

2. If no peculiar difficulty appear, and the inferior court seem to have referred the cause, for the sake of avoiding the trouble of the investigation, the superior court shall remand the cause, with directions as to procedure, and order the cause to be issued, if possible, and reported at their next meeting.

3. In case of reference, the court referring shall produce an authenticated copy of their proceedings before the superior court, with the reasons of reference.

4. In cases of reference, the members of the inferior court making it, retain all the privileges of deliberating and voting in the cause before the superior court, which they would have had if no reference had been made.

5. An appeal is the removal of a case already decided from an inferior to a superior court, by a party aggrieved. Members of the court appealed from are not allowed to vote in the superior court on any question connected with the appeal.

6. When verbal notice of appeal is given, the appellant is to be informed that he must give to the Moderator written notice of appeal within ten days of the time of passing the sentence of which he complains; but if within said ten days the appeal is not lodged, the sentence shall stand.

7. When merely verbal notice of appeal is given at the time of passing the sentence, it becomes the duty of the Moderator, upon receiving in due time the written notice of appeal, to give notice to appellant, which he is to have delivered to the opposite party, and summonses shall be granted to either, or both parties, if requisite.

8. Informality in the proceedings of the lower courts; inadequacy of the sentence pronounced to the charge proved, and injustice intended or done to the appellant are proper grounds of appeal.

9. When the appeal is judged to possess one or more of these grounds, the cause may be proceeded with immediately, or referred to a commission.

10. When the superior court determine to proceed immediately, they shall in no case hear new evidence other than what is, or ought to have been contained in the minutes, until they shall, if judged necessary, have passed sentence on the court against whose determination the appeal has been entered. The court shall then proceed to hear whatever new circumstances or evidence can be produced (if such there be) and afterwards modify or renew the sentence as discipline may require.

11. If the case be referred to a Commission, the court appealed from shall attend and explain their conduct; but before a Commission, sentence on the court shall not be passed, but may afterwards be founded on their report.

12. The ordinary effect of an appeal is to suspend all further proceedings on the ground of the sentence appealed from. But if a sentence of suspension, excommunication from Church privileges, or of deposition from office be the sentence appealed from, it shall be considered as in force until the appeal shall be issued.

CHAP. XIV.—DISSENTS, PROTESTS, AND COMPLAINTS.

1. A dissent, is a declaration of one or more members of a minority in a Court, expressing a different opinion from that of a

majority. A protest, is a more formal testimony against what they deem a mischievous or erroneous decision.

2. A dissent, or protest, is entered on the same day on which the decision objected to is pronounced; but if accompanied with reasons, these must be given in within ten days. If the reasons are given in immediately, and couched in respectful language, they are recorded in the minutes; but if, on a subsequent day, they are read in open Court, and held in *relentis*.

3. If they deem it important to the interests of truth, the majority may, with propriety, appoint a Committee to draw up an answer to the reasons assigned, which, after being approved by the Court, ought to be entered in its records.

4. The decision of an inferior may be brought before the review of a superior Court, not merely by the appeal of a party aggrieved, but also by any member of the inferior Court, who may dissent, and protest for leave to complain.

5. Notice of a complaint must be given, as in the case of an appeal, and the effect is the same as that of an appeal, in suspending further proceedings on the ground of the sentence objected to. As in the case of an appeal, the members of the Court complained of are not permitted to vote on any question connected with the complaint.

CHAP. XV.—CHURCH CENSURES.

1. The proper grounds of Church Censure, are breaches of the Divine law, which tend to bring discredit upon religion; or the maintenance of doctrines which are manifestly inconsistent with the fundamental principles of Christianity.

2. The proper subjects of Church Censure, are Church members; and its proper ends are the preservation of the Church's purity, the prevention of error, and immorality, and the reclaiming of offenders.

3. Charges against individuals which have long lain dormant; or where there is a manifest deficiency of proof; or where the precept in Matt. xviii. 15, has not been complied with; should not be investigated by Church Courts, with a view to the infliction of censure.

4. In receiving accusations, conducting processes, and inflicting censures, Church Courts should avoid the unnecessary divulging of offences, lest the spreading of scandal should harden the guilty, grieve the godly, and dishonour religion.

5. The censures inflicted by Church Courts, are admonition, rebuke, suspension, deposition from office, and excommunication.

6. Scandals may come before Church Courts by *fama clamosa*, accusation, reference, complaint or appeal.

CHAP. XVI.—FAMA CLAMOSA.

1. When a matter comes before a Church Court, by *fama clamosa*, or public report, before proceeding to trial, it should be ascertained, that the charge is, in some degree at least, credited by the religious world, and not an injurious slander of those who take up evil reports against their neighbours.

2. When a Church Court has determined that investigation is requisite, the first step to be taken, is to ascertain from some of the members of the Court, the names of some

of the most credible persons, from whom they have heard the report.

3. When any member of a congregation is thus, by credible persons, reported to be guilty of such offences as profane swearing, Sabbath breaking, drunkenness, uncleanness, undutifulness to parents, a member of session shall be appointed to converse with the party, and endeavour to ascertain the truth or falseness of the charge.

4. Should the report appear unfounded, the member of session shall take the most efficacious method to counteract the injury. But should the report appear founded on truth, he shall endeavour to show the evil and danger of the sin, and explain the nature and necessity of repentance. If not then satisfied of the party's repentance, he shall appoint another time for renewing the conversation, and report the result of the admonition to the session.

5. Should these admonitions fail of success, it becomes the duty of the session to call the offender before them, and if the offence alleged have been the first fault of the kind known or charged against him, or if it has not been attended with aggravated circumstances, the session are to report the admonition, and wait for some time to observe what effect may be produced.

6. Should the offender manifest, by his conduct, sorrow for what is past, and promise amendment for the future, the session shall proceed no further; but if he do not, it is the duty of the session to suspend him from sealing ordinances.

7. Should the offence reported have been accompanied with aggravating circumstances, or have been of such a public nature as to cause extensive scandal in the Church, it is the duty of the session, after due admonition, immediately to suspend the offender from the Lord's Supper, and from the privilege of presenting his children for baptism.

8. When any member of a congregation is publicly reported, or known to be guilty of the crime of fornication, slander, drunkenness, or other such gross offences, it becomes the duty of the session to take immediate notice of the matter, and not wait till the offender appears requiring Church privileges.

9. Persons guilty of any of the heinous sins above mentioned, or who acknowledge their guilt, are to be forthwith suspended from the privileges of the Church, and not again restored until there be evidence of repentance.

CHAP. XVII.—ACCUSATIONS.

1. When a charge is brought by accusation of one or more persons, the first business of the Church Court is, to take care that the accusers be duly informed that the case cannot proceed, unless they profess their readiness to substantiate the charge upon oath.

2. When the charge is of such a nature as to be capable of being accompanied by the circumstances of time and place, the Church Court shall take care that these circumstances be clearly described, so that the accused may have every opportunity of defending himself.

3. To prevent the bringing forward of unfounded charges, accusers are to be informed that should the accusation prove false, and the accusers appear to have been actuated malicious motives, they are to be dealt with