

7 Nov 13.

THE  
TRIAL AT LARGE  
OF  
Capt. J. Caulfield, Esq.

FOR  
CRIMINAL CONVERSATION

WITH  
THE WIFE  
OF  
*Captain George Chambers, Esq.*

Daughter of the late Lord Rodney,

WITH THE  
WHOLE PLEADINGS OF THE COUNSEL,

VIZ.

ERSKINE, GARROW, DALLAS, &c.

*Before Lord Ellenborough, Chief Justice of the King's Bench,  
on the 3d of December, 1804.*

---

By RICHARD JOHNSON, Esq.

OF THE MIDDLE TEMPLE.

---

LONDON:

*Sold by R. Bntters, No. 22, Fetter-Lane, Fleet-Street;*

---

(PRICE ONE SHILLING.)

K  
540

T 75  
no. 20 (13)

CRIMINAL CONVERSATION

THE WIFE

Captain George Chambers, Esq.

WHOSE READINGS OF THE COURSE

RISKING GARRON, DALLAS &

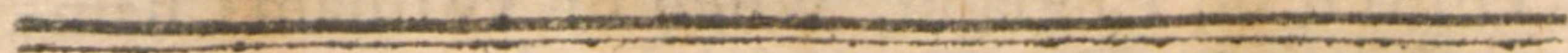
BY RICHARD JOHNSON, Esq.

OF THE MIDDLE TEMPLE.

LONDON:

Printed by R. Butters?  
22, Fetter-lane.

11992. LA 20108



THE

TRIAL

OF

*Captain James Caulfield, Esq.*

FOR

CRIM. CON.

---

**T**HE Plaintiff is the son of the late Sir William Chambers, architect to the king, has a commission in his majesty's service, and was employed in the expedition to Holland. The Defendant was also a captain in the army, is well known in the circles of gaiety and fashion, and as an amateur in the dramatic art.

The Plaintiff married one of the daughters of admiral lord Rodney, in the autumn of the year 1784. It was a match of the purest sensibility and affection, formed between two young persons, the one eighteen and the other seventeen, and consummated after a rapid expedition to Gretna-Green. On their return from this northern flight, the union received the sanction of the parents on both sides, and this happy couple were joined according to the holy rites of

the church of England, when sir William Chambers was present at the ceremony, The issue of this marriage extended to nine beautiful children; eight of them were boys. For a long succession of years this early partiality seemed to be confirmed and strengthened. Such was the joyful situation of those parties, until a short time before they met the present Defendant at a ball at Huntingdon, in the neighbourhood of which town the Plaintiff resided. The subsequent facts will be more satisfactorily collected from the particulars of the trial, than from any detail we could give from our knowledge of the circumstances.

Messrs. ERSKINE, GARROW, and SCARLET, were counsel for the Plaintiff; Messrs. DALLAS, GIBBS, and BURROUGH, for the Defendant.

Mr. ERSKINE, on the part of the former, disclosed the facts of the case. He said, this was an action seeking a compensation, in damages, for the criminal intercourse of the Defendant with the wife of the Plaintiff. The lady was exquisitely beautiful, perfectly accomplished, of most fascinating manners;—and notwithstanding the numerous progeny which she has given, to become the ornament of society, she retained all the appearance of vernal loveliness. The Defendant is a man possessed of an elegant person, of a finished address, and endowed with those talents and powers which find a vigilant and insidious advocate in the female bosom. He saw, and he admired this lady at a dance given in the principal town of the county where she resided. Most melancholy it was, that these sentiments were not confined to

himself, she also saw, felt, and admired, and from that moment the felicity of her husband was for ever destroyed. The Plaintiff immediately observed a sudden change in her manners; on every little domestic dispute, she threatened to leave her husband, and the fond circle in which she had appeared; and future events could alone explain to the afflicted husband this grievous revolution. During this miserable interval, the Plaintiff discovered a letter in her hand: urged by jealousy, he attempted to seize it; in consequence of this scuffle, she deserted the mansion of her husband and her children; but at this time he had attained no knowledge of her criminality.—Soon after this fracas, he was, in his ostensible character in the service, called upon to embark to join in the attack on Holland. It so happened, that the indisposition of this officer did not admit of his remaining in that humid climate, he therefore unexpectedly returned to his house at Hartford, near Huntingdon, where his wife then was. She appeared, on his arrival, extremely agitated, and the next morning left the place, abandoning an infant, of only seven months old, wholly unprotected.

*Mrs. Cotine,*

—the sister of the Plaintiff, deposed to the marriage of Mr. and Mrs. Chambers, on the 12th of September, 1784.

*The Rev. James Walker*

—gave testimony to the harmony and affection

that prevailed in the family, in which he acted in the capacity of tutor.

*Mrs. Little,*

—was in the situation of housekeeper, and had also the superintendance of the children.—She first observed a change in the deportment of Mrs. Chambers in the year 1798, and she had some time before observed a disposition to flirt with several gentlemen; but she noticed nothing very remarkable until 1801, when captain Caulfield had a lodging at Huntingdon, and was a frequent visitor to her master and mistress. Being interrogated if she noticed any thing peculiarly familiar in the behaviour of captain Caulfield and Mrs. Chambers, she said that they were accustomed to sit on the sofa together in the absence of her husband. After the departure of the Plaintiff for the Helder, the captain was received on a footing of much nearer intimacy; he was accustomed to be in the house late in the evening, and early in the morning, and none of the servants knew when he went or when he returned, so that suspicions were entertained that he was an inmate all night in the family. The men-servants were usually sent to bed at this period at an early hour.—Mrs. Chambers had also altered her plan in one particular; it was usual with her to admit the children into her room, as soon as they rose, with the witnesses, who attended them, but during the whole of this interval, they were excluded, and both the doors of her apartment were locked.

*Mary Smith*

—remained in the service of the lady two years, from about Christmas, 1801, to the same festival in 1803. Her mistress then lived at Farnham St. Martin's, near Bury, St. Edmund's. She thought captain Caulfield was then a lodger with her. From thence she removed to Prince's-street, Hanover-square; thence to Fulham; afterwards to Mint-Farm, near Reigate; and again to Battersea; and in all these situations the Defendant attended her, and seemed to continue a lodger, and an acquaintance in her family, and no illicit intercourse was detected. Afterwards they went to Chertsey, and there likewise they had two separate beds and apartments; but from her experience in her office of chamber-maid, what, from their previous conduct, and the proximity of the rooms, she strongly suspected that both beds were regularly made, and constantly disordered; and from other more minute circumstances, which it is neither delicate nor necessary to explain, she had no doubt that the Defendant had criminal intercourse with her mistress.

Mr. DALLAS, for the Defendant, admitted, that if the case was clearly proved, his client had alienated the affections of this lovely seraph, retaining all the charms, even at this hour, of virgin beauty, no damages could be too serious, and no compensation adequate to the injury suffered by the Plaintiff. However, the claim of Mr. Chambers in a court of law must depend upon the merit of his pretensions. The learned counsel, after the evidence that had been last

adduced, would not, and could not, pretend that the adultery had not been proved; but whether the Plaintiff had any just demand for damages, must depend on the facts by which the defence would be supported. It was singular, that though Mrs. Cotine, the sister of the Plaintiff, was brought forward as a witness, not a single question was proposed to her by his learned friend, on the harmony subsisting between the Plaintiff and his wife, although it might be thought, from his representation, that this conjugal union was a sort of matrimonial elysium, which could alone be exceeded by the joys of Paradise.—The happiness of this pair was to be proved by the unsupported evidence of a single domestic, E. Little, whose depositions in several respects were absurd and contradictory. The son of sir William Chambers, and the daughter of my lord Rodney must possess a regular and habitual intercourse with those who held a distinguished rank in the fashionable world, and yet not one of their associates had been produced to give testimony to those mutual endearments which appeared only in the brief of his opponent. He should make it appear, why this sort of evidence could not be supplied; he would produce to the Jury a series of letters; he would produce a deed, sanctioned by all the formalities of the law, which would expose a system of brutality in the conduct of the Plaintiff;—after which he could be entitled to no damages; and it would equally excite the astonishment and the compassion of the Court, or perhaps its contempt, that he should have presumed to claim of the justice of his country what virtue and humanity alone have a right to require. Mr. Dallas then produced the letters to which he adverted. The first was dated in



May 1798, in which the Plaintiff assented to a separation; speaks of the terms on which it is to be effected, and intreats her not to take one of the carriages with her, as it would expose him to an assessment of 40*l.* a-year. The next was dated the 2d of June, wherein he implores pardon for his past misconduct, intreats an union, and says he shall ever be grateful if she will not refuse his request. On the third letter, which is dated four days posterior, he beseeches her to be reconciled to him, if not on his account, at least from her attachment to her children, from her respect for her own dignity, and from every motive of policy and expedience. He was now going abroad on a public and dangerous duty; in his absence he should be perfectly composed and resigned to every peril in the service of his country, if she would restore to him peace, by extending her forgiveness; then, alluding to some threat which he had uttered in an unfortunate hour, he adds, "with regard to the pistols, I never intended you the smallest injury, and what I uttered was under the momentary influence of hurry and intoxication." The learned counsel then proceeded to a deed of reconciliation, to which John and Jane Chambers, George lord Rodney, John Rodney, and John Milbank, esqrs. were parties. He said, that in this deed there was an absolute covenant, that in case of differences, she should be admitted to part at the time her own discretion should direct; that 400*l.* in dress and furniture should be allowed her, with an annuity of two hundred pounds. She was likewise to have the two youngest children, until they were eight years old, under her care, and permission to see the other children at the house of the Plaintiff whenever her maternal affections should be so dis-

posed. The whole tenor of the defence was directed to shew that the Plaintiff, by his own gross conduct, had alienated the affections of his wife; that she had obtained terms of separation with his own concurrence, in consequence of his brutality; and that, therefore, for any act of infidelity, however successfully shewn, he could maintain no action for damages in a court of justice.

The deed and the letters having been proved by Mr. Bootle, they were read according to the order of their dates, by the clerk of the Court, by which it appeared that the Plaintiff expressed the most poignant contrition for his own errors, and not a syllable of the smallest discontent arising from any part of the deportment of Mrs. Chambers.

Mr. ERSKINE then rose in reply, with strong marks of indignation. The most infamous reports had been circulated by this Defendant, in order to deter the Plaintiff from seeking the redress to which he was entitled at the bar of his country. By the instruction with which his learned friend was supplied, he was now made acquainted with the corrupt fountain from which they issued. This profligate adulterer, reposing in the arms of this beautiful and unfortunate woman, had prostituted the confidence to which he was admitted, had ransacked the papers in her possession, in order to convert the proofs of the ardent affections of her husband, into instruments of destruction to the man over whom he triumphed. This, on a thousand occasions, he had called the adulterer's course; if it were sometimes the race of success, it was always the path of infamy. It was objected, that not a single question was proposed on his side

to Mrs. Cotine, in evidence of the matrimonial happiness the Plaintiff so long enjoyed. The lady came into court under the most distressing perplexity; and it was not the wish of the counsel for the Plaintiff to protract her anxiety; yet no such impressions seem to have existed in the breast of his learned opponent, and he might have sifted the truth if he had doubted the fact of this mutual felicity; but he knew the experiment would injure the cause of his client, and therefore he desisted from this inquisition. It was extraordinary that he should complain of the deficient industry of the counsel for the Plaintiff in this particular, when in another instance immediately connected with it, he had at least been equally sparing of his exertions. Mr. Chambers, the son of that architect so long patronised by his sovereign, and who has rendered himself immortal by the magnificent monuments of his genius: his wife, the daughter of an illustrious and gallant nobleman, who had destroyed the naval armament of France, could not be confined to a contracted circle of society. Wherever taste, fashion, and honour, were admired or respected, they would be seen and acknowledged. If then Mr. Chambers had been guilty of any misconduct; if he had frequented gaming houses and brothels; if he had practised the arts and the vices of the spendthrift and the debauchee, abundant testimony would have been afforded, of which his learned friend might have availed himself, in order to shew that the profligacy of the Plaintiff rendered him unworthy of the affection of his accomplished wife. But not a tittle of evidence had been adduced, notwithstanding all the advantages with which the counsel were

supplied; they had contented themselves with allusions made by the Plaintiff, in the noble and generous spirit of repentance, which itself argued he was incapable of the offences with which he was charged. A scramble about a contemptible slip of paper has been adverted to, and a story about an unloaded pistol was blazoned forth, to support the feeble narrative. Suppose, in the moment of inebriety, either from the effects of wine, or from the more deadly poison of jealousy, he had done what had been represented; and was the fine picture drawn by the masterly hand of the sublime artist of our country to be forgotten? and were the human passions never to be respected? Listen to the voice of the noble Moor; in the excess of his passion he exclaims—

“ Oh monstrous! I will tear her limb from limb.”

Then driven alternately by hope and fear—

“ By the world,                     

I think my wife is honest, and think she is not;

I think that thou art just, and think thou art not;

I'll have some proof. My name, that was so fresh

As Dian's visage, is now begrim'd and black

As mine own face. If there be cords or knives,

Poison, or fire, or suffocating streams,

I'll not endure it. Would I were satisfied.”

Such were the feelings of a great and generous mind under the dominion of this tormenting passion! This demon had been driven from Hell to transfer its fires into the breast of this victim. A lady of noble alliance is conducted from town

to town, and exposed in a state of prostitution to the ridicule of fools, to the compassion of the wife, and to the contempt of all. A soldier returning from the field of battle to the embraces of the object of his early affection, is rejected with disdain; he is deprived of that society which had converted the days of trouble into a season of uninterrupted felicity, and for the loss he has sustained, he claims reparation from the honour and the justice of his country.

When Lord ELLENBOROUGH was about to sum up the evidence, one of the Jurors desired to propose a question to the housekeeper. Mrs. Little being called, he enquired if, before the intimacy of the Defendant with her master, she observed any thing inconsistent with mutual love and harmony to subsist between the Plaintiff and his wife? The reply was, that she had noticed nothing of the kind, excepting the dispute regarding the letter.

Lord ELLENBOROUGH (to the Jury)—“After this brilliant display of talent and eloquence, it becomes us to withdraw ourselves from the influence of the passions, and to inquire into the facts, as sober and reasonable men. It seems to me, the gentlemen on each side have assumed propositions stronger than the evidence will support, in favour of their respective clients. On the part of the Defendant, it is argued that this deed of conciliation is to be considered as a complete renunciation of the right of the Defendant to the society of his wife, so as to preclude him from a right of action under the present circumstances. Perhaps articles might be so framed as to reach to this extent, but these are not of that description, and

they were formed with a view to the increase, at least, of the mutual happiness of both the wife and the husband; but the latter, however, puts himself so far in the power of his wife, as to admit her to withdraw, whenever her discretion should dictate her doing so. On the other side, too much is charged against the Defendant, when they say he was the sole cause of the alienation of the affections of the wife: for, attending to the dates of the documents produced, we cannot avoid seeing, that as early as May 1798, before captain Caulfield had access to the house, very serious differences prevailed in the family. Even in the most correct domestic circle, from the occasional ebullitions of ill temper, disputes will arise; and it by no means is a necessary consequence, that because family quarrels sometimes take place, the door is to be thrown open to every adulterer, and our Courts are to be closed upon the claimant seeking redress for the injury he has sustained. The question then is, in what degree the Defendant was instrumental in erecting or heightening these tests?" (His lordship here entered into the particulars of the evidence, both on [the part of the Plaintiff and Defendant, and concluded with these observations:)

" We certainly have the confession of the Plaintiff, that in the early stage of these disagreements, he was the sole cause. You will, therefore, consider, if by his own misconduct he destroyed the affections of his wife. If he has deprived her of that love and attachment which are the best guardians of female honour, this will materially affect the proportion of damages to be assigned. But this will not excuse the man, who by his misconduct, has rendered reconciliation impossible. To the extent to

which the Plaintiff has suffered real injury, he will expect at your hands reparation.”

The Jury having withdrawn, in less than half an hour returned with a verdict for the Plaintiff—  
Damages 2000*l*.

**F I N I S.**