

DEFENDING THE DAUNTLESS.

To be a British nobleman, an admiral (although Lord Cochrane was only a post-captain at that moment), a Radical member of parliament, a genuine reformer, and an inventor, and at the same time to be sentenced to the pillory for a swindle on the stock exchange, has fortunately been given to but one man.

Thomas, Lord Cochrane had at a much earlier stage combined strange and rather inconsistent characters. At the age of thirteen he was at the same instant a lord (by courtesy), a seaman of H.M.S. *Caroline*, an ensign in the 104th regiment of foot, and a schoolboy in a London academy. Yet the doom of the pillory, with sundry other penalties, including imprisonment for twelve months in the Marshalsea, plus a fine of one thousand pounds, befell the famous Cochrane the Dauntless, then Knight of the Bath, and later in life 10th Earl of Dundonald. It was in 1814. Five other malefactors were embraced in the trial. Serjeant Best was Cochrane's counsel. Presiding over the jury was the cold-hearted reactionary Ellenborough, but it was another Judge (Le Blanc) who on June 21st pronounced the sentence. He grew eloquent:

The plan was concerted with deep design; it was contrived upon a scale of extended magnitude, unequalled in the history of crime, and intended to gorge even avarice itself, though it happily failed in its execution.

The plan was to bring in false news of the breakdown of Napoleon's dash in February 1814, and in the frenzy of joy to "bull" the London exchange, and unload before the hoax was discovered. The fame of the leading victim made the case a nine weeks' wonder. As a naval genius, says Sir John Fortescue who ought to know, Nelson himself stands hardly higher than Dundonald. In inventive tactics, and as a veritable hard-hitting seaman, he has perhaps never been excelled. Yet he was convicted of a common swindle and, more terrible than any other punishment, the banner of his knighthood was officially struck from Henry the Seventh's Chapel, and kicked down the steps.

It is a dreadful story; and the most dreadful part of it is that, although Government felt obliged to remit the pillory, and although public opinion restored Cochrane's honour, and the whole world grew to be a nursery of his fame so that Westminster Abbey was his inevitable resting place forty-six years later, only at his funeral was the precious banner restored. Forty-six years of that particular disgrace, while Cochrane was freeing the new nations of South America and old Greece, was too much, even had he been guilty, on the thin evidence against him. And, as we now believe, guilty he was not. (He had, it is true, received an official free pardon in 1832).

Partly the whole affair was Cochrane's own fault. He was often the most irritating, obstinate and undisciplined of mortals. Until it was too late he treated aspersions with hauteur—when he did not retort to reasonable charges with rank abuse. A rattling eloquence was one of his pitfalls. He stood with a senseless loyalty by scoundrels who had beguiled himself as well as the public, and, worse, he quarrelled with his own lawyers! Anyhow, Cochrane had grown rich in the stock exchange jobberies that the Napoleonic wars encouraged. All such enterprises were questionable, and those of his uncle Andrew Cochrane Johnstone were worse. Uncle Andrew well deserved his fate; but responsible historians do not now, if ever they did, believe in the admiral's guilt as a deliberate conspirator. They are content with calling him a reckless fool, and a fiery one. So history has vindicated the generous electors of Westminster who within a few days of his expulsion from the Commons returned to Parliament their disgraced and imprisoned Member.

It was the old hustings days, and the gathering comes down into the history of a stirring epoch. The date was Saturday, the 9th July, 1814. A lively pamphlet of 112 pages, anonymous but printed for J. Dick, High Street, Edinburgh, that same year tells the story of both trial and re-election. Sir Francis Burdett, fifth baronet, two-fisted Radical and rival of William Cobbett, the Rural Rider, was senior member for Westminster. Cochrane was junior. The enlightened electors, presenting, as Burdett assured them, the most august spectacle which the world could exhibit, thronged the front of Covent Garden Church. Burdett's championship of his colleague was a masterpiece of popular rhetoric. Why it is not in every anthology for public speakers will remain a mystery. John Wilkes may well have been Burdett's tutor, not so much because of Wilkes' opinions as of his claim to maintain "the great cause of liberty which never fails to vibrate in the uncorrupted hearts of Englishmen." Illustrious sovereigns of the North (he meant Sweden and Russia, engaged in alliance arrangements) had recently visited London. "I lament," thundered Burdett,

that those illustrious visitants have gone away without witnessing what far outweighed all the treats, the shows and entertainments with which they were welcomed—a spectacle exhibiting a free people maintaining the right of a free citizen against the arm of power and corruption—a sight which no other nation on earth can afford them.

The appeal must have been tremendous in the hearing, for though this was a Government vendetta, no shadow of opposition against the convict dared lift its head in the city of Westminster. Sir Francis Burdett's rotund adjectives saw to that.

I wish to see your bright example followed throughout the kingdom; then corruption will hide its head, and oppression yield to justice.

Strange that in that small and wealthy city which gave a home to the powerful unreformed parliament, no one calling himself anything but a radical would have been safe. Clamour did not come in with Labour, it is useful to see; nor demagoguery either. The professional historians were silenced; even Richard Brinsley Sheridan when nominated left the way clear for Cochrane the convict. On went the sonorous baronet—

This great and enlightened city has set an example of a more exalted nature than any recorded in history; and even the best period of the ancient and glorious Republic of Rome sinks in comparison. A people now appears unlikely to be biased by fraud or corruption, who are above bribery; whose honesty, like the chastity of Caesar's wife, is even unsuspected; whom the hand of corruption dares not touch, from respect and dread of superior virtue, and these people are the inhabitants of Westminster.

The stirring words were not wasted. The day came when the electors of Westminster knew that their generosity had brought them no shame. Meantime the convict Cochrane, lying in gaol, became their Member of Parliament once again.

As a popular politician Cochrane was almost as dauntless as he was on the sea. He certainly did expose abuses in the naval department, and laughed some of the scandalous old sinecures of all departments into the grave. He had the bluff and burly way that reforming electors like. When he sought the suffrages of Honiton in 1806 his sense of drama, if not of dignity, came to his aid. He was even then a really eminent commander, and he capitalised the hero worship.

He himself, accompanied by a couple of Lieutenants and a Midshipman, all in full dress as if engaged in actual service, proceeded in one carriage, and were followed by his boat's crew in another, new rigg'd and prepared for action. On the box sat the *helmsman*, who wished to regulate the *steerage*, which he lamented to see confided to two lubberly postillions with favours in their hats and boots on their legs; while the boatswain perched on the roof of the carriage, with his whistle in his mouth, kept the whole in order, and enabled all to cheer in due time, every blast being accompanied by a long and loud huzza.

But shameless publicity was the fashion, and better than the shameless bribery that opposed itself to Cochrane in that Honiton election.

He was famous too for the siege which Burdett and he endured in April 1810. Sir Francis Burdett had sprung to the aid of a fellow radical, a Doctor John Gale Jones, who though not a member of the Commons was by the House ordered imprisonment for some alleged (and trivial) breach of the privileges of Parliament. Burdett saw tyranny in this extension to outsiders of the discipline that Parliament exercised over its own members. He said so in a scorching speech.

That not being enough he reprinted the speech, and for this offence the House ordered him to the Tower during its pleasure. Then came the siege. The amazing story is fully told in Graham Wallas's *Life of Francis Place*, pp. 49 *et seq.*, but the following summary, from Cole's *Life of William Cobbett*, p. 154, casts a lurid enough light on the times:

Sir Francis Burdett was at this time the acknowledged leader of the Reformers, and this committal created an immense stir. Moreover, Burdett did not tamely submit. He confined himself in his great house in Piccadilly, and defied the Government to come and arrest him. Vast crowds gathered round the house: a big riot seemed to be imminent. The Government marched all the available soldiers to the spot, called out the volunteers, and brought up to London all the troops stationed within a hundred miles. Burdett, declaring the Speaker's warrant to be illegal, called on the city authorities, who were largely hostile to the Government, to protect him from the lawless violence of the troops. The city police arrived and ordered the soldiers away. Meanwhile, within the house a large body of defenders had gathered, and there was endless coming and going by a secret entry. Lord Cochrane arrived with a barrel of gunpowder, for the purpose of mining the front of the house. The council of war discussed plans for insurrection. Francis Place, according to his own story, knocked these ideas on the head. But his account shows that even he seriously considered the chances of a rising, and thought that, with more preparation, many of the troops might have been brought over. However, the conditions for a successful rising did not, in his view, exist, and he substituted a characteristic scheme of his own for swearing in all the Radicals as special constables, and using them to beat off the soldiers. The plan finally miscarried as the troops rushed the house before Place was ready. Burdett was escorted to the Tower by a whole army mobilised for the taking of one man. He remained there till the rising of Parliament in June.

It will not be forgotten that the grandson of our hero is still alive, that like-minded worthy who relieved Ladysmith, commanded the Canadian forces during the Laurier regime, and was dismissed for his exposure of the practices of his political masters when they threatened the efficiency of Dundonald's darling, the Canadian militia. He has set it all down in an entertaining autobiography, where the fire-eater is by no means smothered by the author.

To lawyers the elder Dundonald's rape of a sacred Table of Fees is also worth recalling. It was an age when if dog did not eat dog sea-lawyer did eat seaman.

Early in 1811 Cochrane paid a visit to Malta, there to unearth the iniquities of the Admiralty Court. He, in common with all naval officers, had suffered much from the exorbitant fees illegally charged for the condemnation of prizes, and was determined to expose the whole system. Having first ascertained that a single individual had illegally combined in his sole person the functions of marshal and proctor of the court, and charged fees in both capacities, he demanded the revision of his prize-accounts according to the authorised table of fees. This, and a modest request to be allowed a bare sight of the table, being refused, he one day invaded the court when the judge was not

sitting, and having searched in vain for the table in the public chamber where the law directed that it should be hung, he penetrated into the judge's private apartments, and finally discovered it in the most secret recess of his resting-room. Cochrane at once carried off the spoil and passed it to a brother officer for safe custody. The judge thereupon ordered his arrest for contempt of court, an order which the illegally-appointed marshal was for obvious reasons unwilling to execute. At length, however, Cochrane was arrested and, refusing to walk, was carried to gaol. Arrived there, he was asked what he would order for dinner. Nothing, he replied; his arrest was illegal, and he would pay for nothing; if he died of starvation in gaol the Admiralty Court would answer for it. This was unpleasant. The marshal hastily provided him with an order on a neighbouring innkeeper for any provisions that he might choose to ask for; and Cochrane, armed with this document, entertained large parties of naval officers at dinner every night on the best and most expensive fare that Malta could furnish—all, of course, at the marshal's expense.

For a month things went on merrily, and then the officials of the court determined in despair to bring him to trial. But the difficulty was to discover a charge on which to try him, for, though there was moral certainty, there was no evidence to show that he had abstracted the table of fees from the court. After a deal of futile argument the judge begged him to go out on bail; Cochrane flatly refused, and there was nothing for it but to remand this expensive prisoner to gaol once more. At length the feeling of all ranks of the navy in his favour became so strong that the seamen threatened to pull down the prison if Cochrane were not released; and, as a riot or scandal would have done more harm than good to the service, it was arranged that he should escape. The necessary tools for cutting through the iron bars were sent to him; the gaoler was made drunk; a final banquet was held at the expense of the marshal; and Cochrane, climbing down by a rope from his window, was taken by a man-of-war's boat on board the English packet. Though numbers of the seamen knew of the manner of his escape, no reward from the Admiralty Court could tempt a single man to speak.

On his arrival in England Cochrane told the whole story to the House of Commons, unrolling, amid shouts of laughter, a bill of costs from the procurator of the Admiralty Court which measured six fathoms and a quarter in length.¹

So after all, perhaps, Cochrane the Dauntless, Earl of Dundonald, needed no defenders, not even Burdett or Cobbett, or the counsel at his trial. His own pen was a trenchant defender; his voice, though it jarred on his own class and sometimes even on his own comrades, was ever acceptable to the crowd; his services to the hearts of oak have rarely been equalled. By land indeed he was a reckless fighter, and his difficulties were largely self-made. But he was breezy, humorous, kindly, liberty loving; he didn't mean all the insults he uttered; and he was, if ever man was, dauntless.

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¹ Sir John Fortesque's "Dundonald" in "English Men of Action" series, pp. 91-93.