



## **Robert Vivash Of Great Bedwyn – Swing Rioter**

**By Paul Vivash**

Although this story relates to the tragic events of 1830 which culminated in the so-called “Swing Riots”, its main interest lies in the light which it sheds on family loyalties, in one case tragically misplaced. During November and December numerous cases of arson and destruction of machinery (blamed for the high rate of unemployment and low wages) took place in Wiltshire and the whole of Southern England. Following the unrest a Special Commission was held at Salisbury in January 1831. Over 300 people were tried, 150 were transported and one man, Henry Wilkins was executed for arson.

As far back as 1813 Thomas Davis, steward to the Marquis of Bath, produced a report on agriculture in Wiltshire. It included a description of the labourers of the county:

It is 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. The dearness of provisions, the scarcity of fuel, and above all the failure of spinning work for the women and children have put it almost out of the power of the village poor to live by their industry. The farmers complain, and with reason, that the labourers do less work than formerly, when in fact the labourers are not able to work as they did at a time when they lived better.

Then, in 1830, William Cobbett, in that classic account "Rural Rides", wrote of the Vale of Avon: “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 who 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! This state of things never can continue many years! By some means or other there must be an end to it; and my firm belief is, that that end will be dreadful”.

His words were to be proved only too true and one of the youngsters who was in the thick of the trouble was an ancestor of mine, Robert Vivash, 22 years old at the time. On the 22nd November 1830 Robert, in company with others, visited the farm of Edward Vaisey in Mildenhall and destroyed a threshing machine. Later, at about 4 pm he together with Shadrach Blake, William Holt and about 15 other youngsters, went to John Fulbrook's farm at Hippenscote and demanded “victuals and drink”. When threatened with a gun by Mr Fulbrook's son, John, they went away. However, they returned later in the evening with a mob of about 300 and several of them smashed windows and entered the house. Later the Fulbrooks discovered that a tea caddy, its ladle and a tablecloth were missing. Suspicion fell on the three ringleaders and Robert, Shadrach and William were put on trial at Salisbury Assizes on 22nd January 1831.

At the trial, Robert defended himself vigorously and when faced by nine year old Joseph Barber who claimed to have seen him break a window with a stick and enter the house, he said: “It is false! Mr Fulbrook could not get a man to swear against me, so he got this boy.” However things looked black when it transpired that the missing tea caddy had been found by Special Constable Thomas Hill in his grandmother, Mary's house in Great Bedwyn. Mary was called as a witness and her testimony cleared Robert but condemned Shadrach Blake. She said: “Blake and his wife lodged with me. Hill came and searched my house. The bed in which the caddy was found is mine. I never put it there. Blake brought the tea caddy here. nobody else could have brought it. I did not know it was there until it was found. There were four of us slept in the same room, but we put up a partition. There was Blake and his wife and my daughter and I.” The daughter to which she probably refers was Priscilla, aged 44. The result of this evidence was to procure Robert Vivash and William Holt's acquittal and Shadrach Blake's conviction. As this was a capital offence, a sentence of death was recorded but this was commuted to transportation for life.

The story now moves to Axford Farm near Ramsbury. On the 21st December a letter was found in one of John Rowland's meadows. It was addressed to him and read: “Hiff your goes to sware against or a man in prison you have here farm burnt down to the ground and thy bluddy head chopt off.”

The following day Thomas Wails found a letter couched in similar friendly terms addressed to one Henry Woodman and a third was received by Edward Vaisey in Mildenhall. All three men had warrants out in connection with the destruction of property. Mr. Rowland said that he thought he recognised the writing as being that of his neighbour. Isaac Looker, uncle of Robert Vivash who still had the charge of machine breaking hanging over his head. When Isaac's house was searched, a piece of paper was found which, according to its serrated edge, matched exactly that which had been used for the threatening letters.

When Isaac was brought to trial at Salisbury Assizes, he strenuously denied all knowledge of the letters but his admission that he was on unfriendly terms with John Rowland and the fact that his nephew was in custody for machine breaking made his cause look hopeless. Nevertheless no fewer than 11 witnesses were called, all willing to state that the handwriting was not Isaac's, The jury was unimpressed and, after a brief retirement, found him guilty. Isaac was naturally distraught and swore time and again to Mr. Justice Alderson that he had not written the letters. The latter was unmoved and uttered the fateful words: “The sentence of the court is that you. Isaac Looker, be transported to such a place beyond the seas as His Majesty shall direct for the term of your natural life.”

Then the real drama began. During the absence of the judge and jury for refreshment, Isaac's solicitor brought Edward, the 18-year-old son of the prisoner. up to the table. The lad admitted having written the letters and reproduced them in his own writing which matched the originals. On his return the judge, when presented with the facts by Mr. Everett, Isaac's counsel, expressed surprise that it had taken so long to produce the evidence and said that he suspected a trick. He told Mr. Everett to obtain an affidavit but

pointed out that this would not affect Isaac's situation if it could be shown that he had colluded in the writing of the letters. Subsequently Edward cleared his father of all knowledge but said that he had informed his brothers. Isaac Junior and Laban only after the offence. He and his father were fond of his cousin Robert and he wanted to try to procure his release.

Because of his youth, the judge said that he would deal leniently with Edward and sentenced him to be transported for a mere 7 years! A similar sentence was awarded to Robert Vivash and the two cousins set off on the convict ship Eliza for Van Diemen's Land at the end of January 1831. Robert Vivash, like so many others, found that life in Australia was infinitely preferable to that in Wiltshire and stayed on after his free pardon in 1836. He died in Sale, Victoria in 1865 having been joined by his brothers, John and Isaac. Robert had no children of his own, though he married a widow with one son. John died in 1867 leaving 14 children and it is the descendants of some of these with whom I am in contact. I believe Edward to have been the Edward "Hooker" who died in Hobart General Hospital in 1844. His age matched exactly and the place of birth was given as Marlborough, Wiltshire.

Looking back over the events of 1830 and the subsequent trials, it is interesting to note that, as a general rule, the magistrates dealt far more harshly with the rioters whom they deemed not to be directly employed as agricultural labourers on the grounds that they were fomenting trouble in a matter which was no concern of theirs. I have no reason to suppose that this applied specifically to Robert Vivash, although his trade was brickmaker. In any event this stood him in good stead since, when he died in Australia, he left a flourishing brickworks and two properties. Another fiction which the magistrates used to help some of the unfortunates on trial, was to bend the rules when defining what constituted a threshing machine. Some of the farmers, expecting trouble, had already wholly or partly dismantled their machines which the magistrates would then deem as not constituting a functioning item capable of destruction.

A final thought is that the high incidence of insurance claims made by the farmers after the riots, coupled with their proven active encouragement of the labourers in their destructive activities, leads one to suspect fraud on a scale not fully appreciated at the time. So you have the rich putting up the farmers' rents, the farmers compensating by reducing the already pathetic wages of the labourers and the old adage being proved right yet again: "It's the rich that gets the gravy and the poor that gets the blame."