

and that they took this Method to prevent any Suspicion of Partiality and that all Parishioners might have equal Chances ; but these Respond^{ts} deny that this was done without Consent of the Minister, but that the Minister was present and consenting to the same at the time It was done, as appears by the Transcript of the Vestry Proceedings brought into this honourable Court by the Petitioners Lib. C. B.

These Respondents humbly conceive that since by the Act of Assembly a^d this Chappel is made a Chappel of the Parish, & that all the Parishioners of the said Parish are subject to be taxed for the Repairs of it, it therefore becomes as much under the Direction & Care of the Vestry as the Parish Church, and that all the said Parishion^{rs} are entituled to the Use and Benefit thereof, and they expressly aver that this was the Intent of the Donor as well as of said Act of Assembly

These Respondents deny that by laying out the s^d Chappel into Pews the Petitioner or Others will be deprived of Seats or debarred from the Benefit of divine Service, and say, there will be now more Room and Conveniency therein than before, and that there are yet many Pews to be taken up, and more space still left to be laid out, which when built with Pews will afford sufficient Room to the Inhabitants living near the said Chappel and Others to sit in

These Respondents say that what they have done in this matter is warranted by the Laws of this Province as well as the constant Usage of the Country in such Cases, and what they looked upon as their duty to do And therefore in humble manner submit the same to this honourable Board not doubting such Order therein as is agreeable to Justice p. 183

Ja Calder p Vestry

This Board having heard Council on both sides and taking the a^d Petition and Answer into Consideration is pleased to order that the said Petition be rejected because the Petitioners do not seem to have been injured by any thing which the Vestry have done ; And His Excellency the Governor on behalf of the Right hoⁿble the L^d Prop^ry as Ordinary consents that the Vestry go on to complete the Pews in the Chappel mentioned in the Petition and whatever else may be needful for Decency and Order

At a Council held in the Council Chamber on Friday the 15th day of October in the 28th year of his Lordships Dominion Annoq Dom. 1742