

the infamy and punishment that await them from the just laws of their offended country, while the Government of the United States does not blush to claim these outcast traitors as their own, and outrage the custom of civilized war, in the persons of honourable men, by placing them on a par with rebels and deserters.

No alternative remains to the commander of the forces, in the discharge of his duty to his king, his country, and his fellow soldiers, but to order all the American officers, prisoners of war, without exception of rank, to be immediately placed in close confinement as hostages for the forty-six British officers so confined, by the express command of the supreme authority in that country, until the number of forty-six be completed, over and above those now in confinement.

His Excellency directs that this general order together with that issued on the 27th of October, be read to the troops, that the British soldier may be sensible of the terms on which America has determined to wage this war; confident that he will meet them with proper spirit and indignation; for should he become the prisoner of a foe so regardless of those laws, which for ages have governed civilized nations in war, he would be doomed to a rigorous confinement, and that only preparatory to a more savage scene.

(Signed,)

EDWARD BAYNES,

Adjt-Gen. North America.

We have purposely italicised the words, without distinction of rank, as Ingersol has not scrupled, in his observations on this affair, to endeavour to throw a false colouring over it, and to have recourse to misrepresentation. He writes, "when England took her position on the dogma of *perpetual allegiance*. Gens. Chandler, Winder and Winchester, Colonel Lewis and Major Madison were prisoners on parole near Quebec, but not one of the superior officers was seized as a hostage. A dogma originally applied only to vassals, never enforced against lords, in the feudal ages, from whose dark codes it sprang, England, on the ferocious revival of it, restricted to men in humble stations. No American above the grade of captain was confined. In the first place this is simply untrue as the three generals just mentioned were removed from their

parole at Beauport to Quebec for confinement. Again, as to the dogma of perpetual allegiance, it was not the vindication of this dogma which Great Britain at this time desired to assert, but the right of punishing deserters, and of establishing the point that a mere forsaking of the British flag and territory was not sufficient to absolve from the general law of allegiance, or from the military and naval codes in particular, which, in common with those of all nations, awarded the punishment of death to deserters from either service.

Ingersol is not more happy when he cites Moreau, Bernadotte, and Pozzo de Borgo, as cases in point to prove that fugitives from a country may honorably join in warfare against that State. France may be said to have been afflicted with a civil war, in the conducting of which both parties called in allies; but even during those unhappy times victims were not wanting, and Ney's fate tells much more forcibly against Ingersol's position, than Moreau, Bernadotte, and Pozzo de Borgo do for him.

For some time the measures of the respective governments were carried out very rigidly, and many hardships were suffered by the unfortunate victims of this attempt, on the part of the United States, to force Great Britain to consent tamely to regard the desertion of her soldiers and sailors. The final settlement of this affair did not take place till July 1814, but we introduce it here in order to close the subject. The whole correspondence will accordingly be found in our notes,*

*General Order,
Head Quarters, Montreal,

16th April, 1814.

His Excellency the Governor-in-Chief and Commander of the Forces, announces to the troops under his command, that he was pleased to sanction and confirm, on the 15th inst., articles of a convention entered into by Colonel Baynes, Adjutant-General of the Forces, and Brigadier-General Winder of the army of the United States of America, for the mutual release of all prisoners of war, hostages or others, with the exception of the forty-six American officers and non-commissioned officers placed in close confinement as hostages, in conformity to the general order of the 27th of October last, in retaliation for twenty-three British soldiers, confined by the Government of the United States, as hostages for twenty-three British born subjects, taken from the ranks of the enemy, and sent to England for legal trial. By this agreement it is stipulated that all