with the Ministers Consent; that there is a variation between the Act & Intimation; — There is always an Act of Ct leading a Monition with Intimation; the 4th Obj: is, that there is alledged in the Intimation what is not in the Act of Ct; the Grounds therefore are irregular & false.— The Order is, that a Church Rate be made for the Reparations of the Roof, & of the Church, of 6pence in the Pound.

Dawson bequeathd 100l for a Set of Chimes of Bells, to play the old Windsor Tune

It dont appear the Chimes were purchased with the Consent of the Minister & Vestry — There shd have been an Order of Vestry to lead the Application for a Faculty

Dr Calvert.... It is alledged by Cumberlege, that the Ministers presence is not by Law necessary, but that the Majority of ye Parishrs in Vestry bind the rest; that the Parishrs & Vicar approved of sitting up the Chimes, by subscribing £40 for ye deficiency, & agreed to accept of Mr Dawsons donation, for that purpose left to the Senior Churchwarden; that Jenner has not alledged any thing proper for a Protest, & that Mr Wilson shd have appeard by his Proctor on the Return of the Citation, & have given an Allon pleading these Matters — Jenner insists, that tho, a majority might conclude, yet the Parish had no right to set up Chimes without ye Consent of the Ordinary, it could not be legally done without a Faculty — he submits, no new Matter or Exhibits can be now brought in by Cumberlege, nor is it necessary to object to the Jurisdiction — That his Party being a Pshr is by the Citation called into Judgement, & is not a voluntary Party; that these Repairs are not necessary — The Order of Vestry, is, for repairing the Roof of the Church, & doing other necessary Repairs, surveyd by the City Surveyor Mr Dance —

Dr Harris ..... The Objection is to the Intimation, wch if wrong, all the rest falls of course; viz, there is no Vestry Act, wherein there is any Agreement for Chimes — If a Citation cannot be altered an Intimation, wch is one, cannot be mended, & so this matter cannot be admitted —

Dr Wynn ..... The Objection taken by Dr Harris, is,

We do not desire to mend the Intimation, but to contradict what they state in their Act, viz. That there was no Order — We want to shew there was the Consent of the Parishioners wch is proved by the Subscription —

Dr Betteswort. Judge allowd an Affidt of the Vestry Clerk to be read to ascertain the Order of Vestry — That Mr Dawsons was agreed to in Vestry — The Subscription Paper lid by the Vestry Clerk's Affidavit, "That we the Subscribers agree to make "good the Deficiency towards making up the necessary Bells &c. "9th of July 1765"

Dr Harris..... There are 2 Sorts of Protests; one to the Jurisdiction, the other to the Suit; this is to the Proceedings; he may protest because he is cited, & all Persons who are cited may object to the Proceedings, as well as to the Judge; Ours is to the Intimation, Mr Wilson does not mean to proceed vexatiously, but says the Vestry was obtained unduly & clandestinely; the Intimation shd be new, then the Ch: Wns may cool in their fondness for Chimes — The Intimation is constantly built upon the Evidence brought before the Judge for the Reading it: Every Alteration made in the Church, requires the Vicars Consent; it is the House of God; the Gods Vicegerent; they might repair the Walls all round without the Consent of the Vicar or Ordinary, wch go together; they bring no Evidence of the Vicars subsequent Consent — no Act of Vestry leading the Ct. Act, & the Intimation; every thing in the Intimation

is copied in the Sentence — the Record wd be false; it recites that in the Vestry it was agreed, there shd be an application for a Faculty, nay, they do the thing before application —

Dr Calvert.... The design of the Intimation, was, to lead the Ct grant of a faculty — the Opinion of the Pshrs that the Chimes &c were improper; & to save expence, resolved that Mr Wilson, as Overseer, was the properest to appear in Judgement — 2 Sort of Protest — he does not object to his being improperly before the Ct, as not domiciled, but any thing in Bar may be made matter of Protest; our Prayer is that the Intimation may be dismissd; the Law says, no Alteration shall be made in the Church without the Vicar; he has a freehold in the Church, the Ct never orders any thing in the Church without his Consent, as in the Case of a Monument, a Certificate thereof is given in; the not obtaining his Consent is a fatal Error; you wd confirm what they have done, without your Consent, that of the Minister or Pshrs all shd appear on the face of the Intimation else the Error wd be fatal; It is in the Act alledged, to be sped before you, but it was sped before Dr Mackam — all Errors are by Mistake — The Vestry Act does not say a word of suspending the Chimes, till a Faculty obtained; if you think the Objection well founded to the Intimation, you will I hope dismiss my Client that we may have an Opportunity to take the Sense of the Parish

Dr Wynn.... This Person is cited only in general with the rest of the Pshrs he comes voluntarily, not being particularly cited, & comes in without any purpose — There are some general Objections offerd, viz, that the Proceedings do not appear to have the Consent of the Vicar, & it is insisted on, that all Repairs, Alterations in the Church require your Consent: as to Repairs it is impossible, whatever may be in Alterations, the Dr quoted no Law — from the Estimate the Repairs appear quite necessary, & merely such wch the Ch: Wns cd do, without consulting any one Person in the Parish; they are elected for that Purpose; the Parishrs Consent devolves on them by the Election — The Parish must consent because they are to contribute; the Ordinarys Licence is proper, because he is the Judge; as to Monuments they being held Freehold, & as to other Cases, the Ministers Consent may be requisite; In Edmonton & Staines the Vicar was held to be only as one of the Parishrs — If the Consent of the Parish was to lead the Intimation, to what purpose is it issued? it is only to know wh they will consent or not; ex abundanti cautela they may exhibit their Consent, previous thereto; Another Objn relied on, more than I shd imagine, is, the Variation between you, & your Surrogate; Your Surrogate did it in a regular manner; the Ct will not record such a Mistake; such an Alteration may be allowd us — I will instance the Case of a Sentence in the Prerog: Ct. before Sir Geo, Lee, It was Aylesbury in Bucks — the Name of the Judge was at the head of the Process, & it was subscribed by ye Surrogate,

There might be an Order of Vestry, & a verbal Direction given by the Parishrs to the Ch: Wns to apply; tho, repairs may be made without a Licence, yet it is generally proper, where material —

That a Faculty shd be applied for; respect the Alterations, The Vestry only agree to make a Rate for the Chimes, not that they shd be done, before the Faculty was obtained — From what appears, the Orders of Vestry are quite fair; the Vicar is particularly named in the Intimation, he made no Objection, & Mr Wilson has no reason to make any —

Dr Betteswort. Judge..... In this Case Intimation was taken out agt the Vicar &c to shew cause why a faculty shd not be granted for some Alterations? to this Mr Wilson a Parishioner, & Overseer appears under Protest, not to ye Jurisdiction, but to an Error in the Proceedings, because ye Vicar did not consent, & ye Intimation states it to be before ye Judge & not before his Surrogate as it really was — I know no Law wch requires the Minister's express