

11. The Records of any Church Court or any part of them, whether original or transcribed, or any extract therefrom, if regularly authenticated by the Moderator and Clerk, or either of them, shall be deemed good and sufficient evidence in every other judicatory.

12. In like manner, testimony taken by one Court, and regularly certified, shall be received by every other Court, as no less valid than if it had been taken by itself.

13. Any Church Court has the power, on the application of a party, and with good cause shown, to appoint a commission to examine witnesses. The testimony shall be taken in the same manner as in Court. Notice shall be duly given of the time and place of such examination. The depositions shall be authenticated by the signatures of the Commissioners, sealed up by them and sent to the Clerk of the Court before which the cause is pending. The relevancy or competency of such testimony shall be decided by the Court.

14. If, after a trial, new testimony be discovered, supposed to be highly important to the exculpation of the accused person, it is proper for him, if the case has not been appealed, to ask, and for the Court to grant a new trial, when the new testimony shall be taken in the ordinary way. Thereafter the testimony formerly taken and the new testimony shall be read over in order, and the Court shall then proceed to judgment, as if no former judgment had been rendered; and the new judgment shall entirely supersede the former one.

15. If, in the prosecution of an appeal, new testimony is offered, which, in the opinion of the appellate Court, has an important bearing on the case, it shall be competent to the Court to refer the cause to the inferior Court for a new trial; or, with the consent of parties, to receive the testimony, and bring the case to an issue.

#### CHAPTER VIII.

##### *The removal of a cause from a lower to a higher Court.*

A decision of any Church Court, except the highest, is subject to the review of a superior Court, and may be removed thereto in one of the four following ways:—namely, 1. general review and control; 2. reference; 3. appeal; and 4. complaint. When a matter is so removed by appeal or complaint, the inferior Court shall be regarded as a party in so far as the disposal of the appeal or complaint is concerned, and its members shall not be entitled to deliberate and vote thereon in the higher Court. In any other case of the removal of a decision as above, the inferior Court shall not be considered a party; nor shall its members lose their right to sit, deliberate and vote in the higher Court.

##### *Section I. General Review and Control.*

1. Every Court above the Session reviews the Records of the Courts next below (being within its jurisdiction) at least once a year, and, should the lower Court omit to send up its Records, the higher shall order them to be produced immediately, or on a day named.

2. In reviewing such Records, the higher Court shall examine *first*, whether the proceedings have been constitutional and regular; *secondly*, whether they have been wise, equitable, and for the edification of the Church; and *thirdly*, whether they have been properly recorded. The superior Court shall record its decision on these matters, taking such further action as may be necessary, and ordering the lower Court accordingly. *Provided*, that a judicial sentence shall not be reversed, unless it has been brought up by appeal or complaint.