condition) his Sentiments are not the same with the other Ws but the rest of his Evidence, is as Strong in our favor as words can make it; he says "if Tye Beams had not been placed on the inside of the Church, & Buttresses agt the outside of the Sd Wall, he believes the weight of the Roof is so great that the Wall Wd have fallen down, wch now hangs 5 or 6 Inches over, outwards - he says also, that a strong oak Beam 13 f long & 15 I. by 12 I. square, cant support the Plate of the roof so well as the Arch does, because the Timber will of itself sink in the middle" But even allowing what is said to be true, the Evidence of one Person, would bear small Proportion to 5 others, whose Abilities stand equally confessed, & their Characters unblemished - The Drs are very urgent to remove the Crown of the Arch, & to substitute a Beam in its Place; all our Ws say, that, will be attended with bad Effect, they assign reasons for their Opinion, wch I shd think must convince every unprejudiced Person; viz. That the Sd Wall of the Church is built with different materials, wch do not consolidate, that it hangs over sevl Inches, occasioned by the weight of the Roof, & has been obliged to be supported within & without; that the Wall being cut into, will disturb the materials, & endanger its falling; & by cutting away the Arch, the Abutment of the Arch contiguous will want proper Support, because the Beam will be above the Spring of the Arch, & consequently cant support it - Dr Bever expatiated upon the accuracy of his Ws in general & Hart in particular; I will only observe, that 3, out of 5 Ws they have examined, however confident they are in their opinions, never measured the Wall; I mean, Blow, Main, & Reading) & therefore merit no great Panegyric from their Council, for their Accuracy - the Dr expatiated much on the good humour of Hart, (who it seems came from Windsor to give his Assistance,) he says Cutting a door way, will strengthen the last Wall, by reason of work, they will add in making good the door way, will be much stronger than the old Work, the Wall being now composed of materials of a rottenish Quality. This confirms what we said, & is decisive of the Question, that it Wd be imprudent to disturb the Wall, for fear of its falling - Dr Bever tells the Ct an Arch is the best support a Building can have; & therefore urges you, to allow them to take it away - That Walls will stand for Ages out of the Perpendicular; therefore suffer them, to do that, wch will endanger its destruction; That the Tye Beams being taken away, the Church, might be as strong as before, hav: Buttresses on the Outside; the Dr mistakes the Use of Tye Beams, & Buttresses, the first is placed to prevent the Walls falling in, the last, to keep them from Bulging out - the Gent: plume themselves on the Security they offer; I Wd desire to be informed what Security they can give, for the Lives of the Parish: if an Accident shd happen, during Divine Service; their boasted Security for the Fabric, relates only to the Time they are about the Alterations; that Wd be insufficient, as those Alterations may be the Cause of Damage arising, at some subsequent tho, not very distant Period. I hope on the whole, you will be of Opinion to reject the Faculty -

Dr Harris Judge -

I think a Reference, would have been a very fair way to decide this Question; I am the Guardian of the Church; I was satisfied with the first part of Dr Wynne's Case, & in all those respects shd have granted the Faculty, but Grene prayed more than was contained in the Intimation - It is agreed, the Sd Wall is much out of Repair; by the Answers, of the Parties, who apply for the Faculty, the Church is in a bad way for want of Tye Beams, & the Walls are in a perishable Condition. It is in Evidence the Materials are a mixture of Stones, Chalk, Flint &c, that it is not like a stone wall, where you may take out a single Stone & no more - Respect must be paid to what Parishioners do in Vestry; tho, it is not binding on the Ct, it is Argumentum ad referentiam - I cannot enter minutely into the reasoning of the Witnesses about the Spring of the Arch; I dont quite understand it - I know they say, taking down the Arch will be attended with danger, all the Witnesses contest; if there is a doubt, I ought not to grant the Faculty, I have a very great doubt & cant order the Crown of the Arch to be taken down, but if they will take the Faculty, without taking away the Crown of the Arch, I will grant it them -

Sentence deferred to next Ct when the Faculty was decreed except taking away the Crown of the Arch.

25. Hil. T. . . . Grene's Clients agreed to accept the Faculty, without being allowed to cut away the Crown of the Arch, & to give Security ~~for all good~~ any Damages, that shd accrue to the Church, by their Alterations; Collins for his Clients acquiesced, & the Faculty was accordingly granted, each Party being well satisfied he was not condemned in Costs -

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M. T. 25 & Bye Day Prerogative

Grene (140) Castles v Vaughan Goodwin

Dr Wynne & Burrell Dr Collier & Calvert

Will forged.

Dr Calvert for Dr Collier

Robt Castles in the Deed, he made his Will in 1751, & thereof appointed, his Sisters Grace & Alice Castles, Joint Exors, Universal Legatees, & died in the East Indies some time after 1760 - Jan. 4. 1766 Letters of Admon, with the Will annexed, were granted to Thos Vaughan, as the Attorney of Alice Gibson (formerly Castles) wife of Wm Gibson, the Sister, surviving Exec & universal Legatee named in the said Will; The Admon was soon after called in & Vaughan cited to prove the Will by Witnesses; Goodwin for Vaughan, gave an Attn propounding the Will & pleading the handwriting of Edw. Calder, one of the subscribing Ws who died in 1753, the other 2 Subscribing Ws are, George Anderson & Wm Hall - Xtopher Bushell & John Smith prove the handwriting of Calder, Wm Hall is examined to all the Articles of the Attn - In Drover & Wm Hall prove the handwriting of Geo. Castles the Deed -

x 25. Hil. T. 1766

6 Nov: 1766 Goodwin gave additional Articles to the aforesd Plea, wherein he stated the death of Geo. Anderson, to prove whose Attestation, he examined Edmund Denman, a Soldier in the same Company & Anne Williams, wife to the deed Witness - we were forced to take out a Sitation by ways & means agt Wm Hall, & from the 12th of May to the 6th of June, he never appeared - wch shows he was a very unwilling W. Grene gave an Attn. 8 Jan: 1767, pleading that Deed was very illiterate, & wrote a bad hand, & that the