

THE GUILT OF THOMAS BACON OF PENTRICH

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Not the least intriguing aspect of the Pentrich Rebellion of 1817 is the role of Thomas Bacon of Pentrich in planning the uprising and his subsequent decision to plead guilty to charges of treason which the Crown would probably not have been able to prove.

Unlike William Turner, Isaac Ludlam and George Weightman, well-known local men who became amateur revolutionaries and were capitally convicted in consequence, unlike Jeremiah Brandreth even who emerged from nowhere in May 1817 to lead the rebellion of 9th June, Thomas Bacon was a professional revolutionary. Organising revolutions was practically a career with him in the spring of 1817 until his last-minute withdrawal from the plot, which was enough to save his life though it occurred much too late to preserve his innocence. A framework-knitter by trade, he had previously been an iron-dresser at Butterley, though his political thinking seems to have fitted him for membership of that group of craftsmen and artisans who supplied intellectual leadership to the working classes in this period. He was a veteran Jacobin from the days of Tom Paine and the French Revolution who looked to each new political crisis as an opportunity for implementing his views and whose political methods were flexible to suit the mood of the times. In the autumn and winter of 1816-17 he had been the local organiser of the Hampden Clubs and a delegate to London; by the spring he was a revolutionary, though he still professed to be pursuing the same basic aims of manhood suffrage and annual parliaments. As well as embracing political equality, his ideology involved social equality, for he is said to have advocated the equalisation of property, the break-up of great estates, and the allocation of a few acres to each man.¹ These ideas seem to place him squarely in a pre-industrial context: had he been born a generation later he would doubtless have been a Socialist and had something to say about the organisation of industry.

At the end of the Pentrich Rebellion Thomas Bacon was clearly an old man; he was invariably referred to as 'Old Bacon' and Samuel Bamford, the Middleton weaver, guessed his age as 70.² His appearance, according to the Treasury Solicitor's brief, was 'rude and uncultivated', but he had an 'understanding and knowledge beyond his class and an artful and insidious manner'. 'It was owing entirely to his never-ceasing exertions that the lower classes of the people in and around Pentrich have been corrupted and seduced from their allegiance', and when the town clerk of Nottingham established a look-out near Pentrich on 9th June it was to watch 'the result of old Bacon's threatened movements', for Thomas Bacon was thought to be the man mainly responsible for the Pentrich Rebellion.³

He was certainly an incorrigible traveller and the epitome of the itinerant delegate who did so much amongst the radicals of the day to foster the illusion that they possessed strength and organisation because of the existence of a few personal contacts between one place and another. Cobbett and Bamford both remembered him as one of the Hampden Club deputies at the London conference in January 1817, but when conspiracy was in the air in April he was off again, apparently taking with him £1 of his brother John's rent money on the grounds that the business on which he was engaged was more important than paying the rent.⁴ His important venue was Wakefield and his meeting with Oliver the Spy on 5th May, but before this he visited Lancashire, for Samuel Bamford encountered at the *Dog and Partridge*, Middleton, this familiar figure of 'an aged grey-headed man, stooping beneath probably seventy years, his venerable locks hanging to his shoulders, and having in one hand a stick, and on the other arm a basket containing rolls of worsted and woollen yarn, and small articles of hosiery which

he seemed to have for sale'. He told Bamford of the delegate meeting to be held in Yorkshire and of the 'finishing blow to be levelled at the borough-mongers'. This sounded to Bamford too much like the rest of the revolutionary plots that were regularly being proposed to him and he would have nothing to do with Bacon's scheme.⁵

After this Thomas Bacon was everywhere, trips to Yorkshire, over to Leicester, and frequently to Nottingham. Informers' accounts of meetings they had attended invariably contained some reference to the presence of 'the old man'. Enfield's spies notified him of Bacon's presence at a meeting in Nottingham on 23rd May and reported the taking of a collection to finance a trip to Manchester, whilst Oliver himself duly reported the presence of 'Old Bacon the original Nottingham delegate' at Manchester on 31st May.⁶ According to the crown solicitors he had been in all the disaffected towns and had contacts there; he was known throughout radical company in the North and the Midlands and, like Oliver himself, supplied one of the vital links that suggested to the conspirators that they were a nationally connected and organised force.⁷ In addition he still appeared frequently in his own village of Pentrich to spread the good news and persuade his neighbours of the need to prepare themselves.

Now Thomas Bacon was not so naïve as to suppose throughout these travels that he was still pursuing parliamentary reform by orthodox constitutional means, and that force was to play no part in its achievement, though this is more or less what he later claimed whilst awaiting transportation.⁸ On the other hand it is possible that he had so much faith in the rightness, strength and ultimate success of the cause that he believed that simultaneous mobilisations throughout the country would sufficiently demonstrate the power of the people to make their triumph immediate. Oliver had allegedly suggested something of the sort. Brandreth had on occasion said that a march to Nottingham would be all that his men needed to accomplish, and Bacon too professed that violence was to have played no part in their activities. It is possible that it was Bacon's growing apprehension that successful revolution might involve action as well as words that caused his enthusiasm to cool in the later stages of the conspiracy, a coolness that was to lead to his eventual defection from the cause. Perhaps Bacon was essentially a man of words, not action, and perhaps he was genuinely repelled by what he eventually realised to be the consequences of his manoeuvrings. By his own account he had suggested to Stevens of Nottingham the complete abandonment of the plan at the time of the decision to postpone the rising from 27th May to 9th June, though his own journeyings during the last third of May indicate that he had by no means withdrawn his support. On 5th June, again by his own account, he finally notified Stevens that he would have nothing more to do with the plot, yet even then he accompanied Brandreth back to Pentrich, introduced him to the locals, and even attended a further meeting the next day, the 6th. After that he went to ground. It was rumoured, whether truthfully or falsely said the crown solicitors, that there was a warrant out for his arrest.⁹ Whether this was the real reason for his disappearance or simply the pretext for a decision already taken on other grounds cannot be known. The old man was not present at Brandreth's pre-revolution rally on 8th June and did not participate in the events of 9th June, and it was not his age which prevented his appearance. His absence was obviously noticed by his colleagues and must have had a weakening effect upon morale. It was not sufficient to save him from the law and his name was to appear at the head of all the others in the indictment of prisoners later on trial, a clear indication of the role he was believed to have played in the making of the Pentrich Rebellion.

When the trials began, on 16th October, the first man proceeded against was not Thomas Bacon, the first one named in the indictment, but Jeremiah Brandreth, because he was, according to the Attorney-General, 'elected by those who were his co-conspirators and actors the leader of the insurrection on that night'.¹⁰ This disingenuous statement in fact obscured a great deal of argument and debate which must have gone on behind the scenes before the decision was taken to prosecute first those people whose guilt could be established by their presence at the meeting at the *White Horse*, Pentrich,

on 8th June, when the details of the revolt were under discussion, and their participation in the overt act of rebellion on the night of 9th June. With the capital conviction of the four men who had been most prominent on that night, the government evidently felt that enough had been achieved. According to a letter from one of the presiding judges to the Home Secretary on 1st November, a deal was evidently worked out between the Attorney-General and defence counsel by which the remaining prisoners were persuaded to change their plea to 'guilty' on the understanding that their lives would be spared.¹¹ Twelve were allowed to go free on account of their age, whilst the rest were sentenced to varying periods of transportation.

Amongst these was Thomas Bacon, whose conviction and life sentence constitute the most controversial aspect of the trials just as his earlier activities made him the most interesting of the rebels and the man the authorities were most determined to convict. But Bacon, though named first in the indictment on all counts, could not have been proceeded against for waging war against the King, arming himself, and marching through the countryside in hostile array since he did none of these things; he could be charged only under the second count of the indictment for meeting 'to devise, arrange, and mature plans and measures to subvert and destroy the Constitution'. Bacon had been present at neither the *White Horse* meeting of 8th June nor the rebellion of 9th June, and so the case successfully mounted by the crown against the four leaders would not have served their purpose against Bacon. In fact, it is questionable if they could have mounted any case with any reasonable hope of success, which must have given them good reason for not wishing to put up Bacon first and even more reason for their willingness to accept his change of plea. To prove Bacon's role in the preceding meetings without using the testimony of Oliver, which was to be avoided at any cost, the crown intended to rely on the evidence of John Cope and Ormond Booth.¹² Now even if Bacon could have been prevented from exposing the whole story of Oliver in his own defence, which is unlikely, the prosecution was still likely to take a hammering on the cross-examination of its two witnesses, who had both turned king's evidence. Cope had been taken prisoner on 10th June and had rushed to unburden himself of the fullest deposition that came into official hands, a statement which supplied the crown with much useful information but which also indicated the great extent to which Cope had himself been implicated in the planning of the rebellion. He was quickly regretting 'in the bitterest terms his ever having listened to inflammatory discourses and publications', said county magistrate Rolleston, and was 'willing as far as he was able to bring the authors of this mischief to light'.¹³ Had he ever testified against Bacon, the defence had witnesses ready to state that he and Booth had assumed the character of leaders and almost sole actors of the barn meeting at Pentrich when Bacon had introduced the plan of revolt to his neighbours, that Cope had himself proposed to take Butterley by storm, had undertaken that it could be fortified in three days, for use for manufacturing cannon and pikes, and that Booth was a notorious liar.¹⁴ He was, for instance, willing to testify that Thomas Bacon had been present at the meeting on 8th June, when even the Treasury Solicitor conceded that he had not been seen since the 6th.¹⁵ Cope's own deposition had contained an account of his travels to Sheffield and meeting with fellow-conspirators there, a business trip according to him, but one that had suggested to the spy Bradley that he had complete power over the people at Butterley.¹⁶ It was Cope, furthermore, who had taken Anthony Martin along to the meeting at the *White Horse*, Pentrich, on 8th June, under the pretext of showing him some potatoes, in the event supplying the crown, in Martin, with one of its two witnesses who had been present at the *White Horse*, but were insufficiently implicated in the affair to prevent them from being totally discredited by defence counsel. This would not have been the case with either Cope or Booth; as accomplices they would have come, in the defence solicitor's words, 'sullied and contaminated with the very crime they impute to others'. This was true, up to a point, with Anthony Martin and Shirley Asbury, who testified against Brandreth and the other leaders, but in their case the testimony about the *White Horse* meeting was complemented by the further evidence

of many unimpeachable witnesses who could show that the plans described by Martin and Asbury had in fact been realised on the night of the 9th. Against Bacon the crown had no one and nothing else to confirm the testimony of accomplices; no papers had been found on Bacon, he had not been seen going to or returning from meetings, he had made no confession of his activities to examining magistrates, and he had not joined in the rebellion. In these circumstances, wrote his solicitor before the trial, it was presumed that the prosecution would fail 'because the charge cannot be made out by two credible witnesses, inasmuch as there will be wanting that Evidence of Confirmation, which is to clothe the Accomplices with credit, and to entitle them to the consideration of a Jury'.¹⁷

It is little wonder then that the prosecution preferred to hold back on Thomas Bacon and proceed rather with Brandreth, Turner, Ludlam and Weightman, and the avoidance of the involvement of Oliver was by no means the sole explanation of the change of tactics. But given this confidence on the part of the defence that Bacon could be saved, it appears strange that his counsel persuaded him to plead guilty and take a punishment of transportation for life. The judge's letter of 1st November concerning 'deals' between the Attorney-General and defence counsel now takes on more meaning. Each side had something that the other wanted and this was surely the basis of the deal. The prosecution's weakness was that it was desperate to have Bacon convicted because of his known instigating role in the conspiracy but probably lacked the means of securing the conviction: its strength was the power it possessed over the lives of all the other prisoners who could have been capitally convicted on the evidence used against Brandreth. The defence's weakness was its need to save these lives, its strength the bargaining counter of Thomas Bacon. It seems not improbable that Thomas Bacon's freedom was the price paid for the lives of his fellow-prisoners, a not ignoble fate for him to suffer. Whether his lawyers ever explained this situation to him is not known; the probability is that they assumed personal responsibility for the decision and were not altogether unsympathetic to the crown's view that Thomas Bacon had been foremost amongst the conspirators.

REFERENCES

- ¹E. P. Thompson, *The Making of the English Working Class* (Thompson) (1968 edn.), 719.
- ²S. Bamford, *Passages in the Life of a Radical* (Bamford) (1967 edn.), 156.
- ³Public Record Office Treasury Solicitor (T.S.) 11, 132, Part 2, Rex v. Thomas Bacon; Thompson, 722.
- ⁴*Political Register*, 11th April 1818; Public Record Office Home Office (H.O.) 42/167, J. Cope's deposition, 15th June 1817.
- ⁵Bamford, 156.
- ⁶H.O. 42/165, Spy's report of 23rd May; H.O. 40/10, Oliver to H.O. 31st May 1817.
- ⁷T.S. 11, 132, Part 2.
- ⁸H.O. 40/10, statement of Thomas Bacon, undated.
- ⁹T.S. 11, 132, Part 2.
- ¹⁰*Howell's State Trials*, vol. 32, p. 1087.
- ¹¹H.O. 47/56, Judges to H.O. 1st November 1817.
- ¹²T.S. 11, 132, Part 2.
- ¹³H.O. 40/9: 4, Rolleston to H.O. 16th June 1817.
- ¹⁴Prisoners' Brief, Pentrich Collection, Derbyshire Record Office, 1667.
- ¹⁵T.S. 11, 132, Part 2.
- ¹⁶Nottingham City Archives, M1003/5.
- ¹⁷Prisoners' Brief, D.R.O., 1667.