The Trial and Execution of Thomas Babington

The following story is based on the trial accounts of the Leicester Assizes of March 1817 as recorded in several local and national newspapers of the time. I have also accessed other village records and historical accounts.

It tells the story of Thomas Babington, hung for a crime he claims he was innocent of, and for which he may well have been telling the truth.

On the night of the 9th, January 1817, between the hour of 10 and 11, Mary Toone, farm servant to Mr John Moore of Brascote Lodge, Brascote, Newbold Verdon was setting off up to bed when she noticed out of the upstairs landing window a light coming from the stack yard. A light which could only be one thing – FIRE! She immediately raised the alarm and Joseph Williams, another servant of Mr Moore's went rushing into the yard to find two stacks (one of oats and one of clover) alight.

Despite the servants' efforts and those of Farmer Moore and others who had rushed up from the village on hearing the alarm, the two stacks were burnt to the ground.

A fire of this kind in the middle of the winter and at so late an hour could not be anything other than deliberate and the local constable, Thomas Gilbert, and Mr Moore began to investigate who might have been responsible.

About a week later whilst looking around the stack yard, Mr Moore came across a bag in one corner. It appeared to have been partially burnt and a number of matches were found inside, one of which had been used.

From this piece of evidence it was deduced by the farmer and the constable that one of Mr Moore's farm workers, Thomas Babington, may have had something to do with the fire.

Thomas Babington had not been born in Newbold but had moved to the parish from Warwickshire to work 'in servitude' for Mr Moore, at Brascote. This had been sometime around the early 1800s and he had met and married a Newbold girl and by 1817 the 31 year old Babington was father to four children, the eldest being about twelve and the youngest less than three months..

Mr Babington did not live on the farm but in Newbold itself; exactly where we cannot say but records show it to be a rented cottage that was owned by the village for the poor. Rental was 6d a week.

It would appear that times were very hard for Mr Babington and his family and as well as his wages he also had to request poor relief from the parish on a regular basis. Things had become so bad that at one point only a few months earlier, Mr Babington had turned up at the house of his employer Mr Moore who was also the Poor Relief Officer for the village: the job of the Poor Relief Officer being to determine whether or not a parishioner deserved poor relief and if so by how much. He also had the power to send people to the workhouse. Babington demanded that he, his wife and his family be sent to the 'House of Industry' in Ibstock.

The 'House of Industry' was a charitable organisation which took in the poor and, like the workhouses would not have been a pleasant experience, to say the least. Anyone voluntarily

requesting to go would be in dire straits. Mr Moore agreed to his request but then Mr Babington changed his mind and refused saying;

‘ I will not go. I will be master’ several times.

A witness at the trial, John Mason, who had worked with Thomas Babington recollected that he had heard him on at least two occasions vent his anger at Mr Moore and his father for placing him in such a position that he and his family might end up in the House of Industry. Claiming they would regret this and that it would

‘Serve Jack Moore right is someone were to set light to his stacks.’

Two other witnesses offered similar testimony; describing how Mr Babington talked of the house of industry and how the Moore’s would be ‘hit upon’ before the winter was out.

Why would Mr Babington express such resentment? The obvious reason would be that failing to be paid enough; he would not have funds to look after his family. This would have been further compounded by the fact that Mr Moore was responsible for the distribution of poor relief which Mr Babington had need to call upon regularly. In short, all Mr Babington’s ills, in his eyes at least, could be laid at the door of Jack Moore!

Saying something and doing it are two different things. What evidence was there that linked Mr Babington with the fire? It would appear to have been the bag.

After finding the bag a week after the fire, Mr Moore and the village constable visited the house of Thomas Babington and noticed that the print pattern of the bag was the same as that of a pinafore dress worn by his daughter. Ann Herrick, a neighbour swore in court that she had given an old gown to Mrs Babington in the previous summer and that the bag and pinafore were of the same material. Further to this, she added that she had patched and darned the gown on a number of occasions and she testified that a patch on the bag was one she had made. The gown had also been torn up by another neighbour, Elizabeth Mason, when supporting Mrs Babington in her confinement at the birth of her child in November last and she too swore that it was of the same print.

There was also an attempt by the prosecution to prove that the matches were those of Mr Babington’s but this was dismissed by the judge on the ground that Newbold people were all disposed to making their own matches in a similar fashion.

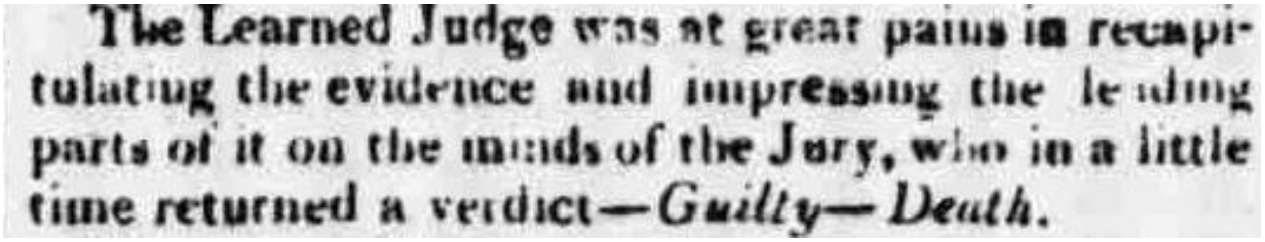
Despite what would appear to be some fairly conclusive if, circumstantial evidence, (no one had seen him do the crime) Thomas Babington stood in the court on the 26th March 1817 and '**with a very audible voice'** pleaded not-guilty.

The Trial

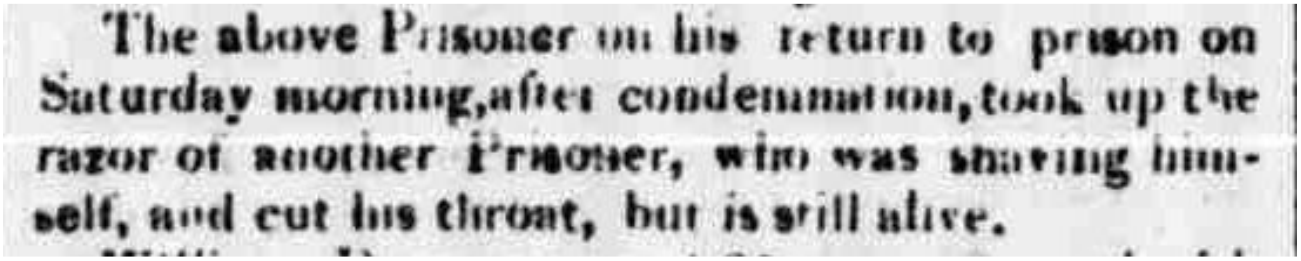
The trial took places at the Leicester Assizes presided over by Judge Sir Richard Richards and the grand jury was made up of twenty-three of the great and good of the county including Sir Edmund Cradock Hartopp, Baronet and his son, Edmund Hartopp Esq. the owners of much of the parish of Newbold Verdon.

The court records, as reported in the newspapers, would suggest that most of the Court's time was taken up with hearing the case of the prosecution with only a limited number of responses by the defence. The main defence appeared to be that Mr Babington had actually attended the fire once the alarm was raised and had helped, with great effort, to put it out.

How long the jury deliberated we do not know but not for long judging from the newspaper account in the Leicester Journal.


The Learned Judge was at great pains in recapitulating the evidence and impressing the leading parts of it on the minds of the Jury, who in a little time returned a verdict—*Guilty—Death.*

The paper also recounts that:


The above Prisoner on his return to prison on Saturday morning, after condemnation, took up the razor of another Prisoner, who was shaving himself, and cut his throat, but is still alive.

Thomas Babington was not the only person condemned to death on that day at the Leicester Assizes. There were in total a further 11 people sentenced to death: their crimes ranging from riotous assembly in Oadby to stealing 14 rabbits and a fork from a shed. Two men were sentenced to death for sheep stealing: one man for stealing a whether sheep and another for stealing a lamb.

The difference being that all eleven had their sentences commuted from death probably to transportation, but Thomas Babington did not.

The Execution

Less than a month after the trial, Thomas Babington was standing on the 'new drop' at Infirmary Square, Leicester; noose around his neck, waiting for the executioner to do his worst.

He was not alone. Convicted at Leicester Assizes in the same month as Mr Babington were six Luddites from Nottingham. They had been found guilty of destroying 54 Lace Making Machines at Messrs Heathcote and Boden in Loughborough the previous June.

The men had broken into the factory, fired a shot at one of the guards, and then set about destroying the machines before making their way back to Nottingham. They were caught due to two other members of their gang turning King's evidence.

The Liverpool Mercury reported the executions in florid details, focusing most of their attention on the six Luddites, but with an occasional mention of Thomas Babington.

EXECUTION OF LUDDITES, &c.

Leicester, April 17.—The most melancholy spectacle ever witnessed at Leicester took place this day, in the execution of the seven men under sentence of death, viz. the six Luddites, for destroying lace machines, and firing with intent to kill, in the factory of Messrs. Heathcote and Boden, at Loughborough, last June; the other for arson, or setting stacks on fire, at Newbold, in the said county.—The names of the Luddites were—Joshua Mitchell, John Crowder, John Amos, William Towle, William Withers and Thomas Savidge; the name of the other Thomas Beavington. As early as six o'clock in the morning they were removed, under military escort, from the jail to the new Bridewell, to be executed on the new drop. On their way, the Luddites very cheerfully sung hymns all the time they passed. Beavington seemed very dejected.—Many thousands of spectators kept assembling until noon, to witness this truly tragic scene, and conducted themselves in the most peaceable manner. About twelve o'clock the unhappy men appeared on the platform, attended by the Rev. Mr. Hayton, chaplain to the jail; the Rev. Mr. Vaughan, the Sheriff, and other officers. Since their condemnation the Luddites had conducted themselves in the most becoming manner, desiring forgiveness of God, and forgiving Blackburn and Burton, (by far the worse characters) who were admitted evidence against them. Beavington, an ignorant man, was insensible of his situation to the last. Savidge thanked the Reverend Ministers for their kindness and attention on their behalf; he said he had intended to say more, but the time was too far gone, hoped the people would take warning by their fate, fear no man, but fear God; and declared their innocence of shooting.—Amos addressed the people:—"Friends and fellow countrymen! You see here six men going to suffer innocently; the man who committed the crime will soon be at large. Take warning by our fate—Farewell." Mitchell said a few words, much similar; and without any apparent agitation they spoke to several friends in the crowd; and threw oranges, &c. to some of them, and desired to be remembered to their Nottingham acquaintances.—When all things were ready for the fatal moment, Amos, with a firm and undaunted voice, said they would now sing a hymn, and desired the people to join them, which was readily complied with by numbers. The hymn he chose, and to which he pitched the tune, was from Dr. Watts.

All the Luddites joined very earnestly in singing the hymn; immediately after which the platform fell, and launched them into eternity.

Beavington declared his innocence to the last, and *called God to witness* he did not set the stacks on fire.

We lament to say, that the most of these misguided men, in the bloom of life, have left *widows*, and more than *thirty children*, to add to the miseries of the present truly calamitous times !!

Aftermath: A twist in the tale

I came across this story through a gentleman named Robert Freeman of Newbold Verdon. The Freeman family have, and still do, farmed in and around the parish for well over one hundred years. Robert's Aunt Mary (nee Fisher) studied the history of the village and wrote a short piece about Thomas Babington which is in her nephew's possession but has never been published.

She writes of conversing with a Mr Priestnall of Newbold Verdon whose 'father' witnessed the execution and, more than this, begged to remove the body from the gallows carrying it by coal cart in a coffin to Newbold Verdon and burying it, at night, in an unmarked grave in the left-hand corner of the old graveyard under the wall, with no mound or stone to mark the spot.

We do not know how true this part of the story is, nor do we know if the final part of our tale is also, but it makes for a very dramatic ending.

Twenty-five years pass and the year is 1842, the father of Mr Priestnall is now the school master of the village and assistant overseer of the parish; responsible for poor law relief and the allocation of places into the workhouse.

One day he is approached by a rough looking man for a ticket to the Bosworth Workhouse. He said he was a cattle drover and his age was 38, his name being Billy Babington. Mr Priestnall gave him the ticket and two pence and asked him if he was any relation to the man who was hung for setting the stacks on fire.

He answered 'Yes, I am his son.' Then he confessed what he had told no living creature before, that his was the crime for which his father had suffered adding that he had 'done it' out of spite because his old dad was out of work and they had nothing to eat. He used the piece of print as tinder. The young man swore that his story was true.

Conclusion and Food for thought

That Thomas Babington was executed there is no doubt but as to whether or not it was his son we do not know. Certainly the account of Mrs Fisher demands further scrutiny given that the only Mr Priestnall who became headmaster of Newbold School and Poor Relief Officer did not take up this post until 1861 some 44 years later and he was aged 35. So he could not have been the Mr Priestnall in Mrs Fisher's account.

The other question to ponder is why was Babington hanged when ten other people on that day had their death sentence commuted? It may have been that the nature of the crime was regarded as too severe for leniency to be shown. It may have been that arson was too close a crime to those being carried out by Luddites (the wilful wanton destruction of property). Insurrection was in the air across the country and throughout Europe – the Peterloo Massacre was just around the corner. Perhaps they felt an example had to be set.

What we do know is that he protested his innocence until the end citing Proverbs 35th. and 69th. chapter in the Book of Psalms:

35 (19) – 26

19 'Let not them that are mine enemies wrongfully rejoice over me.'

26 'Let them be ashamed and confounded together that rejoice at mine hurt'