

# True Scotland Story: The Interplay of Fact and Fiction



At age 25, Lillian Hellman thought her writing career was over. She had published several mediocre “lady-writer stories”—she dubbed them “the kind where the man puts his fork down and the woman knows it’s all over.” Deciding she was no good, she quit writing and took jobs reading manuscripts; at the very least, she could recognize a lack of talent.

Enter Hammett. As he was seeking inspiration for a new story, he came across William Roughead’s *Bad Companions*, a book on infamous British court cases. One chapter, “Closed Doors, or The Great Drumsheugh Case,” seemed excellent fodder for a play. Hammett passed the material to Hellman, and her work on *The Children’s Hour* began.

“Closed Doors” tells of a scandal in 1810 Edinburgh, Scotland. A girl accused the two headmistresses of her girls’ boarding school of having “an inordinate affection” for one another. The girl’s grandmother, believing this an affront to decency, removed her from the school. Within two days, every student had been withdrawn, without reason. When the headmistresses learned of the accusation, they sued the grandmother for libel and spent their lives trying to restore their names and recover financially.

Hellman recognized a good story and borrowed straight from Roughead’s history:

Jane Pirie and Marianne Woods, the headmistresses, built their school from scratch—an atypical move for women of the times. Woods’ Aunt Ann had been a moderately successful actress, performing alongside the famous Sarah Siddons. Moreover, she was at odds with Pirie over control of the school. For example, Pirie and Woods returned to school after a holiday to find that

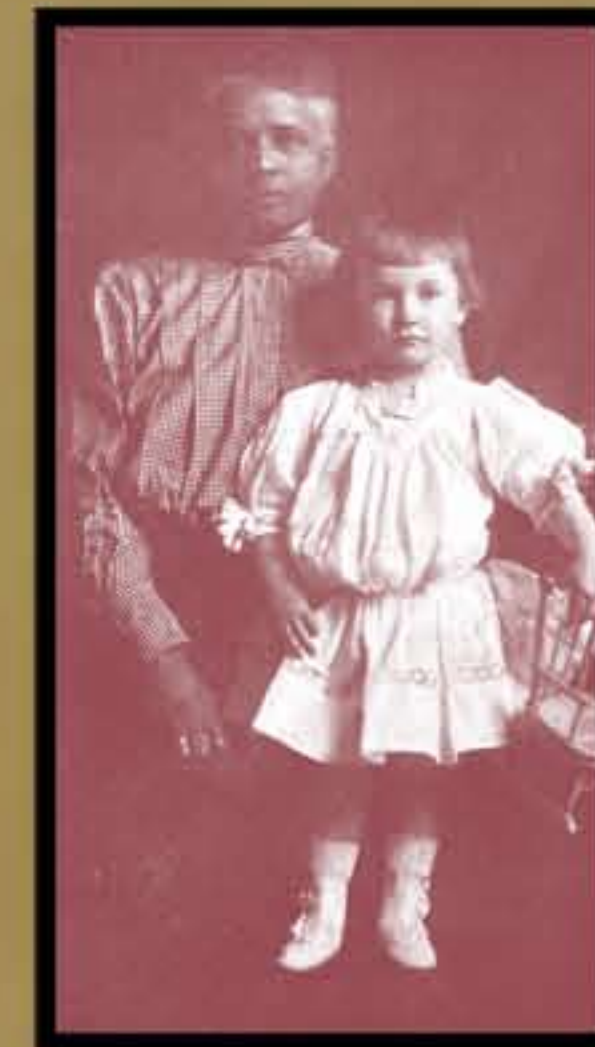


*“I think I just started to write plays because I didn’t know what else to write. I knew I wasn’t a short story writer.”*

Ann had redecorated, and, several times, Pirie was unable to charge items on house accounts that remained in Ann’s name. Accusations were indeed made against the headmistresses by young Jane Cumming. Her grandmother, Dame Helen Cumming Gordon, once a patron of the school, orchestrated the students’ mass exodus by writing their parents and informing them of the moral threat. Pirie and Woods sued, but the libel action failed initially; the school never reopened.

Equally interesting are Hellman’s digressions from history.

In transforming Dane Cumming Gordon into Mary Tilford, she left out an intriguing bit. In actuality, the girl was a dark-skinned half-Indian. Dame Gordon’s son, George, had fathered Jane with a 15-year-old Indian girl while on business there. Suddenly taken ill and knowing it would not go well for Jane in Scottish society when he died, he contacted a cousin in Calcutta, sent him money and asked that he keep watch over her. The cousin enrolled Jane in a Christian boarding school in Calcutta, but she soon complained of being mistreated by other students because of her race. After a few more ill-fitting schools, Jane was sent to Scotland to live with her grandmother, who begrudgingly took her in, likely to appease the guilt she felt after her son’s death. Within a few weeks, Jane was enrolled at Pirie’s and Wood’s school where, by Roughead’s account, she felt “odd and unwanted.”



Why Hellman chose to obscure this point is unclear. Her memoirs reveal a life-long fascination with malice and motiveless evil-doing. In a play rife with lies and illicit love, she perhaps felt that the race issue would only complicate matters, supplying a legitimate gripe for a young girl whom she clearly wanted to portray as needlessly destructive.

Other changes made mitigate the lesbian theme and maximize the effects of the lie:

- Karen, one of the teachers, is given a fiancé; her impending marriage is a casualty of the scandal—and insurance against accusations of lesbianism (in and outside the play).
- Karen and Martha, the other teacher, have separate bedrooms, whereas their real-life counterparts slept, and allegedly had intimate relations, in the same rooms as their wards. Mary thus has to work harder to make her story plausible, which involves an invented subplot in which she blackmails a classmate, Rosalie, into corroborating the rumors.
- Hellman invents a salacious French novel and overheard dialogue about Martha’s “unnatural” affection to “educate” her innocent schoolgirls about lesbianism.
- The play ends with a suicide and—quite differently—with Mary being disproven.
- The collateral damage extends to Mary’s discredited grandmother, repentant in the play’s final moments in a way that Dame Cumming Gordon was never forced to be.



Hellman wrote a play about a lie, but then undercut her intentions with one last historical deviation: Martha admits to Karen that she *has* desired her, as the girls suggested. Though Hellman insisted that her play was not about lesbians, this revelation sets the stage for a final confrontation that gives the play a fascinating power over its audience.

*Images (clockwise from top left): Gordontoun, the manor home of Dame Helen Cumming Gordon; Hellman’s childhood nurse, Sophronia, kept her from malice toward people when the young girl became resentful; Romantic friendship—which involved kissing, physical intimacy and long-term commitments to one another—was not uncommon among nineteenth-century women; Marianne Woods’ Aunt Ann (left) acting alongside the great actress, Sarah Siddons; Dashiell Hammett; Lillian Hellman. Quote: Lillian Hellman, National Educational Television televised interview with Bill Moyers, April 1974.*

# The Other "L" Word

Though Lillian Hellman insisted that *The Children's Hour* was about a lie, the 1934 theater world was abuzz with another "L" word, one she fervently disavowed: lesbianism.



From the first rehearsal, producer Lee Shubert badgered director Herman Shumlin: "This play could land us all in jail." His anxiety made sense; in 1926, a play with lesbian characters entitled *The Captive* had been shut down and its leading ladies carted off to jail. No surprise then that several actresses turned down the roles of Martha and Karen.

And no wonder, too, that every precaution was taken to ensure a "decent" production. Shumlin cast women over 18 as the girls, so as not to expose children to the mature subject matter.

Despite good reviews and the fact that the word "lesbian" was never spoken onstage, the play's scandalous reputation followed it. *The Children's Hour* was banned in Boston in 1935 and, after a lawsuit for \$250,000 against the city failed, didn't play there until the 1961 film arrived. In Chicago, Hellman sat herself

"[The theater] has one great warrant for its being, one excuse for its continued existence—the theater can survive as a place for the expression and exchange of ideas."

behind the censor to see if she could gauge what response the play was getting. As Martha confessed her love to Karen onstage, Hellman noticed the censor whispering to her friend. Anxious to hear, Hellman slid to the edge of her seat in time to catch, "I really like what she's wearing." Despite the vote of confidence for the costume designer, the play was banned in Chicago until 1953.

The "L" word's most damaging effect became apparent in spring 1935 when the Pulitzer Prize committee passed over *The Children's Hour* in favor of Zoe Akin's *The Old Maid*. Moreover, the committee broke its rules when it awarded the Pulitzer Prize for drama to an adapted—not original—script. In response, New York theater critics established the Drama Critics' Circle Award to protest the slight by the Pulitzer committee.

One critic, in fact, wanted Hellman to explore the lesbian theme more deeply. In *The Times of London* newspaper, he regretted that "it [was] not until the third act, and then only in a brief scene, that Martha has a chance to communicate that depth of passion which is hinted at in the opening and might, if it had been fully developed, have made the play even more moving than it is."

This lone contrary voice foreshadows the changes Hellman would be able to make in adapting her work for the 1952 theater revival and the 1936 and 1961 screenplays.

## Critics love Mary—But Not the Third Act

When *The Children's Hour* opened November 20, 1934, very few critics batted an eye at the lesbian theme. Instead, the enthusiastic responses centered upon two other factors.

First, in writing a play about a lie's power, Hellman underestimated her *liar's* potency. Brooks Atkinson wrote in *The New York Times* on December 2: "Although the two headmistresses are suspected of an abnormality, which is usually a sensational theme in the theatre, Mary Tilford is the sensation of the play." Other reviewers called her "a pathological demon," "diabolically clever" and "a miniature genius of wickedness."

Fascination with Mary was the catalyst for what has become a dreadful tradition: casting a precocious child who devours the role with a lack of subtlety and lots of overacting.

Hellman later bemoaned a similar phenomenon in Arthur Miller's *The Crucible* and was perplexed that this had happened to her play: "When I read that story, I thought of the child as neurotic, sly, but not the utterly malignant character which playgoers see in her. I never see characters as monstrously as the audiences do—in her case I saw her as a bad character but never outside life. It's the *results* of her lie that make her so dreadful."

Second, nearly every critic had reservations with the third act. George Jean Nathan, in *Vanity Fair*, found it melodramatic, while *The New Yorker's* Robert Benchley complained that "the play [had] too many endings." *The New York Times's* Brooks Atkinson begged: "Please, Miss Hellman, conclude the play before the pistol shot and before the long arm of coincidence starts wobbling in its socket."

Hellman stood behind most of the events in her third act. However, when reworking the play for its 1952 revival, she agreed with critics about the grandmother's reappearance. She tried to write her out of the ending, but failed: "I was determined to rectify my mistake and went back and worked for weeks trying to take out the last eight or ten minutes of the play...but I couldn't do it. It had been built into the play so long back...that I finally decided that a mistake was as much a part of you as a non-mistake."



Images (left to right): Director Herman Shumlin and Lillian Hellman; a scene from the original 1934 production of *The Children's Hour*. Quote: Lillian Hellman, New York Herald Tribune interview with Lucius Beebe, December 13, 1936.

# Tracking Plot Changes in "The Children's Hour"

When film producer Samuel Goldwyn bought the movie rights to *The Children's Hour* in 1935, he must have known that Lillian Hellman's script would never be made.

In 1930, responding to "immorality" in the movies, the Motion Pictures Producers and Distributors Association (MPPDA) adopted the Production Code, a set of regulations governing the content of films. Though initially ineffective, the Code was being enforced by 1934, when Joseph Breen was hired to head the Production Code Administration (PCA). For 20 years, Breen, in league with the Catholic Legion of Decency, exercised almost unchallenged authority in changing film scripts before they could be produced.

The topic of lesbianism flew in the face of the Code's ban on "sex perversion" and Hellman made changes in the screenplay (see table). The most drastic change substituted accusations of an affair between Martha and Karen's fiancé Joe for the original lesbian rumors.

Though the new script was unrecognizable, this still wasn't enough for Breen. Fearing the play's fame had spread, he forbade Goldwyn to use the play's title or make any reference to it in the advertising. Hellman almost didn't receive credit for *These Three* (1936), as the movie was now titled: Breen feared the public would connect the dots from playwright to play to lesbianism.

But the fight to bring *The Children's Hour* to the screen wasn't over.

Complaining that "Miss Hellman's play has not yet been filmed," director William Wyler tried again in 1961. He received support from United Artists' president Arthur Krim, who suggested he'd be willing to release a film that didn't conform to the Code.

"[Hollywood] isn't as bad if you're working there. Of course, it's unbearable to any civilized person as a mere visitor, but with something to do it's no worse than being in jail and working all day in the juke mill. It keeps your mind off things."



The PCA had no choice but to capitulate. Since Breen's departure in 1954, the office had been weakened by a number of producers who knew their films could make money without the censors' approval. On October 3, 1961, the Code was amended to allow for tasteful treatment of "sexual aberration," and *The Children's Hour* (1961) was released, lesbian storyline intact.

It turned out to be a pyrrhic victory.

The changes that had been made by Wyler and screenwriter John Michael Hayes (see table) reinforced the moral perspective of the Code. A lesbian appears, but she is a cliché, full of guilt and self-loathing for what is—at best—her illness and—at worst—her sin.

From what we know of Hellman's personality, it is hard to imagine this violence being done to her play had she been opposed. Yet, in her writings and interviews—as well as how she had reworked the play for its 1952 revival on Broadway (see table)—she seems determined to present lesbianism as a tangential issue, or even abandon it.

All of which—discomfort with the topic, a fear of being labeled a lesbian, a desire to see her work produced and making money—makes for fascinating biography.



*The Children's Hour*  
(1934 stage original)

*These Three*  
(1936 film version)

*The Children's Hour*  
(1952 stage revival)

*The Children's Hour*  
(1961 film version)

## The Accusation

Mrs. Mortar accuses Martha of "unnatural" feelings for Karen; Mary **concocts** illicit noises coming from Karen's bedroom and says that she has seen the women kissing.

Martha is interested in Joe, but he only has eyes for Karen, so she keeps silent; Mortar says Martha is lonely and questions her "goings on" with Joe; Mary **sees** Joe leave Martha's room after a late-night conversation and **interprets** it as an affair.

A less strident Mortar encourages Martha to find a husband, then queries her "unnatural" feelings; Mary **concocts** her tale after reading a French novel and from what she learned from girls at camp. (Hellman uses these devices to explain the young girl's sexual knowledge.)

Mortar accuses Martha of "unnatural" feelings. Mary **sees** the women quarrel and kiss to make up, **interprets** that Martha is jealous of Karen's marriage, **intuits** from conversation with Mrs. Tilford that Martha's love for Karen would be more scandalous and **concocts** lesbian story.

## The Rumor

"...that Martha and I are in love with each other"

"...that Martha and Joe have known each other"

"...that Martha and I have been lovers"

"...that Martha and I have had sinful sexual knowledge of each other"

## Karen and Joe's Romance

Hellman gives the sense that Karen has been **hemming and hawing** about marriage until the school is safely on its feet; she indicates to Martha, though, that **it will be happening soon**.

Karen sends Joe away when it's clear he will never fully trust her.

Hellman includes more backstory, including their first meeting; Joe's preference for Karen over Martha; and the date to the carnival—the **heterosexual love story becomes central**.

The couple ends up together after the truth comes out. Karen follows Joe to Vienna.

Hellman gives the sense that **Karen's marriage plans are more definite**—she and Joe have set a date and purchased a home. This serves as a way to remove any shadow of a doubt about her sexuality.

Karen sends Joe away when it's clear he will never fully trust her.

**More kissing** than other versions, as well as heightened stereotypes; Joe is crankier about the impending nuptials, Audrey Hepburn (Karen) is gorgeously dressed and sweet and Shirley MacLaine (Martha) is in cardigans and old skirts, and even quips that it's her job to work hard and make money so Karen can continue to dress nicely.

Karen sends Joe away when it's clear he will never fully trust her, **then defiantly walks past him on her way out of town after the funeral**.

## Also of Interest

Without the "lesbian question," the women can be a little stronger without inviting queries about their sexuality. In the scene at Tilford's, they do most of the talking, and Joe is quiet until he interrogates Mary.

Mortar has new lines throughout that find her giving advice to the girls about the "natural" and "unnatural" way of courtship and relations between the sexes—i.e., what men want in a lady.

As the women try to go for a walk in Act Three, they look out the front door to see a dozen surly men standing around pickup trucks in front of the school—perhaps director William Wyler's personification of the censorious Production Code.

## Martha's Confession and Demise

"I have loved you the way they said...I wanted you"

Commits suicide.

"I loved Joe, but nothing happened between us. He loved you."

Production Code curbs suicide, Martha ensures truth comes out, sends Tilford to apologize and leaves town with Mortar so Karen can follow Joe to Vienna.

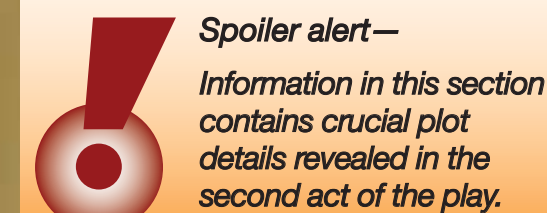
"I have loved you the way they said...I wanted you"

Commits suicide, but **Karen is less severe with her**. The suicide seems to stem more from the fallout of the lie than discomfort with her sexuality / Karen.

"I have loved you the way they said...I wanted you," **but the speech is extended and includes more guilt and shame**.

Commits suicide, **after Tilford comes to exonerate the women and Karen offers to go away with her**.

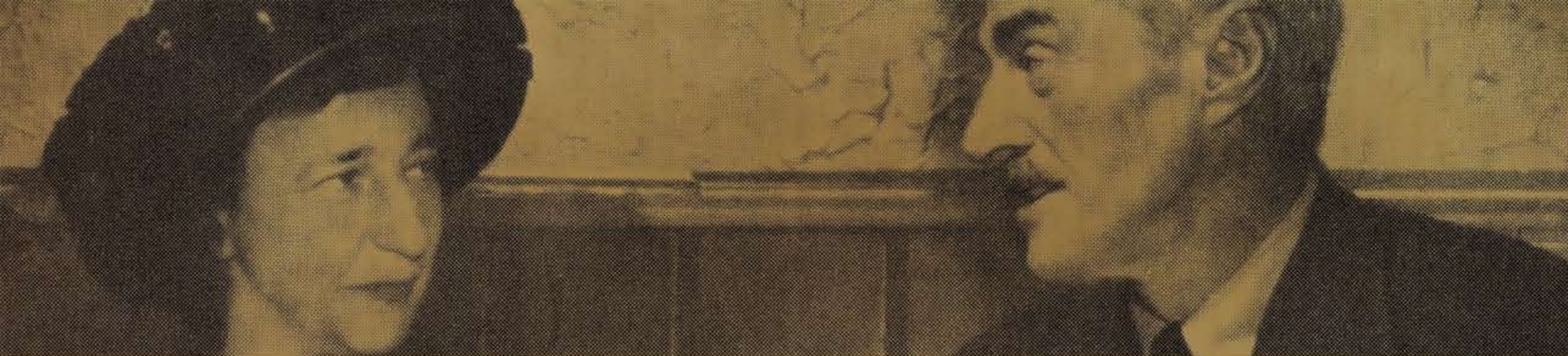
No reason to die; the suicide seems to stem from self-loathing.



**Spoiler alert—**  
Information in this section contains crucial plot details revealed in the second act of the play.

Images (clockwise from top left): A scene from the original 1934 production of *The Children's Hour*; A scene from the 1936 film version, *These Three*; Lillian Hellman; Poster advertising the 1936 film version, *These Three*. Quote: Lillian Hellman, New York Herald Tribune interview with Lucius Beebe, December 13, 1936.

# Hellman and Hammett

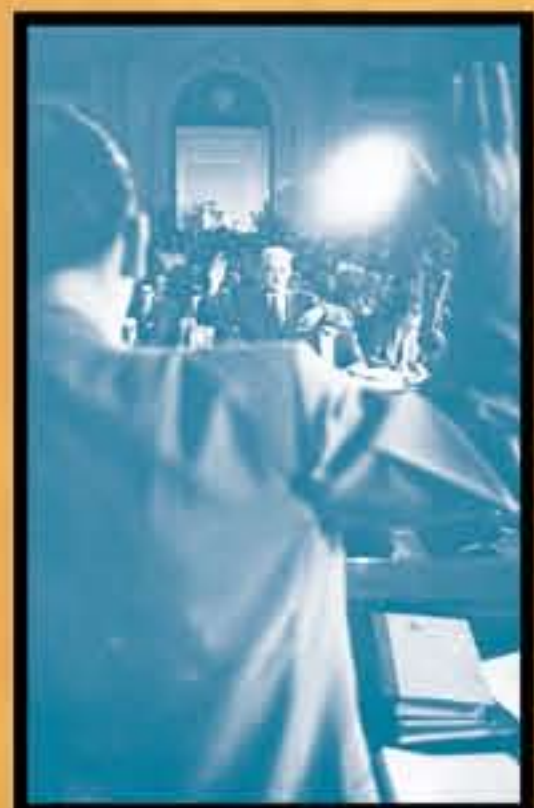


Lillian Hellman's romantic life could be described as an exercise in "keeping one's options open"—this despite being married to playwright Arthur Kober from 1925 to 1931. She had many lovers, including publisher Ralph Ingersoll, diplomat John Melby and the original director of *The Children's Hour*, Herman Shumlin. Even at age 79, on the night before her death in 1984, she is said to have propositioned a young male guest at the dinner party she was attending.

But the man who captured her attentions and her heart was writer Dashiell Hammett, the author of *The Maltese Falcon*, *The Thin Man* and other hard-boiled detective stories. They had an affair for 30 years until his death from lung cancer in 1961. He was 66.

The pair met at a party in 1930; they conversed about T.S. Eliot over drinks and soon found themselves in his parked car, where they covered literature and politics until sunrise. In less than a year, Hellman was divorced, and they were living together in a hotel.

Not surprisingly, words played a central role in the years that followed. Often apart, they were avid letter writers. Hammett encouraged Hellman's writing and would compose detailed critiques that sharpened her craft. In his final years, a bed-ridden Hammett, already shy, relied on Hellman to be his voice to admirers and interviewers.

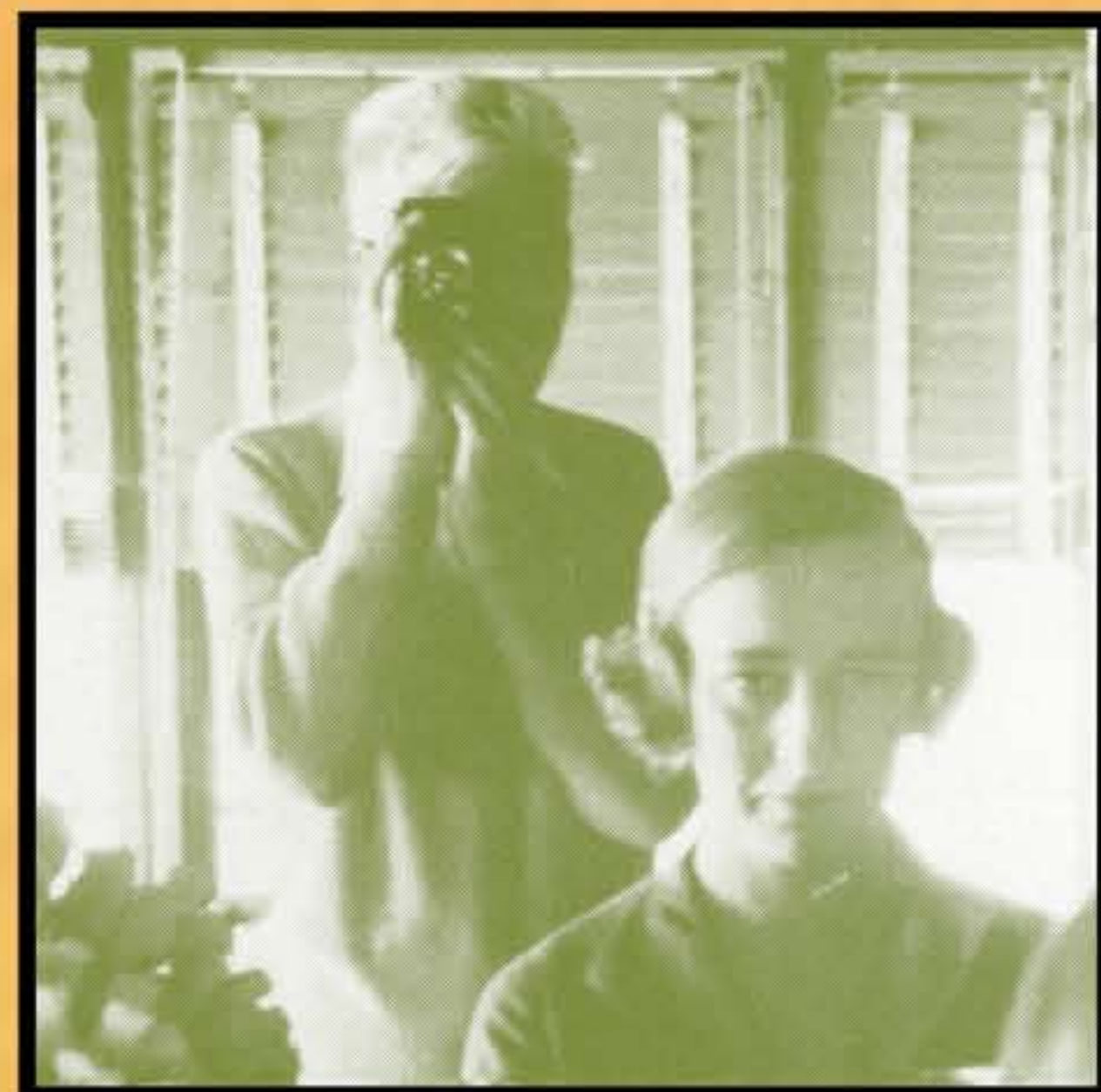


Not that their romance was always sunny. They never married, and had to turn a blind eye to each other's occasional dalliances. His drinking binges and her temper also made it impossible for them to live together year round, until he became ill. Their political differences were sizeable. While Hellman re-

"I'm not sure why writers should have remarkable personalities... there's nothing, no reason for them to be seen so much or be so interesting. Most very good writers I think are rather uninteresting in a room."

used to claim alliances, Hammett was a proud radical. Authorities may not have been wrong to accuse him of communist sympathies. She was constantly afraid he might be jailed again for his repeated defiance, while he forbade her to read the cartoon "Li'l Abner" because he found it fascist.

Still, something was forged between them that transcended their chatty beginning. Words failing, Hellman told Bill Moyers after Hammett's death: "It took a long time to find out, but we both knew in the end...long before the end...what we felt. We didn't talk about it a great deal. We both were very...I think we were good to each other. I think. I'm sure."



"You're always difficult, I suppose, if you don't do what other people want."

On October 26, 1934, Hammett left New York for California, just as *The Children's Hour* began rehearsals. Ostensibly, he'd been hired by MGM to write a second *Thin Man* screenplay. More than likely he also had no desire to observe the budding romance between Hellman and her director, Herman Shumlin. And so he ceded the playing field—perhaps also in part to allow Hellman the spotlight of her first major success.

His calming presence was missed; Hellman found herself amid altercations throughout.

The first week of rehearsal, as she sat with her feet propped up on the theater seat in front of her, she was accosted by a tense little man who barreled down the aisle and demanded that she remove them. She asked the man for his name but only received a repeated command to sit with her feet on the floor. Hellman rushed onstage, interrupted rehearsal and inquired about the identity of the rude man standing in the house. Shumlin shouted from the stage: "Mr. Shubert, get out of here! This is the author! Get out of here!" Such was Lillian Hellman's introduction to the man who not only owned the theater but had provided the financial backing for her first play. Lee Shubert continued to grumble at her throughout the rehearsal and run, even forgetting at times that she had penned the lines being spoken.

There also was friction in Hellman's working relationship with Shumlin; a writer fearful of compromising her words, she was looking for a fight. A friend of Shumlin's watched a rehearsal and commented that a character's lisp was difficult to understand. Shumlin agreed and was happy to remove it. But he had to deal with the stubborn playwright, who later confessed that their disagreement was silly: "None of the arguments was worth anything. It could have easily come out. I don't know why he made [a great fuss], probably because I had been so difficult. But I think I made it because I had made up my mind that nothing was going to be done by anybody else." Hellman won; the lisp stayed.

Upon hearing the crowd's thunderous opening-night applause, an inebriated Hellman phoned Hammett to tell him of her success and the strain his absence had caused her. It wasn't until a few days later—after she'd sobered up—that Hellman recalled an anonymous female voice answering his phone.

In no time, she was on a plane to California to give him a piece of her mind. This fateful visit is described in *Lillian*, playing at TimeLine on selected Sunday and Monday nights during the run of *The Children's Hour*.



Images (clockwise from right): Lillian Hellman and Dashiell Hammett; Hammett and Hellman; Hammett testifying before Senator Joseph McCarthy; Arthur Kober; John Melby. Quote: Lillian Hellman, National Educational Television televised interview with Bill Moyers, April 1974.

# Hellman Before the House



In 1952, Lillian Hellman experienced what she called “the power of a lie” firsthand when she was called to testify before the House Un-American Activities Committee for suspected involvement in the Communist Party. The subpoena came as no surprise; she had been feeling the financial effects of an unspoken blacklist in Hollywood since 1948, and Hammett had served jail time for refusing to supply the names of contributors to a “Red” organization only a year before.



What *did* shock Hellman was the behavior of people she had known for years. In a bizarre “fraternity of the betrayers and the betrayed,” as she put it, accused theater folk phoned friends before testifying to let them know that they would be

named as a communist. In many cases, the soon-to-be-implicated would give their permission, as if to say, “I don’t blame you for needing to keep your job and make money.” Hellman was equally disturbed by the response of liberal “clowns,” as she called them—people who took to the hills or refused to stand up for the truth when fingers were pointed: “Few people acted large enough for drama and not pleasantly enough for comedy.”

Hellman was determined to be more courageous. After receiving the summons February 21, she consulted with several defense lawyers and settled upon Joseph Rauh, a young lawyer from the District of Columbia. Rauh immediately began strategizing: He would deflect the committee’s suspicion by highlighting the ways in which Hellman had been at

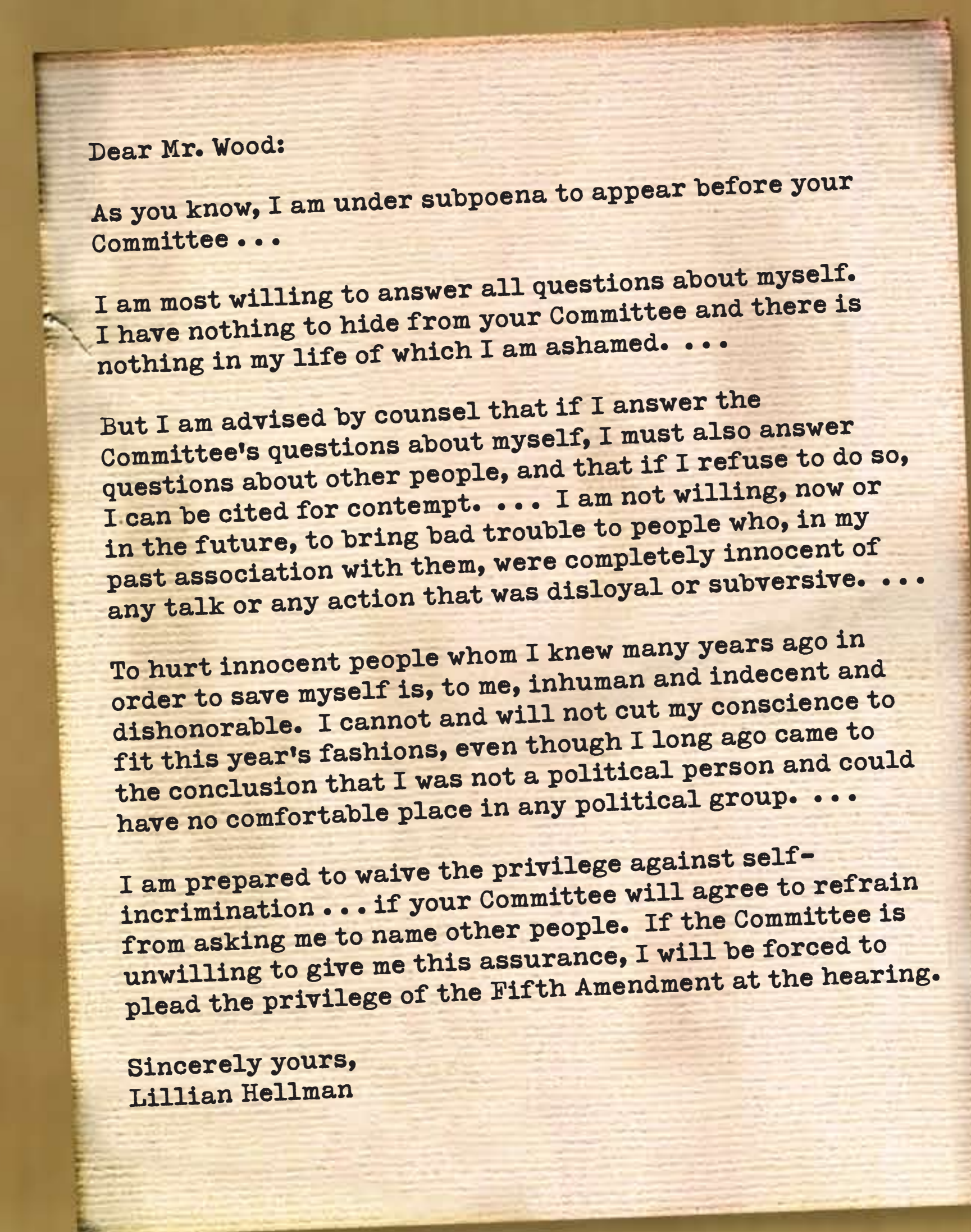
odds with the Communist Party. This was most apparent in her support of General Josip Tito of Yugoslavia, the first communist leader to sever relations with Moscow.

But Hellman wanted nothing of this plan. In her estimation, the communists were already taking enough of a beating; she would not compound their problems by adding her conviction that they were off base. Instead, she told Rauh, she would answer the House committee’s questions honestly. His job was to make sure that she wasn’t forced to name names, didn’t have to resort to pleading the Fifth Amendment and didn’t end up in jail.

*“I suppose I always thought that if one just could hang on long enough one would survive.”*



Rauh drafted a letter to the HUAC, presumptuously detailing the circumstances under which Hellman would testify, but she didn’t like his wording, so she composed her own. It is addressed to John S. Wood, the Democratic representative from Georgia, then the head of the committee (read excerpts in the image below).



The HUAC sent a terse response, stating they had no intention of compromising.

Hellman sat before the committee on May 21 in the new dress, hat and white gloves she had purchased in one final shopping spree before potential financial ruin. In



truth, her answers were a bit confusing: She would deny having been a communist and then plead the Fifth when asked the same questions, making her earlier answers seem suspect. Most likely, she was anxious. But she stuck to her guns in not implicating others. And when Rauh managed to get copies of her letter into reporters’ hands, Representative Wood knew that Hellman had won a moral victory.

Hellman later regretted not taking a harder stand à la Arthur Miller and others

who had refused to talk at all, seeming to almost welcome imprisonment. Her freedom, though, enabled her to revamp *The Children’s Hour* for a revival that autumn. She reworked it into a witch-hunt play that suddenly bristled with new relevance.

Images (clockwise from right): Senator Joseph McCarthy; Members of the House Un-American Activities Committee; Hellman attending the Cultural and Scientific Convention for World Peace, for which she was labeled “pro-Communist” by the press; Picketers at the Cultural and Scientific Convention for World Peace; Hammett testifying before the Senate. Quote: National Educational Television televised interview with Bill Moyers, April 1974.

# Courtroom Drama

As Jane Pirie and Marianne Woods watched the last student withdraw from their school in November 1810, they suspected Dame Helen Cumming Gordon's involvement: that her granddaughter's withdrawal from the school had precipitated the mass exodus.

They wrote to her, requesting an audience to know how they had offended. They received no response. They appealed to her daughter, Mary Cumming; again, no response.

As rumors reached the teachers, they hired John Clerk, a lawyer known for his eloquence and persistence, to begin a libel suit against Dame Cumming Gordon. The case was heard March 15 through May 23, 1811 before the Court of Session. Here are some highlights:

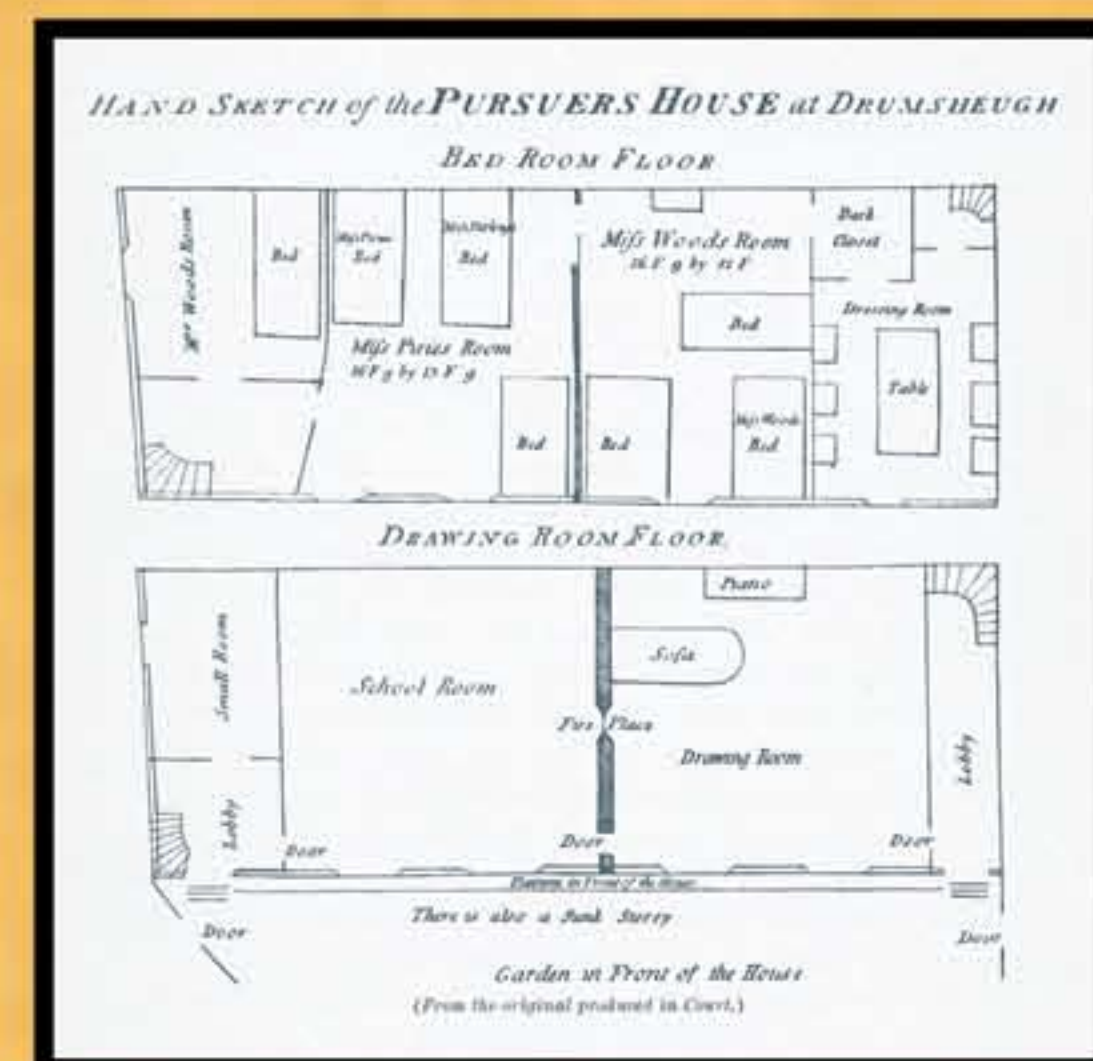
- The seven judges were a motley crew who, today, never would have heard the case. They included a known drunkard, Dame Cumming Gordon's neighbor and her relative by marriage. In addition, one judge, Lord Polkemmet, was absent for all of the testimony. Their daily notes speak ill of most of the witnesses and reveal prejudices—racial, economic, ageist and sexist. Moreover, their decisions are governed by two supposed implausibilities: Either the women are innocent because they can't have pleased one another or they are guilty because no girl can have thought up such a story on her own.



- The judges were so worried the scandalous content of the trial would corrupt the women of Scotland that they closed proceedings and only permitted 20 transcript copies to be made for those involved in the case. Two copies weren't destroyed, giving William Roughead the material for the chapter of *Bad Companions* that Lillian Hellman used as the basis for *The Children's Hour*—"Closed Doors, or The Great Drumsheugh Case."

*The seven judges were a motley crew who, today, never would have heard the case*

- Jane Cumming, Dame Cumming Gordon's granddaughter, testified that she heard Woods get into the bed that Jane shared with Pirie. She described the noises and conversation she heard between them, as well as the repeated shaking of the bed. Clerk commented on the girl's measured recounting and her seeming creation of the story. She stopped speaking when asked to reconcile contradictions and cried when challenged.
- Janet Munro, Jane's classmate, corroborated Jane's tale with one major difference: Janet experienced Pirie's visits to the bed Janet shared with Woods. Her guileless recitation of events led the judges to believe she'd overheard the massaging of rheumatic joints and been encouraged to arrive at a more salacious interpretation by Jane's claims.
- Charlotte Whiffin, the school maid, supposedly observed the teachers kissing on the drawing room settee—through a keyhole. This was discredited: Based on its placement in the room, the settee could not have been seen through the keyhole. In addition, when testifying, Whiffin denied having seen them, much less having told the story to students.



Although three judges believed the teachers were innocent, the others could not conceive of a girl concocting such a story. On June 25, 1811, Pirie and Woods lost their case.

Clerk wasn't about to quit. He petitioned the court to review the case. The review was granted, and, on February 26, 1812, the case received another 4–3 verdict, this time favoring the plaintiffs. There had been significant turnover in the court; several new judges made eloquent defenses of the teachers and ordered Dame Cumming Gordon to make restitution.

The Scottish legal system allowed Dame Cumming Gordon to appeal the decision to the House of Peers, as she did two weeks later. But this governing body was even more frightened that the case would corrupt women's morals. They refused to hear further testimony, but read the transcripts of the earlier hearings. They repeatedly tabled their decision. Finally, seven years later—December 1819—they dismissed the case, ordering the grandmother to pay the teachers as previously instructed.

Pirie and Woods first asked for £10,000 from Dame Cumming Gordon on January 28, 1820. They took into account income they would have earned had the school remained open. Through a yearlong series of notes and rejoinders, Dame Cumming Gordon refused.

In desperation, the women reduced their request to £5,000. Though Woods had been fortunate enough to find employment, Pirie was living in poverty and her health was declining. She needed any money she could get, but Dame Cumming Gordon also refused this request. They begged for £4,000; she countered, offering £3,500.

The teachers asked the court to intervene on February 1, 1821. That is the last record that remains of the case. No one is certain how, or if, things ever were settled.

Images (clockwise from top left): Edinburgh, Scotland; Lord Meadowbrook, one of the judges who found in the teachers' favor; A rendering of the schoolhouse, drawn to indicate the positions of beds, settees, doors and keyholes; Lord Newton, a judge known to consume copious amounts of alcohol before taking the bench.