compensate for the Want of Air, that ye Wall of sd Nook may be shaken. but not endangered by erecting the sd Gallery, dont think the Pews underneath will be headed thereby; that if a door is cut thro, the Wall to lead to the Gallery, it will not weaken ye Wall but that it may be repaired; that the Nook is scarce ever us'd to the Church — Fuller Wright, Surveyor, has inspected where the Gallery is to be built, the Wall will not be shaken, so as to endanger the same; is 2 feet 3 Inches thick — the new Window will afford more superficial feet of Glass, than the Gallery will hide, & give more Light to the Pulpit & Pews under said Gallery than they have at present, such Window may be safely made; the other Witness prove there is not near Room enough to hold all the Inhabts that the Petitioners have no Pews appropriated to them, but sit where they can; that the Ct might the better judge a View was prayed; an Experiment was tried by drawing a Certain before that part of the Window, wch wd be covered by the Gallery — the Arch in the Nook must be taken away, a Door cut thro, the Wall; it will be insisted this is not in the Intimation —

Dr Calvert.... 19 May 1764 Citation with Intimation issued at the Instance of M. D. & B. the Peton was left in the Registry; they say that the Gallery is allotted to them, there will be more room for the other Pshrs We dont deny this, but say, the Church is suffict to contain all the Pshrs who usually resort thither; that ye Gallery will darken the Church (particularly certain Seats in the Nook, & we shall prove it will endanger the Fabric; they purpose having a Dormer Window or Skylight in ye Roof we say Cutting the Beams for that purpose, will endanger & weaken the Roof, that ye Seats underneath will be heated & darkened: It was resolved in Vestry, by the Majority, that no such Gallery shd be erected, there is a Regular Entry in ye Vestry Book signed by 13 Parishrs in Vestry assembled — That a Gallery was built by the Singers in 1748 but ye Vicar disliking their method of Singing; such Gallery was disused & pulled down in 1755. since wch there has been no Complaint made of want of Room; the Opponents are superior in point of property to the Petitioners; we have examined several Workmen who all agree ye Fabric is very old & supported by Buttresses — We insist the Faculty must be conformable to the Original Prayer, & that no Alterations made since the Citation issued can be regarded

Dr Wynne.... It is I think an established point, that the Gallery wd be a great Benefit to the parish, that more room wd be thereby made, that there is not at present sufficient Room for all the Parishioners & Inhabts tho, there is for those who usually come to Church: It is a Rule of Law, if a Church will not contain all who ought to come, it is not large enough — the Ch: Wns are bound to see that all the Parishrs attend divine Service — I dont say the Ct has a power to compell a Parish to enlarge the Church; but here is a voluntary generous Offer of certain Persons, to do that at their own Expence, without detrimenting the Church; will the Ct deny them this Liberty? It appears from the Opponents Pleas, & Interrog: why they oppose the faculty; not from any Inconvenience they will themselves suffer or the Parish, but because they can't bear to see Persons less wealthy, placed in a more honorable Seat — these Rich Men wd have had the same Indulgence if they had applied for it; I hope you will not lose sight of this Motive for their Conduct; this not necessary there shd be a Consent in Vestry to lead the Intimation; the Act of Vestry signed by 13 pshrs has not the Sanction of the ministers hand, the other has that of the minister & Impropriator; the 13 may have obtained the Act of Vestry by Surprize — the Matter is now in the form of a Cause, it is now at an end, on whose side the Majority is, you will form your own Judgement on the Reasons & Expediency of the Application; there are 2 Objections to the Gallery, that, it will be detriment the Fabric, heat & darken the Pews underneath; how it appears to be a detached Nook, the Fabric therefore cannot possibly be detrimented, it might even be taken down; one of our Witns says so far from weakening the Wall as't with the Gallery is to be, the Timbers when let in, will strengthen it — not one of their Witns go so far; as to say, the Wall will be hurt, but evade, by speaking of the Skylight, wch was never mentioned but by them & a Dormer Window may be necessary or not: our Witns say a very small part of the Window will be intercepted, wch can be no Inconvenience, as another will be opened; as to the Inconvenience those who sit underneath will be liable to, the Ct will observe, none of those Persons are examined; the Bottom of the Gallery will be 9 f. from the floor of the Seats below, where then can be the Inconvenience; few common Rooms are higher; the Gallery will shade the Pews; the Opponents have then failed in proving the Points they wd establish; I am instructed, some Alteration will be necessary from my original Prayer, viz: with respect to the Arch wch separates the Nook from the Church, the breaking a Door thro, the Wall; to be sure this is discretionary: tho, it is usual to proceed by Intimation, I dont know that it is bound to confine its grant to the Contents of that Prayer, if satisfied by view, or otherwise, of the propriety of Alterations; there is Evidence to establish the Safety of the Scheme proposed, it is in evidence several Windows have been opened on the other Side, if so, why not on the sd Side. The Ch. of Middlesex's Case for erecting a Monument of certain Dimensions in the Church of Walton on Thames, it was opposed, the Ct ordered, the last Window to be enlarged, & the 2 Windows on the North Side, (where the Monument was to be erected) to be substantially stopped up in a workmanlike manner, at her sole Expence; so that there were more & greater Alterations directed, than are now wanted, wch were nothing original Intimation; but Lady Middlesex undertook to do it; we undertake to make such Windows that the Fabric shall suffer no damage subject to the farther Direction & Approbation of the Ct

Dr Bever ... This is fighting other People's Battles, without their Consent; there is no Opposition from those who sit under the Gallery, the Minister, or Clerk — tho, there may be many Seats, the Law presumes only one, those of the established Religion, the Church therefore shd be large enough for the whole Parish; many may retract their Errors — the Workmen don't specify what Damages can accrue — tho, more may be intended to be done than is expressed in the Intimation, something shd be left to the direction of the Ct — the Opposition is frivolous & peevish; the Obj.n is, they are not so wealthy, but it is proved they are People of Substance & in a good way of Business —

Dr Calvert..... This material wh.n the Opponents to a faculty are numerous, or few, it is matter of favor not of right; the Motive wch the Dr alledges does not seem founded; he calls it an invidious Opposition; we pleaded the low rate the Petitioners paid, with a view to shew ye principal Burthen wd fall on us; we have a right to a favorable hearing; the Reasons they alledge for their Application, is the smallness of the Church, that it will not contain all the Inhabts if proved, this wd be a cogent Reason, if not, then is an End of the Reason; our Witns say there is room for those who resort usually to Church, I believe there are none but — the Churches of small Villages large enough to contain the whole Body of Pshrs if they came at once; we know all ought to attend, by Law; & we know many reasons render tha Rule impossible to be complied with; must a psh Church be large enough to hold the Crowds who come to a Visitation; wd erecting a Gallery induce Dissenters to come? we have proved there is room enough by the Singers Gallery, being pulled down; wd the Ch: Wns have done that, if they wanted Room? it is attempted to be accounted for oddly; viz. that the Stair Case took up more room, than the Gallery made; it held 25, is that likely? If the Petrs are as well accommodated as the other pshrs not interrupted, or on sufferance from others, but in their own right, they can't complain, the Witns contradict each other in saying, they are obliged to different Persons;