strengthen & support it, I must insist with Dr Wynne that the Opposition made to the grant of this Faculty has been obstinate & ill founded, we hope to be supported in this Opinion, by your Sentence in our favor with exemplary Costs.

Dr Calvert — The Dr was extremely mistaken, (who spoke first on the other side) in apprehending I was desirous of entering into the Consideration of any Points which had already received your determination; I am equally sensible with that Dr how long this Cause has been agitated & am not less pleased, that it now draws near to a Conclusion; that it has been drawn out to this Length arises from their mistakes, & not from an improper Opposition of my Clients; it was their Business to take Care, they proceeded properly, we were not obliged to set them right, if a Faculty was prayd, which when granted, would not answer the end proposed, the Blame must lay at their own Door, we are told Proposals of accomodation were repeatedly offered by them, & rejected by us; it may be so, but I am ignorant of such Offers; if they were apprehensive of the Church being endangered, the Deft. acted the parts of honest Men to refuse Compliance, they had pledged themselves, to their fellow Parishioners, for the prosecution of the Common Cause, & they were willing, nay determined, to take the Opinion of the Ct; We are told our Witnesses are not uniform in their Sentiments, & that they clash with each other; I would beg leave to observe, we have examined three professed Surveyors, & 5 other Ws who are either Masons, Bricklaylers, or Carpenters; of these, one (viz Glaspell) differs from the rest, in his Opinion, that the Walls of the Recess, are in good Condition, therefore the Gentlemen infer all the other Depons are false; do they mean that one W ought to weigh agt 7 others equally unexceptionable? if they do, it will be unnecessary for me to confute such a Position; or do they mean to add Glaspells Evidence in this point to the Recount given by their own Ws in order to throw the weight of his Evidence into their Scale; I will suppose the latter, & then insist the Balance is in our Favor, being 7 to 6. But the Drs forget that Glaspells Depon will not turn out so advantageous, as it appears at first Sight; for however he may vary from the rest of our Witnesses, in a particular; in every other, he strongly corroborates their Evidence; if our Ws speak truth, the taking away, the Crown of the Arch, will be attended, with signal Inconvenience to the Church, & the Mode proposed to repair the loss, is fallacious & erroneous; we are told the Church is a very ancient

edifice, frequently in danger of decay, & that different methods have been applied to strengthen it; that at the original Building of the S. Wall, there was a range of Piers, arches over them, like the Arch now at the Entrance of the Work; that at different times, the Apertures of these Arches have been reduced, & Windows made of a less Size; for the purpose of strengthening the S. Wall. It is said if the remaining Arch should be taken away, the Abatment of the Arch continuous will want proper Support, & as the wall is much decayd will be in great danger of falling, notwithstanding an Oak Beam, 13 f. long & 15 I. by 12 I. Square shd be placed to support the Plate of the Roof; Under these Circumstances will the Court hesitate a moment wh. the Application to make the Alterations contained in the Intimation shall be granted, or not; You Sir, are the Guardian of the Church, & you will always take care to avoid giving a Sanction, by your Decree, to a Request, that may be attended with general Inconvenience; if upon the Evidence before you, there remains a Doubt as to the Truth of the Allegns, that Doubt is in itself sufficient to turn the Scale, & guide your Opinion agt the Faculty prayd; I hope & trust you will not be of the same Sentiments with the Counsel on the other Side, that this Opposition proceeded from ill nature, but that it was founded in that Regard wch every One may be reasonably supposed to owe his Neighbours; that their Object, was the Common Good; & that you will reject the Faculty prayd, as unreasonable, & improper.

Dr Burrell — I shall very readily agree with Dr Wynne, that it is very unnecessary, to enter into the Consideration of what passed at the former hearings, & that every thing prior to the Issueing the last Intimation, is foreign to the present Points: we were first agt the grant of the Faculty prayd, because we thought, it would be attended with Inconvenience to the rest of the Parishioners, & that the Situation & Circumstances of the Petitioners, gave them no Title, to a preference, over their Neighbours; we now say, the Fabric of the Church will be endangered, if the Alterations proposed, are allowd to be carry'd into Execution; a liberty to erect a Dormer Window, made a part of their Application, because the Erection of the Gallery wd obstruct the Light of the Window in the Recess; we are now told, that is unnecessary, tho, the same Obstruction will take place, if the Faculty is granted: the Evidence on both Sides is very strong; but the Drs are aware, the Balance is much agt them, & therefore they represent it as matter of Opinion, on wch no Stress shd be laid; they forget surely, that in a case of this nature, the Cts could not form a well grounded Opinion without the Assistance of Surveyors & Skillfull workmen; & therefore it is a strange Doctrine to lay down, that the Court shd pay no attention to the Depons; but it is hinted, that our Ws are not uniform, but differ from each other, & Glaspells Evidence is cited, to prove their Assertion; I do admit that in one particular, (about the Walls of the Recess being in good