15. *Mary Whetenhall* v. *Thomas Whetenhall*

15.1 *Court Order*[546] *7 February 1606* *REQ 1/22, fo. 141v*[547]

In the cause at the sute of Mary Whettenhall, complainant, against Thomas Whettenhall, defendant, upon the mocion of Mr Cesar,[548] of counsaill with the said complainant, it is ordered that the said defendant shall at his perill within six dayes next after notice to him given of this present order make his full and perfect answere upon his othe unto the said complainants bill in this court (notwithstanding his demurrer).

15.2 *Court Order*[549] *19 May 1606* *REQ 1/23, p. 39*[550]

In the cause at the sute of Mary Whettenhall, complainant, against Thomas Whetenhall the younger her husband, defendant, upon mocion made to this court on the behalf of the said complainant it is ordered that the same matter shal be heard in this court upon the Friday next before th[e] ende of this present terme (the defendant having convenient notice of this order[)].

15.3 *Court Order* *30 May 1606* *REQ 1/23, p. 65*

Wheareas in the cause at the sute of Mary Whettenhall, complainant, against Thomas Whettenhall gentleman (her husband), defendant, Mr Raphe Wilbraham[551] of counsaill with the said defendant hath enformed this court that this matter hath been already

[546]Masters Julius Caesar, Roger Wilbraham, and Daniel Dunn presiding.

[547]Or p. 291; or p. 800.

[548]Thomas Caesar, Julius Caesar's brother, b. 1561, adm. Inner Temple 1582 (bar 1591, bench 1607), ktd. 25 June 1610, d. 18 July 1610. See E.L.C. Mullins, 'Caesar, Sir Thomas', in *History of Parliament 1558–1603*; Foss, *Judges*, vol. 1, p. 148.

[549]Masters Julius Caesar and Daniel Dunn presiding.

[550]Or p. 43.

[551]Roger Wilbraham's brother, adm, Lincoln's Inn 14 April 1580 (bar 1589). See *Lincoln's Inn Admissions*, p. 90; Prest, *Barristers*, p. 403.

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censured by the highe commissioners,[552] for the not performing of whose sentence the defendant now remayneth prisoner. It is thereupon ordered that if the said complainant shall procure certificat from the said commissioners whereby it may appeare that the assistance of this court shal be required towards the performance of theire said sentence, then the further order of this court shall proceede therein as shal be thought meete. And in the meane time the matter shall remayne in court as it now doeth unles Sir Julius Cesar, one of his majesties Counsaill in this court who formerly appointed this day for the hearing of the said cause, shall otherwise determine thereof.

15.4 *Court Order*[553] *1 July 1606* *REQ 1/23, p. 157*[554]

In the cause at the sute [. . .[555]] Whettenhall gentleman husband [. . .] to this court on the beha[lf. . .] order notwitthstanding) th[. . .] court upon Saterday next [. . .] having convenient notice of [. . .].

15.5 *Court Order*[556] *8 July 1606* *REQ 1/23, p. 266*

In the matter of varyaunce brought before the Kings majestie and his highenes Counsaill in this his honorable court of Whitehall at Westminster by Marie Wetenhall wief of Thomas Wetenhall the younger, complainant, against the said Thomas Wetenhall, defendant. The effect whereof, as appeareth by the bill, is that wheareas the said complainant, being in her young yeares maryed to the defendant, and the said defendant having a very great estate with her the said complainant which is the most & chiefest mayntenance of the said defendant, nevertheles the said defendant without any just cause hath not onely kept from the company of the complainant but hath & doeth detayne from her one annuitie of xx *li*, the which by the highe commission court was allowed unto her wheere likewise the same causes have been examined, as by an order thereof unto this court appeared. Unto the which saide bill the said defendant hath answered, and the said matter being heard this present day before the counsaill on both parts, and upon the full hearing thereof this court well advysing thinks it very meete and doeth thereupon order that

[552]Officials of the high commission for ecclesiastical causes.
[553]Masters Julius Caesar, Roger Wilbraham, and Christopher Parkins presiding.
[554]Or p. 161.
[555]The page is torn and most of the entry is missing.
[556]Master Roger Wilbraham presiding.

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the said defendant shall furthwith upon notice of this present order pay unto the said [complainant][557] all suche arrerages as be behinde and unpayed unto her of the saide annuitie of xx *li.* And also it is further ordered that the said defendant shall still continue and pay the saide somme of xx *li* yearely unto the saide complainant, as by the former recited order in the saide highe commission court hee was ordered to doe and performe, and the same payment to continue untill by aucthoritie of the said highe commission court the same shal be repealed.

15.6 *Court Order*[558] *4 November 1606* *REQ 1/23, p. 296*

Wheareas in the cause at the sute of Mary Whettenhall, complainant, against Thomas Whettenhall the younger nowe prisoner in the clinck in Southwark,[559] defendant, this court hath been moved by Mr Cesar of the complainants counsaill that the defendant might by order from this court be commit[ted &][560] deteyned close prisoner in respect of his wilfull contempts co[mmitted in br]eache of the former decree of this court dated the [eight of July] last. It is thereupon ordered that if the said [defendant] admonished to make payment of the money & arrerages [due to?] the plaintiff by vertue of the said decree shall refuse so to [do and to co]ntinue in further contumacies then this court upon [notice?] thereof will proceede to compell him thereunto by some s[uche further] order as to justice shall apperteine.

[557]The original mistakenly reads 'defendant'.

[558]Masters Roger Wilbraham, Daniel Dunn, and Christopher Parkins presiding.

[559]The Clink prison was named after the liberty of the Clink in Southwark, in which it was located.

[560]This page is torn and damaged.

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