

WHITELOCK vs SYDENHAM 1807

In the Morning Chronicle of November 7, 1807 under *Law Intelligence* is a curious contempt of court case labeled *Whitelock vs Sydenham*. The item begins “Mr. Hart moved, that the Printer and Publisher of a Monday Weekly Newspaper, entitled “The Legal Register,” &c should stand committed to the Fleet for a Contempt of Court, in misrepresenting the proceedings in this case. The Learned Counsel went into a history of the proceedings, from the time when the bill was originally filed. It had been brought into Court several years since, and the plaintiff had been allowed to amend his bill. He claimed, as the representative of an ancient family, a number of valuable estates in the possession of Mr. Sydenham, Mr Lutterell, Sir Philip Hailes, &c and the bill, as amended, prayed for a discovery and inspection of the defendant’s titles to their estates. At the request of the plaintiff himself, a commission had been granted to two gentlemen in the country, to take the depositions of persons in the neighbourhood where the plaintiff, his father, and relatives had lived, as to his real name, and his relationship to the family of which he alleged himself to be the representative. Evidence was accordingly taken under this commission, and was reported to his Lordship. In March last, an application was made for having the evidence taken under this commission suppressed, on the ground of its having been corruptly influenced; and that the very witnesses whose depositions were here give, had since made voluntary depositions, correcting what they had formerly said amiss.....” The item goes on to explain the contempt issue.

The report on this contempt issue “goes on in these terms: “There never existed in the country a more strange execution of a commission than that which formed the subject matter of this motion, and, of course, the motion was as peculiar and uncommon, as the case was wonderful and extraordinary. These commissioners have returned to the Court of Chancery the depositions of twenty-one witnesses, by twenty of which, it appears, that the plaintiffs name was William Widlake, by general reputation, and not William Whitlock (which he was to have proved himself to be, in order to the attainment of the immense estates which he claims to be heir to in the counties of Somerset and Devon, and also in London, Surrey, and Wales, as heir in tail male, and heir in general to Charlton Whitlock, Esq. formerly of the Middle Temple, deceased, and of all the other branches and descendants of that great and opulent family).

“How these commissioners could have sent up to the Court of Chancery such evidence, against the universal knowledge, and concurrent testimony of thousands of the inhabitants of the vast tracts of land justly claimed by the plaintiff Mr. Whitlock, is not easily to be reconciled to human sense or common reason.”

“The magnitude, however of the object, together with the great wealth, power, and influence of the present occupants of the great estates in question, are opposed to the plaintiff, who sues *in forma-pauperis*.”

“The Learned Counsel conceived this to be not only a confirmation of the improper motive attributed to the commissioners, if any such could be required, but even to a direct charge against the defendants, as if they, by their superior wealth, had attempted to influence the conduct of the commissioners. In succeeding parts of the report, taking every part of the plaintiff’s case as proved, or rather, putting a case for him, the plaintiff’s father is stated to have been sexton of one of the many churches on his paternal estates; the depositions of the witnesses under the commission are said to be depositions imputed to them; and it is a conclusion stated, as a reflection against the Court, but from the novelty of the motion, and the want of the necessary deed, no legal remedy could be applied. All these things, however, were stated in the report; and it could not excite any degree of wonder, that the names and descriptions of all the parties being added, though the paper was in itself unknown, this individual report had made a considerable noise in that part of the country to which it was more peculiarly addressed.”

The rest of the article deals with the printer's arguments respecting the charge of contempt of court. There is a short follow-up in the November 24th issue but the resolution of the case is unclear.

This is a very confusing article and I am not clear what part of the family it relates to. The only Whitlock who was a member of the Middle Temple that has a name close to Charlton is Carleton Whitlock, the sixth son of Sir Bulstrode Whitelocke. While Carleton likely had the kind of estates discussed in this article, he died in 1705, 102 years previous to the time frame referred to here.

The Sydenham family is part of the WHITLOCK¹⁴ family from Devon. Philip Sydenham married Sarah Whitlock in the early 1700's. One of the newspaper articles include in Colin Mills package was the obituary for Whitlock Sydenham in 1801. The fact the estates are held by someone named Sydenham may just be a coincidence.

I also could not see anything of help on the Widlake family of Somerset that might give us a clue who the William Widlake was who was the plaintiff in this case.

Still a mystery and if anyone comes across information that might shed some light on this I would be pleased to hear the details.

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