

But after witnesses are once sworn upon the accusation, there is no room for Cavillation.

If an Unmarried Woman with Child will not Declare the father, the Kirk session may pronounce her Contumacious. If she Charge a Man as father to her Child who Denies and still persists to deny, while at the same time he lies under violent presumptions of Guilty, the presbytery may allow him to purge himself by oath before the Kirk session the presbytery or the congregation of his not having had any Carnal Dealing with the woman who accuses him. When this is done, if the woman will Name no body else as the father of her Child, she is to be Confused according to the Quality of her offence, without Naming the person Declared by her. If the woman own she was not forced and Declares she knows not the Man she had Dealing with, or who her Child was married or not; she is to be Confused as an Adulteress. Where two persons guilty of Unchastity together live in different parishes, Confusion are to be past where the woman lives, or where the scandal is most notorious.

Proceeds for gross scandals, tho' they begin at the Kirk session, are not Determined there, all they do is to persuade the accused person to satisfy the Church by Confession, which being done, they Refer the case and send an Extract of their procedure to the Presbytery. When there is no Confession, the Kirk session are, without Examining into the Merits of the Cause, to Refer the Matter to the Presbytery. And if the presbytery order them to take trial of the Matter, the proof is to be laid before the Presbytery, who then may inflict what Confusion they please. Proceedings against Ministers begin always before their Presbyteries, and are carried on with all Caution and tenderness. Ministers are, according to the Degree of their offence, sometimes only suspended ab officio, sometimes ab officio & Benefices, and sometimes Deposed. When a Minister is Deposed, the person is immediately Intimated in the congregation and the Church Declared Vacant, and the planting thereof hasten'd without any Delay in Expectation of his being Repaired, it not being probable, that he would do any good for the future. Nor is he restored to the Exercise of his Ministry, till he has given full and long proofs of the Sincerity of his Repentance.

If persons under proof for scandal Abscond and do not Appear after Citation, they should be first cited from the pulpits of their own parishes, and then by order of the Presbytery from every Pulpit of their bounds; and if they do not at last Appear, they are to be Declared fugitives from Church Discipline.

Persons guilty of scandal are ordinarily for the first offence admonished only in Private by the Minister or an Elder, for the second and Judicially rebuked by the Kirk session, who, if no Amendment follow thereupon, ought to proceed to the sentence of Lesser Excommunication, which is an Exclusion from the Communion of the Lords Supper.

If persons continue under the Lesser Excommunication a considerable time, and be found frequently to Relapse into the Vices they were Confused for, it may be Confirmed such a Degree of Contumacy as may Merit the Greater Excommunication, or a Solowing over to Satan, which the Presbytery may inflict or not as they Judge convenient. Sentence of the Greater Excommunication passed in the Presbytery, who command the Minister of the Parish where the offender Dwells, to publish it upon a certain Sunday after sermon. Which being done, the people are Exorted not to hold Unnecessary Communion with the Excommunicate person. But this Excommunication Dissolves no Civil or Natural Rights, no does it Exempt from the Duties belonging to them. Again, no Civil penalty is Incur'd by the Confusion of the Church; all the severe laws against Excommunicate persons formerly in force, being now Repealed. Vid. Vol. 1 pag. 159. Sentence of the Higher Excommunication is taken off upon the parties showing Real signs of Repentance by a sentence of Absolution, which is Expressly Intimated where ever the sentence of Excommunication had been published.

When the Ecclesiastick Discipline and highest Confines proves Ineffectual for purging out Errors Heresies, Schisms, and scandals tending to Disturbance of the Church, it is Necessary to call in Aid the Civil Magistrate, who ought to use his Coercive power for suppressing such offences, and Vindicating the Discipline of the Church from Contempt.

Appeal from the sentence of any Church Jurisdiction must