Who Killed John Bunker?

A Suspicious Death in Rural Devonshire in 1851

By John Bunker

Introduction

This account of a suspicious death in March, 1851 at Halwell Farm in the parish of Brixton, about four miles east of Plymouth, came to light during family history research. A farm boy, John Bunker, died in circumstances where the farmer's son, William Rowe, was arrested for his murder. The event would clearly have had a devastating impact on two respectable families at different ends of the social scale in rural Devonshire.

The relatively well-to-do yeomen farmers relied on the poor families to provide valuable labour to work their farms, and the poor were only too pleased to have employment, with meals and accommodation provided, for their young sons as soon as they were of an age where they could work. Farmers could employ many workers cheaply as the wages of agricultural labourers were particularly low in Devon. Apart from the limestone quarries in this part of the county, there were few industries competing for labour in the villages and hamlets lying away from the Plym estuary, where the sea provided employment opportunities.

Although the Bunkers did not seem to have the will or initiative to move elsewhere to improve their lot, at least they could rely on the support of the extended family in an area where they had lived for generations.

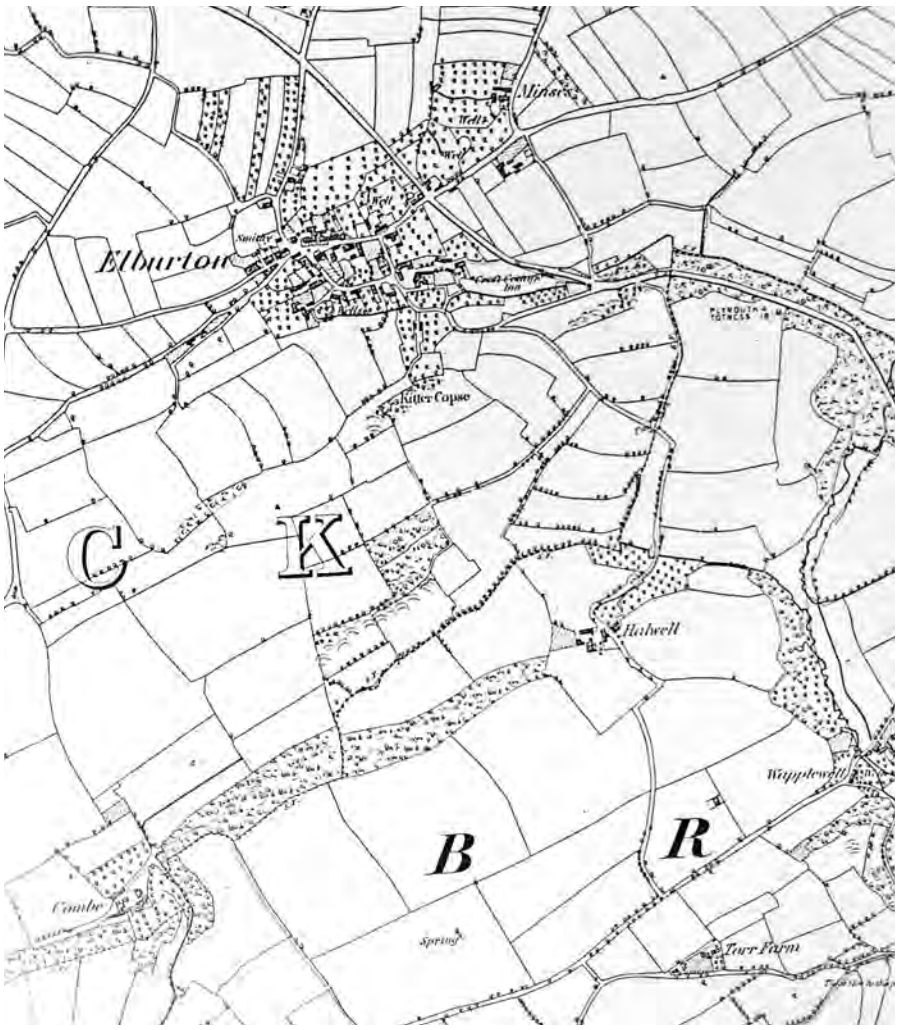
The story provides an insight into the haphazard methods of policing, and gathering and preserving evidence, during the investigation of a major crime in mid- nineteenth century Devonshire prior to the formation of a constabulary force. Whereas the chartered boroughs in England and Wales, like Plymouth, had been required, under the Municipal Corporations Act, 1835 to establish police forces (many took some time to comply with this legislation), the policing of the counties varied considerably throughout the country. The County Police Act, 1839 empowered, but did not obligate, magistrates to establish efficient constabulary forces in each county; no such force was set up in Devonshire as a result of this legislation. A Parish Constables Act, 1842 did, however, move many of those counties that had not implemented county force systems towards a degree of more professional policing. Not until the County and Borough Police Act in 1856 were the counties compelled to establish police forces.

Although Plymouth as a chartered borough had, as a result of the 1835 Act, already established its own police force, administered by a Watch Committee, the surrounding parishes in the county continued with the annual appointment of suitable members of the resident community as unpaid parish constables. These men were 'sworn in' by the justices at the local petty sessions. The 1842 Act also allowed justices, on a resolution being received from the parish authorities, to appoint paid constables to a parish. In such cases there was no obligation to also appoint the unpaid parish constables. Although the paid constable had county-wide authority his duties would usually be restricted to the parish to which he had been appointed. He could also be called upon to deal with crimes occurring in other parishes within the petty sessional area.

The Local Police Force and Court System

In the 1840s the parishes in the area were routinely policed by the parish constables, those unpaid members of the community who had been selected by the overseers of the parish. Samuel Rowse and another named Cawse served as parish constables for Brixton Parish and another, named Brimacombe, for the neighbouring parish of Yealmpton. They were authorised to operate beyond their own parish and both Rowse and Brimacombe were involved in the Rowe case.

On 9th January, 1849 the Earl of



The rural landscape of Halwell in 1856

Morley, a prominent landowner, with property within the parish of Plympton St Mary, placed a written petition before the Plymouth Borough Watch Committee about the problem of night-time breakings into farm buildings and other crimes in Plympton and neighbouring parishes to the east of Plymouth. He inferred that these parishes, bordering on the borough force, had been plundered by criminals over a period of months. In fact, an association consisting of gentleman farmers and other prominent members of the community had been formed at the Ridgway, one of the villages in the parish, to implement measures to protect the inhabitants.

Morley's petition led Plymouth's Watch Committee to direct their Police Superintendent 'to send two active Police Constables to Plympton St Mary, and to appoint their replacements in the borough from an existing supernumerary list. Consequently, Plymouth transferred two of their best constables to this adjoining parish in the county. PC Thomas Froude had spent four years in the borough force and PC John Lavers two years, when on 23rd January, 1849 they were sworn in by the justices of the Plympton and Ermington Petty Sessional Division, at the court in the Ridgway as constables for the county. Their particular responsibility was for Plympton St Mary, although their authority went beyond this parish.

The two constables took up residence at a police station at Ridgway, from where they could also respond to requests for assistance to the parish constables in the other local parishes.

The census of 1851 confirms that both Lavers and Froude lived with their families at the police station; the former with a wife and three children, and the latter with his wife and one child. The station was also a bridewell or lock-up, and at the time of the census a prisoner, William Rowe, was detained there. A watchman, James Andrews, an agricultural labourer, was also at the station at the time.

Very soon the newly-appointed constables were on duty at night on the look-out for thieves who had been stealing turnips. A case of night poaching on the Earl of Morley's land soon came their way during the course of their surveillance.

The inhabitants of Plympton St Mary were so pleased with Lavers and Froude that, in 1851, the association presented the two constables with a reward of five pounds for 'their zeal and activity in protecting the inhabitants of the parish from depredators, and especially for their perseverance in the pursuit of some sheep-stealers whom they apprehended in Cornwall.'

The local courts were not necessarily held in dedicated court buildings. Public houses were often used. The petty sessions were generally held every alternate Tuesday at the George Inn in the Ridgway near to the police station. In the case of complex committal proceedings, the magistrates would convene special courts on other days. This court covered the parishes of Plympton St Mary, Plympton St Maurice, Plymstock, Brixton, Yealmpton and Ermington. The coroner's inquest would also convene with a jury of local men in a suitable public house.

The Locality and Personalities

In 1850 the parish of Brixton was mainly agricultural, with a total of

2,865 acres of fertile land and 822 inhabitants. The 160 acre Halwell Farm, in the parish, had been leased in trust to Henry Rowe from Lady Day 1844 for 14 years by a prominent landowner, the late Edmund Prolexfin Bastard, for £253 per annum; later references, however, show Rowe as the 'owner/occupier', although it probably remained a leasehold property. The Rowes were prominent as farmers in Brixton and surrounding parishes.

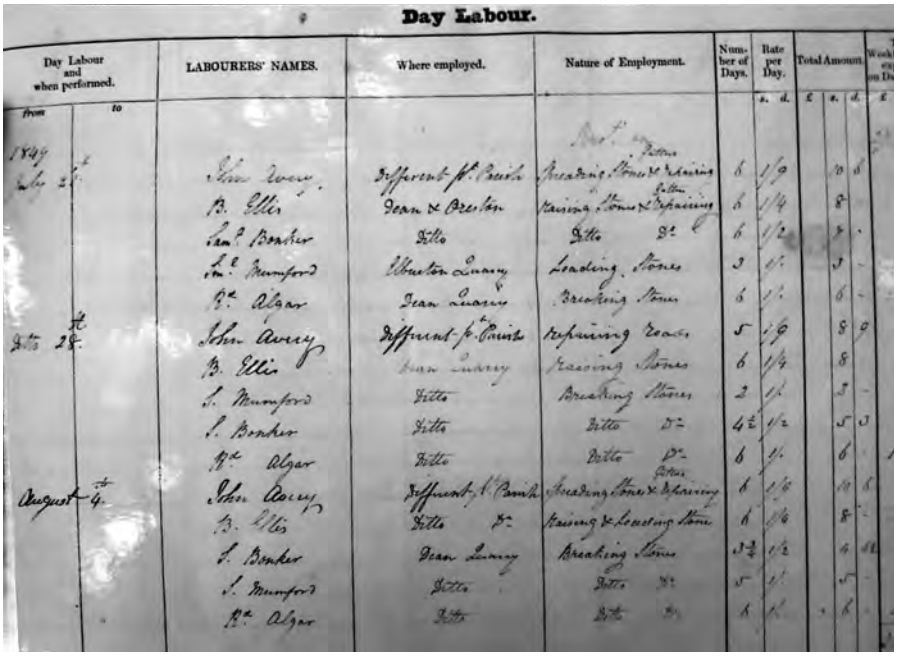
The Rowe family members residing and working at Halwell with their 71-year-old widower father Henry were his sons William and John and daughter Mary. The sons undertook a wide range of farming activities, including attending to the stables, feeding the young bullocks, colts and horses, and ploughing, and were masters, along with their father, over all the farm-hands. There were two other sons, Henry junior and Arthur, who appear to have resided elsewhere but were frequent visitors to Halwell.

William Rowe was a strong, well-built 25-year-old of medium height. He was subsequently described in a newspaper as 'having intelligent features but rather sullen'. There were rumours in the neighbourhood (quoted in a local newspaper, *The Plymouth and Devonport Weekly Journal*) that in September, 1850 he had put poison in a keg of cider to which an employee of his father had access. It was claimed that as a result of drinking the cider the employee became seriously ill, although the truth appears to have been that he suffered a stroke. The story, whether true or not, does give the impression that William Rowe was not a very popular figure within the farming community. His brother John seemed to be more fair-minded with the servants.

Living in the farm house along with the Rowe family were the young farm-hands John Bunker, Richard Vincent, aged fourteen, John Lavers, thirteen, and John Stevens, ten. The maid, Hannah Couch, aged sixteen, also resided there. Vincent had previously been resident in the Plympton Union workhouse, and had been allocated to the farmer by the union authorities. (Unions of parishes had been set up under the 1834 Poor Law to administer workhouses under Boards of Guardians. Individual parishes had previously been responsible for administering poor relief.) The farm boys all slept together in the same room. In addition there were adult, non-resident, labourers, including Samuel Nicholls and another named Yabsley, who came to the farm daily.

John Bunker, also known as Jack, was born on 3rd April, 1832 at Pomphlett Mills in the neighbouring parish of Plymstock to Samuel and Mary Bunker. The family of five sons lacked any formal education; consequently the father worked as a labourer in the local limestone quarries. For this back-breaking work raising and breaking stones he earned, in 1850, one shilling a day; he did not always get a full week's work. On this meagre wage he had to bring up his family so, understandably, the only way to survive respectably was to arrange for the children to be placed in the live-in service of local farmers as soon as they were old enough to work. Compulsory education for children was many years away. John followed tradition and, at the age of eight years, left home to start residential farm work. On reaching adulthood the sons usually left farming and followed their father into quarrying work where, presumably, the wage was marginally better than remaining on the land.

By the time he was 16 years of age John Bunker had moved in as a resident farm-hand with Henry Rowe at Halwell Farm. By 1851 John, then eighteen (although his father later gave his age during the trial as seventeen), was the oldest and most experienced of Rowe's young resident farm-hands at Halwell. Throughout his time with Mr Rowe John was a hard-working, sharp and active employee. The state of his hands, chapped and hard from handling lime, bore witness as to how hard he had to work in all weathers. Only 5 feet 2 inches in height he was a healthy and sober young lad. Quiet


Day Labour.

Day Labour and when performed. from	to	LABOURERS' NAMES.	Where employed.	Nature of Employment.	Number of Days.	Rate per Day. s. d.	Total Amount £ s. d.	Week ending on Day £
1849 July	27	John Avery	Different parts of Parish	Breaking Stone & Repairing Roads	6	1 9	10 6	
		B. Ellis	Dean & Brixton	Raising Stone & Repairing Roads	6	1 4	8	
		Sam[l] Bonker	Ditto	Ditto Do	6	1 2	7	
		Sam[l] Mumford	Brixton Quarry	Loading Stones	3	1	3	
		P[d] Algar	Dean Quarry	Breaking Stone	6	1	6	
Ditto	28	John Avery	Different parts of Parish	Repairing Roads	5	1 9	8 9	
		B. Ellis	Dean Quarry	Raising Stones	6	1 4	8	
		S. Mumford	Ditto	Breaking Stones	2	1	2	
		S. Bonker	Ditto	Ditto Do	4½	1 2	5 3	
		P[d] Algar	Ditto	Ditto Do	6	1	6	
August	4	John Avery	Different parts of Parish	Breaking Stone & Repairing Roads	6	1 6	10 6	
		B. Ellis	Ditto Do	Raising & Loading Stone	6	1 6	8	
		S. Bonker	Dean Quarry	Breaking Stone	3½	1 2	4 11	
		S. Mumford	Ditto	Ditto Do	5	1	5	
		P[d] Algar	Ditto	Ditto Do	6	1	6	

Extract from Account Book 1849 showing daily wages of quarry workers including Samuel Bunker

by nature, his pleasant and cheerful personality meant that he was popular with others on the farm and in the community.

Scandal on the Farm

At sometime around early March, John Bunker began to broadcast to others in the neighbourhood that his master's son, William Rowe, had committed an unnatural act with a farm animal, namely a mare, although it seems that this alleged incident had actually occurred the previous summer. Clearly, whether true or not, the allegation created anger and indignation from William towards Bunker.

It is not entirely clear whether Bunker witnessed the incident himself or was told about it by John Rogers or his son, Henry, who lived at nearby Brixton Torr. In any event the disgusting allegation, although denied by Rowe, became common knowledge and the subject of much gossip in the tight-knit farming community. It caused much anguish for the respected Rowe family, in particular William, who was engaged to be married to the daughter of another local farmer, Robert Scoble of Efford in the neighbouring parish of Yealmpton. As a result of the rumour Scoble warned William to keep away from his daughter unless he could prove his innocence.

Bunker told his own father about the incident and felt that he should leave Halwell at the next Lady Day, commenting that, 'he had seen plenty there since last hay harvest'.

James Ellis was later to give evidence before the coroner that Bunker had told him he had been offered and refused money to say nothing about what he had apparently seen.

On 3rd March William Rowe disturbed Jane, the wife of John Rogers, at Brixton Torr. She was in bed unwell and he let himself in; he put it to her that her son Henry, a previous employee of the Rowe family who had been discharged the previous August, had been the instigator of the allegation against him. She denied this and informed Rowe that it was in fact Bunker who had told her son about it. Rowe claimed that he had tried, without success, to get Bunker to meet the Rogers face-to-face in an attempt to clarify from where the allegation had emanated. He asked Jane to tell the people at Hareston, where it seems that her husband was employed, that lies had been told against him. Jane was not very sympathetic and told him that 'Poor people must lay under scandal but you have enough to see yourself righted.' Rowe said, 'I would spend my last shilling to get my name cleared but my father says to leave it.' Before he left, Jane took the opportunity to remind William that her son Henry was still owed four shillings and eight pence in wages for work at Halwell.

PC Froude at Plympton St Mary received information about the allegation of bestiality on 4th March but no action was taken at that time.

On the evening of 6th March Rowe threatened Bunker that he intended to take him before the magistrate and have him sent to the lock-up for making the allegation. Clearly this threat would have worried the farm-hand.

John Bunker's Final Day

On Friday 7th March, Bunker was up at 5.30am as usual, and with John Rowe, Lavers and Vincent went about the various tasks on the farm. Vincent went to the stable, which accommodated seven horses, where he assisted Bunker prepare and harness two horses to the cart in readiness for him to go to the lime-kiln. It was then left in the courtyard whilst Bunker returned to the house for breakfast. This consisted of 'tea kettle broth' (bread, water and milk) along with barley bread and cheese. Although cheerful and in good spirits, he did appear to Hannah, the maid, to be a little unwell. Even so he cheerfully offered some of his meal to another young farm-hand, John Stephens, saying jokingly, 'Now boy don't thee say I never gave thee nought'.

It was a fine morning as John Bunker left the farmyard for the last time at about 6.15am, bound for the lime-kiln about a mile away at the village of Elburton to collect lime for the farm. He was wearing his distinctive red 'comforter' around his neck and smoking his pipe as he drove his cart, turning left onto the lane outside Halwell. As he left, Bunker spoke to his fellow farm-hand Lavers, indicating to him that he had to 'make haste' as he had three loads to collect during the morning. He was not seen alive again.

For about half an hour after Bunker left the farm, William Rowe's whereabouts could not be established by anyone at the farm. Lavers saw him go from the stable to the granary as Bunker was leaving, but did not see him again until about three-quarters of an hour later.

John Rowe's movements were, however, fully accounted for after Bunker left. He went off to Fordbrook Farm with two fat bullocks after undertaking his initial work at Halwell, and was seen there by Samuel Nicholls. The movements of others on the farm were also not in doubt.

At about 6.30am James Scoble, the farmer of the neighbouring Chittleburn Farm, along with his brother Richard, a butcher, and William Gould of Brixton Torr, a quarryman on his way to work, heard the screams of a man, apparently in distress, lasting for about half a minute. The screams were coming

Front of Halwell Farm, taken in 1988

from the direction of an orchard known as Pond Orchard, less than 200 yards from Halwell Farm, and were described by Gould as sounding like a person 'under ill-usage'. This was the direction in which Bunker would have been travelling. James Scoble, on horseback, with his brother running after him, headed towards the orchard located about two meadows away; once the screaming stopped they turned back and went about their business.

Some hours later, at 10.30am, William Chaffe, a miller residing at Cofflete Mills, was on his way by horse and cart from Spriddlestone to Elburton to collect lime. Where the lane passed Pond Orchard he was obstructed by Bunker's abandoned cart with the fore horse tied to the Higher gate. He did not see anything else untoward and, after moving the cart and horses to a better position so he could pass by, went on his way.

Shortly after Chaffe had passed, Thomas Barker, a deaf labourer and mole catcher who lived in the village of Brixton, left the nearby meadow where he had been working, and noticed the abandoned cart. Three or four yards inside the gate to Pond Orchard he saw John Bunker's body hanging by the neck from the centre limb of an apple tree. Before realising the seriousness Barker shouted, 'Hello, what be sleep.' The stiff and cold condition of the body soon indicated to him that it had been there for some hours. The legs were bent with one knee on the ground; his hands were touching the ground. The crown of the youth's head was one foot from a fork in the tree. The eye of the knot on the rope pressed against his windpipe. There was road dirt on the knees of his trousers and on one hand. The body had not dropped from any height but Barker assumed that the youth had committed suicide. He unfastened the rope from the tree, placed the body on the ground and slackened the rope around the deceased's neck; he then went to call for assistance.

Fordbrook Farm, taken in 1988

John Rowe attended the scene and, in due course, the body was put in the cart on straw and taken back to the farm, by labourer Samuel Nicholls and Thomas Carne, a mason working at Halwell. The deceased was placed on his bed in the upstairs farm-hands' bedroom. The rope, which had fallen from the deceased's neck, was left in the room. This important exhibit seems to have been handled by many people prior to the court hearings, thereby diminishing considerably its evidential value.

Eventually, on Henry Rowe's instruction, Carne informed the coroner who gave him a note to pass to Rowse, the parish constable. The surgeon from Plymstock, William Mould, who knew the Rowe family, was also informed by John Rowe and attended at 10.00pm. He examined the body in the presence of William Rowe, and considered that death had been caused by hanging; not any other method of suffocation. Although he did not remove any

clothing at the time, he could find nothing to suggest that there had been any resistance or violence prior to death, apart from a slight injury above the left eye. This was not on the side of his head that had been against the tree, so was unlikely to have been caused by the head striking the trunk. At this time no police had attended either the scene or the house.

William Rowe's activities during the course of the day on which Bunker had died were relevant, as they may have been undertaken merely to shift suspicion away from him. At around 7.00am, after his apparent absence and long before anyone was aware of Bunker's death, William was seen again around the farm, and when Samuel Nicholls arrived for work he saw him in the kitchen speaking to his father. Shortly afterwards witnesses saw William leaving the farm on horseback going towards Brixton - the opposite direction to Pond Orchard. Before leaving he spoke to Nicholls about the allegation that Bunker had made, and said he was on his way to confront John Rogers, and his son, to get it 'righted'. He told Nicholls that he had strictly cautioned Bunker the night before about making the allegation and threatened to take him before the magistrate and have him sent to the bridewell.

At 8.15am Rowe arrived at Robert Scoble's farm at Efford, and tried again to convince him that he was innocent of the indecency allegation so he could resume his relationship with the farmer's daughter. Scoble again wanted more proof before allowing this. They walked together to the home of a Mr Parsons, who confirmed that he had been told that Bunker had been the instigator of the allegation. Leaving his horse at Scoble's William then went to see John Rogers at Hareston Farm, arriving there at about 10.00am. He suggested to Rogers that it was he who had initially raised the allegation; this was denied by both John and his son Henry.

Road from Elburton to Halwell Farm, taken in 1988 - possible entrance to Pond Orchard

Still giving no hint that he knew anything about Bunker's death, William returned to Scoble's, collected his horse and made his way to Yealmpton to see Thomas Kelly, a solicitor and the Plympton and Ermington Division justices' clerk. He tried to convince Kelly that he should issue a summons against Bunker for making the false allegation. Kelly told him that the court had no jurisdiction to do this, and suggested that he should get Bunker to his office. The clerk was, however, persuaded to give Rowe a letter to hand to Bunker.

On the way back to Halwell William passed Mary Nicholl's house at 1.00pm, where he met Harriet Blatchford, one of his neighbours from Fordbrook Farm, who informed him that Bunker was dead. William appeared to Harriet to be surprised and frightened by this information. Arriving back at Halwell a short while later he met Samuel Nicholls, and commented to him, 'Now he has hanged himself I am clear of it. If they will hang themselves for telling lies I can't help it.'

That evening William Rowe took cider with Carne, who had assisted in removing the body. Rowe gave him a list to pass on to the Parish Constable Cawse, who was known to the family, suggesting persons who should be called for the coroner's jury. In the event Carne gave the information to Parish Constable Rowse, who ignored Rowe's improper request.

At some time prior to the start of the inquest William spoke to the farm-hand Richard Vincent. He threatened to thrash him unless he lied to the court, stating that he had seen Bunker leave the farm with a rope from the cart-house in one hand, and his whip in the other. An account like this would obviously tend to suggest that Bunker had taken the rope for the purpose of hanging himself.

Finally the Police Investigate

Not until 11.00am on Saturday 8th March, the day after the death, did Police Constables John Lavers and Thomas Froude visit Halwell Farm to commence their investigation. William Rowe had already come under suspicion (it is not known who had raised this suspicion with the police), and the constables went

to a nearby field where he and John Stephens were ploughing. Constable Froude immediately took Rowe into custody and charged him with bestiality and suspicion of murdering John Bunker. The two constables and William went back to the house where Lavers had the prisoner remove his boots, establishing that they were those worn the previous day. Froude then went upstairs with the prisoner to view the body and took possession of the rope lying beside it.

Leaving Froude with the prisonerm Constable Lavers went to Pond Orchard with the boots to look for corresponding footmarks at the scene of the crime and to examine the tree. By the time he reached the orchard many other people were already 'treading around' the crime scene, including the solicitor Kelly. Grass around the tree meant that there were no visible footmarks adjacent to it. There were, however, fresh marks at the higher side of the orchard, and in an adjacent field, that matched the soles of the boots. Police Constable Froude, Parish Constable Brimacombe and the prisoner had by then also made their way from the house to the orchard.

Constable Lavers then left the orchard and, with Brimacombe, escorted the prisoner towards Brixton where the inquest was to be held. On the way he questioned him about when he last visited the orchard. Rowe denied having been there recently. However, Froude had remained at the scene looking for more evidence of footmarks, and, having found some by the side of the orchard hedge adjoining the road, caught up with his colleagues and put this to the prisoner. William then remembered that he had been there the previous Wednesday, although the marks actually appeared to have been made even more recently. Rowe claimed to the officers that Richard Vincent's testimony would clear him of any involvement in the crime.

Froude continued on to Brixton with the prisoner and Lavers returned to the scene to gather more information. He paced the distances from the farm to Pond Orchard by different routes. All were under 200 paces and only took two minutes to walk.

Constable Lavers' examination of the tree had revealed marks indicating that the rope had been over the centre limb and tied at the bottom of the tree. In a fork in the tree there were distinct marks indicating that the body may have been hauled up on the rope. There were hairs the same colour as Bunker's on the underside of some knobs protruding from the trunk, thereby supporting the theory that the head had knocked against the tree as it was being hauled up on the rope by an attacker. There were certainly more suitable trees in the vicinity for a suicide attempt.

Leaving his prisoner at Brixton with Brimacombe, Froud returned to the farm and took possession of the clothes Rowe had been wearing the previous day from his sister Mary. There were traces of what appeared to be blood on them. It was explained that these traces were the result of William killing a sheep a week earlier, although there was evidence that he was, in fact, wearing a smock at the time he killed the sheep, on which there was no blood. (Not until the beginning of the twentieth century was it possible to distinguish human blood from that of an animal, so a forensic examination would have proved fruitless).

The evidence against William Rowe was entirely circumstantial. Did he follow Bunker and kill him during the half-hour that could not be accounted for? Were the subsequent visits merely an attempt to provide an alibi of sorts? When did his boot marks appear near the scene of the crime? Why did he force one of the young farm-hands, Richard Vincent, to give false testimony at the inquest by threatening to thrash him if he did not comply? Did he or anyone else, as a James Ellis recounted, offer money to Bunker to withdraw the allegation? (This was hearsay and therefore not permitted as evidence at the trial).

The Inquest and Committal Proceedings

The inquest into the death of John Bunker commenced on Saturday 8th

The stable and cowshed at Halwell Farm, taken in 1988

March before the county coroner, Mr. A.B. Bone, at the Fox Hound Public House in Brixton, with a jury of local people sworn in. The jury and coroner visited the scene of the death, and were present when the body was searched at 4.00pm by the parish constable, Samuel Rowse.

Rowse stripped the body on the directions of the coroner, and took possession of the deceased's trousers, noticing the patches of road dirt on the knees. He found two sixpences, a knife, a chain and bread and cheese in his pockets. Also found were two sound eggs, one in each pocket, and one broken egg. Had Bunker taken them with him to roast at the lime-kiln, or had they been placed in the pockets after death to give the impression that there had been no struggle? The two eggs were given to Bunker's aunt, Fanny Clarke from Pomphlett, who passed them on to his father with the other items.

After the hearing William Rowe was taken to the Ridgway lock-up where he was detained until the resumption of the proceedings on Tuesday 11th March. In the interim, on 9th March Mould carried out his full post mortem on the body, finding nothing untoward internally.

By Tuesday, news of the hanging had spread and the people arriving at the Fox Hound Inn in the hope of gaining a view of the proceedings were far in excess of the numbers that could be accommodated in the premises. *The Plymouth and Devonport Weekly Journal* reported that those who were unable to get in were 'so determined to make a day of it they adjourned to various public houses in and around Brixton the occupants of which must have reaped a rich harvest'.

The Plymouth, Devonport and Stonehouse Herald reported, 'The excitement caused had considerably increased, and the village of Brixton was crowded throughout the day by persons who were anxious to hear the particulars of the enquiry, many of whom had walked many miles to be present.'

7
At half-past 11 a certain man came by
Nam'd Thomas Barber who did something spy
Suspended in Pond-Orchard on a tree,
Whilst he drew near that he the same might see.

8
John Bunker there to his surprise he found:
He slipt the rope and laid him on the ground:
With speed to Hilwell House did then repair,
To publish it and get assistance there.

9
He saw two men Nichols and Carn by name,
Who went with him and witnessed the same:
They put him in a cart and took him home
And laid him in the Farm-house upstair room.

10
His friends were sent for, and they came straightway,
His Father and his Aunts, without delay;
Who when they came and view'd the awful scene,
Suspected much that he had murder'd been.

Extract of a contemporary poem entitled The Brixton Murder by local Sampson Giles, lamenting the murder of John Bunker

William Rowe, who was represented by a 'legal gentleman', did not appear to be particularly concerned about his plight when he entered the court-room. His intimidation of Vincent had been successful, and the farm-hand duly told the coroner the story that he had been told to give, namely that Bunker had a rope in one hand and a whip in the other when he left. This rope was identified as one kept in the linhay to tie up the shafts of a cart. Vincent's testimony was inconsistent with other witnesses, who did not see Bunker with the rope. Vincent added that after Bunker left he went to the higher-stable with William, who then went with hay on his back to feed the colts.

At the conclusion of the inquest the jury reached a verdict of 'murder by some person unknown'. The enquiry finished at 9.15pm when Rowe, the suspect, was returned to custody at Plympton Police Station bridewell to be brought before the magistrates on Friday 14th March, although at a later stage the magistrate did, in fact, allow bail, with three sureties – his father in the sum of £1,000 and two others of £500 each.

The petty sessional proceedings took place at the George Public House, Ridgway, Plymptonduring five special hearings between 14th March and 2nd April before the magistrates, G.W. Soltau Esq, J.I. Templer Esq and Dr Butter. Mr Beer represented the defence. John Edmonds Esq took notes of the proceedings. The hearings attracted large crowds trying to satisfy their 'morbid curiousity' and, on occasions, the crowded court-room was very oppressive, with visitors also filling the stairs and passages. Even on a rainy day crowds assembled in the vicinity of the court long before it opened and 'every available space was occupied by visitants'.

William Rowe had an 'indifferent air' when brought into court, and on the first day was allowed a seat as he felt unwell. At one stage he appeared so unconcerned that he read a newspaper. On subsequent days he was made to stand throughout the proceedings.

The burial of John Bunker took place at Brixton Parish Church on the 12th March. However the magistrate, wishing to have a more experienced and independent post mortem,

applied to the minister, the Reverend Lane, to have the body exhumed. During the early hours of Sunday 16th the body was removed from the grave by the sexton, and subsequently examined on 17th March by John Whipple, a member of the College or Surgeons experienced in these matters. He was of the opinion that Bunker's injury to the temple was likely to have been inflicted by a blow, possibly a fist, that could have stunned him. The cause of death, however, was strangulation. He felt that it was possible that he had committed suicide but not probable. He did not think he would have screamed if he had been taking his own life. His findings were, however, generally consistent with those of Doctor Mould.

Certainly the criminal court proceedings were handled much more professionally than the investigation. A model of the tree had been constructed for the court by a carpenter, Josiah Nelder from Plympton St Mary, and Constable Froude produced a model of a phrenological head on which the witness Barber showed the court how he had found the rope around the deceased's neck. Hair found on the tree and a sample from the deceased's head were produced by the police. The defence solicitor, Mr Beer, indicated that he would wish to have them compared under a microscope by a person experienced in such examination. However, this does not appear to have been pursued.

During the course of his evidence in respect of the freshness of the boot marks found at the scene, Constable Lavers told the magistrates that he had become particularly experienced in the identification of such marks when serving in the Plymouth police. He claimed that he 'once traced a man seven miles by foot-marks.' It is surprising that no plaster cast of a boot-mark was taken for production during the proceedings (even the Bow Street Runners were known to have taken such casts in the early part of the century).

There was some excitement during the magistrates' court hearing on the first day. Richard Vincent admitted telling lies before the coroner, and decided to give a correct recollection of events. He stated that when John Bunker left the farm he was only carrying the whip and not the rope. He did not see William Rowe for some time after Bunker's departure.

On returning to Halwell after the court hearing, Vincent attended to his horse and went for supper in the kitchen at 8.00pm. Arthur Rowe, who was at the house at the time, asked why he had changed his story. Henry then entered the room, caught Vincent by the collar, and set about thrashing him with his walking stick, the unprovoked attack being witnessed. After the beating John Rowe told Vincent to go to bed. Two days later, on the instruction of the magistrate, Constable Froude removed the boy from the farm and returned him to the relative safety of the Union workhouse.

Henry Rowe was subsequently summoned to appear before the petty sessions on 25th March, where he was found guilty of the assault and fined £5 or two months' imprisonment with hard labour in default of payment. Although he pleaded 'not guilty' he did not dispute any of the evidence given during the proceedings, but claimed that the whole situation regarding his son had accounted for his behaviour.

Even the course of Henry Rowe's hearing was not without drama, when it was interrupted by a drunk, Robert Lang, a local hay dealer, who shouted when Vincent gave his evidence of the thrashing, 'That is just what you deserved.' Lang was immediately arrested and removed from the court. He was later returned and, in due course, fined five shillings or six hours in the stocks in default of payment for his unruly drunken behaviour. The case caused considerable amusement for the public in attendance, and Lang seemed delighted 'at making country people laugh.'

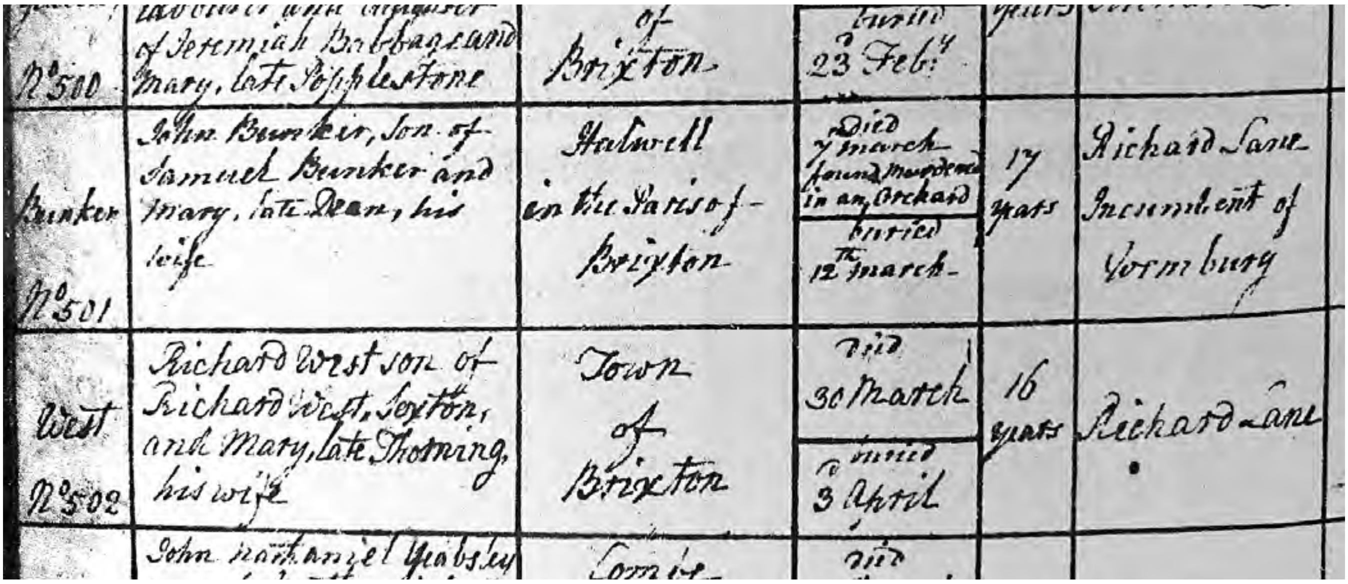
The case against William continued without further interference and, after the hearing on 27th March, the prisoner was handcuffed and taken by the police constables from the court. *The Plymouth and Devonport Weekly Journal* reported, 'He was accompanied along the road to the house of detention by the immense crowd of persons, who had waited outside all day to receive him.' On another occasion the press observed that the public were 'feasting their eyes on one who is suspected of so heinous a crime as murder.'

The Exeter Assizes

On 2nd April William Edwards Rowe was committed for trial at the Exeter Assizes for the murder of John Bunker. Bail was refused and he was transported by rail to Exeter Gaol pending the hearing at the assize. (The South Devon Railway had been extended to Plymouth via Plympton in 1849). The final day of the hearing saw The George public house besieged with people, particularly females, hoping to catch sight of the accused.

Rowe appeared at the Exeter Assizes on 31st July, 1851 before Mr Justice Coleridge, where he pleaded 'not guilty' to murder. Mr Collier and Mr Lopez appeared for the prosecution and Mr Stone, Mr Cox and Mr Kerslake for the defence.

John Andrews, a surveyor of Ridgway, produced a plan of the location and the carpenter, Nelder, produced his full-sized model of the apple tree. It was so large that it presented considerable difficulty to manoeuvre into the court-room.



No. 500	of Jeremiah Babbage and Mary, late Popplestone	of Brixton	buried 23 Feby		
Bunker No. 501	John Bunker, Son of Samuel Bunker and Mary, late Dean, his wife	Holwell in the Parish of Brixton	Died 7 March found murdered in an Orchard; buried 12th March	17 years	Richard Lane Incumbent of [illegible]
West No. 502	Richard West son of Richard West, Sexton, and Mary, late Thorning, his wife	Town of Brixton	Died 30 March; buried 3 April	16 years	Richard Lane

Burial record for John Bunker

Mr Collier opened for the prosecution by emphasising to the jury that the prisoner's life depended upon their verdict. They had to decide whether Bunker had killed himself by his own hand or, if another had done so, whether it was the prisoner.

Counsel drew attention to the evidence that Bunker had cheerfully left the farm with provisions for a meal in his pocket. This state of mind did not appear to be that of a person about to take his own life. He also drew attention to the fact that the prisoner had not been seen after Bunker left for about half an hour. Also noted were the screams heard by witnesses.

He drew attention to evidence that would be given concerning the position of the rope that appeared to have been pulled upwards; the position of the body and the marks on the head on the opposite side to the tree trunk; hair found on the trunk was below the head; the recent foot-marks; the road dirt on the suspect; the unbroken eggs in his pocket possibly placed there after the event to remove suspicion of violence. The indication from the evidence appeared to show that suicide had not occurred.

Mr Collier notified the jury about the intimidation of the witness Vincent. The prisoner's possible motive for committing the crime was that Bunker's suicide would vindicate Rowe's character. The blood found on the prisoner's clothing did not appear to have been satisfactorily explained.

A total of 23 witnesses were called, and after all the evidence had been given Mr Stone, counsel for the defence, addressed the jury for over an hour. He suggested that as no evidence could be found of bestiality the deceased took his own life fearing the consequences of making the false statement.

In his summing up, Mr Justice Coleridge made it clear that ten minutes would have been sufficient time for the accused to have gone to the scene to commit the murder. Nothing was said by the deceased indicating his intention to commit suicide, although he may well have thrown the rope into the cart before he left.

There was some criticism of the attorney for the prosecution, who went with the committing magistrate on the Saturday prior to the Assize hearing to see the witness Vincent in prison where he had been detained to secure his attendance at the court. The lawyer used a newspaper report to remind Vincent of his testimony at the committal proceedings. On balance the judge did feel that, as the committing magistrate was present, the action was no different to that which is commonly undertaken by an attorney in respect of witnesses about to give evidence, namely to refresh their memory from an earlier statement.

The judge drew attention to the extraordinary coolness shown by the prisoner during the proceedings but commented, 'coolness was consistent with hardness as well as innocence'.

The jury adjourned for only 35 minutes to return a verdict of 'not guilty'.

Postscript

This case shows that police investigations of a serious crime of this nature, prior to the introduction of a county police force, were haphazard and lacking in any urgency or methodical approach. The crime scene was not protected and evidence gathering casual and disorganised. It

is difficult to establish whether the police constables worked on their own initiative or were operating under the directions of the magistrates. It is unclear to what extent the police constables had authority over the local parish constables, who seemed to undertake more routine duties.

There is little doubt that modern methods of policing and forensic science would have determined, with little doubt, whether the death was murder or suicide, and may well have resulted in the conviction of the accused.

Sources

Burial Register - Brixton Parish Church 1851 (Page 63); Baptism Register – Plymstock Parish Church 1832 (Page 16); Marriage Register – Plymstock Parish Church 1824 (Page 5); Census Returns – Plymstock 1841, 1851; Census Returns – Brixton 1851; Census Return – Plympton St Mary 1851; Tithe Map of Brixton Parish (1839) and Apportionments (1896); Surveyor of the Highways Account Book showing day labour in the quarries 1849 –1850; Ordnance Survey Maps covering Plymstock, Brixton and Plympton St Mary Parishes surveyed in 1856 and engraved in 1858; Record of the lease of Halwell Estate Trust from E.P. Bastard (deceased) to Henry Rowe in 1844; Indictment for Exeter Assizes relating to William Rowe.

Bibliography and Further Reading

Kelly's Directory 1850; Hutchings, Walter: *Out of the Blue. History of the Devon Constabulary* (The Police 1956); Sellman, R.R.: *Aspects of Devon History* (Devon Books 1985); Dell, Simon: *Policing the Peninsula* (Forest Publishing 2000); Clamp, Arthur L.: *The Ten Farms of Elburton* (The Author 1981); Langdon, Ivy M.: *The Plymstock Connection* (Westcountry Books 1995); Gill, Crispin: *Plymouth River – A History of the Laira and the Cattwater* (Devon Books 1997)

Newspaper articles consulted

Plymouth, Devonport and Stonehouse Herald 15 March 1851, 22 March 1851, 29 March 1851, 5 April 1851, 2 August 1851; *The Devonport Independent and Plymouth and Stonehouse Gazette* 15 March 1851, 22 March 1851, 29 March 1851, 5 April 1851, 2 August 1851; *The Plymouth and Devonport Weekly Journal* 25 January 1849, 11 January 1849, 13 March 1851, 20 March 1851, 27 March 1851, 3 April 1851, 7 August 1851; *Devonport and Plymouth Telegraph* 15 March 1851, 22 March 1851, 29 March 1851, 2 August 1851, 7 August 1851; *The Plymouth Times* 15 March 1851, 22 March 1851, 29 March 1851, 2 August 1851; *The West of England Conservative and Plymouth and Devonport Advertiser* 6 August 1851; *The Times* 2 August 1851, 4 August 1851.

◆

JOHN BUNKER is a retired Metropolitan Police Superintendent and is the great, great grandson of Samuel Bunker, the deceased father.

The granary at Halwell Farm, taken in 1988