

Mordaunt v. Mordaunt, 1707-1711

This story opens in 1706, with the arrival of the Revd George Mordaunt at a London lodging-house frequented by Catholics. He was the younger brother of the 3rd Earl of Anglesea, and a Catholic priest who had just returned from Germany, where he had spent the last eighteen years, first in a Catholic seminary, Lamspring College in Lower Saxony, and later in a college in Westphalia.¹

The England George found on his return, however, was a very different place from the one from which he had fled in 1688. At that time a Catholic King, James II, had just lost his throne, and George's uncle, the 2nd Earl of Peterborough, a loyal follower of the King and a recent convert to Catholicism, had been briefly locked up in the Tower for attempting to flee the country. By 1706, however, England had been in the hands of Protestants for nearly twenty years, and George's elder brother Charles, who had succeeded their uncle as the 3rd Earl, was an Anglican conformist and an ardent Whig.

As a result, as soon as George returned to England intense pressure was brought to bear on him by his family to make him conform to the Church of England. Within a year, the theological arguments of Bishop William Wake of Lincoln (the future Archbishop of Canterbury), aided by those of the Bishop of Norwich and the Rector of St Bride's, Fleet Street, had persuaded him to abjure his Roman Catholic faith.² It is not unlikely that George's abjuration of Catholicism was also encouraged by the seductive blandishments of a fellow-lodger, Susan Forbes, who became his mistress in September 1707, very soon after his renunciation of the Catholic vows of chastity. By January 1708 she was pregnant.

Susan Forbes was 'a bold confident woman'. She was a Roman Catholic but loyal to Queen Anne, as were all her friends. She claimed to be related to Lord Forbes, but in fact came from a humble family in Norfolk, where her grandmother sold ale in a public house at Ashill, and

¹ LPCA, D. 1425.

² *Ibid.* 252, 357, 504, 734, 963, 981, 1135-7, 1263-5, 1294-7, 1356-60, 1471; *DNB*, s.n. Mordaunt, Henry, Charles (2nd and 3rd Earls of Peterborough), and John, Lord Mordaunt.

Case-Studies: Clandestine Marriage

where her parents also lived. She had come to London and somehow contrived to get a good position as a personal maid, first of the Duchess of Richmond and then of the Countess of Sussex.³

After this auspicious start, she fell sick, and her career moved steadily downwards. She became servant to the Queen's Pastry Cook, and during the pandemonium caused by the great fire at Whitehall in 1697 she robbed him and ran away with goods worth £12 to £14. The cook prosecuted her, and she fled abroad, where she lived for a while in great poverty. On her return, she seems to have set herself up as a courtesan, while nominally bound apprentice to a milliner. Persons who knew her agreed that she lived 'a lewd and scandalous life'. One of her sexual clients, who put up the money for her apprenticeship, was a Mr Brown, whom she passed off as her uncle, but in fact was a Roman Catholic priest, whose real name was the Revd Wolf. By the time George Mordaunt became her principal client, she had no visible occupation save 'the making and selling of honey water'. She was, however, still regularly visited by several gentlemen, including her 'uncle' Wolf and Sir Edmund Bacon.⁴

When she became pregnant, George persuaded her to keep their liaison and the prospective birth a secret, lest it damage his prospects of patronage and advancement from his brother the Earl. He therefore took new lodgings for them both under the names of Mr and Mrs Morfor (a combination of the first syllable of his and her names). In July 1708 the baby was baptized George Morfor by the Revd Peter Durret, the Roman Catholic chaplain of the Portuguese Ambassador. Although George did not attend the baptism in the Ambassador's Chapel, he gave a small party for a few friends to celebrate the occasion. Three weeks later the infant was put out to nurse, where it shortly afterwards died, to the obvious regret of no one. According to George, Susan had already expressed a wish that the child should die.⁵

Soon afterwards George abandoned Susan. This is hardly surprising since, as a younger son with his way to make in the world, the last thing he wanted was to be saddled with an impecunious lower-class mistress or wife. Unless his elder brother could manage to provide him with a well-endowed church living or a well-paid post in government service, marriage with a rich woman was the best way that he could acquire the money with which to live the idle life of a gentleman. A wealthy

³ LPCA, D. 1425: 274, 278-9, 369, 885, 1689, 1693.

⁴ Ibid. 277, 360, 567-71, 832, 839-44, 932, 986, 1067-8.

⁵ Ibid. 114-15, 124-8, 198, 250, 303-6, 344-6, 372-4, 557-9, 1060-5, 1075-80.

Forged Clandestine Marriage

middle-aged widow would be particularly attractive, since her expectation of life would not be too long, she would be sexually experienced, and she would bring with her a jointure or inheritance from her previous husband. So on December 3, 1708 he was publicly and officially married in St Bride's Fleet Street, before all his Mordaunt relatives, to Mrs Catherine Dormer, widow of John Dormer of Ascot, Oxon. and co-heiress of Sir John Spencer of Yarnton in the same county.

His relatives may have attended the wedding, but they were none too enthusiastic about the match. George's brother Lewis was reported to have commented 'I would be hanged before I would marry so infamous a strumpet, notwithstanding her estate.' His nephew Charles Mordaunt claimed: 'I have got a ring of that old pocky whore Catherine Dormer, and I believe she had a mind to marry me. Though her money is tempting I durst not venture on her, for she is grown old and might be infectious and kill me, the same way she did Mr Drake.' Susan Forbes described her as 'an old harridan of the town who had got a good estate'.⁶ But George did not have to put up with her for more than six years, for she died in 1714.⁷ In abandoning Susan Forbes in order to marry the rich if disreputable Catherine Dormer, George had seriously underestimated the anger, greed, resourcefulness, ingenuity, and sheer effrontery of his cast-off mistress. She had once told a friend: 'I wish I could have an intrigue with the Duke of Newcastle or some rich Jew who would keep me handsomely.'⁸ Failing this, she seized on George's marriage to the wealthy Mrs Dormer as an opportunity to try to obtain a share of his new-found riches by claiming a prior marriage, and using it to blackmail him into paying for her silence.

But George proved adamant. While it was true that Susan had been his mistress for a few months, that he had impregnated her, and that they had lived together as man and wife under the name of Morfor until the death of the baby, at no time had they gone through any form of marriage. As he stated brutally later: 'having regard to my birth and quality, I never had any thoughts or designs of courting or addressing Susannah in the way of marriage, she being a woman of very mean and obscure extraction, and had been a menial servant to several poor and mean families.'⁹

Susan's problem was that she was attempting blackmail without having any documented proof of a previous marriage with George. Undeterred,

⁶ Ibid. 548-9, 619, 963-70, 1011-12.

⁷ A. Collins, *The Peerage of England*, 8 vols. (London, 1779), iii. 254.

⁸ LPCA, D. 1425: 598. ⁹ Ibid. 250.

Case-Studies: Clandestine Marriage.

she resorted to forgery. For this she needed allies and money, and in her search for both she turned to the community of Roman Catholic women and men, living on the bare margins of respectability, to which she belonged. She raised the money 'by my gathering or subscription amongst the Roman Catholics or by money borrowed of Revd Peter Durett or Mrs Clare Cross'. A leading role was evidently played by the latter, a milliner, who may have been the brains behind the plot, and certainly did not disguise her hopes of making a fortune by promoting and financing Susan Forbes's legal battles. She once remarked: 'I would not take £500 for my share of the profits which she [Susan Forbes] will gain out of this cause.' As a result of this fund-raising, Susan Forbes was able to hire five or six proctors and counsel to plead her cases in court, as well as attorneys to prepare the evidence.¹⁰

The first step in the plot was to arrange for a formal Catholic wedding, which could be backdated. On 6 January 1709, one month after the official Protestant marriage of Catherine Dormer and the real George Mordaunt, Susan Forbes and a man who purported to be George Mordaunt were married in the Portuguese Ambassador's Chapel by the same Catholic priest, the Revd Peter Durett, who had christened George and Susan's baby the year before. They were married privately in the vestry, after a public mass in the chapel. The witnesses were Susan's niece Susan Harvey, Mrs Elizabeth Green, and a man called Edward Barrett. The most suspicious aspect of the groom was that he was dressed in noticeably shabby clothes, and did not carry either the cloak or the sword which were the normal accoutrements of a gentleman. It later turned out that he had been told to put on his best clothes, but he had confessed that they were in pawn for 8 shillings. He therefore borrowed an old wig and some ruffles, and turned up on the day in these and 'a whitish coat, much soiled, with a short wig indifferently combed'—hardly the wedding finery of the brother of an earl. The imposter was very careful to avoid perjury, however, and refused to instruct the Revd Peter Durett to alter the name of the child baptized the previous August, leaving Susan Forbes to do that herself. Durett accordingly altered the item in his memorandum book from 'George Morfor' to 'George Mordaunt'.¹¹

A great deal of skilful planning and not a little bribery had gone into stage-managing this fake marriage with a counterfeit bridegroom. There seems little doubt that Peter Durett was personally involved from the

¹⁰ *Ibid.* 1451-60, 1473-7, 1518, 1535, 1542-3, 1567-8, 1571, 1685, 1701.

¹¹ *Ibid.* 137, 163, 273, 281, 299, 307-12, 319-21, 342, 426, 602-19, 688-92, 1407-13.

Forged Clandestine Marriage

beginning, being an investor in the enterprise, and that the plan was for Durett also to falsify the date of the marriage in his memorandum book, so that it preceded both the birth of the child 'Morfor' and the marriage of George Mordaunt to Catherine Dormer. But this marriage ran into immediate trouble, since somehow or other George Mordaunt got to know about it within a week, and he, the Portuguese Ambassador, and the Earl of Peterborough promptly instituted an intensive interrogation of all the witnesses. What neither the Ambassador nor the Mordaunt family could discover was the crucial question of exactly when the marriage was supposed to have taken place. Durett swore to the facts of the marriage before the Earl and the Ambassador, claimed that the groom was George Mordaunt and not an imposter, but obstinately refused to disclose the date except in a court of law. The Earl staged a line-up of all the Mordaunt brothers, and Durett had no difficulty in picking out George, which temporarily convinced the Earl that he was telling the truth. But the identification was not difficult, since George had come into the chapel the day before to interrogate Durett, and had bumped into Susan Forbes, who had said to the priest 'that's my husband. Don't be baffled, the rogue has come to deny me.'¹²

Encouraged by this preliminary success, Susan Forbes began blackmailing George Mordaunt for money, claiming to be his first and only legitimate wife. She began by demanding fairly large sums of money, either £100 a year for life or £700 in cash. But George Mordaunt refused to give her a penny, so to increase the pressure she had him arrested by a creditor for debts run up by her while she was allegedly living with him as his wife. The case came before the London Sheriff's Court, but her attorney warned her that her case would only stand up if she could prove that she was married to George Mordaunt when the debt was incurred in 1707-8, before the latter's marriage to Catherine Dormer.¹³

The problem of proving the date of the false marriage now became critical. The punishment for a conviction of perjury on oath in court was theoretically severe, but in fact only a handful of the hundreds of perjured witnesses who gave evidence on oath before the London courts every year were ever prosecuted, and virtually all were acquitted.¹⁴ Even so, Susan Forbes's hired witnesses were mostly very reluctant to run this risk. Peter Durett certainly told others that George's marriage to Susan had taken place a year before his marriage with Catherine Dormer, but

¹² *Ibid.* 322-31, 550-1, 622-7.

¹³ *Ibid.* 512, 620, 662, 845-6, 879, 929, 1450.

¹⁴ *OBProc.*, *passim*.

Case-Studies: Clandestine Marriage

further than that he was not prepared to go. By mid-1709 it was clear to Susan that if Durett was subpoenaed to testify in court, he would play safe and tell the truth, that the marriage had taken place on 6 January 1709, which was too late for her purposes. Her first plot had failed, and the only solution was to invent yet another earlier marriage, this time supported by witnesses with no scruples about perjuring themselves about when it occurred and between whom.

Her first scheme was to find a Fleet parson who would insert a false entry of a marriage in a clandestine marriage register. She told a friend that 'she had been to the Fleet Prison to see if she could get the names of George Mordaunt and Susan Forbes entered in the register as if married there', but found that it could not be done without first performing a marriage, which could then be fairly safely antedated.¹⁵

So in February 1710 Susan Forbes decided to stage a second fake marriage, in order to allow the witnesses to it truthfully to swear that they had seen it happen. She planned to have it antedated to 29 October 1707, which was the moment when her liaison with Mordaunt was just beginning. So on 23 February 1710 Susan, Susan Harvey, Mrs Green, and a man called Benjamin Hayne trooped up to a room in a tavern called the Hole-in-the-Wall beside St Dunstan's Church. No pretence of disguise was attempted on this occasion, except that Susan Harvey was dressed in men's clothes. When they were all assembled Susan said briskly to Susan Harvey 'you shall be George Mordaunt', and to Benjamin Hayne 'you shall have twenty guineas for marrying me. You shall write a sham letter to me tomorrow... in the name of Vaughan.' There was a moment of confusion when it was discovered that no one had brought a ring for the ceremony, but a piece of orange-peel was found in the fireplace and a ring cut out of it to serve the occasion. Hayne then read the marriage service over Susan Forbes and Susan Harvey (acting as George Mordaunt), who made all the appropriate responses.

After this farce was finished, Susan said with satisfaction 'Now you may really swear you saw me married to Mr Mordaunt,' and Hayne duly sat down and in the name of the Revd Vaughan made out a marriage certificate. He backdated it to 29 October 1707, located it in a tavern called King Harry's Head in Fleet Street near Charing Cross, and cited as witnesses Susan Harvey and a fictitious person named Thomas Blackwell. He also wrote some letters at Susan's dictation in the name of the Revd Vaughan. By nightfall he had become thoroughly frightened by what he had done, and at three o'clock the next morning he fled from his

¹⁵ LPCA, D. 1425: 847.

Forged Clandestine Marriage

lodgings with his paper and quill pens, in order to hide from Susan Forbes and the bailiffs. Later he ran into Susan one day in Bloomsbury, when she called him a villain and demanded that he make an affidavit that the certificate of marriage was a true one. He took to his heels and fled from her.¹⁶

Armed with this evidence, Susan Forbes claimed that a marriage had taken place at the time and place stated in the marriage certificate signed, so she said, by a Catholic priest called the Revd Vaughan. To prove it, she produced the certificate forged by Hayne. But even if this marriage and its alleged date could be proved, this still left the problem of explaining why there had taken place a second marriage in the Portuguese Ambassador's Chapel conducted by Peter Durett on 6 January 1709, a fact which was bound to come out in court.

Susan therefore bribed a Mrs Anne Maynard, alias Le Double, to go to the witness stand and tell a story of going for a walk with Susan in St James's Park and accidentally running into George Mordaunt. According to Mrs Le Double, Susan and George began to quarrel. Susan reproached George for not visiting her as he used to, and George reproached Susan for beginning legal actions against him to prove a marriage with him.

GEORGE. I wonder you will go to ruin yourself and me too, for the marriage between us will not stand good in law, for I was married to you by a priest in a house, and the priest and father are both out of England.

SUSAN. Why, was there not Mrs Green and Mrs Ann Harvey by at our marriage?

GEORGE. What signifies two foolish women's evidence? But to let you see I have no ill design, I will marry you again if you will be easy, and you shall choose by whom and where. I desire you would keep it private, for I have almost made an end of my business with my brother the Earl of Peterborough, and when I have done there, I do not care who knows that I have married you, but if it should be known before I have done with him, it will be a hindrance to me.¹⁷

This was a cleverly crafted piece of dialogue, which provided an explanation both for the second marriage and for the privacy surrounding it. The only thing wrong was that there was not a word of truth in it.

Meanwhile the Mordaunts were sparing no expense in tracking down and interrogating Susan Forbes's potential witnesses, and threatening and bribing them into changing their stories. Susan Forbes was poor and

¹⁶ Ibid. 168, 437-8, 631-6, 755-63, 776-800, 1431, 1705.

¹⁷ Ibid. 407-10, 1029-30, 1173-9.

Case-Studies: Clandestine Marriage

could only offer her witnesses bonds for future payment, contingent on her winning her case and extracting large sums from George Mordaunt. The Mordaunts and Catherine Dormer, who personally took an active part in the investigation, had plenty of money and plenty of patronage to offer as counter-inducements. There took place a wholesale auction of witnesses, many of whom sold their testimony to the highest bidder, often changing sides in the process. To stop this, great efforts were made on each side to prevent key witnesses from being got at by the other.

Susan Forbes had promised various plausible-seeming women £20 or £40 for swearing they were witnesses to her marriage, and lesser sums to totally indigent men for impersonation and forgery of documents. One man was first promised a recommendation to 'a wife who was worth money' for his false evidence, an offer which he managed to push up to £150. A crucial witness, Mrs Maynard alias Le Double, was promised to be set up in a milliner's shop in return for her perjured evidence about the marriage, sworn to in three separate trials. Two witnesses later admitted that they learned their false lines by heart before testifying in court.¹⁸

On the other side George Mordaunt and Catherine Dormer were even more generous with cash, promises, and threats, spending a lot of money 'taking care of witnesses'. As a result, most of the key figures in Susan Forbes's plot eventually switched sides and testified against her. To make sure that everyone was in line, George Mordaunt summoned all of Susan's witnesses to meet him in a tavern the day before the crucial trial before the Queen's Bench on 6 July 1710. He had hidden some of them away for weeks, paying for their bed and board, for fear lest Susan Forbes should obtain access to them and bribe them back again to her side. Some were flattered and cajoled by personal visits from George or Catherine Dormer. Some were tempted by promises by George of lucrative jobs waiting for them after it was all over. Others were impressed by assurances that at the trial 'my brother Peterborough and all my relations will be there'. Some quite brazenly sold their evidence to the highest bidder, and when one was reproached for his dishonesty, he replied 'I intended no harm, but to try what I could bring them up to.'

Anne Maynard, alias Le Double, stuck loyally by Susan, and to prevent her from testifying George Mordaunt sent out spies to arrest her before the opening of the trial in Westminster Hall. But his agents could

¹⁸ Ibid. 575-83, 599-615, 660, 666-7, 790-2, 814, 828, 889-93, 932-3, 1156-8, 1177-9, 1182-3.

Forged Clandestine Marriage

not find her, since Susan Forbes kept her hidden with Mrs Cross for a week.¹⁹

In April 1710 George had collected enough evidence to launch a criminal suit against Susan in the London Assize Court in Hicks Hall for 'hiring people to marry her in his name'. The Grand Jury for Middlesex brought in a true bill, but Susan stalled the proceedings—and upped the stakes—by getting that suit also transferred to the Queen's Bench.²⁰

On 23 February 1711, the trial in the Queen's Bench in Westminster Hall at last took place before Chief Justice Parker, and despite the swarm of lawyers with whom Susan surrounded herself, the jury convicted her. She appealed to the judges for a retrial in April, but they rejected her plea out of hand.²¹ A year later, in April 1712, two of her key witnesses went before Chief Justice Parker and made an affidavit that they had committed perjury in the earlier trial.²²

Meanwhile in the Consistory Court in 1711 George countersued Susan for 'jactitation of marriage', that is for an injunction to her to cease claiming herself to be his lawful wife. He won, and although she appealed the sentence to the Court of Arches in 1712, her case collapsed because of confessions of perjury by several of her principal witnesses, who had been persuaded to tell the truth thanks to the larger bribes offered by the Mordaunts.

This one case involved four years of multiple litigation from 1709 to 1712 in three different types of courts, civil, criminal, and ecclesiastical, which gives a good idea of the complexity of the eighteenth-century legal system, and the way it could be manipulated for the purpose of harassment and blackmail by an unscrupulous litigant with sufficient financial resources. Over a period of several years, little by little George Mordaunt and his agents had gradually unravelled the details of the plots contrived against him by Susan Forbes. No fewer than three fake marriages had been planned by her. The first was the nearest to the real thing, the marriage blessed by the Revd Peter Durett in the Portuguese Ambassador's Chapel on 6 January 1709. In this case only the groom was a fake, being a bricklayer called Benjamin Hinsmore. The second was the

¹⁹ Ibid. 520, 531-6, 539, 585, 650, 669, 683, 685, 713, 716, 765, 767, 800, 854-6, 927, 1335, 1366-9, 1400-15, 1432, 1498-1503, 1506-8, 1510, 1528-9, 1653-65.

²⁰ Ibid. 291, 340, 352, 368, 451-2, 801, 1086-90.

²¹ Ibid. 412, 453, 628-9, 1057, 1089-90, 1179, 1321, 1445, 1465.

²² Ibid. 1044, 1171-2.

Case-Studies: Clandestine Marriage

abortive scheme of Susan to have the backdated entry of a marriage which had never taken place inserted in one of the registers of the Fleet Prison.

Lastly there was the parody of a marriage ceremony which took place in a room in a tavern called the Hole-in-the-Wall near St Dunstan's Church on 23 February 1710. Not only was it falsely backdated to 29 October 1707, and alleged to have taken place in a different tavern, but, as we have seen, most of the principal actors were false. The groom 'George Mordaunt' was a woman called Susan Harvey in men's clothes, and the priest 'the Revd Vaughan' was a scrivener called Benjamin Hayne. Only Susan Forbes the bride was genuine. The sole purpose of this charade was to allow the witnesses to it to swear that they had seen a marriage, without running the risk of perjury.

As George Mordaunt and his agents slowly discovered, all the characters in the plots had three things in common: Roman Catholicism, extreme poverty, and loose morals. Only Susan's financial backer Mrs Cross seems to have had some financial standing, although some neighbours thought little of her moral reputation.²³ But against the money, prestige, and political influence of the Mordaunts and the Dormers, Susan Forbes did not stand a chance. One by one all but one of her hired witnesses were tracked down. Some were flattered and cajoled by personal visits from George Mordaunt or Catherine Dormer. Some were tempted by promises of lucrative jobs waiting for them after it was all over. Others were impressed by assurances that the Earl of Peterborough and other Mordaunt relations would be present at the trial. Many quite brazenly sold their evidence to the highest bidder. Once they had agreed to confess the truth, they were hidden away in safe houses by the Mordaunts, so as to prevent Susan Forbes from getting access to them.

The key actors in the plots of Susan Forbes were Susan Harvey, Anne Maynard, Elizabeth Green, Ann so-called Lady Fitzharris, Edward Barrett, Thomas Hinsmore, and Benjamin Hayne. It was the switching of sides by all seven except Susan Harvey which destroyed Susan Forbes's case and finally led to her conviction for criminal conspiracy. Susan Harvey was a niece of Susan Forbes, and 'a common night walker', who worked out of Beveridge's Dancing School, which was well known as 'a Buttock's Ball, or place of resort of ill women'. She went there dressed up demurely in Quaker costume, in order to add a little religious spice to the pleasure of picking her up and taking her off to a tavern to sleep with her. She lived with a Mr Tasher, to whom she claimed to be married,

²³ Ibid. 1454-7, 1535.

Forged Clandestine Marriage

and was a lodger in Mrs Cross's house. In fact she 'was reputed to be kept as a miss or woman for pleasure', and the scandal was heightened by the fact that she and her clients sometimes took Mrs Cross's 12-year-old son to bed with them since 'Sukie would have it so'. In the daytime Susan Harvey was officially a worker in the millinery trade, but this seems to have been merely a cover for her more lucrative evening employments. There was even an ugly story of her acting as a procuress and trying to seduce the young daughter of a blind solicitor. Altogether she seems to have been a thoroughly disreputable character.²⁴

Anne Maynard was Susan Harvey's friend and fellow-worker, both in the millinery trade by day and at Beveridge's Dancing School by night, and had an even more unsavory history. Although only 22 in 1711, she had already had one bout of venereal disease and was then pregnant. She was also very quarrelsome and in 1710 was involved in a fight with another woman in a brothel over the favours of a client, for which she was imprisoned for a while in Bridewell. On another occasion she got into a fierce fight over money in a brothel with the keeper, when 'all the women of the house assaulted him'. He called a constable and had Anne arrested and put in the Roundhouse. In revenge she went before a Justice of the Peace and swore that he was the father of the child she was carrying. But at the Quarter Sessions she dropped the charge, and later admitted that in fact the father was the man she was living with, a jeweller named Abraham Le Double.

In 1711 she was arrested for debt, and Susan Forbes took the opportunity to offer to pay for her release if she could find someone prepared to swear that he was the priest who had married her (Susan) to George Mordaunt in 1707. But Anne could not find anyone willing to do this, so Susan left her to rot in prison. It was this episode which, along with monetary inducements and threats from George Mordaunt, induced her to confess before Chief Justice Parker that she had lied in her testimony as witness to both the backdated 1707 marriage and the fraudulent 1710 one. She now retracted her sworn testimony in three separate trials, in Doctors' Commons, Hicks Hall, and Westminster Hall. She confessed that she had learned her story by heart before the trials, being bribed by Susan Forbes with a promise to set her and Susan Harvey up in a business in a milliner's shop.²⁵

The other two older women in the plot were neither as impoverished

²⁴ Ibid. 263, 1126-8, 1220, 1229-30, 1249, 1315-17, 1374, 1380-2, 1385, 1446, 1449, 1478, 1522-4, 1562-4.

²⁵ Ibid. 406-7, 1126, 1148-53, 1161-3, 1170-1, 1178-83, 1208-10, 1218-20, 1241-8, 1282-3, 1288-90, 1300-1, 1308-19, 1336-6, 1528-9, 1565, 1637-41.

Case-Studies: Clandestine Marriage

nor as depraved as Susan Harvey and Anne Maynard, nor were they professional prostitutes. Mrs Green (who was 32) first testified for Susan Forbes as witness of her marriage by Durett. But when she saw the plot collapsing, she quickly switched sides and confessed all she knew. When first offered £20 to join the Mordaunt side, she replied that she would 'go out of the way' (i.e. go into hiding) for £100, but was later pressured by Catherine Dormer into confessing to perjury. She claimed to be the widow of an army officer, but in fact had been no more than the mistress of a trooper called Stafford. She eked out a living on her late 'husband's' legacy and her 'mantua making, plain work, quilting of petticoats and other needle-work'. Although distinctly above the poverty line, she was still struggling to keep her head above water.²⁶

Far more sinister was her friend, the 50-year-old 'Lady Fitzharris', alias Mrs Magrath, who first drew her into the plot, and then later persuaded her to change sides to the Mordaunts. The widow of a Jacobite conspirator called FitzHarris, who had been convicted of high treason and executed in 1681, she was a procuress and an active lesbian, who tried sexually to assault an unsuspecting bedfellow, who sued her for it. She was a thoroughly unscrupulous woman with a long criminal past, and it was upon her that Susan Forbes placed most reliance to find her witnesses willing to perjure themselves about her fake marriages. But she was 'a dangerous woman to be any ways acquainted with', as Susan Forbes eventually learnt to her cost when 'Lady Fitzharris' double-crossed her and revealed her plots to the Mordaunts.²⁷

Three of Susan Forbes's hired conspirators were men. One was Edward Barrett, an Irish Catholic who had joined the French Army, fought under the Duke of Anjou, and been captured. To save his skin he had deserted from the French to the English. He was put on half-pay as a Lieutenant of Foot, but lost his allowance when it was found that he was still a Roman Catholic. He was arrested for debt, upon which Sir Robert Walpole, then Secretary of State for War, paid £30 to release him, as a reward for his desertion from the French. He was now living with a woman in abject poverty in London, while his real wife and child were still in Ireland.

He was hired as one of the witnesses to the marriage in the Portuguese Ambassador's Chapel of Susan Forbes to 'George Mordaunt', whom he claimed (falsely) to have identified, since he had known him for ten years at the Court of the Jacobite Pretender at St Germain. This last statement

²⁶ Ibid. 595-8, 651, 666-71, 1007, 1400-4, 1491-1503, 1553-4.

²⁷ Ibid. 514-20, 526-8, 884, 900-2, 909, 1421-5, 1521, 1578, 1588-1620.

Forged Clandestine Marriage

was what he was paid for, since it was a most damaging accusation. It not only firmly identified the bridegroom as George Mordaunt and not an impostor; but it also cast serious doubt on the latter's political loyalty and the veracity of his account of his life abroad.²⁸ If the statement were true, it meant that George Mordaunt was probably a Jacobite spy or even a conspirator.

The man who agreed to impersonate George Mordaunt in the January 1709 wedding in the Portuguese Ambassador's Chapel was a 29-year-old bricklayer named Thomas Hinsmore, a man who had long been living with his family 'in most miserable and deplorable circumstances'. He had been contacted by Mrs Green, assured that he only needed to swear to 'a popular marriage'—meaning a verbal contract—and that he would be 'very well rewarded for doing so'. He boasted that 'the cause should not have been lost for lack of swearing', and when accused of giving false testimony retorted: 'False? Who would not swallow any oaths for such a sum of money? So much money would make anyone swear twenty oaths.' When warned he might get into trouble, he retorted 'Damn it, I can never be poorer than I am.' When he was being tempted to switch sides to George Mordaunt and confess the truth, he held out for a long time, saying 'I will bring him up to a greater sum of money before I will do his drudgery for him', and letting it be known that he expected 'some hundreds of pounds' for telling all he knew. Once he had done the switch, Susan Forbes accused him of saying 'who would not forswear himself for so good a friend as Mr Mordaunt, who has put clothes on my back and money in my pocket?' This was a great improvement on his agreement with Susan, to carry out the impersonation in return for a mere 7 shillings and sixpence, paid in advance.²⁹

The principal figure in Susan Forbes last plot, which was the false clandestine marriage backdated to 1707, was another seedy character, a 42-year-old self-styled scrivener named Benjamin Hayne, whose career had not been a success. He had started out respectably enough as a writer for a notary public; drifted from there to a temporary job sorting out the army accounts for the widow of a captain; and then got taken on as clerk to Captain Otway's Company. After discharge from the army, he earned a precarious living by writing and selling pens in a poor lodging in a court next to the Bagnio in Long Acre. There he was contacted by Susan Forbes in February 1710 to do a little forgery work for her. First she asked him to alter the end of a letter from George Mordaunt to her from

²⁸ Ibid. 383-401, 1144-7, 1166-9, 1197-1202, 1254-60, 1269-74, 1332.

²⁹ Ibid. 456-8, 678-9, 745-53, 916-20, 950-7, 963-4.

Case-Studies: Clandestine Marriage

'your affectionate lover, George Mordaunt' to 'your affectionate husband, George Mordaunt'. He said he could do it, but had doubts because 'I have heard the family of Mordaunts is a very honorable family.' More persuasive was the discovery that he could not satisfactorily imitate George's handwriting.³⁰

A little later Susan persuaded him to pretend to be a Fleet parson, and marry her and someone pretending to be George Mordaunt. When she asked him to write a marriage certificate between herself and George Mordaunt in the name of the Revd Vaughan and backdate it to 29 October 1707, he reluctantly agreed, but he flatly refused to go before any court of law and swear an affidavit about its veracity. He also asked for a down payment before attempting to write it, but Susan Forbes could only offer him a note of hand, payable if and when she proved her marriage and got her money out of George Mordaunt.

Hayne having failed her, the resourceful Susan Forbes fell back on Thomas Hinsmore, the first impersonator of George Mordaunt. She got in touch with him again and asked him this time to make an affidavit that he was a priest called Vaughan who had married her to George Mordaunt on 29 October 1707. She threatened to have him indicted for bigamy if he refused, for his private life, like that of all others in the story, was a legal and moral morass. When he refused to make out the affidavit for fear of perjury, Susan ingeniously suggested he merely say in court 'I am the person that married her.' This would have been true but misleading, since in fact he had been impersonating the bridegroom not the priest. But he agreed to do it, and told his false tale to Susan Forbes's proctor, but not under oath. Susan then offered him £20 to swear that he was the priest who had married them, but by now he had cold feet and refused. Instead, he contacted George Mordaunt and told him the whole story. He was well paid for his information, being 'kept a long time at bed and board' in return. But this was not enough to restore his finances, and he was arrested for debt soon after the trial in Westminster Hall in early 1711. His early hopes of getting £40 or £50 out of the business turned out to be wishful thinking.³¹

What is so remarkable about this story is the way a poor but bold and unscrupulous woman could contrive to put a great landed family like the Mordaunts, with great wealth and extensive political connections, through an excruciating legal wringer for nearly four years. This is

³⁰ Ibid. 773-6.

³¹ Ibid. 702-36, 1044-9, 1233, 1396, 1415-17, 1506-12, 1546-7, 1642-54, 1665-6.

Forged Clandestine Marriage

especially surprising, since her case was based entirely on perjured testimony, forged documents, and multiple impersonations. No doubt the religious aspect of the story is an important ingredient. The Mordaunts were an old Catholic family, and their recent conversion to Anglicanism and Whiggery was a source of intense resentment among the Catholics of London, who were only too anxious to destroy the reputation of the family. As a recently lapsed Roman Catholic priest, George Mordaunt's liaison with Susan Forbes and subsequent marriage to Mrs Dormer were no doubt particularly offensive to them.

The only explanation for the ample funds Susan had at her disposal for her extensive legal battles was that offered by George Mordaunt in court, namely that she was supported by loans and gifts from a number of well-to-do Catholics.³² Some of them, like Mrs Cross, were hoping for a share in the hush-money they expected to extract from the Mordaunts, but others were subscribing money merely in the hopes of religious revenge. Edward Barrett's false claim to have known George Mordaunt for ten years at the Court of the Pretender at St Germain is particularly significant in this respect, since it was designed to hint directly at treason.

Few cases in the records are so revealing of both the ease with which perjured testimony could be bought in early eighteenth-century London, and the modest sums that it cost. Fake marriages, involving impersonations, even including transvestism, false testimony, and backdated certificates of marriage, were evidently not too difficult to arrange. Equally impressive are the detective skills of professional investigators at the same period, who were capable of identifying, locating, and building up complete life histories of the obscure impersonators, forgers, and perjurers who populated the underworld of eighteenth-century London.

³² Ibid. 253.