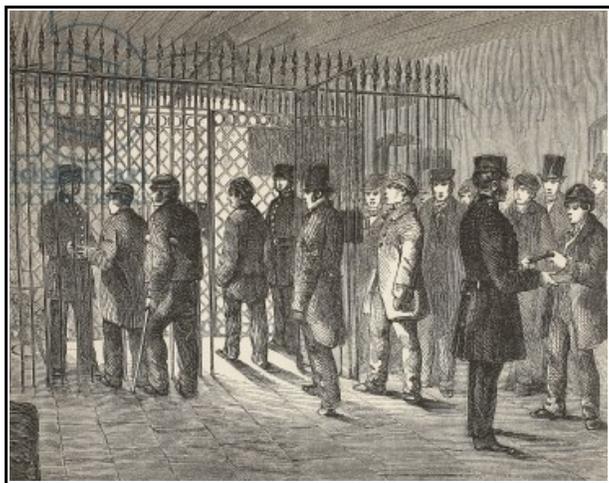


Crime and Punishment

Marden



Charles Davis (1798-1831)

Charles Davis is best known as the 'Swing Captain' and leader of the 'Woodborough Rioters' during the Swing Riots that took place in November 1830. However, Charles was no stranger to the Courts and his criminal past and reputation may explain why he became a Swing Captain (The Swing Riots were so named because many threatening letters were sent in advance of the riots signed by the mythical Captain Swing).

Charles Davis was baptized at the church of St. Nicholas in Wilsford (near Pewsey), the son of Thomas and Ann Davis (nee Andrews) on 30 September 1798. Thomas and Ann had been married (by banns) in Wilsford on 19th August 1792.

Charles was the third and youngest son, his brothers Eli and Robert being baptized in Wilsford in 1793 and 1796 respectively, although it is possible that there were other siblings.

Later records note that Charles Davis was 5'5" tall with brown eyes and hair. He is also described as having a "ruddy complexion", doubtless from working outside as an agricultural labourer. The records state that Charles was able to plough, reap, milk, mow and work as a spadesman. His brothers and father are also consistently described as being (agricultural) labourers.

On 7 May 1818, aged 19, Charles Davis married Mary Hawkins at the parish church in Wilsford. Their first child, Charlotte, was born less than a year later being baptised at Wilsford on 7 March 1819.

It appears that, subsequently, Charles and Mary had to move to neighbouring parishes to find work. Their second child, Ann, was baptised in Chirton on 26 November 1820 and subsequent children (Jane, George and Edward Tom Davis) were baptised in the adjoining parish of Marden in 1822, 1827 and 1830 respectively. At the time of his transportation to Australia in 1831, Charles is recorded as having 6 children (two sons and four daughters). It is likely that the missing baptism is for a daughter named Mary probably born some time in 1824 or 1825.

The gap between the baptisms of George in 1822 and Edward Tom in 1827 also coincides with Charles being convicted of various crimes, which were reported in the local newspapers.

The Salisbury and Winchester Journal published on Monday, 5 January 1824 records that Charles Davis and Reuben Plank (of Urchfont) had been committed to the Old Bridewell in Devizes charged with having cut the hair from the manes and tails of eight horses belonging to Mr. J. Young of Marden. It is unlikely

that this was simply a case of animal cruelty. Horse hair was used in the manufacture of wigs and in making gloves and other garments (it would later be used in the manufacture of crinoline). It is therefore likely that Charles and Reuben hoped to sell the horse hair to raise money. Criminal records note that Reuben Plank was found not guilty and acquitted of the charge, but no such record exists for Charles (possibly because the charge was dropped).

However, the same edition of the Salisbury and Winchester Journal records that Charles was also charged, along with John Goodall and George Dyke, with stealing 20 couples of fowls, the property of J. Hayward of Wilsford. On this charge Charles was subsequently convicted and sentenced to 9 months imprisonment with hard labour in Devizes House of Correction (reported in the Devizes and Wiltshire Gazette on Thursday, 22 January 1824).

In 1825 Charles was again committed to the House of Correction in Devizes. The Devizes and Wiltshire Gazette published on Thursday, 6 October 1825 reported that Charles Davis of Marden was committed for 3 months for trespassing in the woods of Mr. E. Pumphrey of Overton. There is no explanation as to what Charles was doing in the woods, or whether the woods were actually in Overton, but the most likely explanation is poaching.

The imprisonment of Charles for much of 1824 and the latter part of 1825 may explain the absence of any baptisms during this period, as a search of the baptism records in Wilsford, Marden and Devizes provide no clues as to the sixth child.

All the crimes committed by Charles appear to have been with the aim of providing food, or raising money, presumably for his young family, though doubtless the local hostelrys would be a draw. The living conditions for many agricultural labourers in Wiltshire during this period were appalling. In 1813 a report on agriculture in Wiltshire stated that it was a "*melancholy fact that ... the labourers of many parts of this county and of the SE district in particular, may be truly said to be at this time in a wretched condition*".ⁱ Conditions had improved little, if at all, by August 1826 when another witness visiting the Vale of the Avon reported that; "*in taking my leave of this beautiful vale I have to express my deep shame, as an Englishman, at beholding the general extreme poverty of those that cause this vale to produce such quantities of food and raiment. This is, I verily believe it, the worst used labouring people upon the face of the earth. Dogs and hogs and horses are treated with more civility; and as to food and lodging, how gladly would the labourers change with them!*"ⁱⁱ

Given the particularly poor harvest of 1829, general living conditions, low wages and the lack of work following the introduction of threshing machines, the Swing Riots of 1830 should have come as no surprise. The riots, which commenced in Kent in August 1830, quickly spread and were marked by threatening letters being sent to local farmers, rick burning and, subsequently, mobs roaming the countryside demanding money and destroying farm machinery (either by breaking up the machinery, or setting fire to it).

The first reported trouble in the Vale of Pewsey occurred on Sunday, 21 November 1830 and the next day a mob of 200 labourers attempted to see Sir Edward Poore to discuss their grievances, including demands for higher wages and the destruction of all thrashing machines. A mob was met by Sir Edward Poore on the morning of the following day (probably in Rushall) and it appears that Charles Davis was with this mob. Sir Edward offered to mediate stating that he would do all within his power to redress their grievances and said that "*I am satisfied that your wages ought to be raised and I will do my utmost to obtain for you a more adequate compensation for your labour.*"

The meeting with Sir Edward Poore appears to have created the impression with many of the labourers that 'right' was on their side. Later that day Charles Davis and two other rioters had a long conversation with Augustus Hare (Rector of Alton Barnes) in which they told him that they had met with a magistrate that morning, who had told them that they were breaking no laws by destroying threshing machines (this was clearly stretching the point but it appears to be a reference to the conversation with Sir Edward Poore). Charles Davis also said that "*We would not burn any property and if we met with any incendiaries we will deliver them up to the magistrates, hanging is too good for them. We only wish that every man can live by his labour.*" The Rector also stated that Charles had asked for something (presumably food or money) but not in a threatening manner. Charles was clearly intent on trying to improve conditions and appears to have had no intention of causing physical harm (although many in the mob were armed with hammers, sledges and iron bars).

How Charles Davis became the Swing Riot Captain is not clear. Stephen Bullock, a local sawyer (probably employed at the mill in Honey Street), was 'pressed' into joining a mob while in Manningford on the morning of Tuesday, 23 November. Stephen later became a key witness for the prosecution at the subsequent trials and gave evidence that Charles Davis had made himself their leader by the time he and others arrived at the Rose & Crown in Little Woodborough at about midday. Charles Davis reportedly told Stephen Bullock he must go with the mob to break machines, as he had partaken of their bread, cheese and beer.

By this time the mob numbered between 200 and 300 men. After leaving the Rose & Crown the mob destroyed farm machinery belonging to John Clift at Church Farm in Woodborough. Charles Davis was also part of the crowd that subsequently surrounded the farm house demanding money. Having received 'payment' for breaking the machines, the mob visited two further farms in Woodborough before moving on to Alton Barnes, where Charles was to have his conversation with the Rector, Augustus Hare.

Next to the Parish Church in Alton Barnes is Manor Farm. Robert Pile, the tenant of Manor Farm in Alton Barnes, was initially out when the mob arrived in the early afternoon. It is reported that Robert Pile had gone to Marlborough Fair early in the morning but it is also known that he had then fallen in with the Marlborough troop of Yeomanry to disperse rioters in Rockley.

On his return to Alton Barnes, the rioters were already in the process of destroying machinery on the farm. Galloping into the farmyard Robert Pile swore at the men and, being armed, fired his pistol over the heads of the rioters to intimidate them. He then called for his double-barreled gun from the house, which was passed to him by Augustus Hare, before running into the main barn where the rioters were destroying farm machinery. In the subsequent struggle the rioters managed to wrest the gun from Robert Pile but not before the gun went off wounding Charles Davis in the face.

Robert Pile stated at the subsequent trial that Charles Davis had put his hand into his cravat and tried to strangle him saying "*God damn your blood, you tried to shoot me, and now I'll do for you*". Giving evidence, Stephen Bullock stated that the shots fired had incensed the mob, who had then attacked Robert Pile using their own weapons and he suffered many heavy blows to his head and body, one of which broke his arm. None of those blows were struck by Charles Davis. On the contrary, Stephen Bullock recounted that he had helped Robert Pile return to his house, suffering a number of blows himself, and had called upon Charles Davis to assist who had kept the mob off as much as he could.

The mob were still not satisfied and proceeded to break into the house of Robert Pile, destroying some of its contents and demanding money. The mob was finally satisfied when Robert Pile's younger sister gave one of the mob a £10 note, although food was stolen as well. Again, Stephen Bullock testified that, although Charles Davis had entered the house, he had not been armed and had tried to persuade the

mob to 'go out of the house', both before and after they had got the money. In his own defence, Charles Davis said, "*I did not go into the house for money, I went to protect Mr. Pile as I had done before. I told the mob, before any money was asked for, to leave the house*".

Clearly, although Charles Davis had been made the leader of the rioters, in their drunken state he was unable to control them in the heat of the moment.

The mob then left Alton Barnes, moving on to Stanton St. Bernard. Many then returned to the Rose & Crown in Little Woodborough to spend their ill-gotten gains, where they were arrested by troops of Yeomanry and taken to the Old Bridewell Prison in Devizes. Charles Davis was not amongst those celebrating at the Rose & Crown but was captured the following day (24th November) by the Devizes troop of Yeomanry and similarly committed to the Old Bridewell Prison in Devizes. Many of the prisoners, including Charles, would have been transferred to Fisherton Goal pending their trial.

Charles Davis was tried at the Special Commission held in Salisbury between 27th December 1830 and 10th January 1831, the hearings for Charles Davis and his fellow 'Woodborough Rioters' being heard on the 5th, 6th and 7th January.

Charles was acquitted of all charges relating to the assault on Robert Pile, beginning to demolish his house and of robbing Miss Pile of £10. In summing up the evidence the judge had stated that, in the case of some of the defendants, there were grounds for mitigation, especially in the case of Davis. The evidence of both the Reverend Augustus Hare and Stephen Bullock were clearly believed by the jury.

However, Charles was convicted of destroying Mr. Pile's thrashing machine. When called for his own defence, Charles had apologised and said, "*I am very sorry I was so foolish as to go about breaking machines*". But it made no difference and Charles was sentenced to death by hanging. In addition, along with Laban Stone, Charles was convicted of robbing John Cliff of Church Farm, Woodborough with the sentence again being death by hanging. However, in both cases, the sentences of death were subsequently reduced to transportation for life.

Following sentencing Charles Davis was returned to Fisherton Goal before being transferred to the Prison hulk 'York' in Gosport on 7th February 1831. Charles, along with 133 other prisoners, departed for New South Wales, Australia on 15th February 1831 aboard the *Eleanor*.

A description of Charles taken at the time of his transportation records that he had a new tattoo on his right arm with the initials 'CD MD GD TED 1831'. These are clearly the initials of his children (Charlotte Davis, Mary Davis, George Davis and Tom Edward Davis), although MD may be a reference to his wife rather than the 'missing' daughter. However, Charles still wore his wedding ring, as the description also records that he had rings on the second and third fingers of his left hand.

The journey to Australia could take several months but the *Eleanor* arrived in New South Wales before the end of August 1831. Charles was assigned to William Balcombe of Argyle, effectively to serve his sentence as an unpaid labourer, but it is doubtful that he ever made it that far. Whether he became ill on the sea journey, or shortly after arrival, Charles Davis died at Liverpool hospital, New South Wales on 30th August 1831, aged just 33. He was buried the same day.

Despite his death, Charles Davis received a conditional pardon on 9 November 1837, along with many other Swing Rioters. The vast majority of those transported who received a pardon never returned to the UK, or saw their families again.

We know little of what became of Charles Davis' family after his transportation to Australia. His daughter Ann married George Roman (alias Box) in Marden on 10 October 1840 and is recorded as living in Chirton on the 1851 census. His youngest son, Edward Tom, left Marden and is recorded as living in Bath with his family on the census returns between 1861 and 1891. There is no trace of what became of his Charles' wife, Mary, or his other children.

However, his brothers Eli and Robert, along with his father Thomas, remained in Wilsford. In 1851 his father Thomas, then a widow aged 80, is recorded as living with his son Eli and his wife (Martha). His brother Robert and his wife Mary were living nearby. His father, Thomas Davis, died in 1853.

ⁱ General View of the Agricultural of Wiltshire, Thomas Davis, 1813

ⁱⁱ Rural Rides, William Cobbett, 1830