

as calumniators, and subject, so far as the case will admit, to the same degree of censure, to which the charge, if proved, would have subjected the accused.

4. The withdrawal of an accuser, in case of scandal, will not warrant the court to desist from the inquiry, but they shall proceed as in case of *fama clamosa*, and summon the accuser as witness, if they see cause.

5. When an accusation is lodged, nothing more shall be done at the first meeting except by consent of parties, than to give the accused a written notice of the charge, ten clear days before the day appointed for trial, together with the names and residences of the witnesses.

6. No professional agents or advisers shall be permitted to appear, and plead either in Session or other Church Courts; but as many parties may be ignorant of the forms of procedure, they may request any minister or elder of the Court, before which they appear, to prepare and exhibit their cause. The minister or elder so engaged shall not be allowed, after pleading the cause of the accused, to sit in judgment as a member of the Court.

7. Every trial shall be in open Court, but in case of any evidence coming forward that might be indecent, or injurious to public decorum, so much of the trial as relates to said evidence, shall be held in private, the witness, the accuser and the accused only being admitted.

8. No person is permitted to comment upon evidence till the examination of witnesses shall have closed.

9. The examination of witnesses being ended, parties shall be asked whether they have any thing to add. If they choose to speak, the accuser shall be heard first, then the accused in reply. Parties are then ordered to withdraw, and directed to remain in attendance, and the Church Court proceeds to consider evidence.

10. In all cases where it is possible, Church Courts should pass sentence. When they cannot come to a decision, the case should be referred.

11. Whether the court have passed sentence or determined to refer the cause to a higher court; parties are again called in and the decision announced; and the Moderator explains to the party affected, the right and rules of appeal.

12. When a Minister is deposed for an atrocious offence, confessed, or proved, he cannot be restored to office, without the consent of the Supreme Court, and after giving the most satisfactory evidence of deep penitence, and a lengthened period of exemplary, humble, and edifying conduct.

#### CHAP. XVIII.—WITNESSES.

1. If, by private conference, a Church Court cannot succeed in ascertaining the truth or falsehood of a report, and removing the scandal consequent thereon, it may be necessary to summon witnesses supposed to have knowledge of the matter, and examine them upon oath respecting its truth or falsehood.

2. If a Church Court, or person accused by public report, be able to trace any of the original propagators of the scandal, the Court, of their own choice, ought, and, at the request of the accused are bound, to summon the propagators to give evidence; and if such propagators do not appear, they shall be treated as slanderers and calumniators.

3. At the request of any party, or on the motion of any member of the Court, summonses shall be issued by the Moderator, requiring the attendance of parties or of witnesses. When the witnesses do not belong to this Church, a letter shall be written to them, explaining the necessity of their evidence, and requesting their attendance.

4. Witnesses belonging to this Church failing to attend, without allowable excuse, upon the first summonses, or refraining to give evidence, shall be excluded from Church privileges until they give evidence of repentance. But a husband or wife shall not be compelled to bear testimony against each other in any Church Court.

5. When the attendance of a witness is prevented by sickness, or distance of residence, or when he belongs to a different communion, a Church Court may appoint a commission to examine him. The accused shall have the choice of one of the commissioners, and has the right of being present at the examination, and of putting by the Moderator such questions as the commissioners may approve.

6. Before witnesses are sworn, the accused shall have the right of submitting objections against them; and witnesses against whom such objections are sustained shall be held incompetent.

7. The oath or affirmation shall be administered to a witness by the Moderator in such terms as the following:—"You solemnly promise in the presence of the omniscient and heart-searching God, that you will declare the truth, the whole truth, and nothing but the truth, according to the best of your knowledge, in the matter in which you are called to witness, as you shall answer to the Great Judge of quick and dead."

8. No witness afterward to be examined, except a member of the Church Court, shall be present during the examination of another witness, in the same case, unless by consent of parties.

9. To prevent confusion, witnesses shall be examined first by the parties introducing them, and then cross-examined by the opposite party, after which a member of the Court, or other party may put additional questions. But no question shall be put or answered except by permission of the Moderator.

10. The testimony given by witnesses should be carefully recorded, and read to them for their approbation and subscription.

11. The credibility of a witness may be affected by relationship to any of the parties; by deep interest in the result of the trial; by general rashness indiscretion or malignity of character; and by various other circumstances, to which the Church Courts must carefully attend; and for which they must make all proper allowance in their decision.

12. Accusers are held to be competent witnesses.

#### THE ORGAN QUESTION.

We referred in our last number to a little work lately published on this subject, with an introductory notice by Dr. Candlish. We subjoin an extract from this notice, believing that the judicious sentiments therein expressed, will commend

themselves to the approbation of many of our readers:—

I wish I had for a little the quiet ear of our friends who are occasioning, if I may not say causing, the discussion of this subject,—the employment of organs in Public Worship in Presbyterian Church Courts. I would like to point out to them the very serious responsibility which they unwittingly incur. I am not easily frightened by the name of schism. Nor would I frighten others. But there can be no harm in a timely warning. And the warning is timely, at any rate. For as yet no one, I believe, is irrevocably committed.

In the first place, let the peculiar constitution of Presbyterian Churches be kept in mind. Where Congregationalism prevails, either avowedly, as among the great body of English Non-conformists, or virtually, as in the English Establishment, uniformity of worship is not necessarily a condition of union. Among our Independent brethren great diversity may be tolerated, for no one is responsible for what another does; and in the Church of England, all sorts of hymns are allowed, and the service is conducted in all sorts of styles, from the richest ritualism to the baldest and tamest routine. On the Congregational system, every pastor with his people may take his own way,—one using instrumental music, and another condemning the use of it; and yet the harmony of any association they form among themselves may remain unbroken. This may or may not be a recommendation of that system. That is not now the question. It is enough to say that it is inconsistent with Presbyterianism. Those Presbyterians who disapprove, on conscientious and scriptural grounds, of a particular mode of worship,—as, for instance, of the Organ,—cannot divest themselves of responsibility by merely excluding it from their own Congregations. They are bound to resist the introduction of it in all the other Congregations of the Church as well as in their own.

Hence I would suggest, in the second place, the impossibility of the question, if it be once raised, being left to the decision of individual Kirk-sessions and Congregations. It is easy, of course, for those who are ready to sanction the use of instrumental music, or who reckon it a matter of indifference, to content to its being left as an open question, on which Congregations may agree to differ from one another. But if there be any, as there undoubtedly are many in all the British Presbyterian Churches, who rightly or wrongly, have come to entertain strong convictions against the lawfulness of the practice, it is impossible for them to acquiesce in the introduction of it, even in Congregations to which they do not themselves belong. On Presbyterian principles, it is unreasonable to ask them to do so. A controversy in the Courts of the Church becomes, in these circumstances, inevitable. And if it is an unnecessary controversy,—if it is a controversy which on either side might be compromised or avoided without violence to conscience,—it involves more or less the guilt of schism, or at least of what tends to schism.

I have to admit, in the third place, that if the use of instrumental music in public worship had been the rule hitherto in our Presbyterian Churches,—if it had been hereditary and common,—and if the opponents of it were the innovators, professing to have received a new light, and acknowledging therefore a new obligation, I would have not a little sympathy with parties indicating a reluctance to sacrifice their own customary and constitutional freedom to the new-fangled notions and scruples of weaker brethren. I suppose that, in the case of the Church of England, an act of comprehension, allowing all who chose to dispense with surplice and chanting, the sign of the cross in baptism, and the posture of kneeling at communion, would have appeared a fair concession, if it had been made in time, to what they would have called the strait-laced piety of