

A GOVERNMENT SPY IN DERBYSHIRE DURING THE "FORTY-FIVE"

By G. R. POTTER

ONE of the difficulties encountered by the British government in dealing with the "Forty-Five" rebellion was that of obtaining accurate information about the size, composition and movements of the invaders.¹ Scouts, spies and secret agents were therefore readily employed to bring intelligence to the duke of Cumberland, in command of the loyal troops, to the duke of Devonshire and others who had raised local volunteer detachments to resist the rebels and to the duke of Newcastle in Whitehall.

Among those engaged in this dangerous work was Eliezer Birch who was captured by the Scots in Derby in December 1745 after he had already sent some useful information to the duke of Cumberland at Stafford. His account of his escape is interesting as a story and as throwing light on conditions in Derby and its immediate neighbourhood during its temporary occupation, 2-7 December 1745. The narrative may have been sent to Henry Pelham and from him to the third duke of Devonshire who kept it among his papers.

The narrative disposes of the suggestion (L. Eardley Simpson, *Derby and the Forty-Five*, 150, 275) that Prince Charles' headquarters were at the Virgin's Inn. Exeter House formerly in Full Street was demolished in 1854. Mr. Samuel Heathcote was a lawyer who accommodated Lord George Murray. The remainder of the narrative is chiefly of local interest.

The document (Chatsworth MSS. 334.0) is printed by gracious permission of the duke of Devonshire and the Trustees of the Chatsworth Settlement. Words crossed out in the manuscript are enclosed in square brackets.

Manchest(er) 23 Decem(ber) 1745

Sir,

On Monday the 2^d day of December 1745 at about six o'clock in the evening I left London and came post for Manchester, having received a letter that day from my father that the rebels were there the Friday before. I came to Derby the next day about 7 o'clock in the evening where the Duke of Devonshire then was, to whom

¹ There is a considerable literature, sometimes marred by prejudice, dealing with the "Forty-Five". Sir Charles Petrie, *The Jacobite movement*, provides a general account. C. S. Terry, *The Forty-Five* (1922), collects contemporary evidence. L. Eardley-Simpson, *Derby and the Forty-Five* (1933) provides a great deal of information, but is full of controversial statements.

I immediately sent an acc(oun)t by Mr. William Johnson, a captain in his new raised regiment that three troops of the Duke of Kingston's light horse were that day come into Loughborough and three more into Leycester. About midnight the Duke of Devonshire with the new raised forces then at Derby march'd for Nottingham, having receiv'd intelligence of the rebels being at Ashbourn, and the Marquis of Hartington's gentlem(a)n was order'd to wait in the road betwixt Ashbourn and Derby till he actually saw the rebels.

About 10 o'clock on Wednesday he returned to Derby w(i)th an acc(oun)t that the rebels were within a few miles of the town. He did not stay to light but set out for Nottingham in company with Mr. Howe the postmaster of Derby. I promised these gentlemen that I wou'd stay in town and take as particular an account of the rebels as I was able and cou'd if desired send such acc(oun)t to the Duke of Devonshire at Nottingham with which the Marquess's gentlem(a)n seem'd pleased, thank'd me and said it wou'd be of service. Mr. Howe told me I might deliver such acc(oun)t to the servant he had left at his house who wou'd take proper care to forward it, upon which I took leave of these gent(leme)n and went to Mrs. How and acquainted her w(i)th my design of staying in town and desired she wou'd give me a handfull of peas by the help of w(h)ich I thought I cou'd execute my design w(i)th more certainty and less confusion than any other method I cou'd then think of, after which I took a walk to the end of the street which leads to Ashbourn where I met with one Mr. Orrell an old school fellow who lives at Findern three miles from Derby.

After a short conversation he gave me to understand that his business there was to get the best intelligence he cou'd of the rebels and offer'd to introduce me at a friend's house who lived just at the entrance of the town from Ashbourn, which I accepted and so soon as we came into the house we were conducted up stairs into a chamber towards the street where we stay'd from about one o'th(e) clock till five in the afternoon in which time the first division of the rebels with their pretended Prince [all]² came in, after which I went to Mr. How's, wrote and deliver'd a letter for the Duke of Devonshire, with the acc(oun)t I had taken, to Mr How's serv(an)t as before was agreed on, and immediately returned to my friend who carryed me the same evening upon his horse to Findern where, with great difficulty, he procur'd me a guide and two horses for Uttoxeter.

I left Findern about 8 o'clock the same evening and got to Uttoxeter soon after ten where I was in hopes of finding the Duke of Cumberland but was informed there he was at Stafford whereupon I immediately applied to the postmaster who procured me horses and a guide for Stafford where I arrived before 2 o'th(e) clock in the morning, [and] rode immediately to the Duke of Cumberland's lodgings and enquired for his secretary to whom I was soon introduced. I inform'd him that the first division of the rebels consisting of 2300 foot 450 horse 75 baggage and ab(ou)t 40 lead horses with their pretended Prince got into Derby on Wednesday afternoon and that the rear division with their artillery and baggage got into Ashbourn from Leek about 3 o'clock the same day and after halting there ab(ou)t / half an hour march'd forward for Derby that night. This acc(oun)t the secretary immediately communicated to his Royal Highness who was then in bed, and who, by him, return'd me thanks for my intelligence and said that if he had not been much fatigu'd the night before he wou'd have returned me thanks in person, and an express, in consequence of my intelligence, as I apprehended, was immediately dispatched to the com(m)anding officer at Litchfield, and from thence to Nottingham. I was present when the orders were given to this mess(enge)r and heard the secretary tell him that he believ'd the rebels wou'd be at

² Words crossed out in the manuscript are enclosed in square brackets.

Nottingham before he cou'd reach there. After I had stay'd for near the space of an hour with the secretary and given him the best informac(i)on I was able [coud] I went to an Inn in Town where after having dismissed my guide and post horse accom(m)odated myself as well as I cou'd but as the town was quite full of the king's troops I got little or no rest or refreshm(en)t.

I made it my business so [as] soon as it was light to enquire for a horse and as soon as I cou'd hire one set out for Uttoxeter where I arrived on Thursday the 5th instant about 3 o'clock in the afternoon, and being desirous of returning to Derby that night in order to get some further intelligence, w(hi)ch I had promis'd (if material) to comunciate to his Royal Highness's secretary. I applyed to the postmaster of Uttoxeter for horses, who procured them for me with [and] the same guide I had the night [day] before to Stafford, and having heard the secretary tell the mess(enge)r who, as I said before, he dispatch'd in my presence to Lichfield & Nottingham that he thought the rebels wou'd be at Notting(ha)m before he coud arrive and from the consideration of their forc'd march from Leek to Derby in one day I had no suspitions of their halting there and concluded the Town wou'd be rid of them before my arrival. Therefore I set out with my old guide from Uttoxeter to Derby ab(ou)t half an hour past four o'th(e) clock in the afternoon. It was past 7 the same evening before I came to Derby; on my entrance into the town all seem'd still which confirmed me in my former belief that the rebels had left it, but I had not gone far before I was stopt and examined by their picquet guard and after a short examination was by a number of them conveyed to the officer of the guard who, after asking me a few questions, said I must go to his captain who was likewise short in his examination of me and said that I was a gentleman the Prince, (as he call'd him,) wou'd like to see me himself.

So I and my guide were conducted to his lodgings at Lord Exeter's house when, after about an hours confinement in the guard house I was call'd into a large parlour where there was near 30 of their chiefs and superior officers, before whom I was examined by one Heys who was called their Deputy Secretary. I persisted in the story I had told the officers by whom I had been before examined and, had not my guide, who was confined and examined in another room, discover'd the chief thing I wanted to have conceal'd (I mean my being at Stafford and at his Royal Highness's lodgings) I might probably have been discharged and indeed if he had not been a very weak and cowardly fellow the hints I had given him wou'd have been a sufficient direction to him and our examinations had been consistent, which I conclude they were not, for after I had been examined in the parlour I was order'd up into Hey's lodging room where I past under a further and more strict examination.

I was then immediately threatned w(i)th a halter and used in such a manner as gave me a lively specimen of what might be expected from such wretches if in power and awaken'd in me dismal apprehensions of the danger I was in.

After they had tired themselves I was order'd into their Colonel's guard room which was a chamber in Lord Exeter's house looking to the garden where I was kept and continued under a strong guard till ab(ou)t 7 o'clock the next morning at which time there appeared an extraordinary bustle and hurry amongst my guard who talk't much of their Prince's being got up and one quitted the room after another till at last I was left alone and then I began to think of making my escape, and the first thing I did in order to it was to try whether I cou'd open the sashes, one I found was nailed, the other I open'd the shutter of and raised the lower sash a little but was interrupted by a person coming into the room who proving none of my guard seem'd to take little notice of me and went out again, upon which I bowlted the door on the inside and made shift to get of(f) my boots and imediately after flung myself out of the window

under which was a [hard] gravel walk in Lord Exeter's garden. The height of the window from the walk was, as has been since computed, above 7 yards. I was pretty much stun'd with the fall but soon recover'd myself and ran down the garden w(hi)ch at the bottom is bounded by the river Darwent and inclosed by high brick walls on each side at the end [top] of which to the water long iron spikes were drove to prevent, as I apprehend, the com(m)unication betwixt that and the adjoining gardens, notwithstanding which I got into the next garden / without receiving any hurt and afterwards ran across two more gardens and passed, I know not how, all the fences till [then] I came to Mr Heathcotes, which I found to be a high brick wall, [and] upon laying hold of it at the lower end part of the wall fell and forced me into the river which in that place is several yards deep. It was with great difficulty I got out of the water into Mr Heathcotes garden where I concealed myself for a short time in the garden house. When I made my escape out of the Guard Room I had no hat with me and my peruke being lost and my cloths wett I found myself very cold w(hi)ch if I cou'd have bore, thought my [self] situation far from safe and therefore determined upon stripping of all my cloths leaving them in the garden house and swimming down the river w(hi)ch I accordingly did for the space of ab(ou)t 50 yards till I came to the Ware and from thence waded down the water for about 70 yards before I cou'd land on the other side which when I had done I ran down [by] keeping close to the river side for near three miles and then discovered Alvaston, a village not far distant from but on the other side the river, and being extremely cold and almost spent out I resolv'd to make the best of my way thither which obliged me to swim again across the river. It was with great difficulty that I got to the town where I went to the back door of the first house I came to which proved to be one Mr Ringleys where I was rec(eiv)ed and behav'd to with great humanity. They got me into a warm bed where I had not lain long before I recollected that there were some women in the house who saw me when I came in and not hearing them talk I enquir'd what was become of them and was told they were gone to Derby upon which I immediately got up as thinking I cou'd not long be safe there and requested Mr Rigley's son in law, one Mr Stenson, to accomodate me with some cloths and direct me to some other house where I might be more securely concealed. Mr Stenson lent me some cloths, after w(hi)ch I wanted a horse w(hi)ch he then cou'd not supply me with, and as I was utterly incapable of walking far on foot he advised me to go to one Mr Osbourn's who liv'd in the same town and not far distant from him which I accordingly did and was rec(eiv)ed with a great deal of civility. But before I had been there two hours the news was brought me that some men from Derby were come in pursuit of me, upon which I made my escape out of a back door and with all my might ran towards the river but apprehend(ed) myself closely pursued and being incapable of undergoing much more fatigue [a long flight] I got behind a edge and lay upon the ground till the cold had such an impression upon me and convinced me that if I continued there much longer I shou'd be incapable of stirring and accessary to my own death. I then attempted to go or rather scrall upon my hands and knees to Mr Osborns house and got in again unobserv'd at the back door, but no sooner was I set down but the men that were sent by Mr Heathcote to search for and bring me to Derby came to Mr Osborns house upon which I made my escape by leaping out of a parlour window soon after my pursuers came into the kitchen [house] and, with the greatest difficulty and danger got to Elverson (another village at ab(ou)t half a mile's distance from Alvaston) where one Mr Franceway of Nottingham had left me his horse, I there borrow'd some more cloaths of a poor man, mounted Mr Franceway's horse and in dismal plight made the best of my way for Nottingham where I arrived ab(ou)t 4 o'clock on Friday in the afternoon.

What I have hitherto sayd are facts of my own knowledge but what chiefly relates to Mr Heathcote and the part which he and his emissary's acted I cou'd only have from the testimony of others and therefore desired a friend to take the examinations of those who heard and observed the same [in writing] which he accordingly has done and yesterday I receiv'd from him six examinations in writing signed by the several persons by w(hi)ch it appears that Mr Heathcote's servant was one of the 4 persons that pursued me to Alvawton and the others were [such as he had pick't up and] 3 prisoners who he had engaged & sent to assist in taking me, to whom as they owned, he had given strict orders w(hi)ch they in part pursued in going first to the house of Mr Rigley insulting his wife [family] and declaring that the house with the family shou'd or wou'd be burnt down or destroyed if I was not imediately delivered up to them. And particularly Mr Heathcote's serv(an)t said he must have me and durst not go without me. When they had enter'd and searched every corner of the house without finding me they withdrew to an alehouse in the town where they got intelligence of my removal from Mr Rigley's to Mr Osborn's [house] upon which they went imediately thither search'd Mr Osborn's house used several oaths and imprecations and added such like threats as they had made use of at Mr Rigley's if I was not imediately deliver'd up to them. One gentleman in his examination says that Mr Heathcote told him that he (Mr Heathcote) had sent word to the rebels by one Mr Francis of Derby who from thence went after them towards Ashbourn that the person who had made his escape out of his garden was at a house two miles from Derby and Mr Heathcote at the same time declared to this gen(tlem)an that he verily believed that the rebels who came into his house to enquire for me wou'd have shot me thro' the head if they had found me.

From the above narrative and short abstract of the examinac(i)ons I have omitted several circumstances w(hi)ch concur in further shewing the pains Mr Heathcote was at and the extraordinary zeal he shew'd to have me taken tho' at the same time has confessed he verily believed I must imediately fall'n a sacrifice to the rebels

I am

Your most ob(edi)ent

Eliezer Birch

P.S.

To the above short narrative (a copy of which being laid before the duke of Newcastle) I did not think proper to add the particular examinations, as I believe Mr Heathcote hath got a friend in his office who w(oul)d have sent him copy's and so have been a detriment but now do add them.

Samuell Stenson of Allvaston saith that on Friday the 6 X ber 1745 between the hours of 8 and 10 in the morning a man came nak'd into the house of Mr W^m Rigley of Alvaston, who said he had escap'd out of the hands of the rebels and desir'd our protection and assistance, upon which we put him to bed, where he lay about an hour or two, but upon his being inform'd that 3 women who were in the house when he came in, were gone to Derby he seem'd very uneasy, and desir'd something to cloath which when he had got on, he ask'd if we had any horse near the house and when he heard we had none he desy'd that I w(oul)d conduct him to a private house at some distance where he might be safe, as he said he apprehend'd he shou'd be pursued by the rebels, upon which I told him there was none (convenient) nearer then one mile but I told him that I cou'd conduct him to Mr Osborns, a friend of mine in Allvaston whither I accordingly conduct'd him after which I return'd to Mr Rigly's & charg'd Mrs Rigley that if any person came to enquire after the man who

had taken shelter in their house, she shou'd reply that such a man had been there but not thinking himself safe had determin'd to run down the river to a house about 2 miles distance.

Samuell Stenson

Mary Rigley of Allvaston saith that on Friday the 6 Decemb(er) 1745 between the hours of 11 and 1 there came to her house Mr Heathcots servant in livery and three more men demanding if there was not a person about the house who came thither naked, and she declaring there was not, they ask'd if there had not been such a person there that morning which she acknowledg'd there had, but said he was gone, they demand'd if she did not let him have cloths, she said she did let him have a coat, they demand'd further did she not let him have stockings and shoes, and what sort of cloths and what sort of a man was he, a tall man or a little man, and which way he went, and out of which door he went and ask'd her many other questions, and sometimes in an insulting manner threatned that if she did not satisfy them it shou'd be the worse for her, and ask'd her how she came to let such a rogue have cloths, he might be a rebell for ought she knew and added many threatning and insulting expressions, swearing and cursing and demanding to search her house, which they accordingly did, even every room and closet, a press and cupboard and even to a little place where was bottles of ale and lock'd up the dog of a Brewhouse putting the key in one of their pockets, as she supposes to secure that place while they search'd other parts of her house and Mr Heathcotes servant said he must have him and dared not go without him, that the rebells requir'd him at his master's hands and that if not deliver'd up to them they w(oul)d blow up his master's house

Mary Rigley

Hannah Walker servant to Mr Osborn of Alvaston saith that 4 men came about 2 o'clock in the afternoon of Friday the 6 December 1745 to her master's house, 1 of whom was a person in livery who she believes was then servant to Mr Sam. Heathcote of Derby who enquir'd of her if a man who came nak'd to Mr Ringleys of that town was in the house for they heard he came thither half an hour before and that they were sent by Mr Heathcote to bring him back to Derby that they must and w(oul)d search the house for him & that if they refus'd to deliver him up to them the house must be blown up and burn'd

	her	
Hannah	X	Walker
	mark	

Alles Osborne of Alvaston saith that 4 men came on Friday the 6th Xber 1745 a(t) betwixt the hours of 12 and 3 in the afternoon who she heard say to her servant maid that they wou'd search the house and look under the beds, and heard them say will you have your house blown up and burn'd down and that upon opening the parlour door where she was and going to them they demanded liberty to search the house for a person who they said they were inform'd came from Mr Ringleys, and that they accordingly did search severall rooms in the house

Alles Osborne

William Rigley of Alvaston saith that Mr Sam: Heathcote of Derby told him that he had sent word to the rebells by one Mr Francis who went after them towards

Ashburn, that the man who had escap'd from them was at a person's house 2 miles distance from Derby, and further Mr Rigley saith that Nr Sam: Heathcote told him that in a few minutes after the man who had escaped from the rebels had left his garden the Duke of Perth and severall others came into his house to enquire after the man who had escaped & that the say'd Mr Heathcote said that had they found him there he verily believ'd they w'd have shot him thro' the head

Will: Rigley