

could not condemn you to lose, for that belonged to your enemies; they could not dismiss you the service, because you was a prisoner of war taken in a military capacity, and as such must be exchanged upon the cartel; they could not degrade you, because the Americans had a right to receive in exchange for you an officer of rank equal to that which you possessed at the time that you surrendered up your arms. It is therefore very clear, that a trial under these circumstances would have been a mockery of justice; a trial without evidence; a condemnation without punishment; a violation of the rules of war; and a very gross infringement of the law of nations.

Your stay in this country answering therefore no effectual purpose, the Secretary at War signified to you, that "his Majesty judging your presence material to the troops detained prisoners in New England under the convention of Saratoga, he wished you to repair to Boston as soon as your health should be restored." You had before used the freedom of differing from the judgment of the  
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