

6. If the accused party shall purposely absent or secrete himself, so that process cannot be served on him, the judicatory may suspend him until he shall appear and answer to the accusation.

7. Before proceeding to trial or to censure for contumacy, judicatories must ascertain and record the fact that their citations have been duly served.

8. The witnesses shall be examined in the presence of the parties (or after due notice to attend;) and the parties shall be permitted to cross-examine them, asking through the Moderator, any relevant and respectful questions. After the testimony has been concluded, the parties shall be heard.

9. Minutes of the whole proceedings shall be regularly kept by the Clerk of the judicatory, but shall not be entered on the permanent records until the trial has been completed. If the accused is acquitted, these minutes shall be then destroyed; and the only record entered shall be a statement that such charge had been made, and that the party had been acquitted. If the accused is convicted, the charges, the answer and the judgment shall be recorded, and the whole minutes of the trial, including all the citations and returns thereto, the acts and orders of the judicatory relating to the cause, and all the testimony adduced, shall be attached together, and kept *in retentis*.

In case of an appeal or complaint, these minutes together with the notice of appeal or complaint and the reasons thereof, if any have been minuted or filed, shall be duly authenticated by the Clerk, and transmitted to the higher Court. These papers shall be called the "judicial record." Nothing shall be taken into consideration in the higher Court which is not contained in the judicial record.

10. All parties shall be entitled to receive copies of the judicial record, or extracts therefrom, at their own expense; and on the final judgment of a cause, the higher Court shall retain the judicial record.

11. Questions relating to evidence shall be decided by the Moderator, subject to appeal to the Court. Decisions on points of order or evidence need not be minuted unless desired by a party, and then at the discretion of the Court.

#### CHAPTER IV.

##### *Special provisions pertaining to process before Sessions.*

1. In case it is impracticable to commence process immediately against an accused person, and the time for observing the Lord's Supper is near at hand, the Session may, if they think the edification of the Church require it, prevent the accused person from coming to the Lord's table at that time, the charges being afterwards, as soon as practicable, examined and disposed of.

2. When an accused person has been twice duly cited, and refuses to compare, or comparing, refuses to answer the charges brought against him, he shall be suspended from the communion of the church for his contumacy; and this sentence shall not be removed until he repents of his contumacy, and submits to the orders of the Court.

3. The censures to be inflicted by the Session are admonition, rebuke, suspension from sealing ordinances, and in case of gross and flagrant offenders, excommunication.

4. The Session may suspend or depose a ruling elder from his office, with or without suspension from the communion of the Church, as the case may require.