Gadsby  
J.C. Andrews  
R.W. Murray (Clerk)

Elders:

G.R. Anderson (Grafton)  
W.J.W. Hanna (Brisbane)  
J.E. Hockett (Hastings)  
M. Moore (Lismore)  
J. Greensill (Maclean)  
K. Dawson (Armidale)

Central Presbytery:

Revs B. Dole, E. Lee, A. McIntosh, S. Ramsay, J. Webster, ministers, and Messrs J.A. Cromarty, K. Kerr, C. King and N. McIntosh, elders.

Southern Presbytery:

Ministers: R.S. Ward, J.M. Cromarty, A.M. Harman.

Elders: P. Bloomfield, G. Alford, J.G. Simpson, N. Triffett.

The Moderator addressed the Court.

Synod continued in prayer and praise.

The Synod appointed Mr Lee to act as Moderator pro tem, Mr K. Kerr as Clerk and Mr B. Dole as Assistant Clerk, pro tem, as those office bearers were to be called to the bar.

CORRESPONDENCE

Correspondence was read as follows:

1. From Rev. E.S. Turnbull. Dissent and Complaint against decision of Southern Presbytery to serve Libel. Dated 3.9.79.
2. From Rev. E.S. Turnbull. Dissent and Complaint against decision of Southern Presbytery to 'take a serious attitude, etc.' Dated 3.9.79.
3. From J.G. Simpson. Dissent and complaint against decision of Southern Presbytery re sisting of procedure. Dated 6.10.79.
4. From J.G. Simpson. Petition re relevancy of libel against Rev. E.S. Turnbull. Dated 6.10.79.

Moderator ruled that Item 4 was incompetent as it was not included amongst the business listed on the notice calling the Pro Re Nata meeting.

Mr Simpson moved that the Moderator's rule be set aside. Seconded Mr Tripovich.

Court agreed to adjourn for lunch, and to resume at 1.30.

The sederunt was closed with prayer.

It was ruled by the Moderator that the Complaints be dealt with in order of occurrence.

SEDERUNT 2.

Synod resumed with devotional exercises. Minutes of previous sederunt were read and adopted with emendations.

SECRET BALLOT.

Mr Nicholds moved that voting on all issues concerning the three dissents and complaints before the Synod be conducted by secret ballot. Carried.

Dissents were tendered by D. Nibbs, B. Dole, C. King, N. McIntosh, G. Anderson, G. Alford.

Dissent with reasons tendered by A. Tripovich as follows: Reason. That the motion implies that some members are not able to vote according to their conscience unless they vote in secret.

The Synod Roll was then called. All members indicated as present.

Mr J. Simpson gave notice that at the next sederunt he will move as follows: That the name of Rev. E.S. Turnbull be engrossed in the Roll of Synod.

Motion that the Moderator's rule be set aside was then put. Not carried.

Simple dissents tendered by J. Simpson, A. Tripovich, C. King, G. Anderson, D. Nibbs, G. Alford, K. Kerr.

Mr S. Ramsay tendered dissent with reasons to be handed in.

Moved that correspondence items 1 to 3 be received.

ITEM 2.

The Synod took up item 2. The Clerk read documents transmitted in the case. Parties, viz. Rev. E.S. Turnbull and Southern Presbytery were called to the bar. Mr Turnbull appeared on his own behalf, and Messrs A.M. Harman and R.S. Ward for Southern Presbytery. Parties were heard at the bar. Mr Turnbull sought leave to distribute copies of a document to which he referred. Leave granted. Mr Ward sought leave to table a document being a summary statement of the Presbytery attitude towards Mr Turnbull's complaint.

Mr Turnbull was given the right of final reply.

An opportunity was then given to members of the Synod to put questions to parties at the bar.

Parties were then removed. Synod proceeded to deliberation.

It was moved and seconded that the complaint be sustained and the decision of Southern Presbytery be reversed.

Mr Gadsby moved as follows: That Synod do now dismiss this complaint against the action of Southern Presbytery and affirm the Presbytery's action to be correct on the grounds that

1. the Presbytery minutes of 1.12.78, which were confirmed without dissent, record inter alia that "Mr Turnbull stated that he regarded the last of four summary points in the Geelong minute as the only entirely correct one - viz. one to the effect that he regarded a translation (the A.V.) as having the same status as the autographs in Hebrew and Greek". (The relevant quotation from the Geelong Session minutes, as cited in Presbytery Minutes of 2.3.79, states the fourth summary point as "Mr Turnbull's elevation of a translation to the status of the autographs in Hebrew and Greek".)

2. the Presbytery unanimously on 2.3.79 referred to Synod the whole matters raised by "Mr Turnbull's elevation of a translation to the status of the autographs in Hebrew and Greek", admitting that there were irreconcilable differences on the interpretation of the constitution on this point, which differences were not resolved by the Synod in May 1979. Therefore all members of Presbytery agree that they are divided on the meaning of the Constitution and both opinions cannot be correct, since they exclude one another.

3. faced with the written evidence in Presbytery minutes, with the written report by the Procurator ament versions and the Constitution, particularly by the statement in point 4 of that report, and with other statements made Presbytery had no other choice than to conclude that there was an apparent deviation from the Constitution evident in Mr Turnbull's expressed views, and consequently had no choice but to regard those views as serious.

Sederunt closed with prayer at 5.55 p.m.

\_\_\_\_\_  
Moderator pro tem

\_\_\_\_\_  
K. Kerr

\_\_\_\_\_  
Clerk pro tem

SEDERUNT 3.

Synod was constituted with devotional exercises at 7 p.m.

The minutes of the previous sederunt were read and confirmed.

Mr S. Ramsay tendered reasons to be held in retentis.

Mr Simpson moved that the name of Revd E.S. Turnbull be added to the members' Roll of Southern Presbytery recorded at the beginning of this meeting. Seconded and carried.

Deliberation continued on the two motions before the Synod.

A vote by secret ballot resulted in the second motion becoming the finding of the Synod. The parties were called in and the judgment of the Synod was intimated to them. Mr Ward, on behalf of the Presbytery, indicated acquiescence. Mr Turnbull indicated non-acquiescence. Messrs G. Alford, A. Tripovich, J. Simpson and E. Turnbull dissented.

Mr Anderson tendered simple dissent.

Mr Dole dissented with reason that the Southern Presbytery has failed to adduce any evidence upon which to justify their taking a serious view of the teaching of Mr Turnbull.

Messrs N. McIntosh, G. Alford, A.D. McIntosh, D. Nibbs and A. Tripovich adhered to Mr Dole's dissent with reasons.

Mr Kerr dissented with the reason that the matter on which the Presbytery took a serious view was irregularly introduced to the Southern Presbytery and irregularly proceeded with.

Mr Turnbull adhered to Mr Dole's dissent with reasons.

It was moved that we continue on until 10.30 p.m. or sooner if Mr Simpson's complaint is finalised. Seconded.

It was moved and seconded that in view of the urgency of the matters before us, the great desirability of dealing with them when all members are present and the cost of this Synod, Synod continue in session until at least 11.30 p.m.

The second motion was carried.

ITEM 3.

The Synod took up consideration of Correspondence Item No. 3.

The Clerk read the documents transmitted in the case.

Parties, viz. Southern Presbytery and Mr J. Simpson were called to the bar.

Mr Simpson appeared on his own behalf and Mr R. Murray for Southern Presbytery.

Parties were heard at the bar.

Members of Synod put questions to parties at the bar.

Parties were then removed.

Synod proceeded to deliberation.

It was moved and seconded That Synod do now dismiss this complaint against the Presbytery's failure to set aside the Moderator's ruling that Mr Turnbull's dissent and complaint did not sist procedure, and affirm the Presbytery's action to be correct on the ground that the Practice, p.91 states that

"No Appeal or Dissent and Complaint at any stage of Presbyterial action in a case of charge or fama which involves a libel, or may lead to the necessity of serving a libel against a Minister, has the effect of sisting procedure, until the libel has both been served and found relevant."

As to the precise interpretation of this statement, Synod refer to page 167 of the Practice which records the finding of the Committee on the Form of Process given in to, and approved of by, the Assembly 1855, and in particular to the statement that the aforementioned arrangement "applies to every case in which there is a serious allegation against a Minister, such as, if established, may scripturally and constitutionally affect his character or standing".

It was moved and seconded That the Dissent and Complaint be upheld and the decision of the Presbytery to uphold the Moderator's ruling be reversed.

A vote by secret ballot resulted in the first motion becoming the finding of the Synod.

The parties were called in and the judgment of the Synod was intimated to them. Mr Murray on behalf of Southern Presbytery acquiesced. Mr Simpson indicated non-acquiescence.

Messrs J. Simpson, A. Tripovich and G. Alford dissented.

Mr Kerr dissented with the reason That it is contrary to the Practice of the church.

Mr Dole dissented with the reason That it is contrary to the legislation of the Presbyterian Church of Eastern Australia.

#### Item 1.

The Court took up consideration of Correspondence Item No. 1.  
The Clerk read the documents transmitted in the case.

Parties, viz. Southern Presbytery and Mr E.S. Turnbull were called to the bar.

Mr Turnbull appeared on his own behalf and Messrs R. Ward and A. Harman on behalf of the Southern Presbytery. Parties were heard at the bar.

Mr Turnbull sought and obtained leave to distribute copies of a document to which he referred in speaking.

Moved and seconded that both Presbytery speakers be heard. Carried.

Mr Ward sought and obtained leave to table a document to which he referred in speaking.

Mr Harman forewent right of speaking.

It was moved and seconded that Synod adjourn and resume at 8.30 a.m. on 13 October 79.

It was moved and seconded that Synod adjourn to resume at 9.00 a.m. on 13 October 79.

On being put to the vote the first motion carried.

It was moved, seconded and carried that the Treasurer be authorised to pay necessary travelling expenses of delegates.

The Court adjourned at 12.10 a.m.

Closed with prayer.

Edwin R. Lee  
Moderator (p/t)

K. Kerr  
Clerk (p/t)

SEDERUNT 4.

Synod was constituted with devotional exercises Oct 13th at 8.40 a.m.

The minutes of the previous sederunt were read and confirmed with emendations.

Parties were called to the bar and heard.

It was moved and seconded that Synod meet in closed court. Carried.

It was moved and seconded that Synod meet in open court to hear all evidence in this case. Carried.

Synod met in open court.

Moved that copies of the documents of the Special Commission read by Mr J.M. Cromarty be made available to all members of the Synod. Seconded.

An amendment was moved that these documents be tabled. Seconded.

Amendment became the finding of the Court.

The amendment became the motion and was then put and carried.

Mr Kerr dissented for the following reason That justice is being denied to members of the Synod by the non-availability of these documents.

Questions were then put to the parties at the bar by members of the Synod.

Parties were then removed.

Synod proceeded to deliberation.

Mr Gadsby moved That Synod do now dismiss this complaint against the decision of the Southern Presbytery to serve the libel on Mr Turnbull and to proceed to proof, and uphold the Presbytery's decision on the grounds that

1. it is clear that both individually, in private, and severally both in private and in presbytery meetings of 2.3.79, 17.7.79, 18.7.79, and 31.8.79, and in their special Commission which met privately with Mr Turnbull on 18.7.79, members of Presbytery have made very substantial efforts to persuade Mr Turnbull that, in their opinion, his expressed views were contrary to the Constitution of our Church.
2. the statement that no Presbytery member prepared a paper on the versions question is incorrect since Mr Turnbull himself prepared such a paper, though there was no compulsion for any member of Presbytery to do so.
3. Mr Turnbull's claim that the Presbytery or Commission on any occasion did not hold, or arrange to be held, a single private conference with him is manifestly untrue since such a meeting was held on 18.7.79.
4. Mr Turnbull has offered no evidence for his claim that the Presbytery has failed to observe proper procedure.

Seconded and carried.

Parties were recalled to the bar, and the judgment of Synod intimated.

Southern Presbytery acquiesced in the finding.

Mr Turnbull indicated non-acquiescence.

Dissents were tendered by J. Simpson, A. Tripovich, G. Alford, E. Turnbull, D. Nibbs, N. McIntosh, C. King, A.D. McIntosh, G. Anderson and K. Kerr.

Parties were dismissed from the bar.

The sederunt was closed with prayer.

R.W. Murray  
Moderator

S.N. Ramsay  
Clerk

SEDERUNT 5.

At Taree on 13th October 1979 at 1.45 p.m. Synod met and was constituted.

The Minutes of the forenoon sederunt were read and confirmed.

Mr Ramsay adhered to the simple dissent recorded against.

It was moved and seconded that Synod close at 4 p.m.

An amendment was moved and seconded that Synod endeavour to close at 4.30 p.m.

The motion was carried.

It was moved and seconded That Presbytery's request be regarded as a reference and Presbytery be called to the bar.

It was further moved and seconded That Synod agree to the request of Southern Presbytery and proceed to Probation of the parties.

It was moved that the motions be put.

The first motion became the finding of the court.

Simple dissent - Mr Nibbs, Mr King.

Dissent with reasons - Mr Kerr. - That no reference has been presented before the Court in proper form as required by the Practice, Ch. III Pt II 7(3).

The Southern Presbytery was called to the bar of Synod.

The reference was sustained.

Mr Kerr dissented with the reason That there is no reference to be sustained.

The Presbytery was dismissed from the bar.

The Moderator rules that the procedure in this case be as follows:-

- (1) Rev. E.S. Turnbull be called to the bar.
- (2) Presbytery prosecute its case.
- (3) Rev. Turnbull to give his reply.
- (4) Synod to adjudicate on the case.

Mr Dole dissented with reason: Dissent on grounds that justice cannot be provided for the accused in this case.

Mr Nibbs dissented and adhered to Mr Dole's reason.

Mr King tendered a simple dissent.

It was moved and seconded That Moderator's ruling be overturned and that further consideration be given to procedure.

It was agreed that the motion be now put.

The motion was defeated.

Dissents:- Mr Simpson, Mr Anderson, Mr Ramsay, Mr Tripovich.

Mr Kerr dissented with reasons: That the order of business proposed by the Moderator incorrectly presupposes that there is procedure brought constitutionally under Synod's review.

Mr Nibbs and Mr King adhered to the dissent and abovementioned reason.

Mr Turnbull was called to the bar and the Clerk read the Libel which is appended hereunder:-

Mr Eric Stanley Turnbull, Minister of the St Kilda congregation of the Presbyterian Church of Eastern Australia within the Southern Presbytery, you are indicted and accused at the instance of the said Presbytery THAT ALBEIT by the Word of God and the law and discipline of the Presbyterian Church of Eastern Australia, all officebearers are bound to the whole doctrine of the Confession of Faith including the whole doctrine embodied in the following words in Chapter 1 Section 8:

"The Old Testament in Hebrew...and the New Testament in Greek...being immediately inspired by God, and by his singular care and providence kept pure in all ages, are therefore authentic; so as in all controversies of religion, the Church is finally to appeal to them"; and whereas the Church has never claimed perfection for the work of uninspired men, and therefore has never claimed an exact correspondence in every detail to exist between any translation and the Hebrew and Greek manuscripts deeming this matter to be self evident; and whereas the denial of the matters aforesaid is an offence unbecoming the sacred profession of a minister of the Gospel, and severely punishable by the laws of the Church: YET TRUE IT IS AND OF VERITY that you, the said Eric Stanley Turnbull, are guilty of the said offence in that you teach that a particular translation of Holy Scripture has been made that is without any mistake or error, which teaching is in obvious contradiction to the evidence of the providentially preserved Hebrew and Greek manuscripts (no matter which you favour as most <sup>nearly</sup> representing the autographs) which reveal that mistakes and errors in translation have been made, however theologically insignificant such mistakes may be; and in effect you assert the Roman Catholic position of the 17th century (which exalted the Latin Vulgate) against which position the relevant passages of the Confession of Faith I:8 were framed; all of which being found proven against you, the said Eric Stanley Turnbull, by the said reverend Southern Presbytery, before which you are to be tried, in terms of your own public confession, admissions made by you and recorded in the confirmed minutes of the Southern Presbytery on the 1st day of December 1978 and the 2nd day of March 1979, or after competent proof, you the said Eric Stanley Turnbull ought to be solemnly rebuked or otherwise punished according to the rules and discipline of the Church and the usage observed in such cases, for the glory of God, the edification of the Church, and to the terror of others holding the same sacred office, not to commit the like offence in all time coming.

Signed in the name of the reverend Southern Presbytery by authority of the said Presbytery and its Special Commission this 15th day of August 1979 by

Rowland S. Ward

Moderator

Schedule of Documents:

There will be adduced against you for proving the foregoing libel the Presbytery minutes above referred to.

R.S. Ward

Moderator.

Mr Ward proceeded to state the case on behalf of the Presbytery.

Mr Turnbull then stated his case.

Synod directed questions to both men.

It being 4 o'clock, Synod agreed upon an extension of time.

Synod continued to direct questions to both men.

It was moved and seconded That, whereas Southern Presbytery has failed to furnish evidence substantiating its charges against Mr Turnbull, therefore this Synod dismisses the libel against Mr Turnbull as unproven on all charges, orders Southern Presbytery to reinstate, instanter, the said Mr Turnbull to all former functions and privileges of office, instructs the Clerk of Southern Presbytery to expunge from the Presbytery Minute Book all proceedings relating to the matter of the alleged case, including the libel itself, should it be so engrossed.

It was further moved and seconded That the Synod find Mr Turnbull does teach that a particular translation of Holy Scripture has been made that is without any mistake or error, and accordingly now find the libel proven and now intimate this decision to Mr Turnbull for acquiescence prior to sentence being passed.

It was resolved that the debate be closed and the motion put.

The second motion became the finding of the Court.

Mr Kerr dissented with reasons: Dissent against the judgment of the Synod with reason that the matter was irregularly prosecuted by the Synod in that (i) there had been no reference from the Southern Presbytery in the matter of the libel against Revd E.S. Turnbull. (ii) there were no documents at all transmitted from the Southern Presbytery in regular form. (iii) there were no Presbytery minutes produced by the Presbytery to support the so called libel so that Synod's prosecution of the case should be null and void.

Mr Nibbs dissented and adhered to the abovementioned reasons.

Mr Simpson dissented with the reason That the judgment was wrong as the libel did not state the offence clearly.

Simple dissents:- G. Anderson, B. Dole, N. McIntosh, G. Alford, C. King, A. Tripovich, S. Ramsay, A. McIntosh.

The Moderator communicated the decision to Mr Turnbull and asked whether he acquiesced. Mr Turnbull responded in the negative.

It was moved and seconded that Mr Turnbull be asked to retract his views and to give assurance that he will abide by the Procurator's ruling on the matter of versions of the Bible and that if he concurs with this he be rebuked for disturbing the peace of the church and his suspension be lifted. Failing this that he be given the opportunity to resign from the ministry of this church; and failing this he no longer be considered a minister of this church.

Mr Beaton became Moderator Pro-tem.

An amendment was moved and seconded That Synod direct Mr Turnbull to desist from teaching that a particular translation of Holy Scripture has been made that is without any mistake or error and that if he concurs with this he be rebuked for disturbing the peace of the church and his suspension be lifted. Failing this that he be given the opportunity to resign from the ministry of this church and failing this he no longer be considered a minister of this church.

Mr Triffett asked permission to leave the Court. Permission was granted.

On being put to the vote the amendment became the finding of the Court.

It was resolved that the Southern Presbytery be instructed to implement this decision and that the four assessors be now relieved from their position.

A Protest was tendered.

The Moderator ruled that the Protest presented at this stage must confine itself to the decision of the court immediately preceding it.

A motion that the Moderator's ruling be overruled was defeated.

It was moved by Mr Dole, seconded by Mr Tripovich that a vote of no confidence be taken in the Moderator Pro-tem.

The motion was defeated.

Mr Dole tendered a simple dissent.

We the undersigned ministers and elders of the Presbyterian Church of Eastern Australia do hereby PROTEST against the decision of this Court in respect to the sentence of Mr Turnbull on the grounds that the libellers have failed to adduce evidence that Mr Turnbull's doctrine deviates from Chapter one of The Westminster Confession. We reserve the right to take whatever steps may be open to us in this matter.

Signed	B. Dole
	A.L. Tripovich
	A.D. McIntosh
	D.R. Nibbs
	K. Kerr
	N. McIntosh
	G.R. Anderson
	G.C. Alford

The Moderator pro tem ruled that the Protest be allowed.

Dissents against the Moderator's ruling: J.M. Cromarty, J.A. Cromarty, G. Bradbeer, W. Hanna, M. Moore, J. Greensill, D. Nicholds.

Mr R. Ward dissented with reasons: I dissent from the allowance of the Protest since (1) no attempt by way of motion or amendment was made to persuade the Court of the Protesters' views prior to the Protest hence there is no moral right to Protest. (2) at least one of the Protesters voted for the decision on the sentence hence can hardly Protest against it. (3) the Protest does not confine itself to the immediately preceding motion.

Adhering to the dissent with reasons: P. Bloomfield, P. Gadsby.

A vote of thanks was moved and carried expressing the Synod's gratitude to the Taree Deacons' Court and ladies for their hospitality.

It was agreed that the remaining item on the agenda be declared unfinished business.

The Synod pro re nata closed with prayer.