

Speak what he pleases. When the Debate is over, it is put to the vote and carried by the Majority.

Matters of weight that bind the whole Church are first brought in by way of overtures, and then debated in the house. After, which, if approved, they are transmitted to every Presbytery in Scotland, who return their answers by their Commissioners to the Next Assembly. Who, according as they find them approved or disallowed, by the Presbyteries, pass them into Acts of Assembly or reject them.

Every Assembly the Acts of the provincial Synods are inspected, as they had before inspected the proceedings of the Presbyteries.

The assembly after their business is done, Name a standing Commission of Ministers and Ruling Elders out of every Synod to attend the Affairs of the Church at the Next Assembly meets.

When the Assembly are to Dissolve, the Moderator tells them it is time to Dissolve themselves, and appoint another Assembly in the Name of their Master the Lord Jesus Christ. Then he speaks to the Kings Commissioners in the Name of the Assembly, who return answer and Dissolve them in the Kings Name, and fixes the time and place of the Next Assembly within Year and day after Dissolution of the old one.

Capit. 5. Of Commissions of the Church.

The Commission of the Church (of whom 21 is a quorum and of those 15 must be Ministers) sit down the full day after the Assembly, Right, and the Moderator of the assembly presides therein if present. They have the Power of an Assembly in all Matters ~~Relating~~ to them from its End often are Expressly Impowered to Act in every thing that may be for the good of the Church. This Commission is Accountable to the Next General Assembly who Examine their books.

Capit. 6. Concerning the Method of Discipline in the Church of Scotland.

If a scandal is not noticed in five Years, no proof can

Can be formed upon it; but the Conscience of the offender ought to be dealt with in private to bring him to a sense of his sin and Duty. No Church Jurisdiction can take any person living without their bounds, but may desire the Jurisdiction under which such person lives, to cause him to appear before the other to answer what is there to be charged upon him.

Persons or parties concerned in causes depending within the parish, must be cited on 48 Hours; and if the cause be tried in the first Instance, cannot be declared Contumacious for not appearing, till they have been three times cited either personally or at their Dwelling houses; but in the case of a Reference or Appeal, where they had actually appeared already before an inferior court, a Citation apud Acta suffices. Contumacy, if not obeyed, without a sufficient Excuse.

In process where there is no formal Complainant, there is no Need of Accusers or Informers, but the party is peremptory to answer to the Questions put to him by the Court: but then if he be acquitted, the Court ought to Compose the Informers for Calumny and Imprudence.

Witnesses if they refuse to appear after three Citations, may be proceeded against as Contumacious, or after the first or second Citation application may be made to the Civil Magistrate to oblige them to appear, Formosa v. cap. 259. Act ii. 1707. But yet a Presbytery having applied to the Lord of Session desiring that letters of horning might be directed against contumacious who had been cited as witnesses before them and did not appear: the Lord Comrissers to do it. In respect letters of horning ought not to be issued forth except by Consent of parties, or by Warrant of Act of Parliament, as appears from the Act ordaining horning to be directed upon the Decrets of Sheriff Admirals and Commissaries etc. 12 Feb. 1675 Presbytery of Dundee supplicants observed by Dirlston. The Informer may be a witness where he doth not formally Complain for his own Interest, or where there are no pregnant presumptions of Malice in the Accusation.

If Relevant grounds of Exculpation are offered by the party accused before witnesses are Examined against him, he is allowed to Cite witnesses to clear his Innocence, and if the Exculpation be fully proved, he must be acquitted. But