

V

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‘For the Snark was a Boojum, you see.’
The case of The Claimant, The Medals and The Poem
An article in five fits

This essay explores two artefacts pertaining to the most infamous case of imposture in British legal history. The Tichborne Case was the kind of spectacle on which the nineteenth century thrived; an heir lost at sea miraculously returned, an enormous fortune ripe for the picking, sexual intrigue, class division, hyper-politicised journalism and above all, an almost existential ambiguity around identity. The artefacts include two commemorative medals produced in support of the Claimant, against Lewis Carroll’s *The Hunting of the Snark*, a literary satire capable of reducing the entire saga down to nothing but nonsense.

Fit the first: Introduction

To quote *The Spectator*, ‘There never was in the long record of English crime a trial so thoroughly discreditable to British intelligence or so thoroughly creditable to British character as this of the imposter Arthur Orton.’¹ The butcher from Wagga Wagga, who laid claim to an ancient British title and fortune ‘was a shape shifter; he meant different things to different people.’² To those who supported him, he was a lost baronet returned home to reclaim what was rightfully his, or (and sometimes as well as) he was a labourer being done out of his rights by a corrupt system. To those who opposed his claim, he was an imposter and a threat. A threat not only to those in possession of the Tichborne fortune, but to the aristocracy at large, for his imposture suggested they ‘were pretty much like anyone else and could be impersonated or even parodied.’³

The pursuit of the Claimant’s identity had a wider socio-political meaning. Indeed news of the case helped to strengthen Australia’s emerging sense of national distinctiveness around equal opportunity, in contrast to entrenched inequalities at the centre of the British Empire.⁴ Whereas back in England, the Tichborne Case has been described as ‘a state of mind’, it permeated all aspects of life. Rohan McWilliam sees the Tichborne Claimant as the rallying point for perhaps the most significant

¹ *The Spectator*, 7 March 1874, p.4.

² McWilliam, R., *The Tichborne Claimant: A Victorian Sensation*, (London and New York: Hambledon Continuum, 2007), p.190.

³ *Ibid.* p.201

⁴ Everest-Phillips, M., *Journal of the Numismatic Association of Australia*, Volume 24 (2013), pp.3.

movement of popular agitation in Victorian Britain, between the decline of Chartism in the 1840s and the rise of organised socialism in the 1880s.⁵ What is fascinating about this case is how two fiercely opposing sides, both riddled with contradictions and spectacle, speak so clearly to the underlying themes of insecurity, identity and social mobility, which entrenched the Victorian consciousness of the late nineteenth century. This essay looks to explore an artefact from each side of the debate: one in favour of the Claimant and one seemingly against the entire case.

Fit the second: The Claimant

The year was 1854, a young Englishman, fleeing heartbreak, has been exploring Latin America and is last sighted in Rio de Janeiro awaiting a sea passage to continue his travels. Though lacking a passport it is reported he was able to secure a berth on a ship named *Bella*, which was to sail for Kingston, Jamaica on 20 April. Tragedy ensues and a mere four days later, just off the Brazilian coast, a capsized longboat bearing the name *Bella* is discovered. Given the wreckage and absence of personnel, it is assumed the Ship and all hands have been lost at sea. The young Englishman who had seemingly found a watery grave, was none other than Sir Roger Tichborne, eldest son of Sir James and Lady Henriette Tichborne and heir to the ancient Tichborne Baronetcy.⁶

In June of the same year, though the family were told Roger must be presumed drowned, there was still a persistent rumour that a ship had rescued survivors of the *Bella* wreck and provided them with safe passage to Australia. On the death of Sir James in June 1862, the matter of Sir Roger's survival became a pressing one – alive he is the eleventh Baronet, dead the family title and fortune falls into the hands of his financially reckless younger brother Alfred. So, while Alfred applied to the courts to have his brother legally declared dead, Lady Tichborne, with the help of A. and F. Cubbitt of the Missing Friends Office in Sydney, placed adverts in Australian newspapers offering a 'handsome reward' for any information regarding her favourite son's whereabouts.

Armed with the local advertisements, a solicitor in Sydney confronted a client who had alluded to both involvement in a shipwreck and some unclaimed properties back in England. On further questioning, Tomas Castro, a butcher in the outback locale of Wagga Wagga, conceded that he was indeed Sir Roger Tichborne, living under an assumed name. Almost immediately communications were struck up between Castro and the Dowager Lady Tichborne, resulting in a meeting in Paris in January 1867, during which, the mother immediately recognised Castro as her son. For many supporters, the mother's acceptance of the Claimant as her son is the cornerstone of the case, it was the 'chief point lending credibility to his assertion of identity.'⁷

⁵ Thomas, D., *Cultivating Victorians: Liberal Culture and the Aesthetic*, (University of Pennsylvania Press, 2004), p.85.

⁶ Which consisted of an estate in Hampshire and the colossal income of twenty-five thousand pounds per annum.

⁷ Thomas, *Cultivating Victorians* p. 87.

In opposition, the wider Tichborne family denied Castro's claim with equal vigour. Their doubts being fed by the much-changed physicality of the new Sir Roger (Figure 1), as 'the Claimant inhabited perhaps the most heavily discussed body of the Victorian age.'⁸ They also questioned his much-changed manners, the *Auckland Star* jeered that 'his knowledge was the knowledge of a Wapping butcher, and his ignorance not the ignorance of an English gentleman.'⁹ After Lady Tichborne's death the subject of inheritance became more pressing for the Claimant, and so began the most famous English court proceedings of the nineteenth century.



Figure 1. On the left, the London Stereoscopic & Photographic Company's image of Sir Roger Tichborne in 1854: © the National Portrait Gallery, London. On the right, the Claimant in the early 1870s: © the National Portrait Gallery, London.

The first Tichborne trial was a civil suit of ejectment.¹⁰ It ran from 10 May 1871 to 6 March 1872 and lasted 103 court days in the Court of Common Pleas before Lord Chief Justice Bovill. The length of the trial was unprecedented; it was followed closely in the media. Thomas notes that 'interest in the case divided very roughly along class lines – with labouring folk inclining to the Claimant and the wealthier establishment and respectability disposed against him,'¹¹ but the thematic debates wove themselves into the popular consciousness of Victorian society across those class divides, touching on Anti-Catholic rhetoric, whispers of an ancient family curse, questions of the Australian Bush and its ability to affect the 'the bearing of an authentic gentleman',¹² decency and the social order and physicality of the body. Such was the intrigue around the case that even Trollope remarked "We poor novelists had not, amongst us, the wit to invent such a grand plot as that!"¹³

⁸ McWilliam, *The Tichborne Claimant* p.197.

⁹ *Auckland Star*, Volume XVIII, Issue 13, 6 August 1887.

¹⁰ Tichborne v. Lushington

¹¹ Thomas, *Cultivating Victorians* p.89.

¹² Ibid.

¹³ Mullen, R., Anthony Trollope: A Victorian in His World (London: Duckworth, 1990) pp.594.

The case had many points of contention: those against the Claimant pointed to his inability to speak French, when it had been a language from Sir Roger's childhood; his inability to differentiate Greek and Latin, despite Sir Roger's training in classical languages at school and his 'at best spotty observance of gentile manners'.¹⁴ On the other hand, supporters of the Claimant pointed to the assortment of persons from Sir Roger's past who recognised the Claimant as him, not solely on appearance, but on his knowledge of things only the real Sir Roger would have known. During the course of the trial the claimant called eighty-five witnesses, 'his own mother, the family solicitor, one baronet, six magistrates, one general, three colonels, one major, two captains, 32 non-commissioned officers and privates, four clergymen, seven tenants of the estate, 16 servants of the family, and 12 general witnesses, who all swore to his identity';¹⁵ the family called seventeen. And yet still he lost, 'the plaintiff withdrew the case from the consideration of the jury- allowing himself to be non-suited.'¹⁶ Even the anti-Claimant press couldn't deny that the numbers didn't seem to add up, which only added fuel to the movement now furious at the call to a criminal trial.

The Tichborne case started to represent 'a state of mind as much as a political movement. It expressed an emotion about the unfairness of current society.'¹⁷ The ambiguity of the Claimant himself, a man caught between the airs and graces of the aristocracy and lowliness, an outsider, was 'transformed into [a representation] of universal human values.'¹⁸ The Claimant's counsel in the criminal trial, Sir Edward Kenealy, played on this and the widespread feeling that the Tichborne family represented 'England's over-privileged and corrupt aristocracy';¹⁹ subsequently pushing the case to almost symbolic status. Indeed, the rationality of Victorian public life was challenged by the pig-headed determination of Tichbornites to promote the Claimant. The contradiction here being, that the Claimant is attempting to 'pass himself off as a baronet' with the support by an association of labourers on the ground, so that in resisting the claim the Tichborne family were seen to be doing a labourer out of his rights! The general public were in the thrall of Tichbornite sensationalism, so much so that such a contradiction didn't matter as the cause was now more than the sum of its parts.

The criminal trial lasted 188 days;²⁰ the Lord Chief Justice Cockburn began his charge to the jury on the 169th day of the trial and concluded on the 188th day – having talked for 20 days, 'with a painful lucidity no journalist can rival'.²¹ The jury was out for half an hour and found the defendant guilty on both counts of perjury. The defendant, now identified as Arthur Orton, was immediately sentenced to 'seven years in penal

¹⁴ Thomas, *Cultivating Victorians* p.89.

¹⁵ *Ibid.* p.90.

¹⁶ Kinsley, W., 'The Tichborne Case', *The Yale Law Journal*, Vol. 20 No. 7 (May, 1911), pp.566-567.

¹⁷ McWilliam, *The Tichborne Claimant* p.194.

¹⁸ *Ibid.*

¹⁹ Everest-Phillips, M., *Journal of the Numismatic Association of Australia*, Volume 24 (2013), pp.10.

²⁰ The criminal trial ran from 23 April 1873 to 28 February 1874.

²¹ *The Spectator*, 7 March 1874.

servitude for the first count of indictment and for a further term of seven years upon the second count.²²

Public attention in the case inevitably waned. The Claimant died destitute in 1898, but in a final act of defiance had himself buried under the name ‘Sir Roger Charles Doughty Tichborne’. In its coverage of the funeral, the *Daily Mail* observed, ‘The judges of the High Court were two years in determining that the living Tichborne was Orton. The Registrar of Births and Deaths determined in two minutes that the dead Orton was Tichborne.’²³

Fit the third: The Medals

Medals of the Victorian period were struck for an array of purposes. They were made to suit every social class, with the more elaborately engraved medals struck in gold, silver or bronze and ‘the cheapest variants minted in brass or in tin alloy generically albeit unimaginatively named white metal.’²⁴ In the nineteenth century, medals sold or even given away in great numbers ‘enabled the ordinary citizen to...sympathise with a protest movement, display patriotic loyalty to the monarchy, or identify with a popular hero.’²⁵ It was not uncommon for small holes to be drilled into the medals, enabling them to be pinned to the clothing and worn with pride. There were two such medals struck in support of the Tichborne Claimant, one in 1871 during his civil case (Figure 2) and the other in 1874 (Figure 3) after his criminal conviction. Both add a numismatic dimension to the *cause célèbre*, because they conveyed different messages. The assured iconography of the earlier medal ‘expressed widespread public support for [the Claimant]’, and scepticism of the establishment. The more subdued message of the later medal, ‘after two defeats in the courts, reflected a much more polarised context.’²⁶



Figure 2. The 1871 Tichborne Claimant medal, obverse then reverse
© The Philip M. Treves collection, Sidmouth, Devon UK, with permission.

²² Kinsley, ‘The Tichborne Case’ p.568.

²³ *The Daily Mail*, 18 April 1898.

²⁴ Everest-Phillips, M., *Journal of the Numismatic Association of Australia*, Volume 24 (2013), pp.12.

²⁵ *Ibid.*

²⁶ *Ibid.* p.13.



Figure 3. The 1874 Tichborne Claimant medal, obverse Sir Roger Tichborne then reverse.

It is thought that both medals were likely to have been produced in Birmingham, as alongside London it was the main centre for manufacturing medals in the nineteenth century. The quality of the craftsmanship could vary and the choice of material is a signifier to the quality of the product and process. The 1871 medal would have targeted the mass market, it was struck in brass at 29mms wide; this example (Figure 2) has been pierced for wearing. The brass medal is not just ‘typically smaller’ than the later 1874 white metal version, which measures 42mm wide, but is also ‘cruder in layout, imagery and message’.²⁷ Though malleable, brass did not afford the craftsman the same workability for capturing fine detail. Indeed, simply comparing the obverse of both medals illustrates this point, ‘where the 1874 profile sympathetically captures a romantic idealism and gravitas in the Claimant, the 1871 profile is a cruder portrayal lacking in artistic merit or emotional appeal.’²⁸ Though both were struck for the masses, the lack of craftsmanship, the absence of an engraver’s name and the apparent lack of artistic pride and material speak to the 1871 medal being a much cheaper piece of memorabilia. Interestingly, the 1874 medal is only known in white metal²⁹ and the medallist A. G. Darby was a relatively unknown engraver with this piece being the only example attributed to him.³⁰ Any diversity in memorabilia suggests a diversity of audience, these medals add to the growing cache of evidence that the ‘Claimant camp’ was not just full of the disenfranchised lower classes. What is clear is that both medals were politically charged in his favour.

The 1871 medal dates from the peak of the Claimant’s popularity and is the product of ‘Cartomania’, the fashionable hobby of collecting ‘album portraits’ or *cartes de visite* photographs portraying famous people. The enormous public interest in the Tichborne Case created a huge demand for such photographs and drove a strong market competition among the leading photographic studios in London. The reverse of the medal shows a mop-haired boy, surrounded with the legend ‘THE ALLEGED RIGHTFUL HEIR / AGE 5 YEARS’. It is an image of Henry Alfred Joseph Doughty

²⁷ Everest-Phillips, M., *Journal of the Numismatic Association of Australia* p.13

²⁸ *Ibid.* p.14

²⁹ Lane, P., *Journal of the Numismatic Association of Australia*, Volume 3 (1987), pp.23.

³⁰ See Spink’s *Catalogue of British Commemorative Medals 1558 to the present day with valuations*, published in 1984.

Tichborne, twelfth Baronet; the posthumous son of Sir Roger's late younger brother, Alfred. Three narratives were created by placing the Claimant on the obverse with the 'alleged' rightful heir on the reverse; firstly, that the Claimant was a dignified ordinary citizen, secondly, that the foppish youth born into privilege was nothing more than an 'alleged heir' himself and lastly, that there may be some family resemblance in those round cheeks.

The flavour of the case in 1871 allowed the medal to be more anti-establishment; it depicted the individual fighting for justice in the face of a corrupt, prejudiced system – here illustrated by the young Henry; it was actively asking the public to choose a side. The more polarised context in which the second medal was struck was the aftermath of the Claimant being defeated in his criminal trial. No longer was the heroic vehicle for social change rallying mass crowds in public places, the Claimant was now a wrongfully imprisoned martyr, whose conviction only cemented anti-establishment feeling amongst the ranks. This is what is now expressed on the reverse of the new medal (Figure 3). A spiral layout commencing with an arrow chronicles the entire saga from the Claimant's arrival in England to the Jury finding him guilty in February 1874, 'the iconography cleverly portraying the defence case of a conspiracy against an innocent man seemingly trapped in an endless spiral of events.'³¹ Though a different message, the medal was still a show of solidarity for both the man and the greater cause he had come to represent.

Fit the fourth: The Poem

The propaganda that accompanied the Tichborne Case through the Victorian social conscience was quite remarkable. The mobilisation of the mass media to the heels of this *cause célèbre* ensured that the case was elevated to almost mythical status.³² The hyper-sensationalist approach nudged the real-life case into the realms of farce and the burlesque. *Punch* magazine portrayed the claimant as a monster, nicknamed the 'Waggawock' after Lewis Carroll's 'Jabberwocky': an immoral threat to the ordered world. The 'Waggawock' was an appropriate representation because Lewis Carroll was fascinated by the trial.³³

Carroll's personal feelings were seemingly of contempt for the case and specifically the Claimant's counsel – he worked out that Edward Vaughan Kenealy could be anagrammed as 'Ah! We dread an ugly knave'³⁴ and parodied the Barrister in his epic nonsense poem *The Hunting of the Snark*. There is an unmistakable likeness in Henry Holiday's original illustrations of the character and the *carte-de-visite* portrait of Kenealy from the trial (Figure 4).

³¹ Everest-Phillips, *Journal of the Numismatic Association of Australia*, p.11.

³² In one cartoon published in the *Englishman*, Kenealy is portrayed as St George slaying the dragon of corruption, whilst trampling a character known to represent rival journal, *Punch*.

³³ McWilliam, *The Tichborne Claimant* p.208.

³⁴ Gardner, M., *The Universe in a Handkerchief – Lewis Carroll's mathematical recreations, games, puzzles and word plays*, (Copernicus, 1996), p.49.



Figure 4. On the left Henry Holiday's illustration of the hunt, on the right a *carte-de-visite* portrait of Edward Kenealy, © London Stereoscopic & Photographic Company

A more acute commentary on the Tichborne Case comes from Carroll's fit entitled 'The Barrister's Dream'. While out hunting the Snark, the Barrister dreams he is in a court room where a pig is on trial for deserting its sty. The Snark is defending the pig and 'spoke for hours before anyone guessed' what it was the pig was charged with. The Jury all speak at once and dissent into confusion, the Snark then sums up the case on behalf of the Judge before exclaiming the verdict 'GUILTY!' and pronouncing the sentence:

But their wild exultation was suddenly checked
 When the jailer informed them, with tears,
 Such a sentence would have not the slightest effect,
 As the pig had been dead for some years.³⁵

Reference to a lengthy trial, a verbose court speaker, transformative summation and a nonsensical judgement (rendered meaningless if one but cares to look at the peculiarities of the case i.e. is the defendant alive?), do hint at themes prevalent in Tichborne saga. This epic-poem can be read as a piece of anti-Claimant propaganda. In stark contrast to the medals, this artefact pokes fun at the trial and some of its key players. This poem is termed 'nonsense' because it deliberately lacks meaning, however it does speak to the ludicrous nature of chaos particularly in the law, it touches on logical

³⁵ Carroll, L., *The Hunting of the Snark* (MacMillan & Co: London, 1876).

contradiction, and the search for identity. The Snark is a creature of ambiguity, it both exists and doesn't exist, is both defined and undefined. Much like the Claimant, its identity is constantly in flux. The poem follows the hunt for such a creature, whilst also placing it at the centre of a court case. There are definite echoes of reality in Carroll's verse,³⁶ though at all times it is emphasising the ridiculous. Where the medals lifted the Claimant to almost heroic status, a cause to rally behind, this literary satire steps away from the detail and guffaws at the ludicrous nature of the entire saga and the chaos it descended into.

Fit the fifth: Closing remarks

'One of the many reasons for the abiding interest in the Tichborne Claimant is fascination with identities and identification,'³⁷ and I think both artefacts speak to this. The medals allowed the common man to engage in popular culture, decide on the identity of the Claimant and in so doing, define themselves by choosing a side and rallying behind a cause. Carroll's satire mocks the failings of a cumbersome system, but also those who submit to it blindly. The poem reeks of existentialist angst; it hunts for authenticity in the sensational and shows the importance of identity in establishing meaning. Both artefacts offer a unique insight into what is a fascinating case.

'In the midst of the [meaning they were searching to find],
In the midst of [their satire] and glee,
[The Claimant's case was pushed to the back of the mind],
For a Snark *was* a Boojum, you see.'

³⁶ Cohen, M. N., *Lewis Carroll: A Biography* (Papermac, 1996).

³⁷ Ellis, H. D., 1988. The Tichborne Claimant: Person identification following very long intervals. *Applied Cognitive Psychology*, 2: 257-264.

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List of Figures

Figure 1. On the left, the London Stereoscopic & Photographic Company's image of Sir Roger Tichborne in 1854: © the National Portrait Gallery, London. On the right, the Claimant in the early 1870s: © the National Portrait Gallery, London.

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