Yt time was given, to see, wh? any Inconvenience Sh: arise from shutting up said Door, or any Objection be made to the intended Alterations by any of the Pish: & therefore let the Door continue nailed up, & the Ground so marked out, & planned, for a month, or more, without proceeding therein

8 Artt: The intended Alterations were publickly known in the Pish, from the first proposal, till they were executed that Goddard, nor any other Person objected, & therefore y 23d of March foll: Ward, Miles, caused y said middle S? Door, to be closed with Lathy Plaister on y inside; y old Pews in y S? Isle to be taken down, & on y Ground, on wch they stood, y Passage lead: to said S? Door, to be built 15 handsome, regular Pews, whereby a great deal of Room is obtained in said Church, & many more Persons accomodated with Seats, than before, & y Church greatly ornamented; when y said Pews were finished y Pish: in general were well pleas'd, such who sat in y old Pews, approving y Alterations, seated themselves in y new Pews, y Rem: of wch were appropriated to other Pish: who were before destitute of Seats; that Sh: the Church be ordered to be put into its original form, as prayd by Goddard, such Persons will again be destitute of any Seat to hear divine Service.

9 Artt: The aforesd Repairs & Alterations being compleated, April 17 by Notice was given in Wadleigh Church that a Vestry was desired, to grant a Rate to reimburse y Ch: Wens; which Vestry was held, but Hall & Burrell objected to any Rate being allowd, for that purpose, asserting y Ch: Wens had made y Alterations, without consulting any of y Pish: & even without Dr T's privity or Consent, thereupon y Vestry was adjourned; but y next Sunday a 2d Notice, was given in said Church for holding a Vestry, y Tuesday follow: to examine the Ch: Wens Accounts & Vouchers, & to make a Rate for paying them the Balance; that such Vestry was attended by sev: of the principal Inhab: Pish: when Dr T. sent a verbal Message by the Rev: Jn Decke, & a notification in writing, by his Curate Wm Hewit, that the Alterations & Repairs were done with his Privilege & Consent; under his Inspection & by his directions, as one of the Deans of Ely, to Ward & Miles the Ch: Wens, upon wch it was unanimously resolved by those present that a Rate of 4/p in the Pound shd be granted. . . .

10 Artt: Pursuant to y aforesd Resolution, a Rate was made, confirmed by Dr T. & paid, on demand, by all y Pish: therein rated, except Jn Burrell rated 5d 1.10.1/2 — Jn Hall 5d 1.6 — & about 6 or 7 others some of whom were excused on acct of their low circumstances

11 Artt: Exhibits the Rate & Dr Tanners Confirmation thereof. . . .

12 Artt: The said Alterations & Repairs, rendered y Church warmer, y Minister better heard, & made more Room for y Pish?? is detrimental to nobody, & approved by the Pish: in general. . . . . .

13 Artt: The Promoter is in very low Circumstances & in consideration thereof not related to the said Repairs, or to the Church or Poors Rate of the Pish, nor is personally injured by shutting up said Door, or other Alterations. . . . . .

Dr Harris . . . This Rate is signd only by 10 Persons (including the 2 Ch: Wens) out of 3000 of which number, the Parish, is said to consist — Before I enter into the question, I must observe upon a note wch appears at the bottom of the Letters of Request, signd T.T. if wrote by Dr T. is very improper, & shews him to be a Party, if it is not Dr T's hand he ought to call the Writer to account for this Impertinence to him & the Purport of the Note is, that he is informed it is usual to take Security from the Promotor to answer Costs, that Goddard is a poor man & therefore shd give Security; this is directing the Dean of the Arches what he ought to do — This is a Criminal Cause, in which Articles have been admitted, to wch the Ch: Wens must give an Issue, & say yes, or no; an allon loco Responsi was never allowed in a criminal Cause, because there can be no Justification — Usurping the Rights of the Ordinary, is highly criminal, the Ch: Wens are guilty thereof, in proceeding on the Alterations & Repairs without a Faculty, first legally obtained; I know the Ch: Wens have a power of making Repairs, but not of altering the Fabric without a Licence or Faculty from the Ordinary; in Cases of this sort, the Parish?? are to be called upon for their Assent, The Vestry called to confirm the Ch: Wens Proceeding amounts to 50 only, out of 3000 Persons; such Authority ought to be disregarded by any Court; these Persons have been Ch: Wens many years, is no very favorable Circumstance, being contrary to Law, as they ought to be dismiss'd at the end of one Year, & others elected in their Stead; the Consulting Dr Hewit is no Justification — The 3d Artt: pleads that the Door was built since the Church; that is no reason for stopping it up, the same Authority by wch it was erected, shd be removed; tho. there are 2 Doors on the same Side, you are not to shut up the 3d arbitrarily; but say they the new Pews are ornamental, so would the Venus de Medicis be; but that is no reason for acting illegally; they say it is customary for the Ordinary of Bokeking to proceed in this Manner, that is setting up a Custom agt Law, & what you will not suffer to be pleaded; It seems the Ordinary gave his Directions upon View of the Premises, & pursuant to them the Door was stopp'd up & the Plan Chalk'd out, & left so for a month; but the Parish: were never consulted, & the Country People who saw the Marks in Chalk probably were unacquainted with its meaning; where Pews are decayd, the Ch: Wens, Sh: erect & repair on the same Side; they say the Door was shut up to see what Objections were made to it, & that nobody objected tho, it continued so a Month; the Ch: Wens Sh: have called properly on the Parish: by Citation with Intimation; in default of which they were not bound to object then, but might lie by & object at another Season; Dr Tanners Notification, was unimportant because not founded in Law; being a Clergyman it was no Imputation on him to be unacquainted with the Law; Goddards Poverty is immaterial, as a Parish: he has a Public Right, & may vindicate it when infringed; I suppose the Ct has ordered Security to be given, & that he is answerable for the Costs, so it is immaterial wh: he is poor or rich; he contends that the Ordinary & the People may go together; 'tis a good & laudable Custom, in cases of Reparation, that the Ch: Wens & Ordinary should, it is otherwise in Cases of Alteration . . . .

X Ewen Fielder Jon July 10. 1759. Sworn prosecuted Dr T for defam: gave an allon loco responsi Hereby Dr T consent the matter was sent & decided . . . . . .