4. Speculating on Marriage: Fraud, Narrative, and the Business of Victorian Wedlock

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Speculating on Marriage

Fraud, Narrative, and the Business of Victorian Wedlock

This subject I cannot conclude without a caution to females possessed of property. There is always a class of men pretending to be respectable, and who perhaps are so till they have the means of leading a life of idleness and pleasure at the expense of others, and who make it their business, under colour of love, and by the kindest and most diligent attention, to win your affections, and so to induce you to marry them. But such a man’s kindness will at longest but last till he has spent the whole of your property; or which, one way or another, by fraud or violence, he will be sure in the end to plunder you.

—T. H. Rose, The People’s Important Guide (1847)

There is only one kind of marriage which makes good the assertion that it is the right and happy condition for mankind, and that is a marriage founded on free choice, esteem, and affection—in one word, on love.

—Frances Power Cobbe, “What Shall We Do With Our Old Maids?” (1862)

It has become something of a critical commonplace to attribute the mid-century rise of failed marriage narratives to the Matrimonial Causes Act of 1857, which made divorce more readily available to the average person. Similarly, many critics have contended that the proliferation of bigamy plots in the early 1860s derives from the Yelverton marriage case, which sought to determine whether Major William Charles Yelverton had married Maria Theresa Longworth once or twice or, as he insisted, not at all. In this chapter, I read the Yelverton trials in light of the heated debates about sexual equity and property rights that the Matrimonial Causes Act prompted. I mean thereby to establish that fraud is a crucial subtext to the increasingly blighted marriage
plots that captivated mid-Victorian popular culture, and that to understand those plots without reference to their economic underpinnings is to understand them only partially.

In 1857, Major William Charles Yelverton married Theresa Longworth. Twice. Or, at least, he participated in two marriage ceremonies with her. Apparently, the major had a penchant for weddings: despite the sheer redundancy of rites that would seem to make him more than a little married, Yelverton pledged his troth once again in 1858, this time to Emily Forbes. The Forbes marriage precipitated the wildly popular hearings that began with a jury trial in Dublin in 1861. By the time Parliament intervened to settle the case in 1864, Yelverton and Longworth had become names familiar to most every reader in the nation.

The trials were a sensation, so captivating the public that John Sutherland indexes them under the heading of “Bigamy Novels.” “The bigamous marriage was taken up as a vogue by the sensation novel,” he writes, “after the much-publicized Yelverton trial, in 1861–4, [which] had the whole country agog” (1989, 63). Sutherland suggests that the case influenced Mary Elizabeth Braddon, Wilkie Collins, and Thomas Hardy, as well as those novelists who basically transcribed the case (most notably Longworth herself). Jeanne Fahnestock makes a similar argument, that “bigamy would have remained one of the stock of occasionally used conventions, along with infant swapping and the missing will, had not a real-life sensational case brought it from the ranks of the far-fetched and improbable to the pages of every newspaper in 1861. The notorious Yelverton case was the cause célèbre of the season” (1981, 50).

The first Yelverton trial was “a sensation,” but it captivated the Victorian public for reasons both more familiar and more complex than bigamy. To begin, the trial was not for bigamy; it was for debt. When Longworth attempted to sue for bigamy in Edinburgh in 1858, the case was dismissed for lack of proof. She then turned to the newly formed Court for Divorce and Matrimonial Causes in England, which refused the case because the major “pleaded that he was not a domiciled Englishman” (Yelverton Marriage Case [1861], 15). Issues of jurisdiction repeatedly stymied Longworth’s attempts to obtain recognition of her marriage until an Irish court agreed in 1861 to hear a civil suit brought by Longworth’s friend and landlord in Hull, Mr. Thelwall, “to recover a sum of £259 17s. 3d. for board and lodging, and
necessaries supplied to the defendant’s wife and her servant” (ibid., 9). Fiscal responsibility would, due to the laws of coverture, establish Yelverton as Longworth’s husband. Thus, although the primary object of the suit was to ascertain the legitimacy of the marriage ceremonies, the vehicle by which the action proceeded was explicitly economic.

The records, popular materials, and events that contextualized both the Yelverton trials and the more general discourse of bigamy repeatedly articulated Victorian romance within the language of finance, rendering bigamy less a crime in and of itself, than an act of fraud upon a domestic contract. Insofar as the concerns of the Yelverton story coincided with concerns within the mid-Victorian novel, both reflect a tendency, which developed alongside the rise of capitalism, to understand romantic affiliation within the larger contexts of sexual, financial, and emotional risk. In 1810, for example, the minister Thomas Jackson bluntly called the seducer “a kind of swindler, who practices the same stratagems to get the possession of a woman’s person, as the swindler employs to get possession of his neighbour’s goods or money” (26). Another early sermon reminded married couples to fulfill their conjugal duties to one another, interpreting the imperative in 1 Corinthians “as a strong charge to the married pair, against defrauding one another,” which is so called, he explains, “on account of the power, or right which the sacred contract of marriage gives to each over the other; and it is to guard against this fraud, and the impurities to which it may lead, that the apostle . . . charges [the couple] to come together” (Sandeman 1800, 39). In God’s eyes, it seems, even abstinence counts as fraud.

By the mid-nineteenth century, most all marriage plots referenced, at least tangentially, the potential for fraud. Britain’s appetite for narratives of marital corruption was no longer simple: the reading public craved sophisticated and complex storylines, and it seems little wonder, given the wide array of social corruption both at home and abroad. Victorian readers grew hungry for narratives that explored human depravity, and, given the imbrication of marriage and money, they developed a decided fascination with nuptial fraud. When Queen Victoria wrote to her daughter Vicky in 1858, “I think people really marry far too much; it is such a lottery after all, and for a poor woman a very doubtful happiness,” she illustrates the proclivity to emphasize the speculative nature of marriage. Because there were no guarantees of anything but doubt, Victoria’s analogy suggests, marriage was a gamble entered into “far too much” for the dubious rewards it offered.

The play on marriage-as-lottery also underscores how, as the Victorian market operated according to an increasingly laissez-faire agenda, it multiplied both the opportunities available to investors and the odds of such
ventures being fraudulent. As I note in chapter 1, buying shares was a gamble not only on a company director’s competence, but also on a venture itself being genuine. Within the discourse of troubled speculation, the Queen’s comment on marriage establishes that this paradigm was sufficiently capacious to include the dubious nature of speculating in love as well as stocks. The marriage market, like the stock market, was akin to the lottery in that both were risky venues for investment.

Most immediately, Victoria’s attention to the plight of the poor woman, who would generally not have settlements made for her, was relevant to those forms of Victorian legislation that regulated divorce and married women’s property. Written on the heels of the Matrimonial Causes Act, the Queen’s letter makes implicit reference to the crisis that Act provoked about the value of and the values within Victorian middle-class marriage. Most simply, the Act secularized divorce, making it possible (or at least more so) for the common person to obtain legal separation from his or her spouse without the prohibitive expense of parliamentary legislation. More complexly, it provoked debate about the economic and sexual inequities within Victorian marriage. The new law made a wife’s adultery sufficient grounds for divorce while a husband’s infidelity remained inadequate cause without the additional ingredient of cruelty. Further, by refusing to draft legislation that would grant property rights to married women without recourse to Equity, Parliament endorsed by omission married women’s financial impoverishment. Complicated and heated, the debates surrounding the Matrimonial Causes Act exposed popular Victorian anxieties about socioeconomic relations within private life.6

In bringing the Divorce Act and the Yelverton case together, I want to shift the terms of the critical conversation. Contrary to established wisdom, that the proliferation of troubled marriage plots at mid-century is largely due to the inception of the new divorce laws or to a spectacular bigamy trial, it is clear to me that neither these plots nor their method of articulation was actually new. I do not mean to argue that these plots did not multiply in this period, for they did. As Frances Power Cobbe lamented,

The Divorce Court . . . has revealed secrets which must tend to modify immensely our ideas of English domestic felicity. . . . It has always been vaguely known, indeed, that both husbands and wives sometimes broke their most solemn vows and fell into sin; but it was reserved for the new law to show how many hundreds of tragedies underlie the outwardly decorous lives, not only of the long-blamed aristocracy, but of the middle ranks in England (“Celibacy v. Marriage” 1862, 82)
It would nonetheless be a mistake to attribute the tragic marriage plots of this period too completely to the secrets, sins, and tragedies that the Divorce Court made public and popular, or to any narrative of bigamy qua bigamy. Indeed, many of the novels that filled out the stock of railway bookstalls and circulating libraries after 1857 carried on well-established narrative trends from previous decades and bear the earmarks of earlier economic legislation.

While the Act was certainly legendary, the marriage plot already had an established history of trouble well before legislation in the 1850s precipitated debates about bigamy and other forms of matrimonial suffering. Breach of promise suits, for example, were significant forebears to the concerns about and interest in the precarious negotiations of marriage that came to dominate texts in the 1860s. Understanding betrothal as a contract that might be breached or defrauded, British law demanded monetary compensation for emotional and social losses. As Ginger Frost writes, “The engagement was considered a contract to marry and was legally binding on both parties. However, unlike most contracts, it could not be enforced because the civil courts would not coerce marriage, but the party breaking the contract was liable to damages” (1995, 17). In punishing financially parties who betrayed ostensibly romantic contracts, breach of promise trials articulated explicitly the anxieties about social, sexual, and fiscal capital involved in engaging marriage. And the marriage market had more than its share of confidence men and women who abbreviated the security of its contract even as they bolstered the appeal and sustained the familiar motifs of the Victorian family romance. As I’ve been suggesting, these characters made for compelling narrative: even as Victorian lawmakers struggled to write proper mandates to protect the institutions of marriage and of the stock market, respectively, creative writers easily filled reams of paper with plots of their undoing.

In that light, the institution of limited liability in 1856 was as important as the Divorce Act of 1857 in stimulating public anxieties about familial security. Many feared that limited liability would simply legitimize irresponsible economic behavior by diminishing the potential consequences for frauds and swindlers, and given the propensity of diatribes against the stock market to accentuate its impact on wives, children, and widows, the family was a powerful site of anxiety. Of course, no one piece of legislation shaped the narrative trajectories of mid-Victorian England: one could as easily cite revisions in the Master and Servant Acts, or the parliamentary inquiry into food adulteration, as sources for the increasing tension in marriage plots. My point is that economic contingencies provided a salient context and vocabulary for talking about the perils inherent in interpersonal relationships. Given the financial crises that marked nearly every decade of the Victorian period (1837, 1839,
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1847, 1857, 1866, 1878), and the wide scope of domestic fraud, it is not surprising how many texts promoted caution on the matrimonial market, as well as in other fields of investment.

Romance without Finance Is a Nuisance

Plots against marriage structure and sustain the plot toward it, tacitly establishing the value of legally sanctioned, religiously blessed, monogamous heterosexual commitment by citing those plotters who seek to manipulate or corrupt it. The very earliest of marriage plots explicitly associate monetary concerns with affective values. As Nancy Armstrong has noted in Desire and Domestic Fiction, Pamela set up the gold standard for the assessment of the domestic woman, and for the middle-class values she embodies. Further, though, it also opens a tradition by which those values are consistently threatened, by which narrative pleasure ensues from the friction of corrupt insurgencies on the chaste, marketable body. The marriage plot thus depends as much on characters that seek to unsettle its stability as on those who seek to close the deal on nuptial bliss.

And the language of romance is often explicitly economic. From Lizzy Bennet’s coy remarks that she “must date [her love for Darcy] from [her] first seeing his beautiful grounds at Pemberley” (Austen, Pride, 332), to Rosamond Vincy’s distracted difficulty in fixing her wedding date because “she was going through many intricacies of lace-edging and hosiery and petticoat-tucking,” and “thinking of her evening dresses for the visit to Sir Godwin Lydgate’s” (Eliot, Middlemarch, 330) to the enormous wealth that makes Marie Melmotte in Trollope’s The Way We Live Now such a very appealing catch, the careening and various expectations of the classic Victorian novel makes it nearly impossible to disentangle fiscal avarice from amorous attachments.

While it may be rather callous to analogize seeking a life partner with the process of, say, shopping, popular texts consistently played on the notion of the “marriage market” as a form of consumerism. George Cruikshank, in fact, seems to have been fairly obsessed with the likeness. His illustration “Flying Artillery” (figure 4.1) offers a tableau of men and women pierced by the arrows of an army of cupids, among whose victims cupidity figures prominently.

The belle at the center wears a placard advertising her “10,000 a Year,” which causes various mature young men to swoon; at the same time, one ready archer aims to strike a female victim with the arrow of “£500 per annum pin money.” The malleability of domestic values on which Cruikshank
focuses here reappears in his “Matrimony by Advertisement,” a short essay that appeared in Our Own Times in 1846. Arguing that the ball is an occasion upon which “parents and guardians often advertise for husbands for unconscious and innocent young ladies,” Cruikshank cites other, more direct versions of the matrimonial advert, reminiscent of current personal ads, to make clear the economic motivations for contracting marriage:

We met, the other day, with a very candid proposal of this kind, the author of which was a young gentleman, who not only sought a consort, but also an heiress, as he frankly declared in the first place. He had fallen upon evil (rail)ways, and it was necessary that he should retrieve his position. In return for a hand with a purse in it ample enough for his purpose, he promised a faithful heart, and an introduction in the best society. We trust this straightforward young Stag has met with a doe—and a dowry—to his mind. In the meantime, we strongly recommend his example to persons who, from financial difficulties, are about to commit bankruptcy. (1846, 106)

Cruikshank subverts the conventions of romantic narrative, suggesting how the innovation of the “(rail)” has changed the allusion of evil ways, so that the traditional exchange of heart for hand requires, in “our own times,” a hand with “a purse in it ample enough for his purpose.”
Another bit of ephemera—a small illustrated pocket book entitled *Mr. Timothy Wiggins*—lays out the potential pitfalls in advertising for love, as the eponymous bachelor places an advertisement for matrimony and finds the results disastrous. Woman after woman proves decidedly unfit: a number are ugly or old, one is black (“oh horrors”), one has eight children, two are pranks, and one is lovely but engaged. Poor Timothy Wiggins “determines not to try any more but goes home, & consults with his Landlady who advises him to look at home. He takes the hint, and pops the question they get mar- ried! And live very happily” (JJC The Social Day 2). The general message of these satires is that the medium of advertisement is unsuitable for the pursuit of marriage. As a business form associated primarily with vending products, advertisement is not only rather gross; it also invites into romance the same dangerous corruptions that one encounters in business.

Of course, those corruptions were already established risks in and around Victorian romantic relationships. Due to the laws of coverture and the economic inequities between unmarried men and women, marriage was already both a form of business and an established venue for fiscal exploitation. There were even balder, related “street” scams that didn’t require an extended courtship: a most basic and old-school trick was a version of ring dropping. *The London Spy* notes that ring droppers “most commonly exercise their villainous art upon young women.” The trick is to get the dupe to purchase a “found” gold band “for what you have got in your pocket, and what else you can give me” (Barrington 1832, 79). The transaction made, the ring dropper disappears into the night, leaving the young woman to discover that the found “gold” ring is “only brass gilt” (80). In *London Labour and the London Poor*, printed some thirty years later, Henry Mayhew records how the con has morphed in a marital vein: the ring in question was now a wedding band. According to the Street-Seller of Rings, “The public are now too wide awake” for traditional scams to achieve wide success (1861–2, 1: 351). He notes that ring droppers have developed a new matrimonial ruse to prey on servant girls, in which one writes a letter. “This is the style:—‘My dear Anne, I have sent you the ring, and hope it will fit.—Excuse me not bringing it. John will leave it with you.—You know I have so much to attend to.—I shall think every minute a year until the happy day arrives. Yours devotedly, JAMES BROWN’” (ibid.). The ring dropper wraps the note around the ring, to establish the truth of its metal, and waits for a likely target. The gist of this scam is, of course, different from one involving full-on seduction (whether into false marriage or simple consummation), but its underlying combination of avarice and romantic idealism dovetails with more serious forms of matrimonial fraud.
Broadsheets and newspapers had been reporting on those more serious cases for some time. These texts emphasize the risks inherent in marriage, even after one gets past the altar. For example, an 1830 broadside on George Miller, a.k.a. “the matrimonial deceiver,” describes a man possessed of a remarkable fine figure, . . . [who] endeavoured to get by fraud, and imposing on the weakness of the female sex, to supply his extravagance [sic]. His first attack was upon an amiable young woman of the name of Fanny . . . ; he imposed himself upon her as the younger son of a nobleman of distinction, but failing in his attempts to seduce her, he at last married her, having got two hundred pounds with her: in a few weeks he deserted her . . . He next . . . assumed the title of a baronet; being at a ball at Warwick, he there selected a young lady, whose personal charms chiefly lay in her fortune; . . . their marriage took place in a short time, and my lady was very proud of her newly-acquired titles; but he did not let her enjoy it long, having received her fortune, and sold all the furniture and equipage to a broker privately, he left my lady nothing but her sighs and tears, instead of titles and honours. (JJC Crime 1)

By the time of Miller’s early death at the age of thirty-five, “he had nearly a wife for every year that he was old.” His style of seduction proved enduring—the Records of Whitecross Street Prison remark on the inmate whose “taste in female charms . . . entirely depends upon the length of their purses, or the amount of Consols standing in their names at the Bank. There is not much difficulty about the age of the charmer; neither is deformity any objection; his heart being soft and flexible, [his] philanthropy being of such extraordinary latitude, he is not particular; but, in return for the flattery—extracts from the purse the precious metal” (1866, 234). The author seems particularly concerned that, although women have plenty of warnings about them, they seem only too confident in the power of their own charms. As he notes, “They feel a power within themselves of altering the natural propensities of some men, and by an amiable, but fanciful weakness, conceive that love and affection on their part will cure the most abandoned and wicked from a course of degradation and vice” (252). The tendency of female consumers to buy into the legend of the exceptional woman who could transform a scoundrel into a prince made them perilously easy marks.

Yet the game wasn’t restricted to male swindlers. The tale of Mrs. Cooper, reported in the London Times in 1860, remarks on her “Extraordinary Swindling.” Using male avarice in her favor, she made one Mr. Taylor quite willing prey, informing him that
she was a widow, with two children . . . and that she had lately received a communication from the Court of Chancery, informing her that she was heiress to an immense property in Scotland, and that a few preliminaries were necessary, which would cost a few hundred pounds, before she could take possession of her property. The trap was so well laid that the victim fell into it at once, offered her his hand and heart, telling her he had about 1000l., which was at her disposal. (5 January 1860)

After the couple were married, the new Mrs. Taylor took her husband for all he was worth and more, disappearing only when his fortune was gone and she had him well in debt. Like the previous tales, this escapade in matrimonial deception lends an explicitly monetary valence to the concept of romantic investment.13

These chronicles of fraud are the stuff not only of broadsheets and court reports but also of the sensation fiction Sutherland and Fahnestock cite. Trading on the typical British fascination with birth, title, and estates, Miller and Taylor embodied the types of matrimonial swindlers who seduced their victims into marriages that were both expensive and false. Stories of this ilk—artfully rendered in Wilkie Collins’s *The Woman in White*, for example—exposed the economic risks of romantic entanglements, even as the outrage they elicited seemed to deny the legitimacy of mercenary lovemaking. Given the popularity and the profusion of this line of narrative, however, it clearly raised important issues about delicate interpersonal negotiations in “real life.” The figure of the matrimonial deceiver makes productively (and often comically) visible the intricate amalgam of material, emotional, social, and erotic desires inherent in contracting romantic alliances.

**Of Desire and Fraud**

Alongside those matrimonial schemers who sought to defraud their potential spouses of money and property, there were other kinds of plotters after other forms of plunder. In other words, the “goods” at stake were not solely economic. Various comic forms promoted the careful shopping that featured so prominently in the purchase of food because, in seeking to cash in on the game of matrimony, many men and women brought to the marriage market “goods” that were not so good as they seemed.14 For example, in the poignant ballad “The Virgin Only 19 Years Old,” the speaker marries after a quick courtship a “fair damsel, . . . [who] said she was a Virgin, yes a Virgin only 19 years old.” On the wedding night, the “19 year-old” bride removes
various bits of her body in a Swiftean striptease, to reveal a “Virgin not nineteen, . . . but 99 years old.”

When she wiped off her eye-brows I thought I should faint,
And scraped from her thin cheeks a cart-load of paint;
When she pulled off her black wig then her bald pate soon told,
That she was an old Virgin, an old Virgin, more than 19 years old.

The ballad’s comedy derives from its emphasis on the social and physical constructions imbedded in courtship. The romantic desire to present one’s best self takes on a more mercenary and sinister cast here, as the suitor becomes shopper/investor, duped by the good appearance of the wares he finds so seductive (rather like pots of green vegetables or a box of gorgeous lead-painted candy). The ballad makes its consumer analogy explicit in the pun on buying and selling in its final cautionary refrain:

Now young men take warning ere to church you go,
Be sure your Bride’s perfect from the top to the toe,
Or you’ll pay for your folly, and like me be sold,
By some patch’d up old bit o’ stuff, cruel old Virgin, ’bout 99 years old.
(JJC Street Ballads 20)

“Oh, Crikey! Oh, Good Gracious!” (1850) is a similar ballad in which a pretty maid dupes a young suitor. In this instance, Betty Giddy-goat neglects to inform her generous fiancé that she is already a married mother of half a dozen children. If the refrain, “love oft proves a grand mistake, / So never trust in women,” is rather broad, the tale of the ballad is specific in its reference to the Victorian market. The narrator’s lament is less one of heartbreak than that he has spent his “tin” on Betty “in manner, most splendacious”; in other words, he has invested monetarily in a woman who reveals her true status to him only after he has “laid out all the blunt [he] had, / Which warn’t a little ochre.” Having invested badly, the suitors in these ballads sing out their cautions to their compatriots on the marriage market.

Ballads render efficiently and consisely the matrimonial stings that novels work out at length. These, among many other examples that preceded the famous Yelverton case, offer a window into the lexicon of marital fraud and establish a tradition of reading marriage as a venture subject to emotional, erotic, and economic deceit. If tales of marital fraud multiplied in novels, melodramas, ballads, and newspaper accounts, in the wake of the 1857 Divorce laws, they did so as part of a well-established trajectory.
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Meet the Yelvertons

The Yelverton case was complicated and compelling—complicated because both parties seemed to be plotters; compelling because the case so explicitly articulated the incursions of fraud on romantic life. Yet the story of their courtship was appealingly romantic: the couple met on a steamer crossing from Boulogne to London in 1852. The evening was chilly and the major offered to share his plaid with the pretty young woman. Thus warmed, the two sat on deck and talked all night. Although they then lost touch for nearly two years, the pair reestablished contact when he was serving in the Crimean War and she was a Sister of Mercy in Galata. Over the subsequent years, they carried on a passionate correspondence that became an infamous part of the trials: the letters were racy by Victorian standards, both coyly flirtatious and surprisingly blunt in their declarations of desire. The visits that Yelverton interspersed with his letters culminated in the first of the dubious wedding ceremonies, which occurred in Scotland in April 1857, seemingly against Longworth’s wishes. According to a record of the 1861 Dublin trial that made him famous, the major

induced her [Longworth] to hear him read the marriage ceremony from a Church of England prayer book. . . . He told her that, by the law of Scotland, marriage by a priest was not necessary—that mutual consent and promises made persons man and wife—and, having read the marriage ceremony, he proposed that it should legitimise their position as husband and wife. . . . She refused to be bound by it, and fled from him. (Yelverton Marriage Case [1861], 10–11)

This first wedding, which potentially produced what was known as an “irregular marriage,” posed for Longworth two significant problems, beyond those it later put to legal minds. First, because she was a Catholic, Longworth claimed that the absence of a Catholic priest made the ceremony inadequate for her to “legitimise their position as husband and wife”—Yelverton, in short, immediately sought consummation, which, she testified, motivated her quick flight from him. Her second problem derived from the absence of witnesses, a circumstance supposedly due to Yelverton’s need to keep the marriage secret from his family. Although he had made his sexual attraction to Longworth quite clear, Yelverton told her “that he could not then marry, and he had given a promise to his relations not to marry any lady who could not pay his debts. . . . He said that about £3000 would be sufficient” (ibid., 16). Because Yelverton was in line for the Barony of Avonmore, he was
invested in maintaining happy relations with his family. Longworth was equally interested in establishing happy relations with his noble relatives, but she apparently had sufficient mistrust of his integrity to suspect the absence of witnesses to the Scottish ceremony—and popular etiquette books would have warned her to take care. Routledge’s *Etiquette of Courtship and Matrimony*, for example, cautioned that, “A clandestine marriage should be the last resort, the more so, because in too many instances it is a fraud committed by an elder and more experienced party upon the inexperience of one whose confiding tenderness he should rather protect, even from himself” (1852, 34).  

Because Longworth was sufficiently capable of protecting herself to know when to flee the scene, the terms of negotiation between the couple became overt: she brought to the table the potential for sexual gratification, an interest in aristocratic alliance, and a demand for legitimate union. He brought his (in this case, competing) desires for sex and money, and his potential to confer title and respectability. The Scottish rite, easily repudiated due to the absence of witnesses, was Yelverton’s play for conjugal rights without firmly conjugating marriage.  

Longworth’s departure seemed to win the contest: Yelverton consented to a second ceremony, which occurred at a small chapel near Rostrevor, Ireland. In August 1857, Father Bernard Mooney, a Catholic priest, consecrated the couple’s previous marriage vows. Prior to the nuptials, Yelverton claimed to be something of a Catholic (“I am no Protestant,” he said), which was necessary due to the still-operating provisions of the 1745 statute, which decreed that any marriage “between a Papist and any person who hath been or hath professed him or herself to be a Protestant at any time within twelve months before such celebration of marriage, or between two Protestants, if celebrated by a Popish priest, shall be and is hereby declared absolutely null and void to all intents and purposes.” Yelverton did manage to carry his stipulation of secrecy, however, so that if Longworth seemed to win the battle, Yelverton won the day. There were no witnesses and the ceremony was never entered in the parish register. Both parties agreed that they had sex regularly after this event, although the major suggested that intercourse had already been going on for some time.  

From August 1857 until April 1858, all was felicitous. The couple traveled together under the names “Mr. and Mrs. Yelverton.” When they parted in Bordeaux in April, she was ill from a pregnancy that would never come to term; he had been called back to his unit in Scotland but promised to return as soon as he was able. But he didn’t. Instead, he married Mrs. Forbes, a wealthy widow worth at least £3000.
As I note above, Longworth’s various attempts to sue Yelverton for restitution of conjugal rights failed, but Thelwall’s suit for debt did the trick, initiating the Irish trial, which was the only one of the various Longworth–Yelverton suits to involve a jury. It was by far the most colorful of the hearings. In Dublin, Yelverton testified before a packed courtroom that both the Scottish and the Irish marriage ceremonies were false, the first because it was never meant to be a marriage, the second for various causes, most famously that he was not really a Catholic and therefore could not legally be married by Father Mooney. Beyond what appeared in Ireland as irrefutable religious blackguardism, Yelverton was also scandalously unpuntenant about cashing in on his conjugal rights during (and, he claimed, prior to) the period in which he performed as Longworth’s husband. According to The Yelverton Marriage Case, an “Authentic and Unabridged Account” of the trial put out by the popular publisher George Vickers in 1861, “His purpose, he swore, was from the first dishonourable. He resolved to make the young, beautiful, and gifted orphan his mistress” (vi). The major further enhanced the case’s sensational appeal by engaging the Irish hatred of the landholding class when he attempted to justify his deceptive behavior by noting that Longworth was not of “gentle blood.” Thus class discrimination, in combination with his status as a fake Catholic, cemented Yelverton’s role as a stage villain in what one pamphlet referred to as the “romantic drama, which has just been performed in Dublin” (Full Report 1861, v).

Given his triple transgression of religion, class, and virtue, Yelverton’s chances before an Irish jury were not very good at all. In the end, Thelwall won his £259 17s. 3d. with relative ease, and Longworth won her vindication: she was declared to be Mrs. Yelverton. Her triumph was brief, however, for Yelverton appealed immediately. An Edinburgh court heard the appeal (significantly without a jury) and overturned the Dublin ruling, only to reverse those findings once again on Longworth’s appeal in 1862. When, at Yelverton’s behest, the House of Lords took up the case in 1864, they produced the final decision on the case, nullifying the Irish verdict and asking that the Scottish court overturn its earlier ruling in favor of Longworth (it did). Longworth’s appeal to the Lords in 1867 went nowhere and, in the end, she emerged a single woman. She made the best of it, largely by refusing to acknowledge the legitimacy of the court’s decision: she kept Yelverton’s title until her death and established a career as an author, writing a number of novels and travel narratives.
The Irish trial was easily the most popular moment in the long history of litigation between Longworth and Yelverton. That was in part because it came first, in part because it occurred before a jury, in part because of its sensational content, and in part because of the timeliness of its concerns. It received nearly daily coverage in both The Times and The Manchester Guardian throughout its duration from 21 February to 4 March 1861 and also spawned illustrated “complete coverage” accounts, ballads, cartoons, pamphlets, a play, and at least three explicitly derivative novels, including Longworth’s own Martyrs to Circumstance.22

Until recently, however, scholarship on the case has focused exclusively on the conflicting marriage laws of England, Scotland, and Ireland that came to a head in the House of Lords hearing.23 As I note above, any marriage between a Protestant and a Catholic performed by a Catholic priest was deemed invalid, although a Protestant minister could perform the same ceremony without penalty. In addition to providing an opportunity to modernize outdated anti-Catholic legislation (redressed in Ireland’s Matrimonial Causes and Marriage Law Amendment Act in 1870), the Yelverton case also offered an opportunity to reconcile the divergent marriage laws of England, Ireland, and Scotland. The issue of the “irregular marriage” provoked considerable debate, so much so that the Chief Justice mocked George H. Pattison, “more than twenty-six years a member of the Scotch bar.” During his testimony, Pattison laid out the provisions of marriage in Scotland:

What constitutes a regular marriage in Scotland? I am afraid I must begin by stating the general law, and the distinction betwixt regular and irregular marriages. Marriage is contracted in Scotland by interchange of mutual consent, freely, unequivocally, seriously, and deliberately given, with a genuine purpose of immediately becoming husband and wife, without reference to any further ceremony, and so expressed and evidenced as will be recognized by the law. When such consent is given after proclamation of banns and before a clergyman it is a regular marriage. . . . An irregular marriage may be contracted by mutual writings accepting each other as husband and wife, or mutual declarations and acknowledgements of marriage; or by a series of letters passing between them, which from their own contents, as well as from the mode in which the parties address each other and subscribe themselves, will create a clear and unequivocal recognition of a marriage. It may also be expressed by mutual declarations or acknowledgements before witnesses called in for the purpose, such declarations being serious, not casual or transitory. There is a third mode—
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Chief Justice—I wonder you are not all married. (laughter)
Witness—I do not say it is a good law. I am merely stating what is the law. (*Full Report* 1861, 81)

Many shared the Chief Justice’s sense that Scotch marriage law was a joke and had been for some time. Most British popular culture accords the Gretna Green marriage little more than a derisive nod toward legitimacy. Legislation enacted in 1856, prior to the Yelverton hearings, remedied the loose construction of Scotch marriages at least in part, by making a three-week residency in Scotland a legal prerequisite for legitimate Scotch marriage. As legal historians have shown, the Longworth–Yelverton suits raised important questions about the different countries’ constructions of marriage.

Yet the Lords who sat in judgment over the Scotch and English hearings were considerably more concerned with the issue of competing jurisdictions than were the judge and jury who decided the outcome of the Irish trial, or the consumers of the popular media that interpreted their findings. However significant the idiosyncrasies of Commonwealth marriage law may have been, in other words, they fail to explain the case’s enormous popular appeal. With the exception of Wilkie Collins’s *Man and Wife*, published in 1870, the texts that responded to the Yelverton hearings barely addressed Great Britain’s conflicting marriage laws at all. And yet, most historical readings of the public dimensions of the trials have argued that those conflicts were the source of the trial’s social significance.24

Literary studies buck this trend, however. The aforementioned assessments by Jeanne Fahnestock and John Sutherland link the case to the narrative attractions of the bigamy plot.25 More recently, Ellen Rosenman has argued that the case’s popularity derived from Theresa Longworth’s impressive faculties of narrative self-invention, which emerged in the private letters that the case made available to the public. In these letters and on the stand, Rosenman argues, “Longworth raided the stock of gender norms to fashion new and unconventional personas, finding subtle resources for sexual subjectivity and, in the end, a libidinal life beyond the heterosexual dyad” (2003, 125). Following on Rosenman’s reading, I want to suggest that the case’s engagement with the more general crisis of value and values in Victorian domestic life made it an unusually powerful and appealing story. “The Yelventon [*sic*] Case, or The Major in a Minor Key,” for example, casts the Irish trial as a contest of costs and confidence:

His liberty he tried to keep,
As in the case it does appear,
Chapter 4

To do a marriage *on the cheap,*
But its *[sic]* like to cost him dear.

. . .
But for the army’s honour,
And to the Major’s shame,
They look’d with credit on her,
And on him cast the blame. . . . (emphasis in original)

Playing with the language of credibility and credit, the balladeer celebrates the “cost” to Yelverton, which is situational rather than fiduciary (although Yelverton *would* have lost access to Mrs. Forbes’s fortune if the verdict had held). In the complex moral economics behind a case that was ostensibly for debt, “to do a marriage *on the cheap*” means cheapening not only the bride but the act of matrimony too.

**Casting the Yelvertons**

Many popular renditions of the first Yelverton hearing struggled to cast Yelverton as a matrimonial charlatan and Longworth as his only-too-trusting dupe. For example, a verse from “The Lady Beat the Soldier” runs,

He was a Major, a Lord’s son,
    As evil as a monkey,
All the religion that he cared about,
    Wás who had got most money;
The fool was of no creed at all,
    The Church of Rome defied a sad way,
He could swear a lie through a nine inch wall
    And cover his nob with pipeclay. (Bodleian; Harding)

The line that accuses Yelverton of caring for no religion but money makes clear how popular authors linked financial avarice with the corruption of religious values (a sentiment one might expect in an Irish ballad). Further, though, the implication is that Yelverton defied the Church of Rome, defrauding Longworth, his ostensible wife, and, through her, the general value of marriage. The man who “could swear a lie through a nine inch wall” was a man whose passionate stories were socially dangerous.

It is profoundly tempting to read Yelverton as a consummate rake who
went to great lengths to take advantage of a pretty young woman, especially when one reads the accounts of the Irish trial. Most renditions depict Yelverton as a villain whose game was a variation on male marriage-plotting in which the booty was “booty.” Yelverton’s open admission of his plan to seduce Longworth only makes him seem all the more the villain in a melodrama or mid-century novel in which she plays the injured maiden. His testimony regarding a steamer trip in 1857, just prior to his departure for Leith Fort, certainly made it quite clear that he was no gentleman. His account famously caused the judge to insist that all ladies exit the courtroom, as the major detailed the steamy scene on the ship.

Did any familiarities take place between you on that occasion?—Yes.

What were they, and where?—Sitting on the raised poop of the vessel. I put my arm round her waist, and kissed her, and attempted to take further liberties with her.

Chief Justice—Of what description?

Witness—I attempted to take possession of her.

Chief Justice—In other words you attempted her virtue?

Witness—I did (after a pause), but I should explain that the attempt did not go to a very great extent.

Chief Justice—Explain how far it went—…

Chief Justice—If ladies wish to remain in court during this examination I cannot help them. [The ladies depart.] …

The examination of the defendant was then resumed. He stated that whilst sitting on the poop of the steamer, with his hands round her waist, with the lady, he became very excited, and that she did also; he then described certain liberties which he said he took with her on that occasion, the details of which are unfit for publication. (Yelverton Marriage Case [1861], 71–72)

Much of the press attempted to turn the racy tone of this passage to the advantage of “the young, beautiful, and gifted orphan” by depicting Yelverton as a wealthy rascal who sought to tarnish the virtue of a good-as-gold motherless girl. For example, the infamy of Yelverton’s testimony reached across the Atlantic, where Harper’s Weekly portrayed him as a sensational rake:

Thus says the defendant in his argument—“I have added hypocrisy and profanity to deception and profligacy. I am not bound to pay for the sustenance of this woman. I am not her wedded husband. I stand before you her profligate and heartless seducer. I found her young, I found her virtuous.” What is she now, gentlemen? Innocence defiled, virtue lost, beauty spoiled,
and the hopes of life fled forever. Better the hand of death had swept her to an early grave. ("Great Yelverton Case" [1861], 5)

This narrative format followed the lead of Longworth’s attorney, Mr. Whiteside, whose closing speech called on the jury to

do justice to that injured woman. You cannot restore her to the husband she adored or to the happiness she enjoyed. You cannot give colour to that faded cheek, or lustre to that eye that has been dimmed by many a tear. You cannot relieve the sorrows of her bursting heart, but you may restore her to her place in society. You may, by your verdict, enable her to say—“Rash I have been, indiscreet I may have been through excess of my affection for you, but guilty never!” You may replace her in the rank which she would never disgrace—you may restore her to that society in which she is qualified to shine, and has ever adorned. To you I commit this great cause. (Yelverton Marriage Case [1861], 164)

For all the appeal of casting Longworth as the stereotypical wronged woman, the actual evidence in the case seriously compromised her status as the unsuspecting victim of a wily scammer. She had indeed been rash and indiscreet, and Yelverton furthermore accused her of being a sexually hungry social climber. Her scandalously amorous letters suggested a woman who was both erotically wide awake and quite canny about the game she was playing. In her letter of 22 July 1857, she writes, “I scarcely dare believe I am going to see you again, and have bon bons given to me!! Quel bonheur. . . . You can’t suppose for a moment I mean real ones? Your pockets are only figurative of course” (ibid., 106). Furthermore, Longworth’s subsequent use of the title Baroness of Avonmore, which she exploited until her death, made clear that she was hardly without guile. Sergeant Armstrong, Yelverton’s council, named her “the most artful woman that ever captivated and enslaved a man who tried to flee from her. . . . Nothing would satisfy the ambition of this artful woman but the cornet of Avonmore,” he continued. “Let us not be led astray by the artifices of as charming an actress as ever played on the stage of life” (Full Report 1861, 85). If Armstrong’s superlatives perhaps exaggerate the case, he does seem to have some credibility in claiming that Longworth was no ingenue. Her letters to Yelverton depict a knowing woman whose desiring language and subsequent actions suggest that she, like the Major, was speculating on the powers of attraction to gain the satisfactions she wanted.

Her general tone in addressing Yelverton appears in her letter to him, following the episode on the ship: “This time last Saturday night, Carlo mio,
was our second steamer scene. God grant the third not be far distant—and the consummation of all. . . . As I know the length, depth, and breadth of your wickedness now, you need have no fear of losing my good opinion—comprenez vous? (Yelverton Marriage Case [1861], 72). Her frank longing for “the consummation of all”—to say nothing of her oblique comments about the “length, depth, and breadth” of Yelverton’s “wickedness”—were hardly compatible with the role of wronged innocent.

Furthermore, the illustration that appears on the same page as this letter in the Vickers “Authentic and Unabridged Account” suggests a collaborative iniquity (see figure 4.2). In the plate, a wily and mustachioed Yelverton regards a miniature Longworth who stands amongst the cordial glasses on a table set with candles. His full lips, tousled hair, and sly glance (need I note the cigar?) all cast him as the stereotypical seducer, especially in relation to the doll-like, hyperbolically diminutive Longworth. However, the illustration also suggests that the tiny woman is whispering into her seducer’s ear, which is particularly problematic in light of the illustration’s title: “Major Yelverton’s
First Thought of Dishonour.” On the stand, Yelverton claimed that the Irish wedding was merely a “conscience saving ceremony” which Longworth suggested herself, “something . . . to save her conscience, which should leave me free” (ibid., 91). Although Longworth vehemently contested the charge, Yelverton claimed that she knew there was no marriage, and that she simply wanted a more legitimate form to cover her desire for erotic experience. The posture of the demurely dressed, tiny woman conveys confidence in both its trusting and its dodgier denotations, neatly summing up the contradiction that Theresa Longworth seems to have been. The figure that emerges from the full testimony suggests that she gambled that the marriage would “take,” or would at least hold up in a court of law.

When Yelverton averred that “this young lady was very well able to take care of herself”—a remark that drew hisses from the gallery—it seems fair for modern readers to concede him at least some credence (Full Report 1861, 62). In the Irish trial, however, Longworth’s performance as defiled innocent clearly trumped the more complicated reality, despite the fact that that reality was visible even then. As Rosenman observes, “Longworth was obviously a dedicated reader of popular literature, patterning her fantasies and expectations on its conventions just as conservative commentators feared women would do” (2003, 130). Drawing on established novelistic conventions to shape her self-presentation at the Irish trial, her appearance on the stand was carefully stylized. She reveled in the dramatic circumstances of the case, playing her part in the box with such spirit, delicacy, and gentility as to easily win over her audience—among the more impressive moments was her swoon at first seeing Yelverton (Full Report 1861, 93). Popular reports of the case note her “exceedingly agreeable personnel” and that “She gave her evidence with a distinctness, an apparent absence of reservation, and with a dignity and candour that elicited the hearty sympathy, and very frequently the loud applause, of a densely crowded court” (Yelverton Marriage Case [1861], 18–19).

Longworth’s performance on the stand did not receive universal acclaim, however. Some spectators registered her demeanor as too conscious, too theatrical. One such was Sergeant Armstrong, one of Yelverton’s attorneys, whose distaste for his own client’s actions and attitude did not prevent him from denouncing Longworth’s shrewd self-presentation:

In his day, he had seen the greatest actors, Vestris amongst the rest, but Mrs. Yelverton was superior to any one he had ever seen. [The jury] should not imagine that the clever explanations given by the lady in the witness-box were impromptu. . . . She was the wooer and pursuer, and he the fleer. Was ever this net of artifice cast about a man with such consummate tact?
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. . . Whatever might be thought of Major Yelverton’s conduct towards this woman, he fearlessly contrasted his credit with hers on any matter of fact in the case. (Full Report 1861, 86–87)

In using theatrical metaphor to foreground the issue of artifice, Armstrong directly references the category of melodrama that so powerfully influenced how the respective players’ accounts “played” in the Dublin courtroom. Melodrama was, among its various properties, a vehicle for addressing class conflict, expressing anxieties about money and power, and critiquing the imbalance of access to both. It was a genre explicitly concerned with aristocratic deception, financial misdealing, and interpersonal fraud.

The double-entendre within Armstrong’s choice of words, “He fearlessly contrasted his credit with hers,” emphasizes the economic underpinnings of the battle of credibility in the case. As Walter Bagehot remarked in “The Transferability of Capital,”

a very great many of the strongest heads in England spend their minds on little else than on thinking whether other people will pay their debts. . . . The mind of a man like Mr. Chapman [one of the partners in the esteemed firm Overend, Gurney, and Co.], if it could be looked into, would be found to be a graduating machine marking in an instant the rises and falls of pecuniary likelihood. Each banker in his own neighbourhood is the same; he is a kind of “solvency meter,” and lives by estimating rightly the “responsibility of parties,” as he would call it. (1876, 72)

Obviously, not only the nation’s strongest minds and local bankers were “solvency meters”; the process of “estimating rightly the ‘responsibility of parties’” extended well beyond the workings of the savings and loan. Bagehot’s conception of the banker as “solvency meter” applied equally to the work of the jury, and to the consumers of a popular culture whose project it was to learn how properly to accord authenticity (of anecdote, of letters, of rumor, of appearance). The Yelverton case, in its competition for narrative credibility, played within familiar generic fields with regard to class, corruption, and the difficulty of evaluating where one might safely bestow credit.

In the period during which the Yelverton trials took place, questions of individual value were peculiarly molded by gender, largely due to the gross inequity in population between men and women (to say nothing of the inequities of economic opportunity open to each gender) and the predicament that that inequity prompted for women in the British economic system. As Rosenman observes,
[Longworth's] abandonment would also have taken on public significance in the context of the female redundancy crisis, particularly acute in Ireland because of extensive male emigration and widespread poverty. . . . By the 1860s, the collision of ideology and demographics suggested that the patriarchal promise had been broken: it could no longer be claimed that middle-class women needed no economic power because men would always take care of them. What could symbolize this crisis more directly than Yelverton's refusal to take Longworth as a wife? The jury had the choice of siding with the forsaken middle-class woman or the callous aristocrat who had left her vulnerable and unprotected in order, it was said, to marry money. (2003, 146)

W. R. Greg's essay on female redundancy famously proposes voluntary transportation to Australia as a solution to the lack of suitors at home. It also, however, proposes a challenge to British women to maintain chastity, so that men will not just take sexual pleasure without paying for it with proper coin. "Few men," he writes, "would not purchase love, or the indulgences which are its coarse equivalents, by the surrender or the curtailment of nearly all other luxuries and shadows, if they could obtain them on no cheaper terms. In a word, few—comparatively very few—would not marry as soon as they could maintain a wife in any thing like decency or comfort, if only through marriage could they satisfy their cravings and gratify their passions" (1862, 162). Greg's argument lays at least some of the blame for the female redundancy crisis at the feet of women, especially of those loose gals who make it "perfectly feasible" for men to "satisfy their cravings and gratify their passions" without recourse to marriage. If only women would unify to force men to marry for sex, there would be plenty of proposals to go around, and no economic crisis for middle- and upper-class women.

Longworth's account of the case trembled most precariously because she seemed not to hold up her end of the Gregian deal. Her amorous letters, with their not even coy allusions to size, "bon-bons," and consummation threatened to unravel her image as wronged woman, and her credibility as a dupe. As Sergeant Armstrong asked the jury, "Did ever a woman fling herself into the arms of a man as the woman who in this case had been paraded before a crowded court as a paragon of purity and excellence? In the name of God, what could be expected upon any ordinary principle of human conduct, to be the result upon a young officer, receiving these suggestive, these burning letters?" (Yelverton Marriage Case [1861], 139). However, the most problematic letter to emerge in the Irish trial was not one that she had written, but rather one from Yelverton in which she had clearly altered his words.
The forged document Longworth presented at the trial contains the words “petting sposa bella mia,” while the original seemed to refer to “some petting possibilmente” (ibid., 142). The two versions of “petting” neatly sum up the tension between wife and mistress, wherein the form Longworth presented as evidence renders “petting” as a gentle act bestowed on a respected spouse who appears as a beloved and beautiful treasure. The original words, however, allude to the heavier version of petting, in which the touch implied is more erotic than tender. Longworth’s choice to tamper with the letter and present it as evidence in her favor ultimately helped the defense to portray her as a con in her own right, one who attempted to persuade a jury to award her a status she had never rightfully obtained. In the Scottish hearing, the Lord Ordinary observed

that the pursuer’s agents say that the words at the close of the letter were “Petting sposa bella mia”—most important words if they were really there. In point of fact, however, no such words were there originally. It is obvious from examination of the letter, and it is provided by the testimony of Professor Penny of Glasgow, that this letter has been tampered with, and altered in different ink. The original words were—“Some petting possibilmente.” It is not proved by whom that alteration was made, but the letter is addressed to the pursuer; it was produced by the pursuer; and, in its altered state, it was founded on by the pursuer. (Cases Decided [1863], 110–11)

Although her falsification of the “petting” letter did not turn the Irish jury against Longworth, it did turn the tables in the implication of fraud, ultimately imputing to her as well as to him the scheming character of the swindler. In other words, the vision of Longworth that emerged in the subsequent trials—a less ladylike, more avaricious, and decidedly more designing character—was readily available at the Dublin trial to those who wished to see it.

As I note above, the illustrations for the Vickers account of that trial suggest that at least some interpreters were attending to the major’s defamatory comments about Longworth. In this edition, Sgt. Armstrong’s condemnations of her appear opposite an illustration entitled “Visions of Gentle-Blooded Life” (Yelverton Marriage Case [1861], 145) (see figure 4.3). The central panel depicts a well-appointed dining table at which a pretty woman watches a haughty gentleman examine the plate while an anxious serving steward looks on. The smaller surrounding scenes offer “visions,” respectively, of a gentleman having his wig powdered, a couple visiting the theater, a duel, two bewigged heads, and the pretty young woman standing before a writing man.
Interestingly, the major’s famous mustache decidedly does not adorn the face of the male protagonist in these scenes, suggesting either that this rendition of the major has undergone a radical shift in facial fashion, or that this male protagonist is not the major—that Longworth has, perhaps, neatly excised Yelverton in favor of a less hirsute swain once she has attained access to the society of Avonmore. In any case, the apparently disposable reality of Yelverton’s body within the illustration’s romantic visions of aristocratic life

FIGURE 4.3
“Visions of Gentle-Blooded Life.” Yelverton Marriage Case (1861), 145.
suggests that Longworth’s passion had as much to do with the man’s ability to admit her to gentle society as with the man himself.

**Gentle Blood**

The cartoon’s title references Yelverton’s assertion that Longworth did not have “gentle blood.” This statement was one of the most notorious aspects of the case and likely summoned up much of the melodramatic vocabulary in which it was popularized, but it also sought to estimate Longworth’s credit by the value of her bodily contents. This component of his defense held that, because she was not of gentle lineage, the seduction did not merit much attention. The worth of what he had got by his false marriage vows (which he never contested) was not very much at all. Whiteside’s interrogation pressed this point.

Do you think the fact of a lady not having gentle blood makes the seduction better or worse: I do not think it makes any great difference.

Does it make any in your opinion? Well, it does, a little. May I explain my reason.

Certainly. Well, because the one has more to lose than the other (hisses).

And that as regards the woman herself, makes the seduction better or worse—as the case might be as regards the woman’s own feelings?

As regards herself and her position. There is a greater loss of position in the one case than in the other. (*Full Report* 1861, 60)

The public reacted fiercely to Yelverton’s logic that it was acceptable to defraud a middle-class woman of the twin jewels of her virginity and respectability. His testimony clashed with contemporary Victorian ideology about honor in both business and love, but it also raised larger questions: What made up gentility? What made a woman valuable? What was the merit of a wedding ceremony? Do vows have actual meaning, or are they subject to subsequent interpretation? And what should marriage be about, money or love? fiduciary security or honor?

Beyond his claims that Longworth was not wife material because she lacked gentle blood, the major’s financial difficulties also defined a woman’s worth by her economic assets; in contrast with Mrs. Forbes, Longworth fell short in her ability to pay Yelverton’s debts. This mercenary attitude toward marriage received condemnation from a variety of sources, perhaps
most notably J. R. O’Flanagan’s novel *Gentle Blood; or, The Secret Marriage*, published just after the trial’s end in 1861. O’Flanagan transforms Yelverton into Rodolphus Silverton, and does away with the acrimonious reality that marked the Yelvertons’ relations after the Irish trial. Whereas Yelverton never acknowledged Longworth as his wife, and was eventually successful in having the Irish decision overturned, O’Flanagan’s Silverton reunites with his Theresa (here dubbed Sybilla Longsword), whom he rewards with nuptial bliss and £15,000. Sybilla playfully reproaches him:

“Though I have no GENTLE BLOOD, perhaps I have something, which, in the eyes of worldly-wise people, is better. You have got a fortune with your wife, Sir.”

“My wife is a fortune in herself,” replied Rodolphus smiling.

“Oh! of course; but a matter of fifteen thousand pounds won’t make her less attractive, I suspect, Rodolpho mio.” (380)

O’Flanagan’s revision is surely meant to be instructive. With the logic that the novel as a genre invents, he grants Rodolphus an impressive fiscal reward for dispensing with his acquisitive perspectives on marriage. O’Flanagan changes the currency in which “fortune” may be estimated, so that Sybilla becomes “a fortune in herself,” whose value cannot be measured in pounds. However, this heroine is unequivocally pure from the start, is firmly established as a gentlewoman (though not of family so high as Silverton’s), and shows no inclination for litigation. O’Flanagan’s romantic corrections to the inequities and nonformulaic components of the actual case, then, reinforce how the complicated reality forced a jury, various judges, and a diverse reading public to articulate in ways that were often uncomfortable with the values that comprised both marriage and gentility.

While some authors tried to establish Longworth’s own noble lineage, most dismissed the validity of blood, opting instead to reinforce the system of moral values that more broadly dictated the ascendancy of the middle classes over the nobility. Shifting the terms of gentility, they constructed a more accessible definition of worth that explicitly excluded Yelverton. The one-penny pamphlet *A Complete History of the Yelverton Family*, for example, begins with two quotations. The first is from Sir Thomas Overbury: “The man who has not anything to boast of but his illustrious ancestors, is like a potato—the only good belonging to him is under the ground.” The second is by Bruce Burton: “True nobility is derived from virtue, not from birth. Titles, indeed, may be purchased; but virtue is the only coin that makes the bargain valid” (n.d., 3). The passage from Burton inverts the
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ratio of currencies within the major’s discourse so that gentility derives its value not from historical lineage, but from present acts, reflecting the more general mindset of mid-Victorian readers. Weighed in that scale, the major comes up light, lacking the virtue capable of “mak[ing] a bargain valid.” If “true nobility” in the 1860s derives from virtue, the major has little claim to his coronet.

Nonetheless, Yelverton’s use of the term “gentle blood” accurately summed up Victorian hierarchies of both gender and class: some women’s bodies were more valuable than others (as he remarked above: “one has more to lose [in seduction] than the other”). In constructing different systems of worth for different classes of women, Yelverton tapped into a central Victorian anxiety. Arguing that it was acceptable to seduce a woman of a lower class because she had less to lose was as good as suggesting that it was okay to defraud a poor investor on the same grounds. In a culture busily confronting fraud on manifold fronts, it would hardly do to argue that some women were fair targets of matrimonial swindling.

Arguing against Yelverton that all women were equally valuable and deserved equal treatment, not just legally but romantically, Longworth’s supporters were able to construct a far more appealing vision. As the Full Report put it, “if ‘gentle blood’ does not flow through the veins of the lawful but ill-mated wife of the accomplished ‘rue,’ a purer quality courses through them, which she has shown in the moral principle which has always guided her conduct—that love of virtue which is the brightest jewel in the casket of woman’s greatness” (Full Report 1861, vi). Suggesting more broadly that all women’s “brightest jewels” deserved protection from Yelvertonian “rues,” the major’s adversaries argued for more general rights of protection.

Defending the honor of all women proved central to a larger project: defending the honor of marriage as an institution. Mr. Whiteside’s closing remarks in Dublin elucidate the strategy and the stakes of this line of argument.

No matter who or what this woman was—if instead of being, as she was when first she was met by this man, a young and attractive woman, and, as far as any evidence appears in the case, an honourable and a virtuous woman,—suppose that, instead of being all that, she were the commonest outcast of society,—suppose she had been the mistress of many, a common street-walker—yet, if a man will enter into a marriage with a woman of that description, there is not the least doubt that she is as much his wife as the purest and most virtuous woman that ever entered into such holy bonds. (Yelverton Marriage Case [1861], 167)
As I note above, Yelverton’s most egregious act proved not so much his unrepentant seduction, but his defamation of the marriage contract. Whiteside’s insistence that “there is not the least doubt” that any two people who enter into marriage are married, even the most extreme of social differences notwithstanding, seeks to reinforce the stability, reliability, and integrity of the marriage contract.

The Business of Marriage

The Yelverton case made visible how very vulnerable marriage was to deceit and trickery. Yelverton’s own attorneys highlighted this issue, Sergeant Brewster arguing that

Some parties looked upon marriage as a mere temporal contract, binding upon them nevertheless: others as a holy rite; whilst a third class considered it a most solemn sacrament. But no matter in which category a marriage was placed in for conscientia, it ought to be equally sacred in all. . . . The question the jury had to try was not whether the defendant’s conduct was justifiable or not, but whether he had, in point of fact, contracted a valid or unvalid [sic] marriage, according to the law of the country. (Full Report 1861, 52)

At the heart of this case, that is, was a fundamental question about what constituted “a valid or unvalid marriage.” Given the culture of fraud in which the Irish case emerged—Armstrong bluntly conceded to the jury, “We live in a world where immorality is rampant, crime common, seduction, unhappily, too frequent”—it is little wonder that the jury, a packed courtroom of spectators, and an avid reading public chose to hold Yelverton to the arrangement he had contracted, despite the powerful counterarguments against Longworth (Yelverton Marriage Case [1861], 143–44).

The notion of a defrauded marriage was ultimately the most salient element of both the hearing and popular materials on it. A report published by the Penny Newsman’s Office states bluntly that Yelverton “profaned the ceremony of marriage to make this woman his more confiding mistress” (Newsman’s [1861], 3), while the poem opposite the frontispiece suggests that Yelverton has committed “Such an act / As blurs the grace and blush of modesty; / Makes virtue hypocrite; takes off the rose / From the fair forehead of an innocent love, / And sets a blister there: Making / Marriage vows as false as dicers’ oaths” (5). Recalling through the specter of gambling the logic of marriage-as-lottery with which I began this chapter, the poem articulates the
malleability of vows: vows may be false, and virtue hypocritical. Rather than constructing a simple opposition between vice and virtue, however, these lines suggest their potential overlap in the propensity of the vow to become an oath, and of a proposal to become mere profanity.

Cyrus Redding’s *A Wife and Not a Wife*, an 1867 triple-decker based on the Yelverton case, carries the metaphor still further in narrating the story of the reprobate Captain O’Brien who courts the young and beautiful Mary Fitzwalter. Mary’s mother is quickly suspicious of the captain and warns her daughter to beware his attentions. She is particularly worried that there will come a “moment when the female heart is given away, and the supposed exchange is on one side a pretence, or to use a vulgar but faithful term, a mere ‘swindle’—a selfish game played by dishonesty upon the susceptibility of the female heart” (81). Mrs. Fitzwalter’s perspective is another rendition of the advice given to investors, employers, and consumers: be on your guard, and be quite sure, before you give up your heart (or any other part of your body), that you are not buying into a con. To deduce properly is a tricky game that involves careful, methodical investigation beyond the level of appearances. Mary’s mother instructs her daughter to “Remember that love-feigning and love-feeling are all, externally, the same. You have only the manners and mode of expression of your lover to guide you. Men continually address us under false pretenses, and the detection of such ill-doing is only facile with those of the sex who have been long familiar with society” (87). Mrs. Fitzwalter’s worldly suspicions are confirmed when O’Brien pulls a Yelverton on Mary. The captain then attempts to reunite with his estranged and disowned wife after his version of Mrs. Forbes disposes of him, but Mary’s father intercedes: “Captain O’Brien has failed, so I learn, in his new matrimonial speculation, for he has shown himself a speculator, I too much fear, because he was never otherwise” (238). The Fitzwalters decline to “invest” again in the dashing man whose capacities for “love-feigning” have already burnt them once. The novel’s overt didacticism closes with a wiser, if sadder, Mary who has learned a few things about the market of love.

In the Dublin trial, Yelverton used the unwritten “law” of *caveat emptor* to argue that Longworth had refused to be on her guard against him, that she had ignored obvious signs of his impending betrayal. One of his attorneys told the jury that “[Longworth] had got from him as fair a warning as could be conceived, but did not take it” (*Full Report* 1861, 88). The judges that heard the original 1862 Edinburgh case also suggested that Longworth had plenty of notice to be wary in any form of exchange with Yelverton. The Lord Ordinary stated explicitly that Yelverton “has certainly given her no encouragement to expect marriage, but on the contrary has said enough
to put her to some extent on her guard” (*Cases Decided* [1863], 96). In particular, he mentions one of Yelverton’s letters, which reads, “[K]nowing I cannot gain on your terms, I will not try on mine.’ Lord Ardmillian construes this to mean, ‘I cannot marry you; I will not ruin you.’ This construction he considers to be quite consistent with the defender’s other letters, and particularly with many of the other warnings given to the pursuer” (ibid., 102).

In summing up his findings that Longworth is not the major’s lawful wife, Ardmillian writes decisively,

> For the conduct of the defender there can be no excuse. But he was not the seeker, the seducer, or the betrayer of the pursuer. The story of the pursuer,—her charms, her talent, her misfortune,—even the intense and persevering devotedness of the passion by which she was impelled,—must excite interest, pity, and sympathy. But she was no mere girl,—no simpleton,—no stranger to the ways of the world,—no victim to insidious arts. She was not deceived. She fell with her own consent. (ibid., 116)

In other words, the court went beyond invalidating the Scotch and Irish ceremonies; it also dwelt on the evidence that Longworth was complicit in the false marriages she contested.

When the Scottish board found in Longworth’s favor on appeal, Yelverton petitioned for a hearing by the House of Lords, which took up the case in 1864. They focused on rudiments of matrimonial law by which they established once and for all that Yelverton and Longworth had not contracted marriage. Ironically, Longworth’s persistent contention that she did not give up “the goods” until after the Irish ceremony ultimately undermined her petition. The Lords determined that, because she did not consider the Scottish marriage valid and had not consummated that marriage in Scotland, she was not in fact married. The Irish blessing of vows did not constitute a marriage, and in the end Theresa’s claim to the name of Yelverton was deemed null and void. Despite her appeal, in which she spoke on her own behalf to the House of Lords in 1867, the findings stood and the Yelverton marriage case finally ended in 1868.

All three of the courts focused on the sanctity of contracts, even though the English attention to the specific arrangements between Yelverton and Longworth trumped the earlier findings. Even the event in Dublin, though, raised the specter of the wronged contractee or investor, summoning up the wider context of fraud by which to interpret the case. Despite the fact that each subsequent hearing shifted the blame a bit further from Yelverton, the centrality of fraud to the case’s cultural impact is unmistakable.
Lord Ardmillian’s ruling in the Scottish trial makes clear that this case was not simply about bigamy, nor simply about resolving the diverse marriage laws of Great Britain. His comments on the Irish ceremony, which proved a particularly problematic event for all three jurisdictions that heard the case, suggest how much anxiety the contest between Longworth and Yelverton provoked about the authenticity of marriage vows and the value of marriage in general. Lord Ardmillian remarks especially about how grossly the Rostrevor ceremony compromised the marital contract.

[T]he scene enacted in the chapel at Rostrevor, stripped though it be of all validity as constituting marriage . . . is a very serious and distressing incident in this case. . . . The pursuer and defender did, on that occasion, in the chapel, at the altar, and before the priest, distinctly and unequivocally, amid the most solemn attendant circumstances, declare in words that they mutually accepted each other as husband and wife. The defender’s plea now is, and has been so put, that he did not intend to deceive, and that he actually did not deceive the pursuer; for that neither of them meant this proceeding to be really a marriage, or to be more than a device to satisfy her conscience. He says that the solemn words then uttered at the altar were intentionally untrue, and that the whole proceeding in the chapel was an empty form, and a mere mockery. It is sad that such a plea should be maintained, and should be required. It is still more sad that there is too much room for believing that the plea is well founded in fact. (Cases Decided [1863], 108)

Even in releasing Yelverton from his marital obligations, Lord Ardmillian relies on terms like “intentionally untrue,” “empty form,” and “mere mockery.” Far from emphasizing the question of bigamy, and equally far from speaking the language of competing jurisdiction, he finds both parties culpable of defrauding the sacred institution of marriage. In this regard, it is all the more noteworthy that the challenge in the Irish trial was about financial responsibility. As the Vickers account remarks, “He married her in a way that she believed to be sacred and binding, and though, for his sake, she consented that it should be secret, she was conscious that it invested her with all the rights of a wife” (Yelverton Marriage Case [1861], vi). The desire to establish matrimony as a space of safe investment accords the case much of its pathos. In the end, Longworth v. Yelverton, in all of its many guises, proved a contest of values, an interrogation into which sorts of values merit legal protection, which merit punishment, and which fall beyond the provenance of the laws of a laissez-faire government. The English court in particular rued the actions of both the man and the woman they ultimately decided was not his wife.
It seems significant, in closing, that Ardmillian’s language distinctly lacks the dramatic tenor of earlier accounts. When he deems it “sad” that this sham marriage should have taken place, he enters a different realm of representation, one that regards the range that fraud has achieved and finds in it, not outrage, but rather the lament of acceptance that is “sadness.” The mid-Victorian period was an era in which fraud could no longer be deemed exceptional, in which the threshold to marriage proved as vulnerable to depredation as the threshold to the home. As Lord Ardmillian carries the growing popular cynicism about the world of finance into his pronouncements about romance, he reflects how powerfully the dynamics of fraud had touched the domestic life of Victorian England.