

= R v Baillie =

R v Baillie , also known as the Greenwich Hospital Case , was a 1778 prosecution of Thomas Baillie for criminal libel . The case initiated the legal career of Thomas Erskine . Baillie , the Lieutenant @-@ Governor of the Greenwich Hospital for Seamen , a facility for injured or pensioned off seamen , had noted irregularities and corruption in the hospital , which was formally run by the Earl of Sandwich . After his official reporting of the problems failed to bring about reform in the hospital , Baillie published a pamphlet that was critical of the hospital 's officers , alleging that Sandwich had given appointments to pay off political debts ; Sandwich ignored the pamphlet but ensured that Baillie was indicted for criminal libel . Baillie hired five barristers , including Erskine , then newly called to the Bar , and appeared before Lord Mansfield in the Court of King 's Bench on 23 November 1778 .

After four of the barristers had spoken , Mansfield announced that the court session would resume the next morning rather than continue into the night , which gave Erskine the time he needed to present a full speech rather than a brief comment . In it he accused Sandwich of cowardice and of orchestrating the attack on Baillie , arguing that Baillie was merely doing his duty by attempting to bring the problems with the hospital into the public eye , and was therefore not acting in bad faith . If the issues with the hospital were not acknowledged , Erskine claimed , the Royal Navy would be " crippled by abuses " , with seamen no longer willing to risk their lives for a fleet that would fail to treat them well in their retirement . Erskine was successful in having Baillie found not guilty , and after leaving the court was met with a standing ovation ; Emory Speer writes that " It is probably true that never did a single speech so completely ensure professional success " .

= = Background = =

From 1705 to 1865 , the Greenwich Hospital for Seamen provided medical care to injured seamen and lodgings for those injured sailors who had been pensioned off or were unable to work on ships . Directed by an admiral , " it was more like a ship in port than a clinical facility ... its residents all wore navy uniforms ; food was identical to that served on vessels (a weekly four pounds of meat and gallon of beer) ; the seamen received a full ration of tobacco each week ; and time was told by the number of bells " . The facility was established by Royal Charter and led by a group of commissioners . Captain Thomas Baillie was a respected sailor who , after retirement , had been appointed Lieutenant @-@ Governor of the hospital . Here he found corruption , in breach of the Hospital 's Royal Charter , and endeavoured to bring it to the attention of the directors hospital , the hospital 's governors , and eventually the Lords Commissioners of the Admiralty .

After failing to receive any satisfactory response from those in power over the hospital , Baillie published a pamphlet in 1778 detailing the problems and corruption , which had gone so far as to include denying food to the sailors . The publication of the pamphlet reflected badly on the Earl of Sandwich , who was at the time First Lord of the Admiralty . In his efforts to gain votes and pay off political debts Sandwich had given many of the positions in the hospital to his cronies , who had never served as sailors . Although he publicly ignored Baillie 's allegations , Sandwich ensured through back channels that he was suspended from his job , and had associates go to the Court of King 's Bench and secure a writ allowing them to sue him for criminal libel .

By chance , Baillie happened to have dinner with a friend of Thomas Erskine , a newly qualified barrister and former seaman with the Royal Navy . Erskine himself also attended the dinner , although Baillie and Erskine were then unacquainted . When Erskine , unaware of Baillie 's presence , " launched into an eloquent tirade against the corrupt and tyrannical practises of Sandwich " , Baillie resolved to have him as counsel in the case . The next morning , Erskine received the brief for R v Baillie and a retainer of one guinea . Initially thinking he was the only barrister Baillie had retained , he was disappointed to find out that he was but one of five , the other four being Bearcroft , Peckham , Murphy and Hargrave , and that he was scheduled to speak last .

= = Trial = =

The case of R v Baillie , a prosecution for criminal libel , opened on 23 November 1778 at 1 pm before Lord Mansfield , the Lord Chief Justice , in the Court of King 's Bench . Prior to this , Baillie and his counsel had been debating how to respond to the case ; Bearcroft , Peckham , Murphy and Hargrave advocated negotiating a settlement before it went to trial , while Erskine urged them to argue Baillie 's case before the court and eventually succeeded in convincing Baillie that this was the right thing to do . The case opened with an address by Sir John Scott , the Solicitor General for England and Wales , who was prosecuting Baillie , followed by " long , dreary " speeches by Bearcroft , Peckham , Murphy and Hargrave , defending him . An illness that befell Hargrave caused several interruptions to the proceedings , and as a result darkness had fallen by the time he finished speaking . Lord Mansfield announced that rather than dragging the proceedings out late into the night , the court session would end for the evening and resume the next morning , when Erskine would have his chance to speak . Erskine recognised this as a great opportunity , as it would present him with a refreshed court the following day , rather than an exhausted one ; he said later that he " always blessed God for the providential [illness] of Hargrave " .

Returning the next morning , the counsel found a packed court ; owing to the involvement of Lord Sandwich and other significant political figures , the case had received a substantial amount of publicity , and thus an audience . Erskine , who without the interruptions would merely have made a short statement and " remained in obscurity " , had taken the adjournment as an opportunity to write a full speech . In it Erskine argued that Baillie , unlike others charged with libel , had merely been doing his duty ; he " was not a disappointed malicious informer , prying into official abuses ... not troublesomely inquisitive into other men 's departments , but conscientiously correcting his own at the risk of his office " . After Mansfield cautioned him for growing heated on the subject of Sandwich , who was not before the court , Erskine replied by stating that Sandwich had " placed [the plaintiffs] in the front of the battle , in hopes to escape under their shelter ... I will drag him to light , who is the dark mover behind this scene of iniquity " .

Erskine then argued that if Sandwich was not responsible for the actions of the hospital 's officers , he should respond by denying responsibility for them and restoring Baillie to his office ; if he did not , he would be " a shameless oppressor , a disgrace to his rank , and a traitor to his trust " . Were the situation in the hospital allowed to continue , the Royal Navy would be " crippled by abuses " , with seamen no longer willing to risk their lives for a fleet that would fail to reward them with good treatment in retirement . Baillie , who had merely tried to prevent this from happening , deserved " a palace , instead of a prison " ; Erskine then left Baillie in the hands of the judges , and the case was dismissed with costs .

= = Aftermath = =

The reaction to the trial and to Erskine 's speech was tremendous ; upon leaving the court he was given a standing ovation by the attorneys present , many of whom offered him briefs on the spot . Joseph Jekyll reported that the court was " in a trance of amazement " , and Emory Speer wrote that " It is probably true that never did a single speech so completely insure professional success " . Erskine claimed to have received 65 briefs immediately after the trial as a result of the case , which may be an exaggeration , although he undoubtedly did well out of his victory . He became Lord Chancellor in the Ministry of All the Talents and was renowned as an excellent , albeit unorthodox , advocate . Sandwich remained in office until the government fell in 1792 ; Baillie , on the other hand , was not reinstated at the Hospital despite an insistent effort to regain his former position . The events of the trial were replicated in an episode of Garrow 's Law , with William Garrow depicted as representing Baillie (rather than Erskine) and his main antagonist , Arthur Hill , replacing Lord Sandwich .