

PART II.

THE CANONS OF DISCIPLINE.

CHAPTER I.

OF DISCIPLINE, ITS NATURE, OBJECT, AND THE PERSONS SUBJECT TO IT.

I. Discipline is the exercise of that authority, and the application of that system of laws, which the Lord Jesus Christ hath appointed in his church. The term has two senses, the one wider and more general, referring to the whole government, inspection, training, guardianship and control, which the church exercises over its members, its officers, or its courts; the other a restricted and technical sense, signifying judicial prosecution.

II. Using the term in its wide sense, all baptized persons, being members of the church, are subject to its discipline, and entitled to the benefits thereof; but, in its narrow sense, it refers only to those who have made a profession of their faith in Christ. In this sense, the ends of it are the rebuke of offences, the removal of scandal, the vindication of the honor of Christ, the promotion of the purity and general edification of the church, and the spiritual good of offenders themselves.

III. An offence, the proper object of judicial process, is anything in the principles or practice of a church member professing faith in Christ, which is contrary to the word of God. The Confession of

Faith and the Larger and Shorter Catechisms of the Westminster Assembly, together with the principles of church-order contained in the formularies of government, discipline and worship, are accepted by the Presbyterian church in the United States, as standard expositions of the teachings of Scripture in relation both to faith and practice. Nothing, therefore, ought to be considered by any court as an offence, or admitted as a matter of accusation, which cannot be proved to be such from Scripture as interpreted in these standards.

IV. The power which Christ hath given to the rulers of his church is for edification and not for destruction, as a dispensation of mercy and not of wrath. As in the preaching of the word, the wicked are doctrinally separated from the good, so by discipline the church authoritatively separates between the holy and the profane. In this it acts the part of a tender mother, correcting her children only for their good, that every one of them may be presented faultless in the day of the Lord Jesus.

CHAPTER II.

OF THE DISCIPLINE OF NON-COMMUNICATING MEMBERS.

I. Every person who is the child of a professing Christian is federally a member of the church, is under its care, and subject to its government, inspection and training; but he is not subject to those forms of discipline which involve judicial process, until he make a profession of faith in Christ.

II. The oversight of the children of the church, in the first instance, is committed by God to believing parents, who are responsible to the church for the faithful discharge of this duty. The responsi-

bility of parents continues during the minority of their children, and so long thereafter as they remain inmates of the family; and extends to all such conduct, contrary to the purity and sobriety of the gospel, as parents may and ought to restrain and control.

III. It is the duty of the church to cherish its non-communicating members as a nursing parent. They are entitled to pastoral visitation and guardianship, and are to be had in special remembrance in the instructions and intercessions of the sanctuary, and in social and family worship. Moreover, the church is bound to make special provision for the instruction of its youth in the doctrines of the Bible and in the Catechisms. Hence, church-sessions ought to establish, under their own authority, Bible classes and Sabbath schools for this object, or, where this is impracticable, to adopt such methods as shall secure the same end.

IV. When the children of the church arrive at years of discretion, they are bound to discharge all the duties of church-members. If they exhibit knowledge to discern the Lord's body, together with a correct walk and conversation, they are to be informed that it is their duty to make a profession of faith in Christ, (receiving baptism if not baptized), and to come to his table. If they exhibit a wayward disposition, and associate themselves with the profane, the church must still cherish them in faith, and look after them as a parent yearning over straying children, and ought to use all suitable means, such as the word of God warrants, and the Christian prudence of church-officers shall dictate for reclaiming them, and bringing

them to appreciate their covenant-privileges, and to discharge their bounden duties.

V. Those adult non-communicating members, who submit with meekness and gratitude to the government and instruction of the church, are entitled to special attention. It is the duty of the minister upon every occasion of the administration of the Lord's Supper, or at least once every year, to preach a sermon to them, and in connexion with the session to appoint a special meeting with them for prayer, exhortation and conference; on which occasions their rights under the covenant shall be fully explained to them, their duties shall be enforced on their consciences, and they shall be warned of the sin and danger of neglecting them, and urged by the mercies of Christ to come up to the full discharge of their covenant obligations.

VI. It is the right of all such members to demand and to enjoy the protection of the church. They have the common right to arraign before the session any communicating member for personal offences, and when slandered, they have a right to ask, and it may be the duty of the session to grant an investigation, in order to their exculpation.

VII. In dismissing heads of families from one congregation, to connect themselves with another, the names of their baptized children must be included, and every congregation shall keep a roll of non-communicating as well as of communicating members. All non-communicating members shall be deemed under the government of the congregation to which their parents belong, if they live under the parental roof and are minors; or otherwise, under that of the congregation where they reside, or with which they ordinarily worship.

CHAPTER III.

OF OFFENCES.

I. Offences are either personal or general, private or public, but all being sins against God are grounds of discipline as such.

II. Personal offences are violations of the divine law considered in the special relation of wrongs or injuries to particular individuals. General offences are heresies or immoralities, having no such relation, or considered apart from it.

III. Private offences are those which are known only to a few persons. Public offences are those which are notorious.

CHAPTER IV.

OF CHURCH-CENSURES.

I. The censures which may be inflicted by church courts are admonition, suspension, excommunication, and deposition. When a lower censure fails to reclaim the delinquent, it may become the duty of the court to proceed to the infliction of a higher censure—but the censures of excommunication and deposition shall not be inflicted by a church-session without the advice of the presbytery.

II. Admonition is the formal reproof of an offender by a church-court, warning him of his guilt and danger, and exhorting him to be more circumspect and watchful in the future.

III. Suspension, with respect to church-members, is the temporary exclusion from sealing ordinances; with respect to church officers, it is the temporary exclusion from the exercise of their office. It may be either definite or indefinite, as to its duration. Definite suspension is administered as an exemplary censure, when the credit of religion, the honor of

Christ, and the good of the delinquent demand it, even though he may have given satisfaction to the court. Indefinite suspension is the exclusion of an offender from sealing ordinances or from his office until he exhibit signs of repentance, or until by his conduct the necessity of the higher censure is made manifest. A minister may be suspended from his teaching functions, or from his ruling functions, or from both.

IV. Excommunication is the excision of an offender from the visible church. This dreadful censure is only to be inflicted on account of such gross and flagitious crimes or heresies as are accompanied with peculiar aggravations, when incorrigible offenders treat the authority of the courts of Christ's church with contempt. The design of this censure is to operate on the offender as a means of reclaiming him, to deliver the church from the scandal of his offence, and to inspire all with fear by the example of his discipline.

V. Deposition is the degradation of an officer from his office, and may or may not be accompanied with the infliction of other censure.

CHAPTER V.

OF THE PARTIES IN CASES OF PROCESS.

I. In ordinary cases, original jurisdiction in relation to ministers of the gospel pertains exclusively to the presbytery, and in relation to other churchmembers to the session. But any court may take immediate cognizance of offences committed in its presence, and the higher courts may institute process in cases in which the courts below having been enjoined to do so shall have refused to obey; but in every case such process by the higher court shall be

conducted according to the rules obligatory on the court below.

II. In the case of personal offences, the injured party can never be a prosecutor without having previously tried the means of reconciliation, and of reclaiming the offender, required by Christ. "Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone; if he shall hear thee, thou hast gained thy brother; but if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established." Matt. xviii: 15,16. A church-court, however, may judicially investigate personal offences as if general, where the interests of religion seem to demand it. So also in the case of private offences, those to whom they are known cannot become prosecutors without having previously endeavoured to remove the scandal by private means.

III. General offences may be brought before a court, either by an individual or individuals, appearing as prosecutor or prosecutors, and undertaking to substantiate the charge, or by a prosecutor appointed by the court.

IV. In cases of prosecution instituted by the court, the previous steps required by our Lord, in the case of personal offences, are not necessary. There are many cases, however, in which it will better promote the interests of religion to send a committee to converse in a private manner with the offender, and endeavor to bring him to a sense of his guilt, than to institute actual process.

V. It is the duty of all church-sessions and presbyteries to exercise a proper care over those subject to their authority; and they shall, with due diligence and great discretion, demand from such

persons satisfactory explanations concerning reports affecting their Christian character. This duty is the more imperative, when those who deem themselves aggrieved by injurious reports shall ask an investigation. If such investigation, however originating, should result in raising a strong presumption of the guilt of the party involved, the court shall promptly appoint a prosecutor to conduct the case. This prosecutor shall be a member of the court, except that, in a case before the session, he may be any communicating member of the same congregation with the accused.

VI. The original and only parties in a case of process are the accuser and the accused. This accuser is always the Presbyterian church in the United States, whose honor and purity are to be maintained. The prosecutor, whether voluntary or appointed, is always the representative of the church, and as such has all its rights in the case. In appellate courts the parties are known as appellant and appellee.

VII. Every indictment shall begin: "In the name of the Presbyterian church in the United States," and shall conclude, "against the peace, unity and purity of the church, and the honor and majesty of the Lord Jesus Christ, as the King and Head thereof." In every case the church is the injured and accusing party, *versus* the accused.

VIII. Great caution ought to be exercised in receiving accusations from any person who is known to indulge a malignant spirit towards the accused; who is not of good character; who is himself under censure or process; who is deeply interested in any respect in the conviction of the accused; or who is known to be litigious, rash, or highly imprudent.

IX. Every voluntary prosecutor shall be pre-

viously warned, that if he fail to show probable cause of the charges, he must himself be censured as a slanderer of the brethren, in proportion to the malignity or rashness that shall appear in the prosecution.

X. When a member of a church-court is under process, all his functions as a member of the court may be suspended, at its discretion, but this shall never be done in the way of censure.

XI. In the discussion of all questions arising in his own cause, the accused shall only exercise the rights of defendant, not of judge.

CHAPTER VI.

OF GENERAL PROVISIONS APPLICABLE TO ALL CASES OF PROCESS.

I. It is incumbent on every member of a court of Jesus Christ, engaged in the prosecution of offenders, constantly and prayerfully to bear in mind the inspired injunction, "If a man be overtaken in a fault, ye which are spiritual restore such an one, in the spirit of meekness, considering thyself, lest thou also be tempted."

II. Process against an offender shall not be commenced unless some person or persons undertake to make out the charge; or unless the court finds it necessary for the honor of religion, itself to investigate the charge.

III. When a charge is laid before the session or presbytery, it must be reduced to writing, and nothing further is to be done at the first meeting of the court, unless by consent of parties, than to give to the accused a full copy of the charges, with the names of the witnesses then known to support them, and to cite all parties and their witnesses to appear

and be heard at another meeting, which shall not be sooner than ten days after such citation; at which meeting of the court, the charges shall be read to the accused, if present, and he shall be called upon to say whether he be guilty or not. If he confess, the court may deal with him according to its discretion; if he plead and take issue, the trial shall proceed. Accused parties may plead in writing, when they cannot be personally present.

IV. The citation shall be issued and signed by the moderator or clerk, by order and in the name of the court; he shall also issue citations to such witnesses as the accused shall nominate to appear on his behalf.

V. In exhibiting charges, the times, places and circumstances should, if possible, be particularly stated, that the accused may have an opportunity to prove an *alibi*, or to extenuate or alleviate his offence.

VI. When an accused person refuses to obey a citation, he shall be cited a second time; and this second citation shall be accompanied with a notice that if he do not appear at the time appointed, (unless providentially hindered, which hindrance he must notify to the court), or that if he appear and refuse to plead, he shall be dealt with for his contumacy, as hereinafter provided.

VII. The time which must elapse between the first citation of an accused person and the meeting of the court at which he is to appear, is at least ten days. But the time allotted for his appearance on the subsequent citation is left to the discretion of the court, provided always, however, that it be not less than is quite sufficient for a seasonable and convenient compliance with the citation.

VIII. In case a party accused shall absent or secrete himself, so that process cannot be served on him, the court shall enter upon its record that fact, together with the nature of the offence charged, and shall suspend the accused from sealing ordinances, until he shall appear before the court, and answer to the charges against him. The sentence shall also be made public.

IX. When the offence with which an accused person stands charged took place at a distance, and it is inconvenient for the witnesses to appear before the court having jurisdiction, that court may either appoint a commission of its own body, or request the coordinate court contiguous to the place where the facts occurred, to take the testimony for it. The accused must always have notice of the time and place of the meeting of this commission.

X. When an offence, alleged to have been committed at a distance, is not likely otherwise to become known to the court having jurisdiction, it shall be the duty of the court within whose bounds the facts occurred, after satisfying itself that there is probable ground of accusation, to send notice to the court having jurisdiction, which is at once to proceed against the accused.

XI. Courts, before proceeding to trial ought to ascertain that their citations have been duly served on the persons of those cited, or delivered at their dwellings, especially before they proceed to ultimate measures for contumacy.

XII. In all process, it is expedient that there be a committee appointed, (provided the court be sufficiently numerous to admit of it without inconvenience), who shall be called "the judicial committee," and whose duty it shall be to digest and ar-

range all the papers, and to prescribe under the direction of the court the whole order of the proceedings. The members of this committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the case as members of the court.

XIII. When the trial is about to begin, it shall be the duty of the moderator solemnly to announce from the chair that the court is about to pass to the consideration of the cause assigned for judgment, and to enjoin on the members to recollect and regard their high character as judges of a court of Jesus Christ, and the solemn duty in which they are about to act.

XIV. In order that the trial may be fair and impartial, the witnesses shall be examined in the presence of the accused, or at least after he shall have received due citation to attend. Witnesses may be cross-examined by both parties, and any questions asked which are pertinent to the issue tried.

XV. In all questions arising in the progress of a trial, the discussion shall first be between the parties alone; and when they have been heard, they shall withdraw from the court, until the members deliberate upon and decide the point.

XVI. Whenever a court of first resort proceeds to the trial of a cause, the following order shall be observed: 1. The moderator shall charge the court; 2. The indictment shall be read, and the answer of the accused heard; 3. The witnesses for the prosecutor, and then those for the accused shall be examined; 4. The parties shall be heard, first the prosecutor and then the accused; 5. The members of the court shall have an opportunity of expressing their views of the case; 6. The decision shall be made and entered on record.

XVII. Pending the trial of a cause, any judge who shall express his opinion of its merits to either party, or to any person not a member of the court; or who shall absent himself from any sitting without the permission of the court, or satisfactory reason rendered, shall be thereby disqualified from taking part in the subsequent proceedings.

XVIII. The parties shall be allowed copies of the whole proceedings, at their own expense, if they demand them. Minutes of the trial shall be kept by the clerk, which shall exhibit the charges, the answer, all the testimony, and all such acts, orders and decisions of the court relating to the cause as either party may desire, and also the judgment. The clerk shall, without delay, attach together the charges, the answer, the citations and returns thereto, and the minutes herein required to be kept. These papers, when so attached, shall constitute "the record" of the cause. In case of a removal of the cause by appeal or complaint, the lower court shall transmit the record thus prepared to the higher court, with the addition of the notice of appeal or complaint, and the reasons thereof, if any, shall have been filed. Nothing which is not contained in this record shall be taken into consideration in the higher court. On the final decision of a cause in the higher court, its judgment shall be sent down to the court in which the cause originated.

XIX. No professional counsel shall be permitted as such to appear and plead in cases of process in any court; but an accused person may, if he desires it, be represented before the session by any communicating member of the same congregation; or before any other court, by any member of the court. A member of the court so employed, shall not be

allowed, after pleading the cause of the accused, to sit in judgment upon the case.

XX. Process, in case of scandal, shall commence within the space of one year after the crime was committed, unless it have recently become flagrant. It may happen, however, that a church-member may commit an offence after removing to a place far distant from his former residence, and where his connexion with the church is unknown, in consequence of which circumstances, process cannot be instituted within the time above specified. In all such cases, the recent discovery of the church-membership of the individual shall be considered as equivalent to the crime itself having recently become flagrant. The same principle also shall apply to ministers, if similar circumstances should occur.

CHAPTER VII.

SPECIAL RULES PERTAINING TO PROCESS BEFORE SESSIONS.

I. Process against all church members, other than ministers of the gospel, shall ordinarily be entered before the session of the congregation to which such members belong.

II. When an accused person, having been twice duly cited, shall refuse to appear before the session, or appearing, shall refuse to plead, the court shall enter upon its records that fact, together with the nature of the offence charged, and he shall be suspended from sealing ordinances for his contumacy. This sentence is to be made public, and shall in no case be removed until he has not only repented of his contumacy, but given satisfaction in relation to the charges against him.

III. In cases in which it may be impracticable

immediately to commence process against an accused church-member, the session may, if it think the edification of the church requires it, prevent the accused from approaching the Lord's table, until the charges against him can be examined.

IV. The session may pursue with a ruling elder or deacon, in similar cases, the course prescribed to the presbytery, relative to ministers in chapter viii, paragraph x, of these canons.

CHAPTER VIII.

SPECIAL RULES PERTAINING TO PROCESS AGAINST A MINISTER.

I. As, on the one hand, no minister ought, on account of his office, to be screened from the hand of justice, nor his offences to be slightly censured, so neither ought scandalous charges to be received against him on slight grounds.

II. If any one knows a minister to be guilty of a private censurable fault, he should warn him in private. But if the guilty person persist in his fault, or it become public, he who knows it should apply to some other minister of the presbytery for his advice in the case.

III. In all ordinary cases, process against a gospel minister shall be entered before the presbytery of which he is a member.

IV. If a minister accused of an offence, being twice duly cited, shall refuse to appear before the presbytery, he shall be immediately suspended. And if, after another citation, he still refuse to attend, he shall be deposed as contumacious, and suspended, or excommunicated from the church. Record shall be made of the judgment and of the

charges under which he was arraigned, and the sentence be made public.

V. Heresy and schism may be of such a nature as to infer deposition; but errors ought to be carefully considered, whether they strike at the vitals of religion, and are industriously spread, or whether they arise from the weakness of the human understanding, and are not likely to do much injury.

VI. If the presbytery find on trial that the matter complained of amounts to no more than such acts of infirmity as may be amended, and thus the religious public be satisfied, so that little or nothing remains to hinder the minister's usefulness, it shall take all prudent measures to remove the scandal.

VII. When the presbytery is about to proceed to the trial of a minister, and he arises and makes confession, if the matter is base and flagitious, such as drunkenness, uncleanness, or crimes of a higher nature, however penitent he may appear to the satisfaction of all, the court must, without delay, suspend him from the exercise of his office, or depose him from the ministry.

VIII. A minister suspended or deposed for scandalous conduct, shall not be restored, even on the deepest sorrow for his sin, until he shall have exhibited for a considerable time such an eminently exemplary, humble and edifying walk and conversation as shall heal the wound made by his scandal. And a deposed minister shall in no case be restored until it shall appear that the sentiments of the religious public are strongly in his favour, and demand his restoration, and then only by the court inflicting the censure, or with its consent.

IX. As soon as a minister is deposed, his congre-

gation shall be declared vacant; but when he is suspended, it shall be left to the discretion of the presbytery whether that act shall carry with it the dissolution of the pastoral relation.

X. Whenever a presbytery has strong grounds for believing that a minister has been inducted into office without divine vocation, even though he may think himself called, it shall be its duty to divest him of his office without censure, and restore him to the position of a private member. In such a case, a notice signed by the clerk, under the order of the presbytery, shall be delivered to the individual concerned, that at a given time, which shall be at least ten days subsequent, the question of his being so dealt with is to be considered. This notice shall state distinctly the grounds of this proceeding. The party thus notified shall be heard in his own defence, and if the decision pass against him, he may appeal as if he had been tried with all the usual forms. But this process shall never be used with any minister who is regularly engaged in his covenanted work.

CHAPTER IX.
OF TESTIMONY.

I. All persons of proper age and intelligence are competent witnesses, except such as do not believe in the existence of God, or a future state of rewards and punishments. The parties may be allowed, but shall not be compelled, to testify. Either party has the right to challenge a witness whom he believes to be incompetent, and the court shall examine and decide upon his competency. It belongs to the court to judge of the degree of credibility to be attached to all evidence.

II. Neither husband nor wife shall be compelled to bear testimony, the one against the other, in any court.

III. The testimony of more than one witness is necessary, in order to establish any charge; yet if circumstantial evidence conclusive of the same general charge be produced, or if several credible witnesses bear testimony to different similar acts, the offence shall be considered to be proved.

IV. No witness afterwards to be examined, except a member of the court, shall be present during the examination of another witness on the same case, unless by consent of parties.

V. To prevent confusion, witnesses shall be examined, first by the party introducing them; then cross-examined by the opposite party; after which any member of the court, or either party, may put additional interrogatories. But no question shall be put or answered, except by permission of the moderator, subject to an appeal to the court; and the court shall not permit questions frivolous or irrelevant to the charge at issue.

VI. The oath or affirmation to a witness shall be administered by the moderator in the following or like terms: "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 it to the great Judge of quick and dead." If, however, at any time a witness should present himself before a court, who, for conscientious reasons, prefers to swear or affirm in any other manner, he shall be allowed to do so.

VII. Every question put to a witness shall, if required, be reduced to writing. When answered, it shall, together with the answer, be recorded, if deemed by either party of sufficient importance.

VIII. The records of a court, or any part of them, whether original or transcribed, if regularly authenticated by the moderator and clerk, or either of them, shall be deemed good and sufficient evidence in every other court.

IX. 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.

X. Cases may arise in which it is not convenient for a court to have the whole or perhaps any part of the testimony in a particular cause taken in its presence. In this case commissioners shall be appointed to take the testimony in question, which shall be considered as if taken in the presence of the court; of which commission, and of the time and place of its meeting, due notice shall be given to the opposite party, that he may have an opportunity of attending. And if the accused shall desire on his part to take testimony at a distance, for his own exculpation, he shall give notice to the court of the time and place when it is proposed to take it, that a commission, as in the former case, may be appointed for the purpose.

XI. A member of the court shall not be disqualified from sitting as a judge by having given testimony in the case.

XII. A member of the church refusing to testify may be censured for contumacy.

XIII. The testimony given by witnesses must be faithfully recorded and read to them, for their approbation or subscription.

XIV. If after a trial before any court new testimony be discovered, which is supposed to be highly important to the exculpation of the accused, it is proper for him to ask, and for the court to grant, a new trial.

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

CHAPTER X.

OF THE INFLICTION OF CHURCH CENSURES.

I. Ecclesiastical censures ought to be suited to the nature of the offence: for private offences censures in the presence of the court alone, or privately, by one or more members on its behalf; but for public offences censures in open session, or the public intimation of the censure. In cases where there are peculiar and special reasons, the courts may visit public offences, not very gross in their character, with private admonition, or with definite suspension in private; but the censure of indefinite suspension shall always be intimated to the congregation, whilst those of excommunication and deposition must be either administered before the congregation, or else intimated to the same, at the discretion of the court.

II. When any member or officer of the church shall be guilty of a fault deserving censure, the court shall proceed with all tenderness, and shall deal with its offending brother in the spirit of meekness, the members considering themselves, lest they also be tempted.

III. The censure of admonition ought to be administered in private by one or more members in behalf of the court when the offence is not aggravated, and is known only to a few. When the scandal is public, the admonition must be administered by the moderator in the presence of the court, and ordinarily must also be intimated in public.

IV. Definite suspension being an exemplary censure, ought ordinarily to be either administered in open session, or intimated to the congregation.

V. The censure of indefinite suspension ought to be inflicted with great solemnity, that it may be the means of impressing the mind of the delinquent with a proper sense of his danger while he stands excluded from the sacraments of the church of the living God, and that with the divine blessing it may lead him to repentance. When the court has resolved to pass this sentence, the moderator shall address the offending brother to the following purpose:

“Whereas, you, A. B., (here describe the person as a minister, ruling elder, deacon, or private member of the Church,) are convicted by sufficient proof, [or are guilty by your own confession,] of the sin of (here insert the offence,) we, the presbytery [or church session] of C. D., in the name and by the authority of the Lord Jesus Christ, do now declare you suspended from the sacraments of the church [and from the exercise of your office, or any of the functions thereof,] until you give satisfactory evidence of the sincerity of your repentance.

To this shall be added such advice or admonition as may be judged necessary, and the whole shall be concluded with prayer to Almighty God that he would follow this act of discipline with his blessing.

VI. When the sentence of excommunication has been regularly passed, the moderator of the session shall make a public statement before the congregation of the several steps which have been taken with respect to their offending brother, and inform them that it has been found necessary to cut him off from the visible church. He shall then show the authority of the church to cast out unworthy members, from Matt. xviii: 15-18, and 1 Cor. v: 1-5, and shall explain the nature, use, and consequence of this censure, warning the people that they are to conduct themselves in all their intercourse with him, as is proper towards one who is under the heaviest censure of the Church. He shall then pronounce sentence to the following effect:

“Whereas, A. B., a member of this congregation, hath been, by sufficient proof, convicted of the sin of———, and, after much admonition and prayer, obstinately refuseth to hear the church, and hath manifested no evidence of repentance: Therefore, in the dreadful name and by the authority of the Lord Jesus Christ, we, the session of the congregation of C. D., do pronounce him to be excluded from the sacraments, and cut off from the fellowship of the church.”

After which, prayer shall be made that the blessing of God may follow his ordinance, for the conviction and reformation of the excommunicated, and for the establishment of all true believers.

VII. The sentence of deposition shall be pronounced by the moderator in words of the following import:

“Whereas, A. B., a minister of this presbytery [or, a ruling elder or deacon of this congregation,] has been proved by sufficient evidence to be guilty

of the sin of _____, we, the Presbytery, [or church-session,] of C. D., do adjudge him totally disqualified for the office of the Christian ministry, [or, eldership or deaconship,] and therefore we do hereby, in the name and by the authority of the Lord Jesus Christ, depose from the office and degrade from the rank of a Christian minister [or, elder or deacon,] the said A. B., and do prohibit him from exercising his office or any of the functions thereof. (If the sentence include suspension or excommunication, the moderator shall proceed to say,) We do, moreover, in the same Venerable Name, suspend the said A. B. from the sacraments of the church until he shall exhibit satisfactory evidence of sincere repentance, [or, exclude the said A. B. from the sacraments, and cut him off from the fellowship of the church.]”

The sentence of deposition ought to be inflicted with solemnities similar to those already prescribed in the case of excommunication.

CHAPTER XI.

OF THE REMOVAL OF CENSURES.

I. After any person hath been suspended from the sacraments, it is proper that the rulers of the church should frequently converse with him as well as pray with him in private, that it would please God to give him repentance. And it may be requisite likewise, particularly on days preparatory to the dispensing of the Lord's Supper, that the prayers of the congregation be offered up for those unhappy persons who, by their wickedness, have shut themselves out from this holy communion.

II. When the court shall be satisfied as to the reality of the repentance of an offender, he shall be

admitted to profess his repentance, either in the presence of the court alone, or publicly, according to the manner in which the sentence had been inflicted, and be restored to the sacraments of the church, which restoration shall be declared to the penitent in the words of the following import:

Whereas, you, A. B., have been debarred from the sacraments of the church [and from the office of the gospel ministry, or eldership or deaconship,] but have now manifested such repentance as satisfies the church, we, the session [or presbytery] of C. D., do hereby, in the name and by the authority of the Lord Jesus Christ, absolve you from the said sentence of suspension, and do restore you to the full enjoyment of sealing ordinances [and to the exercise of your said office, and all the functions thereof.]”

After which there shall be prayer and thanksgiving.

III. When any one who hath been excommunicated shall be so affected with his state as to be brought to repentance, and to desire to be readmitted to the privileges of the church, the session having obtained sufficient evidence of his sincere penitence shall, with the advice and concurrence of the presbytery, proceed to restore him, requiring him to make public confession. In order to which, the moderating minister shall inform the congregation of the measures which have been taken with the excommunicated person, and of the resolution of the session to receive him again to the communion of the church.

On the day appointed for his restoration, when the other parts of divine service are ended, before pronouncing the blessing, the minister shall call

upon the excommunicated person, and propose to him, in the presence of the congregation, the following questions:

“Do you, from a deep sense of your great wickedness, freely confess your sin in thus rebelling against God and in refusing to hear his church; and do you acknowledge that you have been in justice and mercy cut off from the communion of the church? *Answer*—I do. Do you now voluntarily profess your sincere repentance and contrition for your sin and obstinacy; and do you humbly ask the forgiveness of God and of his church? *Answer*—I do. Do you sincerely promise, through divine grace, to live in all humbleness of mind and circumspection; and to endeavour to adorn the doctrine of God our Saviour by having your conversation as becometh the gospel? *Answer*—I do.”

Here the minister shall give the penitent a suitable exhortation, addressing him in the bowels of brotherly love, encouraging and comforting him. Then he shall pronounce the sentence of restoration in the following words:

“Whereas you, A. B., have been shut out from the communion of the church, but have now manifested such repentance as satisfies the church: in the name of the Lord Jesus Christ, and by his authority, we, the session of this congregation, do declare you absolved from the sentence of excommunication formerly denounced against you; and we do restore you to the communion of the church, that you may be a partaker of all the benefits of the Lord Jesus to your eternal salvation.”

The whole shall be concluded with prayer and thanksgiving, and the people dismissed with the usual blessing.

IV. The restoration of a deposed officer, after public confession has been made in a manner similar to that prescribed in the case of the removal of censure from an excommunicated person, shall be announced to him by the moderator in the following form, viz:

“Whereas, you, A. B., formerly a minister of this presbytery, [or a ruling elder or deacon of this congregation,] have been deposed from your office, but have now manifested such repentance as satisfies the church; in the name of the Lord Jesus Christ and by his authority, we, the presbytery of C. D., [or the session of this congregation,] do declare you absolved from the said sentence of deposition formerly inflicted upon you; and we do furthermore, in the same Venerable Name, restore you to your said office, and to the exercise of all the functions thereof, wherever you may be orderly called thereto.”

After which there shall be prayer and thanksgiving, and the members of the court shall extend to him the right hand of fellowship.

V. When the censure of excommunication or deposition has been inflicted by a church-session, it cannot be removed without the advice of the presbytery. Nor, even after an elder or deacon has been absolved of the censure of deposition, can he be allowed to resume the exercise of his office in the congregation without the consent of the people.

VI. When a person under censure shall remove to a part of the country remote from the court by which he was sentenced, and shall desire to profess repentance and obtain restoration, it shall be lawful for the court, if it deems it expedient, to transmit a certified copy of its proceedings to the session (or

presbytery) where the delinquent resides, which shall take up the case, and proceed with it as though it had originated with itself.

VII. In proceeding to restore a suspended or deposed minister, it is the duty of the presbytery to exercise great caution; first admitting him to the sacraments, afterwards granting him the privilege of preaching for a season on probation, so as to test the sincerity of his repentance and the prospect of his usefulness; and finally restoring him to his office. But the case shall always be *sub judice* until the sentence of restoration has been pronounced.

CHAPTER XII.

OF CASES WITHOUT PROCESS.

I. In cases in which any person commits an offence in the presence of the court, or comes forward and makes known his offence to the court, a full statement of the facts shall be recorded, and judgment rendered without process, the offender always having the privilege of being heard. Should the sentence be appealed from, some member or members of the court shall be appointed to represent the appellee in the case.

II. When a communicating member shall confess before the church-session an unregenerate heart, and there is no evidence of other offence, the court may debar him, for his sin of unbelief, from the Lord's table, until repentance, and shall publish this sentence to the congregation. His name shall thereupon be transferred to the roll of non-communicating members, with whom he shall then be faithfully warned of his guilt in disobeying the gospel, and encouraged to seek the redemption freely offered in Christ. But this action may not be

taken until the church-session has ascertained, after mature inquiry and due delay, that this confession does not result from Satanic temptation or transient darkness of spirit. This rule shall not, however, be applied to the case of those who willfully absent themselves from the Lord's table, which is always an offence.

III. Whenever any minister, against whom there is no charge, is fully satisfied in his own conscience that God has not called him to the ministry, and there is satisfactory evidence of his want of acceptance to the church, if the presbytery, after full deliberation, concur with him in judgment, it may divest him of his office without censure, and he shall resume the position of a private member. This rule shall apply, *mutatis mutandis*, to the case of ruling elders and deacons.

IV. When a member or officer renounces the communion of this church by joining an evangelical church, if in good standing, the irregularity shall be recorded, and his name erased. But if charges are pending against him, they may be prosecuted. If the denomination be heretical, an officer may be suspended, excommunicated, or deposed without trial; but a private member shall not be otherwise noticed than as above prescribed.

CHAPTER XIII.

OF THE MODES IN WHICH A CAUSE MAY BE CARRIED FROM A LOWER TO A HIGHER COURT.

I. Every kind of decision which is formed in any church-court, except the highest, is subject to the review, and liable to the censure of a superior court, and may be carried before it in one or other of the four following ways, to wit: general review and control, reference, appeal, or complaint.

II. When a matter is transferred in any of these ways from an inferior to a superior court, the members of the inferior shall not lose their right to sit, deliberate and vote in the case in the higher courts, except that either of the original parties may challenge the right of any members of the inferior court to sit, which question shall be decided by the vote of all those members of the superior court, who are not members of the inferior.

Section I.—Of General Review and Control.

I. It is the duty of every court above a church-session, at least once a year, to review the records of the proceedings of the court next below. And if any lower court shall omit to send up its records for this purpose, the higher may issue an order to produce them, either immediately, or at a particular time, as circumstances may require.

II. In reviewing the records of an inferior court, it is proper to examine, *First*, Whether the proceedings have been constitutional and regular; *Secondly*, Whether they have been wise, equitable, and for the edification of the church; *Thirdly*, Whether they have been correctly recorded; *Fourthly*, Whether the injunctions of the superior courts have been obeyed.

III. In most cases the superior court may be considered as fulfilling its duty, by simply recording on its own minutes the animadversion, the correction of proceedings, or the censure which it may think proper to pass on the records under review; and also by making an entry of the same in the book reviewed. But it may be that, in the course of review, cases of irregular proceedings may be found so disreputable and injurious as to demand the interference of the superior court. In cases of

this kind, the inferior court may be required to review and correct its proceedings.

IV. In cases of process, however, no sentence of an inferior court shall be reversed, unless it be regularly brought up by appeal or complaint.

V. Courts may sometimes entirely neglect to perform their duty, by which neglect heretical opinions or corrupt practices may be allowed to gain ground; or offenders of a very gross character may be suffered to escape; or some circumstances in their proceedings, of very great irregularity, may not be distinctly recorded by them; in any of which cases their records will by no means exhibit to the superior court a full view of their proceedings. If, therefore, the superior court be well advised that such neglects or irregularities have occurred on the part of the inferior court, it is incumbent on it to take cognizance of the same, and to examine, deliberate and judge in the whole matter as completely as if it had been recorded, and thus brought up by the review of the records.

VI. When any court having appellate jurisdiction shall be advised, either by the records of a lower court or by memorial (either with or without protest), or by any other satisfactory method, of any important delinquency or grossly unconstitutional proceedings, the first step to be taken is to cite the court alleged to have offended, to appear by representative or in writing, at a specified time and place, and to show what it has done or failed to do in the case in question. The court thus issuing the citation may reverse or redress the proceedings of the court below in other than judicial cases; or it may censure the delinquent court; or in case of heresy or other gross offence, it may dissolve that court,

assigning the members thereof to the jurisdiction of other co-ordinate courts; or it may remit the whole matter to the delinquent court, with an injunction to take it up and dispose of it in a constitutional manner; or it may stay all further proceedings in the case, as circumstances may require.

VII. In process against an inferior court, being a body ecclesiastic, the trial shall be conducted according to the rules provided for process against individuals, so far as they may be applicable.

Section II.—Of References.

I. A reference is a representation made by an inferior court to a superior, of a matter not yet decided, which representation ought always to be in writing.

II. Cases which are new, important, difficult, or of peculiar delicacy; the decision of which may establish principles or precedents of extensive influence; on which the sentiments of the inferior court are greatly divided; or on which, for any reason, it is highly desirable that a larger body should first decide, are proper subjects of reference.

III. References are either for mere advice, preparatory to a decision by the inferior court; or for ultimate decision by the superior.

IV. In the former case, the reference only suspends the decision of the court from which it comes; in the latter case, it totally relinquishes the decision, and submits the whole case to the final judgment of the superior court.

V. Although references may in some cases, as before stated, be highly proper, yet it is, generally speaking, more conducive to the public good that each court should fulfil its duty by exercising its judgment.

VI. A reference ought, generally, to procure advice from the superior court; yet that court is not bound to give a final judgment in the case, but may remit the whole case either with or without advice back to the court by which it was referred.

VII. References are generally to be carried to the court immediately superior.

VIII. In cases of reference, the court referring ought to have all the testimony and other documents duly prepared, produced, and in perfect readiness, so that the superior court may be able to consider and issue the case with as little difficulty or delay as possible.

Section III.—Of Appeals.

I. An appeal is the removal of a cause already decided, from an inferior to a superior court, the peculiar effect of which is to arrest sentence until the matter is finally decided. It is allowable only in cases where judgment has been rendered, and to the party against whom it has been rendered.

II. In cases of judicial process, those who have not submitted to a regular trial are not entitled to appeal.

III. Any irregularity in the proceedings of the inferior court; a refusal of reasonable indulgence to a party on trial; declining to receive important testimony; hurrying to a decision before the testimony is fully taken; a manifestation of prejudice in the case; and mistake or injustice in the decision, are all proper grounds of appeal.

IV. Every appellant is bound to give notice of his intention to appeal, and also to lay the reason thereof in writing before the court appealed from, either before its rising or within ten days thereafter. If this notice or these reasons be not given

to the court while in session, they shall be lodged with the moderator or clerk.

V. Appeals are generally to be carried in regular gradation from an inferior court to the one immediately superior.

VI. The appellant shall lodge his appeal and the reasons of it with the clerk of the higher court before the close of the second day of its session; and the appearance of the appellant and appellee shall be either personal or in writing.

VII. In taking up an appeal in judicial cases, after ascertaining that the appellant on his part has conducted it regularly, the first step shall be to read the "record" in the case; the second, to hear the parties, first the appellant, then the appellee; thirdly, the roll shall be called, and the final vote taken.

VIII. The decision may be either to confirm or reverse, in whole or in part, the decision of the inferior court; or to remit the cause for the purpose of mending the record, should it appear to be incorrect or defective; or for a new trial.

IX. If an appellant, after entering his appeal to a superior court, fail to prosecute it, it shall be considered as abandoned, and the sentence appealed from shall be final. And an appellant shall be considered as abandoning his appeal, if he do not appear before the court appealed to by the second day of its meeting next ensuing the date of his notice of appeal, except in cases in which it shall appear that he was prevented from seasonably prosecuting his appeal by the providence of God.

X. If an appellant is found to manifest a litigious or other unchristian spirit in the prosecution of his appeal, he shall be censured according to the degree of his offence.

XI. If a sentence of suspension or of 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.

XII. If any court shall neglect to send up the record of the case, especially if thereby an appellant, who has proceeded with regularity on his part, is deprived of the privilege of having his appeal seasonably issued, such court shall be censured according to the circumstances of the case, and the sentence appealed from shall be suspended until the record is produced, upon which the issue can be fairly tried.

Section IV.—Of Complaints.

I. A complaint is a representation made to a superior against an inferior court. Any member of the church, submitting to its authority, may complain against every species of decision, except where a party, against whom a judgment has been rendered, takes his appeal against it. But the complaint shall not suspend, while pending, the effect of the decision complained of.

II. Notice of complaint shall be given in the same form and time as notice of appeal.

III. The parties to a complaint shall be denominated complainant and respondent; and the latter shall be the court against which the complaint is taken. After the superior court has ascertained that the complaint is regular, its first step shall be to read the record of the case; its second to hear the complainant; its third to hear the respondent by its representative; and then it shall consider and decide the case.

IV. The superior court has discretionary power

either to annul any portion or the whole of the decision complained of, or to send it back to the inferior court with instructions for a new hearing.

V. The court against which complaint is taken, is bound to send up its record in the case, as heretofore provided.

CHAPTER XIV.

OF DISSENTS AND PROTESTS.

I. A dissent is a declaration on the part of one or more members of a minority in a court, expressing a different opinion from that of the majority in a particular case. A dissent unaccompanied with reasons is always entered on the records of the court.

II. A protest is a more solemn and formal declaration by members of a minority bearing their testimony against what they deem a **mschievous** or erroneous judgment, and is generally accompanied with a detail of the reasons on which it is founded.

III. If a protest or dissent be couched in decent language, and is respectful to the court, it must be recorded; and the court may, if deemed necessary, put an answer to the protest on the records along with it. But here the matter must end, unless the protestors obtain permission to withdraw their protest absolutely, or for the sake of amendment.

IV. None can join in a protest against a decision of any court, excepting those who had a right to vote in said decision.

CHAPTER XV.

OF JURISDICTION.

I. When any member shall remove from one congregation to another, he shall produce satisfactory

testimonials of his church-membership and dismissal before he be admitted as a regular member of that congregation, unless said congregation has other satisfactory means of information.

II. In case a church-member or officer shall remove his residence beyond the bounds of the court to which he belongs into another, if he shall neglect for twelve months, without satisfactory reasons given to both these courts, to transfer his ecclesiastical relations, the court, whose bounds he has left, shall be required to transfer the same. And should that court neglect this duty, the one into whose bounds he has removed shall assume jurisdiction, giving due notice to the other body.

III. Members of one congregation dismissed to join another shall be held to be under the jurisdiction of the congregation dismissing them, till they form a regular connexion with that to which they have been dismissed.

IV. The church being a commonwealth, the privileges and obligations of its members attach to them wherever they may go. Hence any court, cognizant of gross and scandalous offences against morals committed by a church-member or officer in the midst of the community surrounding it, is bound to institute process, take the testimony, and forward it to the court having jurisdiction of the delinquent member or officer.

V. Communicating members, if their residence be unknown for three years, shall be held to be suspended members until they give satisfaction; of which due record shall be made.

VI. Should the conduct of such members meanwhile be known to the Session, on satisfactory grounds, to have been inconsistent with a Christian

profession, and should uncertain or distant residence render the institution of a prosecution virtually impracticable, they shall be suspended from the communion of the church until proper satisfaction shall be given in their case.

VII. When a presbytery dismisses a minister, probationer or candidate, the name of the presbytery to which he is dismissed shall always be given in the certificate, and he shall remain under the jurisdiction of the presbytery dismissing him, until received by the other.

VIII. No certificate of dismissal from either a session or a presbytery shall be valid for a longer period than one year, unless its earlier presentation be hindered by some providential cause; and such papers given to their bearers, after they have left the bounds of the session or presbytery giving them, shall only certify the standing of such persons up to the time of leaving those bounds.

IX. Offences committed by members during the interval between receiving and presenting certificates, or between leaving one congregation or presbytery, and offering themselves for reception by another, shall be made cases of process by the court within whose bounds the facts have occurred. But if such offences have not come to light until the new relation has been formed, the duty of discipline shall devolve on the new body.