burthen to a Successor in less affluent circumstances; I hope you will think we are not improper now, for by your present Determination the Suite is at an End; if you shd doubt the fact of a Part being letting Tenements as we alledge, we can ascertain it by sev: Persons at Rochester; whom I apprehend we may compel to be examined on Interrog: or as the Ct shall think fit, without a Plea ..

Dr Harris .... We gave a Libel for Dilapidations, with Estimates annexd; Mr Hardys amounted to 156 £ Harrisons to 1380. 16. Gosling objected & prayd a Commission of Review by Clergymen, wch was rejected; but they had a Surveyor, whose Estimate amounts to £ 883. 8. 0. wch Sum has accordingly been tendered, but refused by us, who offerd to divide the Difference, between their Tender & our lowest Estimate, wch being 248. 13. 6. £ added to their Tender, amounts to 1132. 5. 6 is the Sum we have offerd to accept — Gosling says his Client is ready to pay to the full what is due but not more, than by Law he ought; The Objection made is, that both in Harrison's & Hardy's Estimates there is a Charge of 600 £ for rebuilding the old Deanery House — They in their Estimates say, there is no Occasion to rebuild it; that by the old Windows, they are led to believe, the old Deanery, was formerly the Residence of the Deans, but that it ceased to be so when the new Deanery was built ao: 1741 & that about 200 £ will be sufficient to put it into repair for Tenants; It is very extraordinary for any Article of an Estimate to be so expressd the Ld: is wh: the old Deanery is part of the Deanery House, or like a Farm for Tenants — None of their Affidavits go farther back, than 30 or 40 Years — A Predecessor letting any part of his Ecclesiastical House will not bar the Successor from taking the whole into his possession there is a door of Communication, & the old, new Deanery, are certainly one House, nor is it denied by Mr B's affid: that there is such Door; the New Deanery is certainly very small for the habitation of a Dean, even from Mr B's own shewing, but supposeing the House separate, it is immaterial; a Minister may have 3 or 4 small Houses; he may live sometimes in one, sometimes at another they may be looked upon as one, he is entitled to Dilapidations for them all — the Presumption is with us, that the new Deanery is only an Addition to the Old — It is adding no new Rooms, it is only making the old ones fit for the Deans Use that we ask; our Estimate at 4 ot pr Square only, is so low, that it shews we want them only to be decent; it is the Price frequently allotted for Farm Houses —

Dr Wynne .. I am Council also for Dr Markam — One of the Council on the other Side seems aware of their being too early, & it is undoubtedly irregular, but we dont rely on that — How can the Old & New Deanery be distinct Houses! the Old is contiguous to the New; the Cellar belongs to it is constantly used; the Ld: is, wh: it is or is not part of y Deanery House? for that it will take a different Sum in the one case, from what it would in the other — Sh'd, it is clearly, from the Communication & other Circumstances, as much the Deanery House, as the new is, yet if that was not sufficiently before you, the Principle whereon this goes is sufficiently so; viz, its being let out in Tenements in the late Dean's Time, & therefore to be repaired for Tenants, but the Distinction hereby intended to be made, between the Deans residence, letting it out to Tenants, is not well founded; this Application of the Deanery House, (wh: part of the Deanery or not being immaterial) was very improper in its beginning, no length of Time &: make it right; it was very indecent to apply a Building contiguous to, & Parcel of, the Deanery House in this manner: it is high time to put a Stop to this Misapplication of it, & very happily for the Honor of the Church, a Gentleman is come into it, who has such a Regard for his own Reputation, Station, Character as to have turned out the Tenants: there is no doubt but an Eccles: astical House may be too large; the Law in such Case has chalked out the Way to reduce it: the Ordinary upon proper Application appoints a Review, & upon the Report, allows the Party to pull down, the Old, ruinous, superfluous Buildings, to rebuild others

in lieu, applying or selling the Materials: generally so, the Person applying for the Faculty, alledges he will lay out so: much of his own money &c & if dont appear any thing was ever laid out on this Building he: are 4 Tenements let for 12 £. It is now reduced so low, that it can't be repaired, therefore must be rebuilt: It has been suffered to run to ruin it has gradually decreased in Value; rather than repair, the Incumbent has let it for whatever he can get; it will at last let for nothing, & in the Course of a few years, a Dean will find instead of a Farm of 12 £ p An: nothing but a heap of Rubbish: this is very different from the Case of London House: but supposeing that, tho, let into Tenements, it had been so bad, so ruinous, that it cd not have been repaired, why then it must have been rebuilt; if this Building was in the Repair it ought to be, as Tenements, it cd: lett for double the Sum it now lets at; but it is improper; it is indecent, that just at the Deans own Door, it shd be let at all; we are to consider this Point as we wd the Relevancy of an Allon; I hope you will pronounce agt the ground of the distinction taken up, on the other Side, it will equally put an End to the Suite —

Dr Hay. Judge. The Exors have made a Tender wch Dr M. has not accepted, but he has, at the same time made a Proposal — The Proctor for the Exors has done very properly, in endeavouring to put an End to the Dispute, by taking the Opinion of the Ct: tho it is rather early — He was in the right to apply to the Ct upon the Relevancy of Dr Ms Application for being allowd Dilapidations on the old Deanery, wh: it must be rebuilt as a parcel of the Deanery House, or wh: it is to be repaired on the Distinction of being let into Tenements for Tenants, not serving for the Deans Residence — I do think it a very scandalous Application of the Deanery House, to let it out to Persons of low Condition for 12 £ p An. An Eccles: Ct will never approve of such a Conversion, tho of ever so long a Standing — With respect to London House, however it arose it was very improper; it never received Countenance or Support from this Ct: so far from it, that if Bp Sherlock had not acquiesced, but had applied to this Ct: to have had its Judgement wh: London House shd have been let out into Tenements, the Ct I am sure wd never have approved of such Conversion, & for the Bp to live where he pleases out of his Jurisdiction; however it is not so here; this is part of the House, it is not denied but that Part of the old Deanery, was made use of by y late Dean: It is admitted to be a Dilapidation; but the Qu: is, wh: it is to be deemed so, as a Part of the Deanery, or as a Farm leased out to Tenants; I can only be of Opinion, that it is as part of the Deanery, there is not enough before me to determine more; I can't say wh: so large a Sum may be paid for it as is claimed, that must be a future Consideration, if the Suite goes on; if it can be shewd that Dr M. found it so applied, that will be a reason for making the less allowance for this Dilapidation; tho I think it very indecent & improper, that there shd ever have been such an Application of this old Deanery, I am sure an Eccles: Ct will always set its face, agt such Conversion of Eccles: Buildings; It does not appear when this old Deanery became so Inhabited, if before Dr Ps time, it may be a reason to alleviate his Exors, but the Case will be very diffrent if Dr M. was the first who let it so — the old Deanery House, is part of the Deanery as to Dilapidations, the Quantum of wch must be hereafter determined; I think Mr B. shews a good disposition, by making this Tender, wch really seems to be a very handsome one, wch Dr M. wd do well to consider of, wh: he shall accept, for after this, if things shd not turn out to entitle Dr M. to what he claims, he will be liable to Costs from the time the Tender was made — Letting out a Deanery House to low People, just at the Deans door, is a Disgrace to the Church, & a great Scandal: Dr M. is therefore very praise worthy, in restoreing it to its pristine Dignity & Lustre by turning those People out.