Arches
Trin: I. 25.

Dr Calvert opend

No 158.

Office of the Judge promoted by Goddard. v Ward & Miles

Fountain for Grene. Dr Harris, Wynne. Dr Calvert, Burnell. Cheslyn, Jenner.

This is a Cause brought by Letters of Request, from Dr Tanner & Dr Hall, Deans of Bocking, a Peculiar of the Abp of Cant. to whose Jurisdiction the Pish of Hadleigh is subject.

(NB The Abp. of C. has 7 livings or Parishes in Essex & Suffolk, under his Peculiar Patronage, viz. Bocking, Stisted, Latchendon & South Church in Essex — Hadleigh, Monks Eleigh, Mouldon in Suffolk. All these are Peculiars subject to the Abps Jurisdiction only, or his Commissary, called Dean of Bocking, who are constituted by special Commission (empowered) sometimes one, sometimes 2 jointly & severally to exercise Jurisdiction in ye over said Peculiars, wch Office has been seldom conferred on any but such as are Rectors of one of the said Peculiar Churches.)

This is a Cause of Correction, wherein the Office of ye Judge is promoted by Thos Goddard, agt Thos Ward & John Miles, late Church-wardens of the Parish of Hadleigh.

1 S. & T. Goddard gave in Articles wch were admitted

2 S. . . . & the Cause now stands for the Deft to answer to the said Articles, wch are as follow.

1 Art: By ye Canons, Constitutions & gen: Eccles: Laws of this Realm, no Churchwarden, or other Parochial Officer or any other Person, shall pull down or erect any Pews or Seats, or alter ye same, or any part of ye Fabric of the Church, without a Faculty first obtained from the Ordinary —

2 Art: That in defiance thereof Thos Ward & John Miles in Feb: March: April, or May 1767 fastend or procured to be fastend & stopped up, the ancient middle door of ye S. Side of ye parish Church of Hadleigh, by causeing to be erected across the entrance of said Door, a new Wall, or Partition with Lath & Plaister, without any Faculty first obtained from the Ordinary for so doing.

3 Art: That the Parishioners are thereby prevented entering the said Church, thro, said Door, as they have been accustomd of right to do.

4 Art: That Ward & Miles, in defiance of ye Canons &c did in Feb: March &c 1767. cause to be erected sundry new Pews, & to be made divers Alterations, in ye said S. Isle of said Church, & agt the S. Wall thereof, & caused to be enclosed the ancient Passage, leading from ye S. Door into said S. Isle, by erecting new Pews therein, without a faculty from ye Ordinary first had

5 Art: By such Alterations, the Parishrs are hindered from going along said Passage to their Seats in said Church.

6 Art: Ward & Miles were at ye time of making ye sevl Alterations, Ch: Wns of H. & by reason of ye premises have incurred Eccles: Censures, & shd be duly corrected & canonically punished for the same.

7 Art: Ward & Miles are Parishrs of H. in ye Peculiar of Bocking, & subject to ye Jurisdiction of ye Ct of Arches, by virtue of the Letters of Request wch ye on the Judge of this Ct have accepted.

8 May Deft give an Alton loco responsi in a criminal Suit justifying ye fact? . . . .

8 Art: That Proof thereof being made the Promoter prays things may be restored to the very same state they were in before the Alterations & ye Deft may be canonically punished & condemned in Costs.

The Deft in answer to the said Articles, admit ye Alterations mentioned, & offer the present Allegation to justify their Proceedings, which they pray may be received to proof . . .

1 Art: That Hadleigh consists of near 3000 Inhabts increases daily, & there is not sufficient Room to accomodate the Parishrs to attend divine Service.

2 Art: That Ward & Miles, (who had been Ch: Wns from 1762 to 1767 inclusive) were frequently applied to by sevl Parishrs for Seats, or Pews in the Church afd, & being unable to accomodate them, they consulted with Mr Hewit, sevl other what was the most adviseable way of obtaining room in ye said Church, in order to erect more Pews for accomodating the Parishioners . . .

3 Art: The middle S. Door (was erected since ye building of the Church) ye passage of wch is only 4 feet wide, is almost in ye Centre of ye Church, opposite ye Reading Desk & Pulpit, & let in so much wind & Rain, that ye Congregation cd not bear it & therefore the Passage was inclosed, with folding Doors ye whereof was always fastend, which reduced ye S. Passage to 2 feet that very few Persons came in at it, there being 2 other Doors on the same Side; one at ye E. end 3. 2 F I wide, another at the W. end 6. 6 F I wide, wch were always open; that no Corps cd be brought thro, said Door, & there was no Passage into the middle Isle, from thence, so that it was of no real use; therefore Mr Hewit proposed shutting it up entirely, as ye Passage thereto wd afford space enough, to erect 2 Very commodious Pews, more advantageous for hearing, than any other part of the Church, being opposite ye Reading Desk & Pulpit . . .

4 Art: The S. Isle to which said Door led, consisted of 11 very old Pews, in a very ruinous Condition; which being taken down, there wd be sufficient Room to build, ye same or a greater number of regular & more convenient Pews, & so hold many more Persons, & wd be a great Ornament to ye Church

5 Art: The Rector of Hadleigh has been generally one of the Deans of Bocking, to wch Jurisdiction H. is subject; & when Repairs or alterations in ye Pish Church, have been thought necessary, the Ch: Wns have applied to him, who personally surveyd ye Spot, & if he thought them necessary, always gave Directions, (as one of ye Deans) for doing the same, wch ye Pishrs looked upon, as sufficient, without any other License or Faculty —

6 Art: 12 Feb: 1767 Ward & Miles the Ch: Wns applied to Dr Tanner Rector of Hadleigh, & one of the Deans of B. for leave to make the afd Alterations, who viewd ye same & gave his Consent & Directions to ye Ch: Wns for ye afd Alterations to be done.

7 Art: Pursuant to Dr Ts directions, Ward & Miles on 24th Feb. 1767. caused ye S. Door to be nailed up, & ye Ground where on ye 11 old Pews stood, & ye passage thereto to be measured, & chalked out, as a Plan for building 15 large & more regular Pews thereon; but wd not carry that Plan into Execution,