

## THE BUTCHER'S TALE

With the morning tide on April 20, 1854, the three-masted schooner *Bella* sailed out of the port of Rio de Janeiro bound for Kinston, Jamaica. On board was a cargo of coffee and timber, a crew of forty, and one twenty-five-year-old passenger. Six days later, some 400 miles off the coast of Brazil, another ship, traversing the projected path of the *Bella*, came upon a field of wreckage and a capsized longboat marked "*Bella Liverpool*." The weather the night before had been gusty, but not stormy. Yet, indications were that the *Bella* had foundered and sunk. No bodies were found, and it was unclear whether all on board had perished or whether some had been picked up by another passing vessel. But as the months rolled by, and no reports of survivors were received, the *Bella* was written off as sunk with all hands, including the passenger, Roger Charles Tichborne.

The Tichbornes were an ancient and celebrated family from the south of England. Although the Tichborne baronetcy was only created by James I in 1621, it is said that the Tichbornes have held their lands in Hampshire since well before the Norman Conquest. While most of the noble families and landed gentry of England adhered to the Reformation, the Tichbornes steadfastly remained Roman Catholic. Much of the Tichbornes' fame comes from the "Tichborne Dole," a charitable bequest they established in the twelfth century.

As she lay on her deathbed, Lady Mabella Tichborne asked her husband for the means to establish an annual distribution of a dole of bread to all comers to the gates of Tichborne Hall. In response, he promised the wheat from as much land as she could encircle while a billet of wood remained burning. Given that Lady Mabella had been bedridden for years, the generosity of her husband's promise is somewhat questionable. But to the surprise of all, after being carried out to the fields, Lady Mabella managed to crawl round some twenty-three acres, which fields to this day are known as "the Crawls." After being carried back to her bed, Lady Mabella warned her family that should the Dole be discontinued, the Tichborne fortunes would fail and the family name become extinct from want of male heirs. This, she foretold, would come about when a family of seven sons was succeeded by a family of seven daughters.

The Dole established; hundreds of small loaves were distributed for centuries on the Feast of the Annunciation to ever-growing crowds. Then, in 1795, local magistrates, believing that the Dole was encouraging "vagabonds, gypsies and idlers of all sorts" to invade the neighborhood, asked the seventh baronet to stop it, which he did. He, as it turns out, had seven sons, and, in time, his eldest son, the eighth baronet, had seven daughters. Remembering Lady Mabella's warning, the family resumed the Dole in 1835 and has continued it to this day.

Roger Tichborne, passenger on the ill-fated *Bella*, was born in Paris in 1829. His father, James, was the third son of the seventh baronet. His mother, Henriette Félicité, was the illegitimate daughter of a wealthy English landowner and a member of the Bourbon Conti, an eminent French family. The marriage of James and Henriette Félicité was not a happy one. They were twenty-one years apart in age and Henriette Félicité was rather obstinate. She not only loathed life in rural England, but she disliked the English, particularly her husband's family. Although her father was English, Henriette Félicité considered herself French and her desire was that her sons, Roger and younger brother Alfred, be raised in France as Frenchmen.

In 1845, James' eldest brother, the eighth baronet, died. Having seven daughters, but no son, the title and estates passed to the next oldest brother, Edward. Previously, Edward had been willed property from a distant relative. To inherit the property, Edward was required to assume the relative's surname, Doughty, in lieu of Tichborne. Therefore, the ninth baronet was known as Sir Edward Doughty. Sir Edward had a son who had died in infancy. His only other child was a daughter, Katherine. Consequently, James and Roger were the next two in the family's male line of descent and it was expected that each, in turn, would inherit the baronetcy and family estates.

Naturally, James attended the funeral in England of his brother, the eighth baronet. He brought with him from Paris sixteen-year-old Roger. After attending his uncle's funeral at Tichborne, instead of returning with his father to Paris, as his mother expected, Roger was enrolled by his father at Stonyhurst, a renowned Jesuit school in Lancashire. During his three years at Stonyhurst, Roger improved his English, but never was able to write or converse in it as well as he could in French, his native language. When he spoke English, it was with a pronounced French accent and his grammar contained traces of the French idiom. Following Stonyhurst, Roger obtained a lieutenant's commission in the Sixth Dragoon Guards, the Carabineers. His French accent and Continental bearing exposed him to ridicule and rather brutal practical joking by his fellow officers. Through it all, though, Roger good-naturedly took being the butt of the officers' mess.

While at Stonyhurst and with the Carabineers, Roger spent holidays and periods of leave with Sir Edward and Lady Doughty. During these visits, Roger fell in love with his cousin, Katherine, who reciprocated his affection. Lady Doughty was sympathetic to the young lovers, but Roger's habits gave her pause. He was an inveterate smoker and drank rather freely. He also had a penchant for racy French novels. All this led Lady Doughty to question whether Roger's character was sufficiently steady to ensure her daughter's happiness. And on top of it all, there was the problem that Roman Catholics were not allowed to marry first cousins without papal dispensation.

Roger spent Christmas of 1851 at Tichborne. During this visit, Sir Edward became aware of the attachment between Roger and Katherine. He promptly informed Roger that he would never sanction their marriage and that Roger should quietly leave Tichborne forever. Less than two weeks later, Roger was called back to Tichborne with the news that his uncle was dying. Believing he was on his deathbed, Sir Edward relented and granted his consent to an engagement between Roger and Katherine, provided that a dispensation could be obtained from the Pope, as well as the approval of Roger's parents. Rather than die, Sir Edward slowly recovered and added the further condition that the engagement be postponed three years during which there be no communication between Roger and Katherine.

As Roger parted from Katherine at the start of their separation, he gave her a paper which he asked her to keep. It contained a promise that if they married within three years, he would build a church or chapel at Tichborne to the Holy Virgin, in thanksgiving. Roger also gave a copy of his pledge, in a sealed envelope, to Vincent Gosford, the steward of the Tichborne estates. Although a family retainer and several years older than Roger, Gosford was Roger's most intimate friend.

During this period, the Carabineers were stationed at Canterbury, but were under orders for India. To Roger's great regret, those orders were countermanded. Disappointed in not going overseas, he decided to resign his commission and travel abroad until the three-year hold on his engagement passed. South America would be his first destination.

After a farewell visit to his parents and old friends in Paris, Roger sailed for Chile, arriving at Valparaiso 110 days later. There he received the news that his uncle, Sir Edward, had died and his father and mother were now Sir James and Lady Tichborne. From Valparaiso, Roger traveled to Santiago, where he had two daguerreotypes of himself taken, which he duly sent home. Next, he crossed the Andes to Buenos Aires and ultimately made his way to Rio de Janeiro. Throughout his ten months traversing South America, Roger wrote home constantly, with his last letter being sent on the very day he set sail on the *Bella*.

Eight years after the sinking of the *Bella*, Roger's father died. Because Roger had been declared dead, the baronetcy and family estates passed to Roger's younger brother, Alfred. Roger's mother, now the Dowager Lady Tichborne, had remained constant in her belief the Roger was alive and would return. Freed from the constraints of her husband, who, like everyone else, had believed Roger to be dead, and buoyed by the assurance of a clairvoyant that Roger was safe on an island, the Dowager began placing advertisements in newspapers around the world seeking information about Roger and the *Bella*.

In 1865, she encountered Arthur Cubitt, proprietor of the Missing Friends Office in Sydney, who placed the following advertisement for her in the Australian press:

A handsome reward will be given to any person who can furnish such information as will discover the fate of Roger Charles Tichborne. He sailed from Rio de Janeiro on the 20<sup>th</sup> of April 1854 in the ship *La Bella*, and has never been heard of since, but a report reached England to the effect that a portion of the crew and passengers of a vessel of that name was picked up by a vessel bound to Australia, Melbourne it is believed. It is not known whether the said Roger Charles Tichborne was among the drowned or saved. He would at the present time be about thirty-two years of age, is of a delicate constitution, rather tall, with very light brown hair, and blue eyes. Mr. Tichborne is the son of Sir James Tichborne, now deceased, and is heir to all his estates.

The Dowager had provided the information for the advertisement in a letter to Cubitt. Remarkably, she had given a wrong age for her son, thirty-two instead of thirty-six, and described his hair as very light brown, when it was very dark brown. She did explicitly state in her letter that Roger was "rather thin," a detail Cubitt unaccountably omitted from the advertisement.

Cubitt's advertisement caught the attention of William Gibbes, a solicitor in the town of Wagga Wagga in New South Wales. He was assisting an unsuccessful butcher named Thomas Castro with a bankruptcy. During examination, Castro had told him that all his papers and possessions had been lost in a shipwreck and that he owned properties in England. Could he be the missing heir, Gibbes thought? At their next meeting, Castro placidly smoked a pipe in which were carved the initials "RCT." Gibbes could not but notice this, so he pressed Castro, who eventually admitted that yes, he was Roger Charles Tichborne living under an assumed name. He explained that he had been rescued after the sinking of the *Bella* by a ship which took him to Melbourne. From there he wandered Australia, eventually setting up as a butcher in Wagga Wagga. He had made up the name Thomas Castro, he said, taking the surname from a kind family he had met in South America.

Gibbes promptly wrote to Cubitt that he had "spotted R.C. Tichborne." Cubitt, in turn, wrote to the Dowager that a man "answering to the description of her son" had been found. The following months were consumed by lengthy correspondence between Cubitt and the Dowager on the one hand, and Cubitt and Gibbes on the other. Money took a leading part in their exchanges. Cubitt insisted on an immediate remittance; the Dowager resisted, wanting corroboration of identity; and Gibbes declined to provide the "missing man" until a satisfactory arrangement was agreed to. Eventually, Gibbes, dissatisfied with the slow progress, directly opened communication with the Dowager and persuaded Castro to write her himself.

Castro began his first letter to the Dowager with an expression of his regret for the trouble and anxiety he must have caused for not having written for nearly twelve years. He also requested she send him £200 for payment of a few debts and passage to England. Before this letter reached England, Roger's younger brother, Alfred, died at the age of 27, after a short life of intemperance. Beset with this new bereavement, the Dowager wrote to her "dear and beloved Roger," imploring him to return home, and promising to send the necessary funds. She signed this, and all her letters, "H.F. Tichborne." The Dowager also wrote to Cubitt that a former valet to Sir Edward Doughty, man of color named Andrew Bogle, was then living in Sydney. She also mentioned that Roger was a Roman Catholic as was all the family.

By this time, Castro had gone to Sydney and was under the care of Cubitt. There, he met Francis Turville, a gentleman of good position, who had never met Roger, but had known his parent's well. Though puzzled by the answers to his questions, Turville announced that he was convinced that the man was Roger, noting the strong resemblance to his father, especially around the mouth. Soon thereafter, Bogle showed up to see Roger, whose discovery he had read about in the newspaper. Roger, he was told, was out, so Bogle waited in the courtyard. A short time later, a very heavy man came up to the waiting black man and said, "Hallo, Bogle, is that you?" "Yes, sir," responded Bogle, who explained he was there to see Sir Roger Tichborne. "I am Sir Roger," the man answered, "but I have grown so stout you may not have recognized me." While Bogle had not recognized the corpulent man, Bogle accepted that the man must be Roger because the man had recognized him.

With the endorsements of Turville and Bogle, credit began flowing freely to Castro and he was able to easily raise passage money without waiting for funds from the Dowager. So, on September 2, 1866, Castro sailed for England with his wife, their infant daughter, a secretary, a nursemaid, and Bogle. Nine months before, Castro had married Mary Ann Bryant, an illiterate maid, in a Methodist ceremony. Having been reminded by the Dowager's letter that Roger was Roman Catholic, Castro had his marriage re-solemnized in the Catholic Church shortly before sailing.

The Claimant, as Castro was commonly referred at the time, arrived with his entourage in London on Christmas Day 1866. Finding the Dowager was away in Paris, he immediately went to Wapping in East London and inquired about a family named Orton. In so doing, he identified himself as Mr. Stephens, a friend of Arthur Orton's in Australia. He next made a quick visit, *incognito*, to an inn near Tichborne. These excursions out of the way, he went to Paris. There he met the Dowager. But claiming to be ill, he did so, lying in bed in a darkened hotel room with his face turned to the wall. This brief encounter, however, was enough for the Dowager, and she declared the Australian butcher to be her long-lost son. Accepting the

Claimant as Roger, she promptly set up an allowance of £1,000, the equivalent today of over \$100,000, to be given him yearly until he recovered the family estates.

The rest of the Tichborne family were not as convinced. If it was Roger, he had gained quite a bit of weight. Roger had been very thin. This man was a “mountain of flesh,” weighing nearly 300 pounds. Roger had been raised in France and spoke English with a French accent, but this man could not speak a word of French and had a Cockney accent. He could not identify family members and was ignorant of the simplest Catholic customs. But he did know some small, strange details about Roger’s life: some of the specific clothing Roger used to wear, the type of fly-fishing tackle Roger had used, the name of a family dog, and where certain paintings had hung at Tichborne. The Claimant explained away the muddled state of his knowledge by claiming that the shipwreck had been extremely traumatic, scrambling his memory and affecting him in other ways. As long as the Dowager believed in him, there was nothing the family could do about it.

Upon his return from Paris, the Claimant rented Essex Lodge in Croydon, near London. Established there, he began to live the life of a baronet. He wore fine clothes, rode in an elegant brougham, engaged in aristocratic pursuits such as shooting and fishing, and accommodated a never-ending stream of visiting Old Carabineers. He also ate and drank prodigiously. Consequently, his weight further ballooned as did his debts. In addition to paying for a lavish lifestyle, the Claimant expended large sums on lawyers, who scoured England for old acquaintances of Roger willing to attest that the Claimant was Roger, returned from a watery grave.

It eventually got to the point that the Claimant had to take steps to recover the family estates. Without them, his spending was not sustainable. Because Roger had been declared dead, the Claimant needed the Chancery Court’s permission to bring suits at law to recover the estates. So, the first step was to file two Bills in the Court of Chancery against the trustees of the Tichborne and the Doughty estates. The Bills simply were elaborate statements of the Claimant’s case, which he supported with an affidavit of his own and those of thirty-seven supporters. In his affidavit, the Claimant explained that four days after sailing, the *Bella* sprang a leak. He took to a small boat with eight of the crew, while the captain, the mate, and the rest of the crew took to the ship’s longboat. For two days, the boats kept together, but then were separated in a storm. On the morning of the fourth day after the *Bella*’s sinking, he and the others in the small boat were picked up by a passing ship and taken to Melbourne. Upon arriving in Australia, he further explained, he assumed, “for family reasons,” the name Thomas Castro, after Don Tomas Castro, a friend he had made in Melipilla, Chile. He also stated that

the day after arriving in Melbourne, he had been hired as a herdsman by William Foster of Boisdale, in Gippsland.

The Trustees were granted the right to cross-examine the Claimant. Their goal was to pin down his story. What was the name of the ship that had saved him? He thought it was the *Osprey*, though he could not be quite certain. What was the name of the *Osprey*'s captain? It was Lewis Owen or Owen Lewis. Who was the head of Stonyhurst? He had no recollection. Name any book he had read at Stonyhurst or the number of boys in his classes. Again, he had no idea. Over his three days of cross-examination, he also was unable to remember any childhood acquaintances. In fact, he could not recall the name of any French person except M. Chatillon, Roger's tutor, who he had encountered during his brief visit to the Dowager in Paris the previous year. But the most inexplicable feature of his story was why had he not come forward before, particularly given that over the past decade he frequently was in great financial distress? He behaved as he did, he said, because he was so inclined. Despite his unfathomable testimony, the Claimant was able to achieve his goal. The Chancery Court granted him leave to bring a legal action to prove that he was Roger Tichborne.

Before the Claimant could commence his legal action, the Dowager died unexpectedly. The Claimant quickly charged that she had been poisoned. But an inquiry was held, and her death ruled natural. The Dowager's death was a severe blow to the Claimant. He not only lost the most important person to accept him as Roger, but also the £1,000 a year allowance. With his extravagant lifestyle and crippling legal expenses, the Claimant faced financial ruin. It was necessary for him to raise more money, and fast. This he did by issuing "Tichborne Bonds," which consisted of a promise, signed by the Claimant, to pay the holder £100 within a month of him obtaining his rightful estates. Initially, the Bonds were sold for £65 apiece and were intended only for his close supporters. Quickly, however, they began to be sold to the wider public at pubs, marketplaces, and sporting events at greatly discounted prices of £20 to £30. There are no exact figures concerning the number of Bonds sold, but it is estimated that the amount raised was in excess of \$4 million in today's money.

The civil case brought by the Claimant was listed in the Court of Common Pleas as *Tichborne v. Lushington*, in the form of an action for the ejectment of Colonel Lushington, the tenant of Tichborne Park. The real purpose, though, was to establish the Claimant's identity as Roger Tichborne and his rights to the family's estates. Nearly four years, however, would elapse before the case was called for trial. During that time, the Claimant and his camp continued to amass an array of witnesses willing to attest he was Roger Tichborne. For their part, the family had investigators probing the Claimant's story and looking into his movements.

They also applied to the Court for commissions to go to Chile and Australia to take evidence, so the witnesses there did not have to come to London for the trial.

The Claimant opposed the commissions as vexatious, but the Court allowed them, which prompted him to announce that he would attend both commissions in Chile and Australia. When the ship carrying the Claimant and his legal team arrived at Rio de Janeiro, the Claimant said he had had enough of the sea and would take the land route over the Andes, leaving the rest of the party to complete the ocean voyage to Chile, where he would meet them. The Claimant set out and got as far as Cordoba, Argentina, where, without a word to anyone, he turned around and went back to Rio. There, he promptly boarded a ship back to England.

After some delay caused by the non-appearance of the Claimant, the commission proceeded to take evidence. Don Tomas Castro and the other witnesses in Melipilla testified that they never knew anyone named Tichborne. Melipilla was a remote town, and except for an English doctor residing there, the only English person who had ever come there, they said, was a young man in 1849, not 1853. His name, he said, was Arthur and his father was “a butcher named Orton.” He had gone to sea but had been mistreated and ran away from his ship at Valparaiso. After staying in Melipilla for eighteen months, the lad had gone back to Valparaiso and sailed for England. When shown a portrait of the Claimant, Don Tomas Castro and the others declared it was of Arthur. However, when shown the daguerreotypes taken of Roger when he was in Chile, they responded that the photos were not of any person they had ever known. A search of the records of the British Consul’s office in Valparaiso confirmed that a sailor named Arthur Orton had deserted from an English ship in June of 1849 and had re-embarked about eighteen months later.

Having completed its work in Chile, the commission ventured on to Boisdale in Australia. William Foster was dead, but his widow still managed his property. She declared that her husband did not settle in Boisdale until two years after the date the Claimant said he began working for her husband there. She also testified that they never employed any herdsman named Thomas Castro. This was confirmed by Mr. Foster’s ledgers and account books, which contained no mention of anyone named Castro. There were, however, numerous entries, over the years 1857 and 1858, of wages paid and food rations served to a herdsman named Arthur Orton. Mrs. Foster remembered Arthur Orton, and she unhesitatingly identified the Claimant’s portrait as of Orton. Orton had come to them from Hobart Town, Tasmania, she said. The register of shipping confirmed that an Arthur Orton had sailed in late 1852 from England to Hobart Town.

At Wagga Wagga, a will, drafted by Gibbes and executed by the Claimant before he sailed to England, was produced to the commission. In the will, the Claimant purported to



dispose of the various Tichborne estates. None of the listed estates, however, existed. They all were purely fictitious. The will also contained no bequest to, nor mention of, any member of Roger's family, except his mother, who was mis-identified as "Hannah Frances Tichborne."

The evidence collection finished; the Claimant's case finally was called at the Court of Common Pleas. The question being tried -- son of a butcher or baronet? -- caught the public interest, making it a *cause célèbre*. Everyone had an opinion and wanted to see the show. The crowds grew so large that the trial was moved to a larger courtroom. A special honor was to be invited to sit with the presiding judge on the bench. Those accorded the privilege included the Prince and Princess of Wales, the American ambassador, and the Emperor of Brazil.

The Claimant's case was almost entirely unsupported by documentary evidence. Rather, it rested chiefly on the testimony of over one hundred witnesses, who identified him as Roger Tichborne. These witnesses included Roger's mother, by affidavit; Bogle; officers and men from Roger's old regiment; friends and tenants of the Tichborne family; a couple magistrates; and the family's former solicitor. Typically, though, the witnesses had not recognized the Claimant, but had merely inferred he was Roger from facts and circumstances he had been able to mention.

The Claimant also testified on his own behalf. During his twenty-two days of cross-examination, he was compelled to admit that he had no confirmation for the story of his rescue. He could not produce any one of the crew of the *Bella* alleged to have been saved with him. Nor could he produce any of the crew of the *Osprey*, the ship he claimed rescued him. Indeed, he did not even have any evidence that the *Osprey* existed. When questioned about the will he had executed in Wagga-Wagga, the Cubitt and Gibbes correspondence, his visit to Wapping upon his arrival in England, and the revelations of the commissions in Chile and Australia, he either left the matters totally unexplained or was inconsistent and contradictory with his explanation. He also was evasive about his relationship with Arthur Orton, and his attempt to demonstrate that he was not Orton was anything but convincing.

Regarding his life in Paris, the Claimant responded that his mind was "a blank," and he admitted that he could not speak or read French. As for his schooling, his answers evidenced gross ignorance on the matters Roger had studied at Stonyhurst. For instance, he did not think Euclid related to mathematics, though Roger had passed an examination on Euclidean geometry. Roger also had studied Greek and Latin, but when handed a copy of Virgil, the Claimant thought it was "Greek," which it undoubtedly was to him.

The Claimant also was cross-examined about the sealed packet Roger had left with Gosford before sailing for South America. It had been revealed in the Chancery Court proceeding that Gosford had been given a packet and had destroyed it unopened, believing

Roger to be dead. Initially, the Claimant declined to say what the packet contained. Pressed, he explosively testified that it was record of the fact that he had seduced his cousin Katherine Doughty, that he refused to marry her, and that if, as she claimed, she turned out to be pregnant, Gosford was to take care of her. Such a public attack on the virtue of an unmarried woman was not testimony expected from someone claiming to be a Victorian gentleman.

After seventy sittings of the Court, the Claimant rested his case. The defense then began its case with a twenty-five-day address by its lead counsel, Sir John Coleridge. Described as “a silver-tongued mediocrity,” Coleridge often paused in the course of his speech to extensively quote poetry in illustration of his points. While labored and long, Coleridge’s address diligently pointed out all the disparities between the Claimant and Roger Tichborne and effectively picked apart each preposterous assertion made by the Claimant. This opening was followed by a few witnesses, including Katherine Doughty. She refuted the Claimant’s scandalous charge. Her relations with Roger, she testified, had been chaste. She described their romance in detail, including their last meeting. During their walk that day, she told the Court, Roger had given her a note containing a promise to build a church to the Holy Virgin if they should marry within three years. As he handed her the note, she explained, Roger said: “I have given a similar one into Mr. Gosford’s care.” With dramatic effect, Katherine produced to the Court the note Roger had given to her.

The defense also called Lord Bellew, a fellow student of Roger’s at Stonyhurst. He testified that Roger had on his left forearm a large tattoo of a cross, a heart, and an anchor, the symbols of faith, hope, and charity. Tattooing had been quite a vogue at the time in aristocratic circles. Bellew further told the Court, that at Roger’s request, he crudely tattooed the initials “RCT” under Roger’s existing tattoo. At the same time, using the same instrument and ink, Roger tattooed an anchor on Lord Bellew’s arm, which Bellew displayed to the jury. Nine other defense witnesses attested to Roger’s tattoos. Previously, during his cross-examination, the Claimant had unequivocally testified that he had no tattoos.

On the one hundred second day of the trial, while a witness from Paris was in the box, the jury foreman rose and announced that the jury did not require further evidence. Sensing an adverse verdict was coming, the Claimant’s legal team promptly dismissed the case. But the presiding judge, proclaiming that he was convinced that the Claimant was guilty of the most willful and corrupt perjury, took the unprecedented step of directing that the Claimant be arrested and committed to Newgate Prison to await trial at the next session of the Criminal Court.

The Claimant spent two months in Newgate before being released on bail raised by his remaining supporters. While there, certain modifications of prison practice had to be made on

account of the Claimant's weight. Newgate prisoners slept in hammocks. Weighing about 365 pounds, no hammock could be entrusted to hold the Claimant. So, a bed was brought in for him. He also took his exercise by himself because he could not keep up with the pace at which the prisoners were marched around the yard.

Freed from Newgate, the Claimant stumped the country for financial support, asserting the legitimacy of his claim, and protesting the gross inequities of the English justice system. Meetings were held in the largest music halls in the principal cities and towns of England. Some 20,000 attended his meeting in Manchester. He also ran a nineteenth century version of a GoFundMe campaign, taking out newspaper ads appealing "to every British soul who is inspired by a love of justice and fair play, and is willing to defend the weak against the strong." Workingmen, taken by the fact he had been a butcher, particularly responded, holding demonstrations and raising funds for his defense.

Thirteen months after the collapse of the Claimant's civil trial, the criminal trial against him, *Regina v. Thomas Castro, otherwise called Arthur Orton*, began at the Court of Queen's Bench. He was charged with two counts of willful and corrupt perjury. Count One concerned twenty-three alleged instances of perjury in the Claimant's testimony in the Common Pleas action, while Count Two charged ten instances of perjury in statements contained in his affidavit in the Chancery Court proceeding. The criminal trial would continue for a period of a little over ten months, during which largely the same ground was covered as in the civil trial, only the sides were reversed, with the Claimant now the defendant. In presenting the Crown's case, the prosecution focused on three main counts of perjury against the Claimant: the statement made by him that he was Roger Tichborne; the statement that he had seduced his cousin, Katherine Doughty; and the statement that he was not Arthur Orton.

The prosecution called two hundred twelve witnesses. Lord Bellew and Katherine repeated the evidence they had given at the civil trial, and several members of the Tichborne family again swore to the existence of Roger's tattoos and that the Claimant was not Roger Tichborne. Old Paris friends and acquaintances of Roger also were unanimous in declaring the Claimant an imposter. On the Arthur Orton question, nearly fifty witnesses, including Orton's former girlfriend, Mary Ann Loder, testified that the Claimant was the butcher's son they had known in Wapping. This time, witnesses were brought from Australia and South America. They unhesitatingly identified the Claimant as Orton. Gibbes even came from Australia and reluctantly testified that he had been fooled by the Claimant into believing he was the missing baronet.

The prosecution did not just rely on the impressions and memories of witnesses. They also produced a mass of documentary evidence, including the ledgers of Mr. Foster from

Boisdale, a slew of Roger's letters, letters in the Claimant's hand, and writings by Arthur Orton. A handwriting expert testified that the Claimant's penmanship matched that of Orton's, not Roger's. The prosecution also was able to show from the two daguerreotypes Roger had had taken at Santiago that Roger did not have ear lobes, while the Claimant did.

The Claimant's defense was led by Edward Kenealy, an eccentric Irish barrister. Obstinate and rebellious, he had been imprisoned for severely beating his illegitimate son. He also had published *The Book of God: The Apocalypse*, a theological work in which he claimed to be the "twelfth messenger of God" and descended from both Jesus Christ and Genghis Khan. The foundation of Kenealy's defense was the alleged existence of a wide-spread family conspiracy against the Claimant, supported by the British Government, the Roman Catholic Church, and the Jesuit Order. During the trial, Kenealy routinely abused witnesses and showed disrespect for opposing counsel and the presiding judges. According to Kenealy, those witnesses who swore the Claimant was Arthur Orton were guilty of shameless perjury and had been bribed by the prosecution.

Kenealy not only made violent personal attacks on every witness of importance for the prosecution, but he assailed his own client, calling him an "idiot" with the "mind of a hippopotamus." Kenealy also subjected the Claimant to the indignity of having to expose, or attempt to expose, his genitals to the all-male jury in a special trial session conducted in the robing room. It transpired that in his army days, Roger had been nicknamed "Small Cock." The Claimant's penis, as it turned out, retracted into a hole. Kenealy seized on these two facts as demonstrating that the Claimant and Roger necessarily were one and the same person. *Quod erat demonstrandum*. But, Roger's nickname notwithstanding, no witness came forward and testified that Roger had the same genital malformation as the Claimant. The fact was not proven.

All told, the defense called some three hundred witnesses, but not of the quality called in the civil trial. By the time of the criminal trial, many of the better-class witnesses, including most of Roger's brother-officers, had abandoned the Claimant. The defense did put on several witnesses from Wapping who swore the Claimant was not the boy they had known as Arthur Orton. Other defense witnesses swore they had known Orton and the Claimant in Australia, and that they were different persons. But these witnesses' stories were contradictory and often directly conflicted with sworn statements of the Claimant. And the defense did not call a single witness to contradict the prosecution's Melipilla evidence.

A surprise witness called by the defense was a Danish seaman who called himself Jean Luie. He told how he was one of the crew of the *Osprey* which had picked up a boat from the shipwrecked *Bella*, containing the Claimant and some of the crew. He explained how when

the *Osprey* arrived at Melbourne, amid a goldrush, every man of the crew, including the captain, deserted the ship and went in search of gold. According to his story, he thereafter had neither seen nor heard of any of the castaways until having recently come to England he had heard of the trial. When Luie and the Claimant first met in the courthouse, the Claimant immediately greeted him in Spanish “*Como esta, Luie?*” In response, the sailor readily recognized the Claimant as the man he had helped rescue years before. Luie and his testimony was a major development for the defense. It was the first corroboration of the Claimant’s rescue story. But, alas, it was untrue. After an adjournment of the trial to allow the prosecution time to investigate Luie’s claims, it was proved that Luie was not Danish and had never been a seaman; but that he was a habitual English criminal only recently released from jail. His perjured testimony made things very awkward for the defense. By his recognition of the man in front of a crowd of spectators, the Claimant had acknowledged a previous acquaintance with him, which he could only have had by being party to the fraud.

On the one hundred and eighty-eighth day of the trial, the jury, after just half-an-hour’s deliberation, returned their verdict: guilty of both counts of perjury. They found that the Claimant was not Roger Charles Tichborne; that he was Arthur Orton; and that the charges he made against Katherine Doughty were not supported by the slightest evidence. In addition the jury sent a written statement to the Lord Chief Justice, reading: “the jury wish to state that the charges of bribery, conspiracy and undue influence made against the Crown are entirely without foundation, and they regret exceedingly the violent language the learned counsel for the defendant used in his attacks on the conductors of the prosecution and on several witnesses for the Crown.”

The Claimant was sentenced to fourteen years penal servitude. As had the trial, the verdict and sentence created enormous excitement throughout the country. The daily and weekly papers were filled with articles *pro* and *con* on the case. Kenealy, who was disbarred for his outrageous conduct in the trial, started his own publication, *The Englishman*, to support the Claimant, and to continue his attack of the judges from the trial. Kenealy also formed the Magna Charta Association. Originally directed to the Claimant’s cause, the Association morphed into a radical, working-class movement espousing a mix of anti-Catholicism, law reform, and opposition to school boards, income tax, the Lunacy Laws, food adulteration, the Contagious Diseases Act, and compulsory vaccination.

After serving ten years and four months of his sentence, the Claimant was released from prison. Freed, and 148 pounds lighter as a consequence of the harsh regime and small food rations of prison, the Claimant resumed his tour of music halls, seeking to capitalize again on his notoriety. But the public’s interest in things Tichborne had waned by then and his effort to

resuscitate it was a miserable failure. So, he traveled to the United States on a lecture tour opening in opposition to Buffalo Bill and his Wild West Show. This venture also was a failure, and he returned to London, where he sank into abject poverty.

In 1895, a journalist paid the Claimant for a sworn confession, admitting he was Arthur Orton. Once the confession was published, the Claimant immediately retracted it and went back to asserting that he was Roger Tichborne. The end came for the Claimant three years later, perhaps fittingly, on April Fools' Day 1898, when, age 64, he died in his sleep in obscure London lodgings. He was buried in Paddington Cemetery in a pauper's grave, without a headstone. Not totally forgotten, a crowd of some 5,000 went to the cemetery, with many more lining the route of the funeral procession. In a confusing move, the Tichborne family allowed a plaque to be placed on the coffin identifying the occupant as "Sir Roger Charles Doughty Tichborne." The same name was listed on the death certificate and in the cemetery burial records.

Now one hundred and twenty-two years later, the true identity of the Claimant -- butcher's son from Wapping or baronet -- still is not definitively known, and unless DNA testing is undertaken, it probably never will. And so ends, with this lingering uncertainty, the Butcher's Tale, at least for now.

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