

surprised that this mode of incarcerating British officers should be realized, not at Verdun in France, but at Kentucky in the United States, the land of liberty." We find the names of thirty officers who were crowded into two small rooms, little larger than the common cells which were seven feet by four. Comment on this is unnecessary.

esses of investigating and punishing the crimes committed by her own natural born subjects, in a due course of law, is too self-evident to require a comment, nor can it, by any distortion of sense, or justice, be construed into a just ground for an act of fair retaliation exercised on twenty-three British Soldiers: the latter are characterized by their patriotism and loyalty, the former stigmatized for their treason and rebellion.

It would be wasting time to enter into any further discussion on this subject. Great Britain has successfully maintained her national right, unsullied for twenty years against the whole world combined; it is not to be supposed that it is reserved for the United States to stop the course of justice, and to dictate to England what procedure she shall observe towards her own natural born subjects, in her own courts of civil judicature arrested in her own territories in commission of acts of treason and rebellion.

It is to be remarked, that as the exchange of prisoners of War now proposed by the United States no longer has the general character that was at first proposed, but is specifically to restore quota for quota, it becomes on this ground, incumbent on the part of the British Government, to demand as a preliminary step, a detailed statement of about three thousand prisoners of war, of which the third were of the United States' regular service, captured in Canada during the first Campaign, and given up in good faith to the United States, who at that period, had no British prisoners.—and as all subsequent exchanges on the part of the United States have been acquitted by an equivalent number of prisoners simultaneously exchanged, it is insisted that the American Government is bound by honor and good faith to make full and complete satisfaction for the above debt, in conformity to the 14th article of the cartel, before she can in justice retain, or ask an equivalent for a single British prisoner now in her possession: and for this purpose returns will be prepared, not only of the number of prisoners remaining unexchanged in the possession of either power, but of those given up in good faith by the British Government to the United States, and for which no return has yet been made, or satisfaction offered; and as it appears from the documents now transmitted, that the United States are adding to the number of prisoners placed in restraint as Hostages, His Excellency is left no alternative, and is under the imperious necessity of ordering into close confinement, all the American officers remaining in his possession, not heretofore considered as Hostages.

If the instructions of the Secretary of State

Before entering on the subject of the impression produced on the centre division, by the intelligence of the disaster which had overwhelmed the right, or northern, division, it will be advisable to conclude the operations which were now undertaken, under Generals Wilkinson and Hampton, in the Lower Province. We may, however, notice, that not-

leave to the discretion of Brigadier-General Winder no latitude on the subject of the twenty-three British soldiers considered by Great Britain as the sole just origin of the system of retaliation, the further prosecution of this negotiation, for an exchange of prisoners, must be unavailing, as His Excellency, although prepared to waive all minor considerations, as to meet the American Government on a fair and liberal basis, is at the same time unalterably firm in his determination not to compromise in the slightest degree, that principle of justice and equity upon which the measures of his Government have been framed.

On a former occasion, Colonel Baynes communicated to Major Melville that if the prisoners of war in Canada were not exchanged previous to the arrival of the transports expected early in the Spring, it would become a necessary measure to relieve the Canadas of that charge, and that they would be sent to England; and on the opening of the river navigation, the prisoners now at Montreal will be sent to Quebec for that purpose.

(Signed) EDWARD BAYNES,  
Col., and Adj. General.

#### No. 2.

Brigadier General Winder has received Colonel Baynes' note of this morning, and has read it with close and profound attention, not without considerable surprise and the deepest regret—surprise because it seems to have been expected that the discussions depending between Colonel Baynes and himself were in fact to have settled and adjusted a principal question which will no doubt occupy the Congress at Gottenburg—regret because he fears that the beneficial consequences which would result from making exchanges, as far as was practicable under the powers held by General Winder, must be defeated by persisting in the views held out by the note of Colonel Baynes—exchanges which would restore to liberty so many brave and honorable men of both nations, who may otherwise linger out a tedious protracted confinement, finally to be terminated by an inglorious death, and which beside, would have left untouched in the fullest extent, the pretensions of Great Britain, on the question from whence the system of retaliation has arisen.

It appears to Brigadier General Winder, from the note of Colonel Baynes, that he considered an exchange made under the restriction in Brigadier General Winder's power, as an abandonment or compromising the principle in question by the British Government.—Surely, if this were the case, as according to Brigadier General Winder's conception it certainly is not, it would have been