

XVI.—THE ESCAPE OF TWO FRENCH PRISONERS OF
WAR FROM JEDBURGH IN 1813.

By MABERLY PHILLIPS, F.S.A.

[Read on the 28th April, 1897.]

The year 1813 was locally noted for two interesting events. First, the formation of the Society of Antiquaries of Newcastle-upon-Tyne ; and second, the trial of some Northumbrians for aiding and abetting French prisoners of war to escape.

The purport of the society was declared to be ‘inquiry into antiquities in general, but especially into those of the north of England and of the counties of Northumberland, Cumberland, and Durham in particular.’ Its continuance and development affords me the opportunity of bringing the subject of the French prisoners before you to-night, and it is interesting to think that this society has now attained such an age that events which occurred during the year of its birth may be considered to come under the head of ‘antiquities in general.’

The subject of the confinement of French prisoners of war in this country during the unhappy strife with France from 1756 to 1763, and again from 1793 to 1815, I am under promise to treat of in a general way in another publication, and to-night only propose to bring before you a short notice of two French officers, who, in 1813, were prisoners at Jedburgh, from whence they made their escape, worked their way by upper Coquetdale to Whitton by Rothbury, then on to Newcastle, where they remained some days, and eventually were conveyed on board a Swedish ship at Shields, from which port we trust they had a fair voyage to their native land, and did not abuse the assistance given them by again fighting against us.

Subsequently sundry persons implicated in aiding the prisoners to elude the vigilance of the authorities were prosecuted for so doing. One of them retained the services of Mr. Scarlett, a celebrated barrister of the day. The brief that he held on that occasion has been lent to me by a friend, and from it much of my information is gained.

It would appear that at times we had as many as twenty to thirty thousand French prisoners located in various parts of the country. In many places large prisons were erected for their accommodation, while in others it would seem that they were farmed out among private individuals with an inspecting officer to guard them in general. In most cases the common soldiers were kept close prisoners, while the officers were on parole within certain defined boundaries. At Jedburgh, a Mr. George Bell was the agent and commissary. From evidence that he has left it appears to have been the custom in that locality to advertise in the town and neighbourhood for persons who would lodge prisoners of war. When the prisoners arrived, certain printed papers were signed, presumably containing conditions of parole, and these were read to the persons who housed them. Mr. Bell states that two men, named Benoit Poulet and Jacques Girot, came into his district on July 24th, 1812. The former is described as between thirty and forty years of age, of fresh complexion, rather light hair, oval countenance, and the stouter man of the two—height, five feet six inches or five feet six and a half inches. Girot—not so round in the countenance, and marked with the small pox.

Bell records that he had upwards of one hundred prisoners in his care and mustered the men twice a week, namely, on Tuesdays and Saturdays at 11 o'clock in the forenoon, that these men were present at the muster on June 1st when he paid them up to June 4th inclusive (unfortunately the amount of pay is not recorded), that he had continued the regular musters since then, but had never seen the prisoners in question present. From the evidence before me there is no doubt that after the muster on June 1st, these two men bade adieu to Jedburgh, breaking their parole and literally taking 'French leave.' They made their way into Coquetdale, where they had previously arranged with one James Hunter, who resided at Whitton, near Rothbury, to meet them with a conveyance.

This is borne out by the evidence of Mr. John Ord, who states:—
'I am a farmer in Coquet Water, between Jedburgh and Alwinton, have known Hunter twenty years; he came to my house on the 31st May in a gig, betwixt four and five in the afternoon—there was another man with him at the time. Hunter came first. There were two carriage carts. They staid with me an hour and a half, had a lot of corn and went off.'

One of our members, Mr. D. D. Dixon of Rothbury, has kindly sent me some notes locally gathered concerning several people named in the narrative. He says:—

Mr. John Ord was of Shillmoor, a large hill farm above Alwinton, about six miles, close on the Coquet. The Ords are still there, a most respectable and influential family. A Miss Ord farms Warton, and there are several families of Ords amongst the hills—well-to-do people.

The next evidence is gathered from Margaret Balmer, who stated that she lived at Whitton, that she knew Hunter well as he and his wife lodged with her, occupying the upper rooms of her house—that she remembered seeing Hunter go from home one morning just before Stagshaw bank fair—

He took a pony with him, he said he was going to the fair, also that he was going up the water for two gentlemen to go to fish—did not see if he took any fishing rods. When Hunter returned he had two strange gentlemen with him, one of them had on a long blue coat and pantaloons of the same colour, the other had a dark-coloured coat. They stayed all that night until next evening. They went out of the court of the premises where Hunter lived and went into a gig. The gentlemen were carrying a fishing rod and a creel, they went towards Morpeth, and I never saw them again. Hunter returned in about a week or nine days, but he had no gig with him. Coquet water is good to fish in, many gentlemen come from different parts of the country—have known Hunter go with gentlemen a fishing at different parts of the water.

Of this witness Mr. Dixon says:—‘Several elderly folk in Rothbury can remember Peggy Balmer. She lived in late years in the village of Rothbury and died here. She was not in the best repute, having had three illegitimate children—one of these, Tommy Balmer, I can recollect nicely. He was an inveterate poacher of black game and salmon.’

Robert Waller, whose evidence we have next, says:—

I keep a pot-house at Coal-rife, about five miles from Whitton, on the way to Newcastle. I know Hunter; he came to my house the beginning of June, the day before Stagshaw bank fair. It was held the Saturday before the Whit Sunday. He was riding in a gig drawn by a pony; two men were along with him; the men were strangers to me; he told me they were going to Stagshaw bank fair. They had two tankards of ale, which they drank together. One of them had a fishing creel on his back and a rod in his hand; they stayed about ten minutes. They had on blue pantaloons, but I did not notice their boots or shoes.

The ‘pothouse’ referred to was abolished about twenty-five years ago.

James Robinson, who gives the next evidence, says that he lives near Belsay castle and works upon the Turnpike road—that he remembers Hunter passing the Friday before Stagshaw bank fair. Two men were with him, one in the gig and the other walking at the side ; he had a blue coat and pantaloons.

Ann Charlton says that her husband keeps a public-house at Belsay red house on the road to Newcastle. A lame man came with two gentlemen ; one had on a long blue coat and blue pantaloons, but she took no notice of the other. She wished them to go into the kitchen, but they wanted a room to themselves. They got some bread and cheese and ale and remained an hour. She asked the lame man what countrymen they were. He said they were two relatives of his, two ship-captains, and he was setting them along the road.

Robert Wilson, the toll-gate keeper at Ponteland, says that on Friday, the 4th of June, between five and six in the evening, some persons passed in a gig through the gate, Hunter and another gentleman. Four or five minutes after they passed, another gentleman came on foot. He saw him looking over the battlements of the bridge. He had a fishing-rod in his hand and looked at the water.

About 10 o'clock at night on June 4th the party arrived in Newcastle and made their way to the 'Bird-in-Bush' inn, Pilgrim street, kept by Simon Brown, where Hunter had previously announced their coming to the landlord in a letter, of which the following is a copy :—

Mr. BROWN,

Whitton,

June, 1, 1813.

SIR,—I expect to be at your house on Thursday or Friday night with two gentlemen to stop a few days, and as they wish a quiet apartment by themselves where they can eat and sleep and be by themselves, hope you can provide and have a situation of that kind ready for us to go into. I cannot say positively whether it will be Thursday or Friday night, but likely one of them, and as they are and have been here upon a fishing excursion it will likely be probably ten or eleven o'clock before we reach your place, as they will probably fish all the forenoon before they come away.

I am, Sir, yours sincerely,

JAMES HUNTER.

P.S.—I want a stiff, short-legged horse or mare that can either ride or go in a gig when I come, if you know of one.

J. H.

The evidence is then given of John Storey, ostler ; Alice Gibbs, servant ; Mary Foster, chambermaid ; Edward Robinson, waiter—all

on the staff of the 'Bird-in-Bush' (unlikely as it may appear from modern remembrances of that establishment). From their statements, and from the text of the brief, it appears that on their arrival Hunter told Brown, the landlord, that his two friends were Germans, that they had been on a fishing excursion in his neighbourhood, that they wanted to go home if they could find a ship sailing from Newcastle, and in the meantime they would stay with Brown. Upon their arrival they went into the general room, but asked for a private one the next day. After breakfast, Hunter got Brown to go on the Quay with him; they met Charles Charlton, a broker, who, Brown said, was a likely man to know what foreign ships were in, and when they would be sailing. Charlton made enquiries at the Custom-house, and said that there was a ship ready to sail. They then went to the house resorted to by foreign captains; and here Brown left them, and did not see them again till the afternoon. Charlton then told Brown he feared he might get into trouble over the matter, as he suspected they were Frenchmen. Brown said, if that were so, he would get rid of them at once. Charlton pretended to go and consult his law-books, and came back and told Brown there was no fear, as he, being the keeper of a public-house, had no right to question his customers.

The strangers therefore remained with Brown at the 'Bird-in-Bush' until Saturday, June 12th; but on that day his waiter, Edward Robertson, told him he believed the police-officers were seeking Hunter. The waiter was at once despatched to find Hunter, and tell him he must not come back to the house; Hunter therefore went to the waiter's rooms in Silver street, and subsequently the waiter's wife arranged for all the party to be accommodated in the same house.

Hunter, Charlton, and the waiter got the Frenchmen from the 'Bird-in-Bush' the same evening. The waiter's wife, it is understood, led them out one at a time. Brown was not present when they left his house, but on Sunday morning he went with one Michael Robson to Silver Street to try and get payment of his account for the keep of the horse. A quarrel ensued, but early payment was promised. About twelve o'clock on the same day a Mr. Thompson, a merchant in Newcastle, and another gentleman, called at Brown's house and asked to see the foreigners, as he had brought a captain to see about their passage. Brown said that they had left his house. The visitors

expressed much surprise, and could not believe it, as they were arranging for their passage. Brown again asserted that they had left him the night before, and he believed that they had gone to Sunderland, as they had to go in a ship from there. They then went away. In about an hour Mr. Thompson came back, ordered some cold beef and porter, and told Brown the mayor would likely call upon him that night, remarking that he told Brown this out of kindness, and suggested that he should go with him to Mr. Thomas Brown, partner with the town clerk and manager for him during his absence. They accordingly went, when the town clerk's deputy questioned the landlord very closely upon every point regarding his late visitors. Brown stated that he believed they had gone to Sunderland (well knowing they were in Silver Street), but if he were in any danger on their account he could produce them, he was sure, by Tuesday. Mr. Thomas Brown said that what had happened might occur to anyone who kept a public house, as he had no right to question his customers. Brown saw nothing more of the foreigners until the 16th, when Charlton came about ten o'clock at night, and said the two gentlemen were going away that night, and he must come with him and get his account. He went, and did not get the money, but arranged that Charlton was to take it for him. Then Charlton proposed that they should all go to the Carpenter's Tower. This they did, Brown walking arm-in-arm with Charlton, the others following. When they got there it was quite dark. Here they met a man named Glover, with whom the Frenchmen went off to Shields, where, by his aid and that of Robert Topping and James Taylor, they were placed on board a foreign vessel. Charlton went back with Brown to the 'Bird-in-Bush' and had ale and cold beef, and remained there till two o'clock in the morning. When at Silver Street Charlton appears to have most kindly assisted the foreigners to divide the money they had (namely, £60) into three lots. One £20 was given to Glover for the captain. When Brown came away the other two parcels of £20 each were on the table, but when the Frenchmen got to Shields they only had £20 between them. It is surmised that Charlton appropriated the missing £20 to his own use.

Then came the sequel. The police authorities took up the matter and commenced a prosecution against all the parties concerned.

Charlton looked up Hunter and told him that if he did not get out of the way he would be the means of 'putting the business out,' and advised him to be off or he would be 'necked,' as the officers were in pursuit of him and would be sure to catch him. This advice Hunter took by making arrangements for the ostler to meet him with his pony and gig opposite the grand stand on the moor.

In a short time all the other persons implicated (Robert Nichol, Robert Glover, Robert Topping, Temple Taylor, and Charles Charlton) were arrested and charged with felony under Act 52, Geo. III., cap. 156, which had only become law the previous year. It is entitled:— 'An Act for the more effectual punishment of persons aiding prisoners of war to escape from His Majesty's dominions.' The preamble says that so many prisoners of war confined and on parole have escaped that it is necessary to repress such practices, etc., etc. A copy of the warrant of commitment for Simon Brown, landlord of the 'Bird-in-Bush,' is before me. It reads:—

Town and County of Newcastle-upon-Tyne.

To the Keeper of the Common Gaol in the said Town and County.

Receive into your Custody the Body of Simon Brown, late of the Town of Newcastle-upon-Tyne, in the County of the same Town, Victualler, whom I herewith send you, he having been apprehended and brought before me, one of His Majesty's Justices of Peace in and for the said Town and County of Newcastle-upon-Tyne, charged upon oath with having on the 15 day of June last, at the Town and County aforesaid, feloniously, knowingly, and wilfully aided and assisted the Alien Enemies of his Majesty, being Prisoners of War in His Majesty's Dominions and at large upon their Parole (that is to say) Benoit Poulet and Jacques Girôt, to escape from His Majesty's Dominions contrary to the Form of the Statute in that Case made and provided.

I do therefore command you to keep the said Simon Brown safely in Custody in the said Prison until he shall from thence be delivered by due course of Law. Given under my Hand and Seal the 2nd day of July, 1813.

ROBERT CLAYTON, Mayor.

At the time of the arrest of these prisoners, Hunter, who had brought the Frenchmen to Newcastle, was still at large, but prior to the assizes being held he was apprehended at Softlaw smithy by Robert Aimers, one of the constables of Kelso. He was brought to Newcastle and was imprisoned to await his trial with the other offenders. Some time prior to the day of hearing, three of the prisoners turned king's evidence. The *Courant* of August 28th says:—

Charles Charlton, Robert Topham, and Temple Taylor, committed as accomplices with Hunter and others in aiding the escape of the French prisoners (and admitted to King's Evidence) were severally discharged by proclamation.

The trial of the remaining prisoners came on for hearing on August 28th. It appears that the general impression was that they would be convicted, but from the able pleading of Mr. Scarlett, the counsel retained for Simon Brown, or from other causes, a verdict of Not Guilty was returned. The *Courant* of that day says :—

The trial of James Hunter occupied the whole of Monday, and the court was excessively crowded ; when the verdict of Not Guilty was delivered, clapping of hands and other noisy symptoms of applause were exhibited, much to the surprise of the Judge, Sir A. Chambers, who observed that he seemed to be in assembly of Frenchmen, rather than in an English court of justice. The other prisoners charged with the same offence were merely arraigned, and the verdict of acquittal was recorded without further trial.

There can be no doubt that the popular feeling was greatly in favour of the unfortunate foreigners, who were such unwilling guests in our country. An extract from Wallace's *History of Blyth* gives interesting evidence of this :—

One Sunday morning in the year 1811, the inhabitants were thrown into a state of great excitement by the startling news that five Frenchmen had been taken during the night, and were lodged in the guard-house. They were officers who had broken their parole at Edinburgh Castle, and in making their way home had reached the neighbourhood of Blyth ; when discovered they were resting by the side of Plessy wagon-way beside the 'Shoulder of Mutton' field.¹

A party of countrymen who had been out drinking hearing some persons conversing in a strange tongue, suspected what they were, and determined to effect their capture. The fugitives made some resistance, but in the end were captured, and brought to Blyth, and given into charge of the soldiers then stationed in the town. This act of the countrymen met with the strongest reprobation of the public, the miscarriage of the poor fellows' plan of escape through the meddling of their captors, excited the sympathy of the inhabitants ; rich and poor vieing with each other in showing kindness to the strangers. Whatever was likely to alleviate their hapless condition was urged upon their acceptance ; victuals they did not refuse, but though money was freely offered them, they steadily refused to accept it. The guard house was surrounded all day long by crowds anxious to get a glimpse of the captives. The men who took the prisoners were rewarded with £5 each, but doubtless it would be the most unsatisfactory wages they ever earned, for long after whenever they showed their faces in the town they had to endure the upbraiding of men, women, and children ; indeed it was years before public feeling about this matter passed away.

¹ This field is immediately outside of Blyth, on the west, leading to Newsham.

This strong sympathetic feeling would be strengthened by the remembrance of the number of Englishmen who were captives in French prisons. To alleviate the sufferings of their fellow-countrymen, subscriptions were given in various parts of this country. Although this side of the subject hardly comes within the scope of my paper, I cannot refrain from giving some interesting extracts, kindly favoured by Canon Savage from St. Hilda's vestry book, South Shields, which speak well for the patriotism and generosity of the town :—

		Collected for British Prisoners in France.		£	s.	d.
1807.—Sept.	}	At church, £39 6s. 10d.; at Mr. Toshach's, £13 5s. 6d.;				
Oct.		at the Methodists, £10 10s.; at Mr. Mathew's,				
Nov.		£4 13s. 6d.; and at Dr. Thorburn's, £1 11s. 6d.		69	7	4
		, The Dean and Chapter of Durham		20	0	0
		From door to door		99	16	8
				<hr/>		
				189	4	0
		Printing, etc., etc.		1	5	4
				<hr/>		
				187	18	8
Receipt of a play, £44 2s. 6d.; expenses, printing, etc. (the performers having play'd gratis), £5 13s. 6d.				38	9	0
				<hr/>		
				£226	7	8

Remitted to the committee at Lloyd's to be sent with theirs to France.

NOTE.—From 140 to 150 prisoners, belonging to this chapelry.

1805. Instead of illuminations for the glorious battle of Trafalgar, and the battle off Cape Ortegual, it was determined to raise a subscription and transmit to the patriotic fund at Lloyd's for the wounded, and relatives of the brave men slain, which was begun 29th November, 1805, and amounted to £450 14s. 8d.²

We have records of French prisoners escaping in our own locality. Mr. Horatio Adamson, in his interesting paper on 'Tynemouth Castle,' says :—'I find that in 1745 French prisoners were confined in the castle, and in 1759 the Trinity House of Newcastle subscribed two guineas towards the relief of the French prisoners confined in the stronghold.'

In October, 1811, two French prisoners, Jean Smith and Nicholas Kembrune, broke from the House of Correction at Tynemouth. A

² A printed list of the subscribers is pasted into the book.

reward of one guinea was offered for the apprehension of each prisoner by Robert Robson, keeper of the House of Correction.

In reply to an enquiry made in the *Weekly Chronicle* for any particulars regarding French prisoners in the north, a correspondent from Crieff who signs "W. S." sends the following amusing account:—

Jedburgh had its share of French prisoners. They were for the most part kindly treated, and many of them were permitted a great amount of liberty. One of these, an officer, was allowed on parole to walk about the town, and he made many friends. He had a taste for archaeology, and visited all the ruins within the precincts of his radius, namely, a mile from the cross. There is a tradition that on one of his excursions he was directed to a ruin about a quarter of a mile beyond his appointed mark, which happened to be a mile stone. Since the Fall, forbidden fruit has always tempted man, and this French gentleman succumbed to temptation. He asked the Provost for permission, that worthy, however, refused, but he quietly added, 'If Mr. Combat did walk a short distance beyond the mile, and nobody said anything, nothing would come of it.'

But the Frenchman had given his word of honour, and he could not break it. A happy thought struck him. He borrowed a barrow one afternoon, and with it, and the necessary implements, proceeded out to the obnoxious milestone. Having, as the sailors say, unshipped the milestone, he raised it on to the barrow, and triumphantly wheeled it to the required distance, where he fixed it, and hurried back to be within doors at the prescribed time. The same authority for the story asserts that he made many visits to the old castle he wished to see. For a generation the stone stood where the Frenchman placed it, no one being any the worse for the extra extent of this Scotch mile.

In conclusion, a few words may be said regarding some of those who were indirectly interested in the case. Robert Clayton, the mayor, who signed Brown's committal warrant, was agent to the marquises of Bute and Hereford, as well as being a timber merchant and coal fitter. He forms one of Mr. Welford's *Men of Mark*, and a slight sketch is given of his life. He was elected sheriff of Newcastle in the municipal year 1777-78, and mayor in 1804-5, 1812-13, and 1817-18. He held for some years the office of chamber clerk to the corporation, and was appointed an alderman, March 3rd, 1797, on the death of Charles Atkinson (one of the partners in the Commercial Bank, Newcastle-upon-Tyne, who met his tragic death by falling down the shaft of a coal pit). On this occasion the aldermanic gown is said to have been offered to several Newcastle notables, all of whom declined it. In a satirical song, entitled 'Gotham Corporation,' attributed to the caustic pen of Thomas Davidson, attorney, the difficulty and its removal were hit off in the following lines:—

When the aldermanic gown was hawk'd about town,
 Seeking a back for to lay't on ;
 Up step'd Brother Bob, and finished the job,
 For he was dubb'd Alderman Clayton.

James Scarlett, to whose brief we are so much indebted, was one of the most remarkable men of his day. He was born in Jamaica, December 13th, 1769. He was admitted to the Inner Temple 1785, called to the Bar July 28th, 1791, and graduated M.A. in 1794. He soon afterwards joined the Northern Circuit, though without professional connections. For many years he represented Peterborough in parliament. He became attorney-general under Canning in 1827, and was knighted the same year. In 1835 he was created baron Abinger of Abinger in Surrey, where he had purchased considerable estates in the year in which he held the brief for Simon Brown. He was one of the most popular advocates of the time. One of his biographers says :— 'His tact in the management of a cause was unrivalled. Some of his extraordinary success as a verdict-getter was undoubtedly due to abundance of clever artifice, but much more was due to the exquisite art he possessed of putting the whole facts of the case before the jury in the clearest possible manner, and in the most efficacious way for his client . . . His one object was to get a verdict, and he never showed any desire to produce a brilliant effect or to win cheap applause.' He died suddenly at Bury, April 7th, 1844, aged seventy-four years.

Some of our legal friends may be interested to hear that the brief is endorsed 'Mr. Scarlett 4 guineas, retainer 1 guinea ; total 5 guineas, with you Mr. Raine consultation 1 guinea. (Signed) J. Scarlett.'

