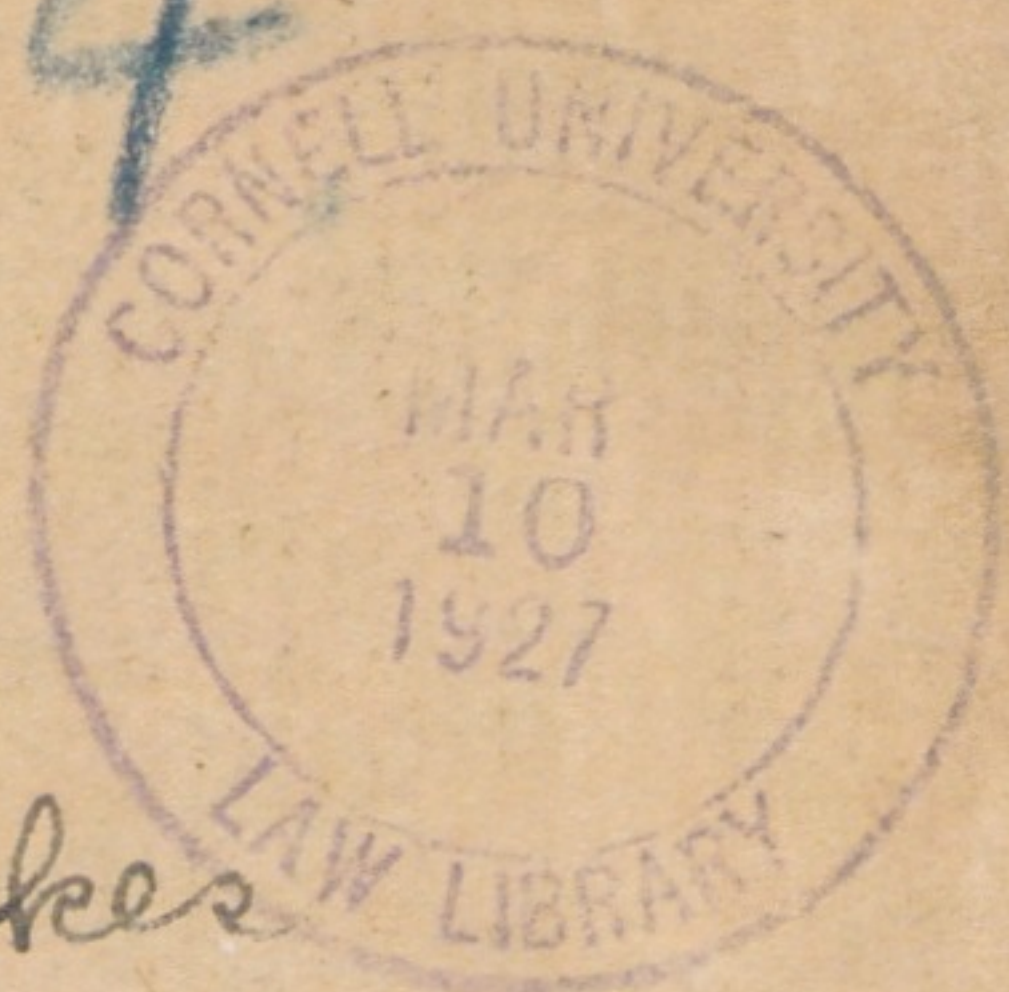


No. 4



Trial of Francis Sykes  
for  
Criminal Conversation.







THE  
GENUINE  
TRIAL  
OF  
FRANCIS SYKES, Esq.  
FOR  
CRIMINAL CONVERSATION  
WITH THE  
WIFE OF CAPT. PARSLow,  
*Of the 3d. Regiment of Dragoons,*  
BEFORE  
THE RIGHT HONOURABLE LORD KENYON,  
And a SPECIAL JURY;  
On WEDNESDAY DECEMBER 9, 1789.  
At the COURT OF KING'S-BENCH, WESTMINSTER.

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T H E

T R I A L,

O F

FRANCIS SYKES, Esq. for *Crim. Con.*

with the WIFE of Capt. PARSLOW.

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**T**HIS was an Action brought by Captain PARSLOW against the Defendant, FRANCIS SYKES, Esq. for *Criminal Conversation* with his Wife.—The Damages were laid in the indictment at 10,000 Pounds.

The Trial came on before the Right Hon. Lord KENYON, and a SPECIAL JURY, on *Wednesday*, on the 9th of *December*, 1789, in the Court of KING'S-BENCH WESTMINSTER.

C O U N S E L

For the Plaintiff,  
Messrs. ERSKINE,  
SHEPHERD, and  
RUSSELL.

For the Defendant.  
Messrs. BEARCROFT,  
BALDWIN,  
&c. &c.

S O L I C I T O R S

For the Plaintiff—NIELD and BUSH, Norfolk-Square.  
For the Defendant—Messrs. GRAHAMS, Lincolns-Inn.

Mr. ERSKINE, on the part of the Plaintiff, opened the Cause, and began by stating this to be by far the most atrocious case that ever came before the consideration of an English Court of Justice. The Plaintiff had been married some time to a beautiful woman, to whom he was attached by the most ardent ties of affection, nor was his passion unreturned.—Tenderly attached to each other,



that attachment, cemented by a child, the produce of their union; their happiness was complete as it is the lot of mortality to attain, and promised to be of long duration. The Plaintiff was an officer in the Third Regiment of Dragoons, in which Regiment, while it was quartered at Dorchester Mr. Sykes was appointed a Cornet. Unknown by any one of the corps he came down to Dorchester, a very young man; Captain Parflow, from motives of politeness, shewed every mark of attention to him—he received him into his house and into his friendship—introduced him as his friend to his wife; for this kindness, this tender attention, what, what return does this young man make? alas! human nature must revolt at the answer—Scarce had he been in habits of intimacy with this gentleman a fortnight—scarce had the ceremony of introduction passed between him and the other officers of the corps, before, in the mess-room, he makes use of these expressions, “I should like to debauch Mrs. Parflow.” This could not be said from any very affectionate attachment, any sensations of love for the lady, because he could not have known her long enough—and this wish did he follow up by endeavours, stopping not until he has attained the end proposed—finishing not his career till he had planted a poisoned arrow in the heart of his friend—an arrow which will for ever remain, which will for ever embitter every future moment of his life,

The learned gentlemen, then in a most solemn manner, addressing himself to the Jury, made use of these emphatic words—“Gentlemen of the Jury, you are all of you husbands, what will you, can you say in justification of this young man’s conduct—you are many of you fathers, what think you would be the situation of your children to have a parent, thus seduced from them—thus deprived of all intercourse with the mother, for ever—Oh! gentlemen, in these days of licentiousness, it is fit some stop should be put to the crime of adultery.—Surely—surely, this is a case calls for the greatest punishment—It demands exemplary, heavy damages, which when even given, will be but a poor recompence to the Plaintiff for the wreck, the eternal sacrifice of all his happiness on this side eternity.—Nevertheless, convinced, perfectly convinced, in my own mind, that this



“ is a case of the greatest atrocity, I am satisfied your  
 “ verdict will go with me—In the full conviction of which  
 “ I shall proceed to call witnesses to substantiate the case  
 “ I have had the honour of laying before you.”

Mr. W I L K I N S O N.

Who proved the marriage of Mr. and Mrs. Parflow.

C A P T A I N W I L L I A M S.

His evidence; went to prove the harmony and happiness in which the Plaintiff and his wife always lived. By the officers of the corps, they were esteemed the happiest couple in the regiment—He proved also Mr. Sykes's joining the regiment at Dorchester, and his saying in the mess-room, “ I should like to seduce Mrs. Parflow.”—thinking this only to be the expression of a thoughtless young man, he rebuked him for it at the time, and thought no more of it—On this account, he did choose to wound the happiness of Captain Parflow, by informing him of it.

Being asked, what levity he observed in the behaviour of Mrs. Parflow, at any time, he replied, that he never observed any—that he thought her a perfectly modest woman—that all the married ladies of the corps visited her, and nothing was further from his thoughts, than any suspicion of an attachment subsisting between Mrs. Parflow and Mr. Sykes.—In the regiment, at Dorchester, he continued three months—The next time he saw him was at Reading, on a visit to the mess.—From Dorchester, the regiment moved to Sudbury, for a short time, and afterwards to Ipswich.—Upon his cross examination,—he said, the regiment was near a twelvemonth in all, at Dorchester—cannot say how long it remained there after the arrival of Mr. Syke—the mess consists of eighteen, of which not above eight generally dined there Mr. Parflow often dined there, Mrs. Parflow never, has often seen Mrs. Parflow and Mr. Sykes riding out together, but would not swear they rode out alone Mr. Sykes did not visit Captain Parflow oftener than any other officer of the corps. From Dorchester, the regiment moved to Sudbury—where it staid about six weeks; there he left it, and joined it again at Reading, where it remained five weeks; this was seven



months ago, or thereabouts. At Reading, he did not see the Defendant and the lady often together, nor was he much in the habit of seeing them. Being asked whether he ever took any notice of Mr. Sykes's expression to Capt. Parflow, he replied in the negative, because he did not think any thing serious was meant at that time, and therefore was unwilling to hurt the peace of the Plaintiff, by telling him. Posterior to this, he never beheld any thing that could induce him to say ought to Captain Parflow on the subject. Being asked, what might be the age of the Captain and his Lady? he replied, as near as he could guess, the lady might be twenty-six, the gentleman near forty years of age.

#### M A J O R C A L L O W.

He is an officer in the same regiment with Captain Parflow—who lived with his wife in the best terms—that Mrs. Parflow bore such a character, that Callow, and all the other married ladies of the corps visited her—He never saw any thing improper between Mr. Sykes and the lady, neither at Dorchester, or at Sudbury—nor did he ever see them ride out together alone.

#### C A P T A I N W A T S O N

Declared, that no couple could live in a more affectionate manner than Captain Parflow and his lady did—with respect to any impropriety of behaviour between Mrs. Parflow and Mr. Sykes, he never observed the least—He also corroborated the evidence of the other witnesses, respecting Mrs. Parflow being visited by the other married ladies of the corps

#### C O L O N E L G W Y N N E

Proved, the regiment being quartered at Sudbury, where Captain Parflow's attendance was indispensibly necessary—the regiment could not go to Ipswich till the militia were removed from thence—Mrs. Parflow was not at Sudbury, and the reason was, that Captain Parflow could not procure accommodations for her—He also had observed, that the Captain and his wife seemed to be very happy together; and he has heard the Captain, when speaking of his wife, deliver his sentiments of her with great feeling and propriety.—Upon cross examination—



he confessed that his business did not allow him much time for observation—When Mr. Sykes entered into the regiment he was about Twenty-two years of age, in manner, however, he was *young* enough.—Being asked, what particular instances had led him make this remark? he replied, that his conduct in the regimental mess, was what he did not think extremely proper At Ascot Heath races, he observed Mrs. Parflow in Mr. Sykes's phaeton, which he did not think right, as Captain Parflow was then at Sudbury.

Mr. M A C N A R E

Is the Surgeon of the regiment—His evidence went to prove that Mrs. Parflow had a very ill state of health—that Captain Parflow's behaviour was most affectionate—In consequence of this ill state of health, Mrs. Parflow and her husband went over to France, whence she did not return amended in her health, but much worse—in her behaviour to Mr. Sykes, he never observed any thing more particular, than to any other officer of the regiment. Cross examined—No man could behave more affectionately than Captain Parflow did to his wife.

Mrs. B E L C H E R

Keeps the Sign of the City of London at Dover, she remembers very well Captain Parflow and his wife coming to her house on their way to France, on account of Mrs. Parflow's ill state of health they remained at her house a fortnight, during which time the lady kept her bed—Captain Parflow hardly ever left her; he slept in the same room to be near her, and render her every service in his power; in short, the whole of his behaviour was truly affectionate—at the expiration of a fortnight they went to France, and on their return, they staid some short time at her house.

C A P T A I N W A L L A C E

Is in the same regiment with Captain Parflow, whose sister he married about four years since—last Summer, he lived at Windsor, where his sister-in-law, Mrs. Parflow, came on a visit to them, and remained with them about six-weeks—That Captain Parflow brought her there on account of there not being accommodation for at her



bury, where the Regiment was quartered for a short time—While Mrs. Parflow staid with them the Races were, to which he, with his wife and Mrs. Parflow went—he saw Mr. Sykes on the race ground in his phaeton—they were in Captain Parflow's carriage—As soon as they got on the ground he, (the witness) went into the stand, and on his return he saw a gentleman in a phaeton talking to the ladies—this he afterwards learnt was Mr. Sykes. On his coming up Mr. Sykes went away, and he saw him not again until half an hour afterwards. During Mrs Parflow's stay at Windsor, he visited at his house twice, but he never observed any impropriety in the behaviour of Mrs. Parflow and Mr. Sykes, during such visits. Soon after this he went to London with his wife and Mrs. Parflow, where she quitted him, and went to her husband at Ipswich; where he afterwards joined Mr. and Mrs. Parflow and found Mr. Sykes visiting them. After about eight days stay at Ipswich Mr. Sykes carried Mrs. Parflow off—during that time he observed nothing improper in the behaviour either of the lady or defendant—Captain Parflow always behaving to her with the utmost tenderness and attention; Mrs. Parflow also to his observation, behaved very affectionately to her husband, and he never had the least idea of her committing such an action. He remembered Mr. Sykes calling at Mr. Parflow's the evening of her elopement, in the month of July—he was in his phaeton—nothing passed more than the usual expression of friendship between them. It had been settled in the morning that Mrs. Parflow should accompany Mr. Sykes in the evening in his phaeton—he had no suspicion of their intending to elope.

They set off about five o'clock—he remained that evening with Captain Parflow; about ten o'clock he began to suspect something, as they were not returned, and if any accident had happened to them, he thought they would have sent a servant to acquaint Captain Parflow with it. It growing late without hearing any thing of them the Capt. was greatly alarmed and agitated. The first tidings of their elopement were communicated by Captain Pye. Irresolute and undetermined in what manner to act, all



Monday was passed in various surmises and determinations. On Tuesday, in consequence, of intelligence received of their rout, they set off through Thetford, Bury, Newmarket, and onward to London. One child, a daughter about four years old, was the only fruit of the marriage of Captain and Mrs. Parflow.—Cross examined.—At Ascot Heath Races he first saw Mr. Sykes, he (the witness) handed Mrs. Parflow into Mr. Sykes's Phaeton.—In London he had some conversation with him at the Prince of Wales's Coffee-House, relative to some slander which it was said Sykes let fall on the stand at Ascot Heath Races concerning Mrs. Parflow; in answer Mr. Sykes replied he had said no such words, and that he would call on Sir Charles Apgill, to request him to give up the person who had propagated such report—with this he was perfectly satisfied—indeed when he went to Mr. Sykes he believed that no such expressions as he had heard had, in reality ever dropped from Mr. Sykes. At Ipswich he saw Mrs. Parflow and M. Sykes together.

#### C A P T A I N P Y E,

Is very well acquainted with both Captain and Mrs. Parflow, he belongs to the same regiment as the Captain—Has known him upwards of six years, and the lady ever since her marriage. The night of the elopement, he saw Mrs. Parflow and the Defendant in a phaeton, about eight o'clock on the 11th of July last. twelve miles distant from Ipswich, on the Thetford road—they were very much confused at seeing him, and Mrs. Parflow asked the hour, and how far they were from home—on his telling them, she said, turn round then and go home as soon as you can; he replied, that he would first go round the town, and turn round there—they went on—he proceeded to Ipswich, and communicated his suspicions to Captain Parflow. Being asked, in what manner the Captain and his Lady lived during the whole of their marriage, he replied, in the most affectionate and tender manner.

#### Mr. B R O A D B E L T,

Keeps the sign of the George, at Thetford—remembers, on the 11th, or rather the 12th, two persons, a lady and gentleman came to his house, between Twelve and One



o'clock in the morning. The gentleman said his name was Sykes, and that he was the son of Sir Francis Sykes; they came in a post-chaise with four horses—the next morning they went away—but previous to their going away, the gentleman asked him to give him cash for his draft, as he was rather short of money, and wished to go to London by cross roads, rather than the public one; however, he did not comply with the request of the gentleman, and they went away.

#### M A R G A R E T K E M P.

Lives as Chambermaid, at the George Inn, at Thetford, has a perfect recollection of a lady and gentleman coming to her master's house, on the 11th of July, about twelve o'clock at night—they slept there—On their coming in, she shewed the lady to a bed-chamber, who desired her to get the bed made as quick as possible—she did so, and accompanied the lady to her apartment, with candles—When she was in bed, she desired her to go and acquaint the gentleman—he came up stairs—went into the room—but previous to his bolting the door, he desired her to call them at nine in the morning—she did so—and saw them in bed together—The gentleman asked her, on her going into the room, whether any enquires had been made for him by any body.

#### L E T I T I A F L E T C H E R,

In July last, was a Chambermaid at Osborn's Hotel. in the Adelphi, a lady and gentleman came there, and slept there one night—they hired two bed-chambers, but slept in only one.—Being cross examined, as to her knowledge of this fact, she replied, that she saw them in bed together.

#### Mrs. G R E S P.

Lives in Bennet-street, St. James's—On the 21st of July last, a gentleman and a lady took lodgings at her house—it was on a Tuesday—they slept then together, and she never made up but one bed for them—she knew the gentleman to be Mr. Sykes, and thought the lady was his wife—though she has since heard it is Mrs. Parslow—they lived at her house a fortnight as man and wife, and then quitted her lodgings.



The Rev. Mr. M E T H A M,

Is very well acquainted with Mr. Sykes, they were at the university together, he is the son of Sir Francis Sykes, Bart.—on the 22d of July last, he saw him at the Mount Coffee-house, where he asked him what news he had lately heard from Ipswich—to this he made no answer—at supper he asked him what was said of him, to this he replied, that it was no business of his—Mr. Sykes then said that Parslow and Captain Wallace were in town he knew—he had met them—and continued he, “I am ready to fight Parslow whenever he pleases.”—He then boasted to him of his having carried Mrs. Parslow off, and said that his Ipswich journey, or scheme, had succeeded as well as he could wish—concluded his address to me with an invitation to dinner the next day at five o’clock, at No. 3, Bennet-street.—Cross examined—Has known Sykes some time—his conversation was heard by at least forty people—but more particularly by those who were at supper with them to the amount of ten persons, they, he is certain, heard every word Mr. Sykes has said.

The witnesses on the part of the Plaintiff being all examined and his Case being gone through,

Mr. B E A R C R O F T,

Rose on the part of the Defendant. He said he would readily confess, that in a long exercise of a laborious profession he never felt himself under greater difficulties than at that moment—He acknowledged that he was not insensible to the strength and weight of the case, nor to the powerful force of eloquence of the Counsel for the Plaintiff, which, said he, if it cease vibrate on the ears of the Jury, still must have left some hold about the heart. He stood, and he confessed it, in a situation of great peril—but still as a matter of Justice he had a right to entreat the Jury to dismiss from their minds, the glowing appeal which Mr. Erskine had made to them, and attend solely to the Evidence. By every method possible the Jury had been addressed by Mr. Erskine. He even in the confidence of conscious rectitude, appealed to him, saying, how should feel were he situated as the Plaintiff in the present action—as a husband—as a father. Nevertheless



acknowledged that the learned gentleman had spoken with great effect, and conducted his cause with infinite judgment—He had produced many respectable witnesses whose testimonies could not be doubted, He had asked him whether he would attribute as an inattention to his wife Captain Parflow's sending her to Windsor—of that instance he would say nothing, but he meant to call witnesses who would prove many acts of inattention to Mrs. Parflow; witnesses who were more in the habits of knowing than the officers of the regiment—he would produce servants and people where the Captain and Mrs. Parflow had lodged.

With respect to Mr. Sykes's behaviour it had been very well said by one of the witnesses (Colonel Gwynne) that however old he might be, his manner was *young enough*—he meant to prove that it was so. It could not have escaped the observation of the Jury, that the regiment was in many places—not a single person been brought on the part of the Plaintiff where he had lodged, to prove any thing that passed between Mr. Sykes and Mrs. Parflow—On the cross examination of all the witnesses, they had said that they never saw an indecorous action between the parties, or any thing that could even make suspicion warrantable.

It had been stated that the Defendant was the son of Sir Francis Sykes, Bart. who had got in India an immense fortune—what that fortune is, is not in evidence, nor does Mr. Erskine know—the Jury therefore must banish that from their minds. But, for the sake of argument, granting that Sir Francis had got an immense fortune, as it was obtained solely by his own industry, the son had no steady right to it, whatever claim Nature might give him to the future possession of it. Mr Erskine had said, if the Defendant cannot pay the Damages in his purse, he should pay them in his person—This surely was saying to the Jury, “Gentlemen give a verdict any how;” “if the son cannot pay the Damages himself, he shall remain in prison ’till his father consents to pay the ransom.”—But that he would inform the Jury was not law—the law had said no man shall be subjected to a larger



fine than he is able to pay. It was not in proof to the Jury, that the Defendant was worth a guinea—nay, he believed, if it should be found necessary, he could prove that he was a considerable deal worse than not worth a guinea. It was his desire to make the Jury perfectly acquainted with Mr. Sykes—he would keep nothing from them. On being asked how old the young man was, Colonel Gwynne had very candidly replied, he looked older than he was, but in his behaviour he was young enough. For his part he was perfectly satisfied that Mr. Sykes was an idle, profligate, young officer—and he believed that the Jury could have very little doubt of the truth of the observation—but if he had been tempted by opportunities improperly given, the guilt would not be so great, and consequently the Damages ought not to be so heavy.

It was of importance, that he should tell the Jury, here, what he meant—He did not charge Captain Parflow, with an intention to entrap the Defendant—He owned himself, however, not to be in possession of evidence to prove this to be one of that sort.—His instructions were, to state, that Captain Parflow was so negligent, and so inattentive to the conduct of his wife, as not only to suffer her frequently to ride out with Mr. Sykes, but to desire her to go out with him alone, and unattended by any servant—However, Captain Parflow might excuse his conduct, in suffering her to go out in a phaeton; surely he could not justify this last action.—He had also evidence to prove, that he has suffered Mrs. Parflow, always to dance with Mr. Sykes, and desired him to come into his carriage, and sit by his wife, saying, if he refused, that he was an unfociable fellow—He had also in proof, that he had frequently permitted him, when intoxicated, to sit with Mrs. Parflow, alone, 'till a very late hour.—He had it likewise in evidence, that once, when Mr. Sykes and Mrs. Parflow were alone, Captain Parflow came to the door, and upon the lady's saying, "come in, here's only Sykes here," he refused, and left them for hours together.—If a man, thus throws away the precious jewels, or leaves the casket carelessly open, that contains it, where is the wonder, that any one should be tempted to steal it from him?



He would now proceed, to call those witnesses, who were most likely to know any thing of the subject—The landlady of the house where they had lodged, and the servants—they would prove, that Captain Parflow made a wide difference in his treatment of Mr. Sykes, and the rest of the officers of the corps.

If, in conclusion, it should turn out, that a young man, has committed adultery with a young woman, handsome and elegant, who has been neglected by her husband, he trusted that the Jury would give the Plaintiff but small damages.—If it turned out otherwise, and he could not prove the truth of his assertions, still he hoped the Jury would not give heavy damages, when they considered, that the Defendant, of himself, was not worth a shilling.

C H A R L E S W R E N,

Was a servant to Mr. Sykes—remembered very well his master's coming to Dorchester, in 1788—It was about the beginning of the Winter—His master kept four horses there—on one of which Mrs. Parflow used frequently to ride. He also recollected several messages from Mrs. Parflow to Mr. Sykes.—The purport, that she presented her compliments to his master, and would ride out with him.—On such occasions, Captain Parflow was generally present, and used to help her on horseback—they rode out alone. Being asked, whether Captain Parflow ever accepted one of his master's horses, he said, yes, but never accompanied Mrs. Parflow, on horseback—He remembered very well, his master, and Mr. and Mrs. Parflow, going to a Mr. Tavenhault's on a visit—but he could not speak, as to the time they staid there Captain Parflow and his wife used frequently to sup at his master's house, from whence, sometimes, his master accompanied Mrs. Parflow home.—At Captain Parflow's he often waited till his master came away—On these visits to Mrs. Parflow, her husband sometimes was at the mess-room during the whole time. Once, his master, and Mr. and Mrs. Parflow, went to Blandford, where Captain Parflow returned back alone—Mr. Sykes was in his gig—Mrs. Par-



flow in her chariot—the next morning they went to Salisbury, Mrs. Parflow and Mr. Sykes, in a gig. he followed them on horseback—Once, he remembered his master drunk, at Captain Parflow's lodgings, where he had dined—Another time, his master, with the captain and his lady went to Mistle. Mrs. Parflow, and Mr. Sykes, in a phaeton, and Captain Parflow, on horseback.—Cross examined—has left Mr. Sykes's service about two months—Captain Parflow and Mr. Sykes were very intimate together—the captain behaving to his master always in such a manner, as if he respected him much—Captain Parflow had only a chariot—could not say positively that the Plaintiff ever left his wife one night at Mr. Tavenhault's during their visit there—When his master was drunk, at Captain Parflow's once, he went to fetch him home.—From their visit to Mistle. they returned with hack horses, Captain Parflow, riding on horseback.

### T H O M A S B R A D W A Y,

Is Valet to Mr. Sykes—at Dorchester his master staid some time—Captain Parflow and his wife were there at the same time—his master used to visit them and they on return used to visit him—sometimes his master used to be alone with Mrs Parflow, once in particular going to Capt. Parflow's to his master, to ask him if he went to Bath next morning, he found Mrs. Parflow and Mr. Sykes sitting together in the dining-room, this was between Twelve and One o'clock in the morning—Mrs. Parflow and his master frequently have rode out alone and continued riding three or four hours at a time—he has often carried messages from his master to Mrs. Parflow, asking her to ride out—being asked if he ever remembered any present that his master made to the lady, he replied yes, once a present of twelve pair of shoes—Mr. Sykes and Mrs. Parflow often travelled in the carriage together, while the captain rode on horseback; in going from Weymouth to Dorchester, he well recollected the Captain coming out of his carriage and desiring Mr. Sykes to take his place in his wife's carriage, at the same time stepping himself into an empty hack postchaise that followed them—Mr. Sykes and Mrs Parflow went in his phaeton to a review of the regiment on Reading race ground. his master having then quitted the regiment.—Cross examined—Has not quitted the service of Mr. Syke—he still persists in saying, that once when he went to Captain Parflows, to enquire if his master went to Bath next morning, he found Mrs. Parflow and his master alone. but he would not swear that Mr. Parflow was not in the house at the same time—the plaintiff on all occasions expressed the greatest friendship for his master. Being questioned as to the state of Mrs. Parflow's health, whether it was good or bad, he replied that he had not observed it was bad at any time—he never saw any thing improper between his



master and Mrs. Parflow at any time—he had observed that it was the Captain's invariable custom to place his master next to Mrs. Parflow at the table when there was company there—When the regiment marched to Salisbury, his master drove Mrs. Parflow thither—In the journey from Weymouth to Dorchester, many persons went with master, the Captain, and Mrs. Parflow. For some time he hesitated in saying whether, (when the Captain desired his master to come into his wife's carriage, and got out himself,) no person was in the carriage besides; at length it came out that at that very time Mrs. Smith was in the same carriage with Mrs. Parflow, when Mr. Sykes was desired to come in.

L O R D K E N Y O N,

Wished to know in what part of the house the dining-room was.

T H O M A S B R A D W A Y.

Replied to his Lordship. that it was below, and that he knocked at the door before he entered the room.

C H A R L E S C O N N O R,

Is also a servant of Mr. Sykes's, and went with his master to Ipswich races—Captain Parflow and his wife were there at the same time—his master drove Mrs. Parflow to the race ground, but not without the knowledge of the Captain, who always knew when they went out together—at Ipswich, his master was more than a week, before he eloped with Mrs. Parflow.—Cross examined—His master drove Mrs. Parflow out four or five times, Mrs. Wallace accompanying her two or three times—when on the race ground his master used to leave them in the phaeton and go himself on the stand—while they were on the course, Captain Parflow used often to come and talk to his wife.

Miss M A S O N,

Is the daughter of Mrs. Mason, who lives at Dorchester she remembered Captain and Mrs. Parflow's coming to lodge at her mother's, where Mr. Sykes used to come some times. but not oftener than any other officer of the corps, sometimes too he staid of an evening there.—



Cross examined—She never saw any thing amiss in Mrs. Parflow's behaviour.

Mrs. M A S O N.

Lives at Dorchester—Captain Parflow and his lady lodged at her house—she remembers Mr. Sykes coming often to take Mrs. Parflow out—Mr. Parflow was there on those occasions—she declared that she never in her life saw a more affectionate husband.

Mrs. K E E L E.

Captain Parflow and his lady lodged at her house at Salisbury, Mr. Sykes visited there, but no more than other gentlemen of the corps—He sometime took Mrs. Parflow out—Cross examined—They lived at her house five weeks, during which time, she observed that no couple could live in a more affectionate manner.

All the Witnesses for the Defendant being Examined,

Mr. E R S K I N E

Began his reply—His indignation had been rising from the beginning of the Trial—The defendant had employed as good and able a Counsel as possible, but for this Case, it is marked with such atrocity, so disgraced, so bad a one what, what could they do?—This cause must fill the minds of every one, he was convinced, with horror and disgust—the Jury had observed the state of his health, and what he had suffered by his exertions, which would have been too much for him, or for any man, were he not supported and borne up by the dictates and the principles of Honour, of Religion, of Mortality, of Humanity—Thank God, he said, he had been educated in those principles by parents whose lives were not embittered by adultery—

C



They had not before them an infant, hapless as the child of the Plaintiff, one of whose parents had disgraced themselves by the foul Crime of Adultery.

To him it was a cause of serious lamentation that he was employed in this case, because it was always unpleasant to him to say those things, which in the course of his address to the Court and Jury, he was obliged to say.—Only consider, said he, how the case stands now—In the opening he had been rather back, for he considered it as an unprincipled thing to state too much in the outset—In the beginning of the cause his mind misgave him, that it was impossible to prove such a scene of iniquity as had been laid before him—behold now, the conduct of the Defendant.

He enters into an honorable corps—he no sooner enters into it—sees them all happy—is introduced into the mansion of conjugal love and felicity—received by the husband, as a friend—by the wife, as the friend of her husband—but what does he do?—why, he makes use of these words—“I should like to debauch that woman,”—Consider but for a moment, the atrocity of the sentence, before he could have conceived any Sentiment of love for the lady.

Before he is known to all the officers of the corps, he casts his baneful eye around him, and mark the house of happiness for destruction, forgetting every Tie of honor—regardless of every sentiment of friendship of humanity, he says—, “cut down this man’s happiness—I will plant a dagger in his bosom—tear from his arms the sweet partner of his cares—and fill with sorrow every future moments of his life.”—He sees too, their sweet infant, smiling in their faces and looking up to them for protection—He says to himself—“I will suffer thee to



smile no more—no longer shall thou be a comfort to thy parents—I will make thee a serpent in their bosoms.”—Good, God, Gentlemen, what must you think of this man?—That great master of the human heart, Shakespeare with all his, never painted a wicked man, without making him express some remorse for his bad actions—Thus do you see, Macbeth, torn by all the horrors of remorse and civil conscience—

“ Ha!—how every noble appalls me—”

Not so the Defendant—on he goes, ruining the peace of the Plaintiff, so when he has finished the *damned* deed, when he has completed his execrable purpose what does he do?—He glories in having succeeded.—Who, it may be asked; allows me to put the imputation of deliberate guilt on the Defendant? Who? He—himself—He says to a Clergyman, in a room full of company “ I have succeeded—this Ipswich scheme has answered my purpose, come and see my triumph, come and dine with me to-morrow.”—Gracious Heaven, continued he, am I stating, Gentlemen, this in a place inhabited by civilised creatures?—Am I stating this in a place, where all the ties of human nature exists—fathers—brothers—sons—or, am I among brutes—and shall this be endured?—shall it not be marked with the disgrace, the shame, the infamy, that it deserves,—When I go for exemplary damages, I must shew these damages—I have—I have called every officer in the corps—and what do they say?—That the Plaintiff was the most affectionate husband, they ever knew—The wife was visited by all the married ladies of the corps—If the Defendant could have proved any inattention from her husband to her, why did he not subpoena those ladies—none are more quick-sighted in those instances—none are able to see when a man treats a woman with propriety or not—No—He dared not bring them—Nay even her own servants confess, that he was the most affectionate husband ever known,



The Plaintiff had no cause for jealousy—handsome in his person, —elegant in his manners, he did not fear, like a *Spanish* husband to leave her—But now, Gentlemen, since, if a man leaves his wife, But for amoment, he is to be called inattentive—Go home Gentlemen keep a journal of your lives—never leave your wives—If you do—some person may be watching your motions, in order to give a sanction to the crimes which your wives may commit The Plaintiff, whose fortune, allowed him not to possess those luxuries, and whose wife is ill, consents to let her go out in a phaeton, with another, for the benefit of her health, trusting, with proper confidence, to her honour,

Let us now see the defence—The servants of the Defendant, are called to prove that the Plaintiff always expressed the greatest affection for his wife—The witness, Broadway, has magnified a mole-hill to a mountain—A large party went to Weymouth—on their return Mr. Parflow, gets out of his carriage goes into an empty chaise desires the Defendant to get into his wife's chariot, in his stead—This appeared odd.—he was questioned closely, and at length it is wrung from him, that there was another lady in the coach, at the same time—Good God, Gentleman, what an atrocious case—whenever the Defendant's witnesses strengthen the Plaintiff's claim—He begged leave here, while the Witnesses for the Defendant were in court to tell them, that it was much to their honour, they had given such a testimony to the merits of the Plaintiff,

For this offence, however, the Defendant offered to make a reasonable compensation—After having done him all the injury in his power—after having ruined his peace of mind for ever, he says “I am ready to fight him;” “to cut his throat.”

He would admit, however, of some alleviation for the defendant—knowing perhaps, that the plaintiff was unhappy enough in this world, he send him to a happier place. But the Plaintiff behaved in a more manly manner. He lays his case before his country, trusting to their justice for some compensation; which when he obtain, when he gets the most exemplary, the most heavy damages, poor, very poor recompense indeed, is it for the eternal loss of his happiness on this side the grave.



With respect to Damages, he would make some few observations. The Jury would consider what injury the Plaintiff had sustained—he had lost that comfort his home ought to have bestowed—he had lost his wife. His child, whenever he looks at her, if perchance she may resemble her mother, what must his bosom not feel? Can he then be said to receive much happiness from her? and the poor child what will she not feel from the loss of mother's care and instruction.

In conclusion, gentlemen, I am sure from the atrocity of the case—from the injury done to the Plaintiff, you will scarcely hesitate to give most heavy, most exemplary Damages.

## L O R D K E N Y O N.

As soon as Mr. Erskine had concluded, his Lordship, addressed himself to the Jury, summed the whole of the Trial. The cause, he said, deserved peculiar attention; not on account of and difficulty in it but on account of the atrocious circumstances which attended it, and the scandalous conduct of the Defendant—There never was a case which was marked with disgrace, or came out of atrocious.

In these degenerate days it was fit every stop that the law could put; ought to be put to the commission of vice. Adultery was a crime of a most heinous nature, in whatever light it was considered. The peace of a husband, if he loves his wife, as it proved he did in present case, was ruined for ever—his children are made unhappy, and even when the wind recurs to the seduced object, what must be her sensations? then can only be blunted at first by the novelty of the object, but that remains only a time—Reflection must come, and Conscience will accuse.—



That monitor, though it speak at first with still small voice, will hereafter reproach in a voice of thunder—she will be heard—no amusements will stop her force—she will present to the seduced victim the happiness she has lost—The misery she has entailed upon her family—the thorns she has planted in the bosom of her husband—an alien from her children—deprived of the sight of them, and their society—taught from their infancy to look on her with loathing and disgust!—And the seducer, shall no punishment be annexed to his crime? Shall he destroy the peace of a whole family? Shall he throw down the mansion of happiness? Shall he crop the rose without being injured by the thorn? God forbid, that in this civilized country, such a monster should be suffered to commit these crimes with impunity?

A man of universal good character—a man who behaved so affectionately to his wife, he had hardly ever heard of. Recollect, gentlemen, continued his Lordship, his behaviour to his wife at Dover—there, during the whole of his wife's illness he never stirred from the bedside. The inattention wished to be thrown upon the Plaintiff, reflects honor upon him—Trusting to her affection, he suffers her, for the benefit of her health, to accompany the Defendant in his phaeton—unsuspecting because not deserving of the treatment he has since received at her hands.

The Defence set up by the Defendant, aggravates his crime—Instead of being satisfied with the injury, already done to the Plaintiff—Instead of acknowledging the irreparable harm he has been guilty of, he comes into court, vilifying his name, and wishing to attach to him that, he himself has been the cause, of his wife's foul crimes.

In this case, Gentlemen of the Jury, there are but two questions—The first is, Whether the fact has been proved—most certainly——most clearly it has—There



remains then, but this for your consideration, what damages you will give.—this must rest with you.

There is a great difference in these cases—There have been some, where the husband has been privy to his wife's guilt——To a man, who consents to the injury, none can be done, and of course no damage ought to be given—but in this case, no circumstances of that kind appear, I cannot conclude. Gentlemen, without delivering it as my opinion, that, you will fall short, *infinitely* short of that justice, which you owe, not only to the Plaintiff, but to your country, if you do not give most *exemplary* Damages.

The Jury, after a few minutes consideration, brought their Verdict for the PLAINTIFF, with TEN THOUSAND POUNDS DAMAGES.

F I N I S.