

# Bilbo's Return and the Tichborne Affair

MURRAY SMITH

According to J. R. R. Tolkien's *The Hobbit*, Bilbo Baggins and thirteen dwarves left Bywater on 'one fine morning just before May' (Tolkien 39); and he returned home on 22nd June of the following year, finding it the scene of an auction. Not only were the contents of his home being sold; his cousins the Sackville-Bagginses had inherited it, and 'were, in fact, busy measuring his rooms to see if their own furniture would fit'. The reason for all this was that: 'In short, Bilbo was "Presumed Dead", and not everybody that said so was sorry to find the presumption wrong'. Bilbo's return had legal and social consequences, being 'a great deal more than a nine days' wonder. The legal bother, indeed, lasted for years. It was quite a long time before Mr. Baggins was in fact admitted to be alive again' (282).

Tolkien's portrayal of Bilbo's return and its consequences might have been influenced by the Tichborne Affair (1865-98), an event extremely well-known and influential in its time. It began in 1865 when Thomas Castro, a butcher from Wagga Wagga, in the self-governing UK colony of New South Wales, Australia, claimed to be Sir Roger Charles Doughty Tichborne, Baronet, the heir to a title and estate of a long-established, landed English family in Hampshire, who had gone missing, presumed dead, in 1854.

## Roger Tichborne and his family:

The Tichborne family was notable for having continued to adhere to the Roman Catholic faith, despite the Reformation. One member, Chidoock Tichborne, was executed for his involvement in a plot to assassinate Queen Elizabeth I. The first of the family to hold the hereditary title of baronet, Sir Benjamin, Sherriff of Southampton when Elizabeth died in 1603, went immediately to Winchester, and without orders, proclaimed there the accession of King James VI of Scotland to the English crown. That monarch made him a baronet, and his four sons were made knights. His eldest son, Sir Richard, second baronet, was a zealous supporter of the Royalist cause during the Civil Wars of the 1640s (*The Tichborne Claimant* 5-8; *Burke's Peerage* 2231-2; *Debrett's* 845; *The Tichborne Claimant* 54: 753-4).

Roger Tichborne was born in Paris on 5th January 1829, the eldest son of James Tichborne and his French wife Harriette-Felicité. He was educated privately and at Stonyhurst College, then joined the British Army. A romance with a cousin was marred by family resistance to their possible marriage due to his drunkenness and smoking. In 1852 the engagement was delayed; he left the army and sailed for South America. Before leaving, he entrusted a sealed document to Vincent Gosford, the steward of the Tichborne estate, later destroyed, but of considerable significance. Roger arrived in Chile, crossed the Andes, and left Rio de Janeiro on the *Bella*, bound for Kingston, Jamaica,

on 20th April 1854. Neither the ship nor anyone aboard was seen again. In 1862, his father, who had succeeded as tenth baronet in 1852, died. Roger would have succeeded to the title and estate; but instead both went to his brother Alfred, who bankrupted the estate, causing the lease of Tichborne House, and who was succeeded by his posthumous son, Henry, in 1866. Roger and Alfred's mother, the Dowager Lady Tichborne, still believed Roger to be alive, and in 1863 placed advertisements asking for information on his whereabouts (Annear Chs 2-4; *The Tichborne Claimant* 8-14).

## Thomas Castro and his claim:

When Castro came forward in 1865, he claimed he had been rescued by a ship, the *Osprey*, bound for Australia. The name Castro he said he adopted from a man he had met in Melipilla, Chile. His claim was prompted after he was confronted by a local lawyer, William Gibbes—with whom he had business dealings, and whose wife had noted the advertisement placed by the Dowager—remembering that Castro had said he was entitled to property in England (Annear Ch 5; *The Tichborne Claimant* 14-5, 17).

In 1866, Castro wrote to the Dowager, who asked him to return. He did, with a wife and an increasing family, reaching London at the end of the year. He asked for a family called Orton in Wapping, and went to see the Dowager in Paris on 10th January 1867. She recognised him as her son, despite his increased weight, inability to speak French despite it being his native tongue, and having little knowledge of Roger's past. While most of the family believed him to be an imposter, they could do little while the Dowager was alive (Annear Chs 6-13; *The Tichborne Claimant* 15-26).

An examination in Chancery in July 1867 led to the revelation of the sealed document by Gosford, who though he had destroyed it remembered its contents, though he refused to reveal what they were. The Claimant revealed to his legal representatives that he had seduced his cousin and had been told she was pregnant, leaving instructions with Gosford what to do if this was true (Annear Chs 116-21; *The Tichborne Claimant* 26-8).

Enquiries in Australia and South America began to connect him with Arthur Orton, including the family of Thomas Castro, who had no memories of a Roger Tichborne (Annear Chs 23-8; *The Tichborne Claimant* 28-9, 31-2).

Arthur Orton was born on 20th March 1834, the youngest son of George Orton, a shipping butcher. He had been a sailor, had visited Chile in 1849-51, and in 1852 left for Australia, where he disappeared. The Claimant's attempted visit to the Ortons in 1866 was discovered. While most of that family denied he was a relative, he was identified as such by a former sweetheart (Annear Ch 14; *The Tichborne Claimant* 8, 29-32).



## **Tichborne v. Lushington and R v. Castro:**

In 1868, the Dowager's death cleared the way for legal action. A civil action for ejectment was brought by the Claimant against the lessee of Tichborne House, Colonel Lushington. This case, *Tichborne v. Lushington*, lasted from 10th May 1871 to 6th March 1872. The case was closely followed, and the contents of the sealed packet were publicly revealed by the Claimant, which turned many against him as a seducer of women at best and a liar at worst. When a former schoolfriend said he had tattooed Roger, with a tattoo the Claimant did not have, the action ended in a non-suit, the Claimant abandoning his case (Annear Chs 29-32; *The Tichborne Claimant* 30, Ch 3).

He was then charged with perjury. Lacking money for legal costs, he toured the country in 1872-3, helped by Liberal MP Guildford Onslow. A huge popular campaign

developed, mostly supported by working people, who believed the Claimant's case was representative of the problems people of their class had in obtaining justice from the courts. Subscriptions came in from all over the country, and several Tichborne newspapers appeared to support his cause (Annear Ch 33; *The Tichborne Claimant* Ch 4).

In his criminal case, *R v. Castro*, he was defended by barrister Edward Kenealy, whose behaviour in the courtroom, including his anti-Catholicism, assisted his defeat. The case lasted from 23rd April 1873 to 28th February 1874, was one of the longest trials in English legal history, and the subject of huge public interest. The summing up by the presiding judge took a month; and the jury found against the Claimant, who was given two sentences of seven years, to be served sequentially. Kenealy's behaviour was also criticised, including his 'violent language and demeanour'; and



he was disbarred for libels in a pro-Tichborne newspaper he founded and edited, the *Englishman* (Annear Chs 34-7; *The Tichborne Claimant* Ch 5).

He took over the Tichborne movement, created a Magna Carta Association, and was elected an MP in a by-election in 1875, on the strength of the cause, he and his supporters pushing for the Claimant's release. The Claimant was seen as a martyr, and his cause was a subject of great popular agitation. While Kenealy tried to keep the movement under his control, the cause became a vehicle for other radicals. The movement remained strong into the 1880s, and espoused radical causes including opposition to income tax, triennial parliaments, and female suffrage. The religion of the Tichborne family also added a strong anti-Catholic element into the agitation (Annear Ch 38; *The Tichborne Claimant* Chs 6-8).

### The Claimant's last years:

Due to good behaviour, the Claimant was released on 11th October 1884. He signed up with a theatrical agent, and had no interest in the Magna Carta Association, which collapsed by 1886. (Kenealy had died in 1880, having lost his seat in the general election of that year, and the leadership of the movement had passed to his son Maurice.) The Claimant appeared in music-halls and circuses around the country in 1885, and went to the United States in 1886 to give lectures, but was unsuccessful, returning home. He and his new wife were reduced to poverty, perhaps why he wrote a confession for the People in 1895 admitting to be Arthur Orton, using the money from this to set up as a tobacconist. However, he immediately retracted the confession after it was published. His business failed; and he was impoverished when he died of heart failure on 1st April 1898; but his death was still noted by the newspapers. They also noted that thousands of spectators came to his funeral, when he was buried in Paddington Cemetery on 6th April. The Tichborne family gave permission for Sir Roger Tichborne's name to be placed on his coffin (Annear Chs 39-40; *The Tichborne Claimant* 167-9, 172-4, 183-5, Ch 14; *Reynold's Newspaper*; *The Daily News*; *The Pall Mall Gazette*; *The Times*).

### Legacy:

The cases concerning the Claimant were a significant cultural event in Victorian Britain, opinion being divided on whether he was a villain or a victim of an aristocratic, pro-Catholic conspiracy. A large amount of ephemera about him were produced. His supporters saw his cases as confirming a popular prejudice that the law was corrupt and expensive. While it was seen as inconsistent by some, working people helping one of their own become an aristocrat, in defending his rights they were also defending what they thought were their own. His appearance was also an issue. The Claimant significantly increased in size, due to his liking of food and fine wines, increasing from 18 stone in Christmas 1866, to 21 stone in May 1867, 22 stone in 1868, and 28 stone 4 pounds by 1871 (Annear 115-6; *The Tichborne Claimant* 26). While fat people were figures of fun, his bulk was seen

by supporters as a symbol of freedom, like the image of the archetypal Briton, John Bull. He also fitted the image of the 'lost-heir' struggling for his rightful inheritance in nineteenth-century fiction, and that of the pleasure-loving 'toff' who didn't take life seriously (*The Tichborne Claimant* Chs 10-13). Tolkien mentioned early in *The Hobbit* that hobbits 'are inclined to be fat in the stomach, and have dinner 'twice a day when they can get it' (14). The Claimant claimed to be the heir to a Catholic, landed family, and was, like Bilbo, involved in 'legal bother' that lasted for years.

### Impossible if part of a work of fiction?

American writer Mark Twain (1835-1910), who had seen the Claimant in London at the time of his trial for perjury, at a party thrown by the latter, later visited Wagga Wagga for that reason, and made this comment on the Affair:

The fiction-artist could achieve no success with the materials of this splendid Tichborne romance. He would have to drop out the chief characters; the public would say such people are impossible. He would have to drop out a number of the most picaresque incidents; the public would say such things could never happen. And yet the chief characters did exist, and the incidents did happen. (Twain 94-5; *The Tichborne Claimant*, 88-9)

Perhaps Tolkien was influenced by the described Tichborne Affair in his portrayal of Bilbo's return and its consequences. Even if he was not, I believe that the story of the Affair is one worth retelling, one which a great writer like Mark Twain argued would have been called 'impossible' if part of a work of fiction!

### Works Cited

- Annear, Robyn. *The man who lost himself: The unbelievable story of the Tichborne claimant*. London: Robinson, 2003.  
 Burke's Peerage. 102nd Edition. London: Burke's Peerage Limited., 1959.  
 Debrett's Peerage, Baronetage, Knightage, and Companionage. London: Odhams Press Ltd., 1960.  
 McWilliam, Rohan. 'Tichborne Claimant'. *Oxford Dictionary of National Biography*. Vol. 54. Oxford: OUP, 2004.  
 McWilliam, Rohan. *The Tichborne Claimant: A Victorian sensation*. London: Hambledon Continuum, 2007.  
 Tolkien, J. R. R. *The Hobbit*. London: HarperCollins Publishers, 1991.  
 Twain, Mark. *More Tramps Abroad*. Second Edition. London: Chatto & Windus, 1897.

### Newspapers:

- Reynold's Newspaper*. 3 April 1898.  
*The Daily News*. 2, 7 April 1898.  
*The Pall Mall Gazette*. 2, 7 April 1898.  
*The Times*. 2 April 1898.

**Murray Smith** is a graduate of and holds a master's degree in History from University College Dublin. He was called to the Irish Bar in 1999, has written a number of articles on historical and legal topics, and has given lectures on Tolkien at conferences in the UK.



