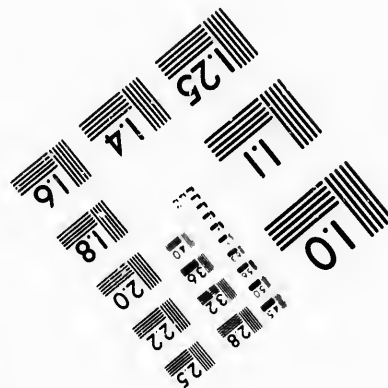
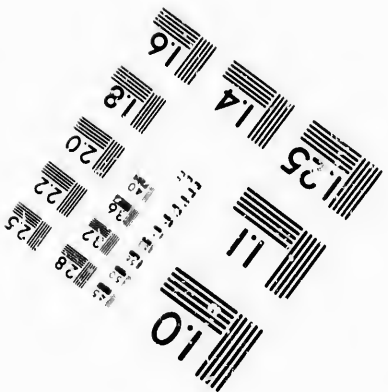
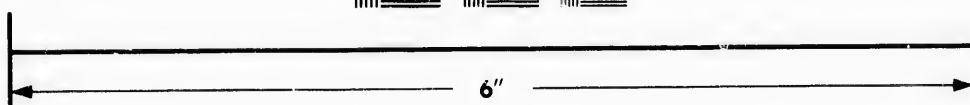
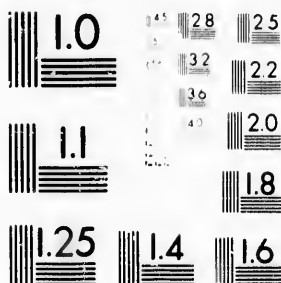
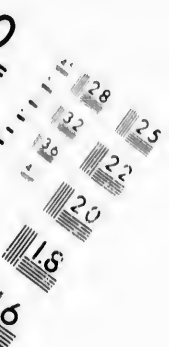


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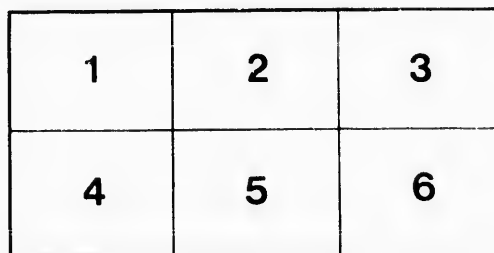
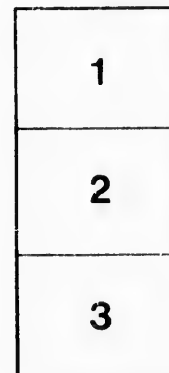
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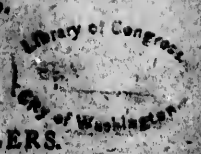
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A
L E T T E R
FROM
LIEUT. GEN. BURGOYNE, ^{John, 1772-1792.}
TO HIS
CONSTITUENTS,
UPON HIS LATE
RESIGNATION;
WITH THE
CORRESPONDENCES between the SECRETARIES of WAR
and Him, relative to his Return to AMERICA.

ALS^o,
A **L E T T E R**
TO
LIEUT. GEN. BURGOYNE,
ON HIS
LETTER TO HIS CONSTITUENTS:
AND,
A **R E P L Y**
TO
LIEUT. GEN. BURGOYNE'S
L E T T E R
TO
HIS CONSTITUENTS.

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Gentlemen, Clergy, and other Voters,

OF THE
TOWN OF PRESTON.

GENTLEMEN,

THE responsibility for political conduct, and perhaps for all conduct, which every Representative owes in a certain degree to the nation at large, and particularly owes to his immediate Constituents, becomes a more forcible duty upon me from the many private friendships with which I am honoured among you.

The crisis in which I write is another reason for this address. Never, surely, was there a time in which it was so important for Constituent and Representative to understand each other, nor ever was there one when more systematic pains were taken to set them at variance.

My first purpose is to explain to you the causes which have induced me to withdraw myself from a station, in which (till it is known that my offers of service were rejected) I might be supposed capable of serving my country in her extremity with some effect. These causes shall be stated faithfully. It is the interest and pride of the innocent and injured to be ingenuous.

For the better understanding my case, it may be necessary to take a short retrospect of some of the leading principles and situations by which I have been governed.

I had been a member of the House of Commons nearly an entire Parliament before I became a candidate for Preston. The testimony of my conduct during that time, of which I was most proud, was the approbation of Lord Strange, under whose auspices I first offered myself to your favour. It was my happiness to be his relation, but it was my highest honour that he was my friend by choice. You knew him well—His natural affections were strong, but his public virtues were inflexible; and no family connection or interest, unaccompanied with opinion, could have influenced his recommendation for a trust from the people.

The system upon which I had acted the preceding Parliament, and upon which I continued to act in the seat your favour gave me, was short and plain,—a constitutional support of the Crown—a liberal reliance on those who then conducted the public measures—but an independent claim to free opinion and free conduct upon every occasion in which my judgment called upon me to depart from my general line.

Government gave me countenance and gave me favours, but never at the expence of those principles: and I reflect with pleasure and gratitude on the sanction you have given, Gentlemen, to this assertion, by having, after those

those favours from the Crown, elected me with uncommon marks of your approbation.

Conformable to the principles I have stated, notwithstanding my general support of administration, I had found myself obliged sometimes to oppose the measures of the Court; particularly in the debates upon the Convention relative to Falkland's Island; upon the proceedings relative to the Caribbees; and upon the perpetuity of Mr. Grenville's bill. In the motion I made for the committee of enquiry into the state of the India Company, and through the whole progress of that long business, I acted without the participation of the Ministers; and such accidents of separation had arisen between Lord North (the supposed leading Minister) and me, that, although I bore respect to his character, no two persons, not in direct enmity, could live at a greater distance. Such was my political situation when I was called to the American service in the year 1775.

It is known to those who employed me, and I have often declared it in public, that I was involuntarily called to it. I was not without professional reasons for wishing to decline it; but I had many others, arising from such personal circumstances as must naturally and strongly affect the human mind—They are not unknown to you.

I stated these sentiments when the King's intention of employing me was communicated; adding, that powerful as they were, they should be made subservient to the principles

I had

I had ever held of a soldier's duty, and if his Majesty thought me, then the last and humblest upon the list of his major-generals, to be necessary to the service of the state, I should forego any idea of excusing myself upon the plea of my private circumstances. I was assured, in terms very honourable to me, that his Majesty was decided in his choice of generals, and I immediately declared my readiness to obey.

Thus engaged, I resolved to dedicate myself to my new situation. I saw the national objects to which it opened. I had uniformly supported the principle then held out by the Ministers—the supremacy of the King in Parliament, and from truly public sensations, I endeavoured to put myself upon as good terms as possible with the First Lord of the Treasury. I suggested a command at New-York with four regiments (it was the very beginning of the troubles) with a view to negotiation, not to arms. The idea seemed to be much approved; but I am not master of the secret and political circumstances that prevented its being adopted. I am now inclined to believe that had the measure taken place, the war would have been prevented: or at least it would have begun with that important place being in the King's government.

In the course of the ensuing campaign (if the blockade of Boston can be called by that name) my efforts to be of use in the public service were not confined to the immediate line of my station, but were exerted at large, and
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received very flattering testimonies of approbation at home and abroad.

I, etc. in the winter of 1775 I returned to England. The King's Ministers saw and acknowledged, that, in the reasons for that return, my zeal for the public service kept pace with the anxieties of my private situation. It entirely prevailed over them, when very early in the spring I was called upon for service in Canada. It may be supposed that I solicited that destination (as by some it was supposed that I had solicited the former one). The contrary was so true, that I would have purchased a redemption from the service, would my principle of public honour have permitted, with the last shilling of my military income. At the time I embarked, acute distemper was added to pain of mind, arising from the family distress I before alluded to, and the circumstances requiring my continuance in England were become much more affecting than the year before.

My endeavours in the campaign under Sir Guy Carleton, in 1776, were also thought worthy commendation, and before my return, I was pitched upon for the command of the troops destined to make a junction with Sir William Howe from Canada.

I had now sustained the severe private misfortune which I had so long dreaded. Employment in the field was the best relief that could be offered to affliction, and for the first time since the war, I was earnest to go to America.

I have

I have slightly touched this progress of my late service, to shew that the situation in which I was placed in the year 1777, was not one of private favour, court intrigue, or personal ambition, but naturally devolving to me from occurrences and from general opinion. Whether that opinion was justly founded, this is not the place to discuss. An account of the campaign, in the part where I commanded, will forthwith be submitted to the public in a detail of the facts proved before Parliament, and in other authentic documents. In the mean time let me be permitted to say, that however freely cavillers and speculatists may have treated my military conduct, none have disputed the principle and zeal which actuated my endeavours.

With these claims, Gentlemen, to the countenance and good-will at least of government, I proceed to relate the treatment I received.

I had expressed, in my private letter from Albany, to the Secretary of State, my "confidence in the justice of the King and his Councils to support the General they had thought proper to appoint to so arduous an undertaking, and under as positive a direction, as a cabinet ever framed." I had in the same letter given an opinion of the enemy's troops, upon near inspection of their numbers, appointment, and discipline.

Furnished with these materials, and supported by the fidelity with which I had acted, it was not thought expedient I should have access to the King. What other facts might have been cleared up by my interview, and

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were wished not to be cleared up, the Secretary of State * only can inform the world. Direct means of effecting my exclusion from the King's presence were not practicable; for the case was unprecedented. The pretext adopted was as follows.

It was suggested that an enquiry should be made by a board of General Officers into the causes of the miscarriage of the Northern Expedition; and a court *etiquette* was invented, the foundation of which in reason or precedent I am not acquainted with; *viz.* that the persons whose conduct was so put in question, should not appear at Court pending the enquiry. No difficulty of the competency of such a court was then spoke of, or perhaps thought of, by any but the dark designers of my ruin; the measure therefore could neither affect his Majesty nor his Court with any idea of farther hardship than the delay of a few days to my appearing in his presence.

This arrangement had been prepared by the Secretary of State, in the interval between the notice of my arrival at Portsmouth, which he received in the evening, and my visit to him in Pall-Mall, which was before noon the next day.

It will naturally be supposed that the State in which I stood was the first subject of conversation; on the contrary, I was received with much apparent kindness; explanations passed,

* Whenever the *Secretary of State* is mentioned in these papers, the person to be understood is the Secretary for the American department, Lord George Germain.

but they were friendly; I was heard attentively, through a report of all the transactions subsequent to the Convention of Saratoga, and I was led by degrees, and without suspicion of insidiousness, to the most confidential communication, on my part, of facts, observations, and opinions, respecting very important objects.

If the measure of denying me access to the King had been undecided before, this conversation was of a nature to produce a decision; for it opened truths respecting the dispositions of the people of America, and the state of things there, very different from the ideas which (it is now known, from the line taken by the Secretary of State in the late enquiry) were prevalent in the governing Councils of this kingdom.

It was not till after the matter of my communication was exhausted, that the Secretary of State drew from his pocket an order, that I should prepare myself for an enquiry: at which I expressed my fullest satisfaction, till he followed the order with the information of the *etiquette* I before mentioned, that I was not to appear at Court.

Having pitched upon this expedient for no other end than to exclude me from the presence of my Sovereign, he could hardly be in pain about the event. If the General Officers appointed for a Board of Enquiry, should coincide with the notion that my parole was of such a nature as to bar their proceedings, this would put off my access to the King to a very long

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long day: but if the General Officers should not enter into these ideas, he had a resource left. He could not be unapprized, that such a court was held by high authorities in the law to be illegal; and if I was not to see the King until an illegal or questionable court should make a valid report, I was never likely to enjoy that honour. Either way I was not to have the benefit of an Enquiry; but he was to have the advantage of the *pretence* of one, in order to shut the door of St. James's against me. This has been made apparent beyond all possibility of doubt, by every part of his subsequent conduct: but at that time, though I saw a disgrace was intended me, I was not able to estimate the full extent of it.

Thus prevented in my intended appeal to the King, and as I have fatal reason to believe, the King's ear secured against me, attempts were not unthought of to deprive me of a voice in Parliament. A great Law Officer of the Crown, made, *in the form of* legal doubts, a long and methodical argument against my competence to any civil duty or function: but it was not found so easy to exclude me from your service, as it had been to deprive me of countenance at Court; and ministers only shewed by that abortive attempt, what their motives were, in those attempts in which they had been more successful.

Though the late time of the session, and the absence of Sir William Howe and Sir Guy Carleton, who were supposed to be parties, furnished plausible arguments for postponing a Parliamentary

Parliamentary

Parliamentary Enquiry in the summer of 1778, it was evident the temper of the House of Commons was inclined to adopt it at the ensuing meeting.

In the beginning of June, I received the conditional order annexed. [*App. No. 1.*] Tho' it bears the King's name, it was avowedly a Letter of the Cabinet; and there remained no longer a doubt in my mind, that my ruin was made a measure of state. Few adepts in the science of oppression could have formed a design better fitted to its end; and it was likely to be successful whatever part I should take. If I went—my character was lost irretrievably—the falsehoods and aspersions that have since been refuted in the face of those who propagated them, were already gone forth: the numbers of my army, and of that opposed to me, were already grossly mistated; contradictory charges of sloth and precipitancy, as the temper of men at the moment seemed inclined to either, were supported with uniform perseverance:—my friends were stated to be my accusers; and even my integrity, with regard to pecuniary trusts, was glanced at.

If I stayed, the King's order (as it was fallaciously called) was a specious topick; and it was not difficult to foresee, that it would be put into the hands of gentlemen that well knew how to make the utmost of it by art and opportunity. My answer [*App. No. 2.*] drew from the cabinet their second letter [*App. No. 3.*] and I give them the satisfaction of knowing, that I felt all they could wish I should

should feel from the repetition of their severity. I saw in it at once a doubt of my veracity respecting my health, and the most contemptuous disregard of all other principles upon which I had claimed a right of staying in this country.—Fundamental principles, I thought them, of justice and generosity due from all governments to those who serve them zealously, and in some governments held doubly due to such as in their zeal have been unfortunate.

It must be observed, that the ministry kept a profound silence, both to myself and the public, respecting the ratification of the convention. The same silence they maintained even in Parliament long after its meeting. They were perfectly apprised, that the enemy had some time before made the want of their ratification the ground of their refusing to give effect to the part of the treaty which was favourable to the troops. They knew also, that one of the principal objects of my return to England was to negotiate in behalf of that deserving body of soldiers and subjects. Their desire of my delivering myself into captivity, at such a time, and under such circumstances, justified something more than a suspicion, that in my absence it was intended either to lay to my charge some breach of faith with the enemy, or to renounce the treaty from the beginning; and by my surrender, to transfer the act from the nation to my person. These are the only two cases which I believe can be produced from the history of nations, wherein an officer, who

who had made a convention with an enemy, had been delivered up to them. The ratification of the treaty afterwards is no proof that such intentions did not then exist.

I will make no farther observations, gentlemen, upon this first correspondence between the War-Office and me; nor should I have troubled you with these, but that great pains are taken to divert the attention of the public from the pretended order, to my behaviour since the receipt of it. I in no wise seek to evade the public judgment upon any thing I have done: but I claim from the impartial and the candid, a consideration of the pretended order itself, in its principal parts; *viz.* the ground upon which it is founded; the novel species of cruelty which it supposes within the power of the Crown; and lastly, the exercise of such doctrine by men who were parties, and against the man whom they were called upon by their station and their honour to confront.

Nothing farther passed during the recess of Parliament. I availed myself of a discretionary power, as I had a right to do, and I made it no secret, that had a direct order been sent me, I should have laid all my commissions at his Majesty's feet.

During the last session of Parliament, an enquiry was instituted. The detail of the attempts made by the Ministry to defeat it, is too notorious to be necessary upon this occasion. They at last contrived, that it should be left imperfect: but in spite of every management, it had answered my purpose so far,

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as to fix upon record a body of evidence, that I would not exchange for all that power could bestow. It is a justification of misfortune by the voice of Honour. It is there apparent, what the army under my command, who felt most and saw best, thought of my actions. —The affections of my gallant comrades, unshaken in every trial, labour, famine, captivity, or death, enable me to despise the rancour of a cabal and all its consequences.

The most important purpose of my return to England having been answered by this vindication, I thought the sacrifice of my commissions, the fruits of the greatest part of my life, not to be necessary. I knew by experience, what I had to apprehend in point of health from an American winter; but I scorned to plead it. Conscious of my integrity, I abandoned my public accounts to the rigorous scrutiny of office; and I took occasion publicly to declare, that should it still be thought expedient to deliver me back to the enemy, and a positive order should be sent me for that purpose, I should, as far as in me lay, obey it.

I do not believe any man who knows me doubted the sincerity of that intention. I am persuaded, the framers of the letter of the 24th September were particularly convinced of it. The man who embarked in the situation I did, in the year 1776, could hardly be supposed to want fortitude to undertake an American voyage, in the situation in which I made the declaration. An order, therefore, which I could have obeyed without committing my honour, would

would not have effected my ruin. Time and circumstances furnished more secure expedients; which I shall now open.

Occasions were taken to visit my offences upon my friends. Examples respecting my nearest connections need not be pointed out, when I am addressing myself to any part of the county of Lancaster. But the principle extended far more wide; and did not the apprehension of farther hurting the men I love restrain me, I could produce instances of hardship in the distribution of military preferments, that no impartial person will impute to any other cause than the kindness and friendship of the parties to me.

These instances of persecution, it was well known, affected me deeply. There were others yet more irritating.

In the course of the summer, the apprehensions before entertained of an invasion, by the declaration of government, became a certainty. Hardly a British subject could be found so low, so feeble, or even so profligate, as to be exempted from service; while uncommon premiums were raised by begging, and distributed to volunteers, the goals, and even the feet of the gallows, were resorted to for other recruits.

In this declared dilemma, I know government were not strangers to my intension of fighting my own regiment as colonel; or, should its destination not admit the honour of meeting the enemy in that capacity, of offer-
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ing myself as a volunteer in the ranks of any corps that might be more fortunately situated.

These several feelings, and many others incident to an oppressed man, were doubtless duly considered; for at the crisis when they could operate most forcibly, it was thought proper most to insult me; at the crisis when the King's servants openly announced, that not a ship or a soldier could be spared from our internal defence, a sentence of banishment was sent me, and even that not in an order, but a reprimand—a submission to ignominy was required of me; for to put me wholly out of a capacity to draw my sword at such a moment, was virtually, in point of disgrace, to break it over my head. My enemies might have spared superfluous provocations. This alone would have sufficed to prove their sagacity, and to effect their purpose. Let it not be supposed they want knowledge of the human heart. There are among them, who can discern its recesses, and have the skill and the triumph to make a soldier's honour and sensibility the instruments of his own destruction.

I could no longer brook the treatment I received. My letter, of the 9th October to the Secretary at War, [App. No. 5.] contains my general sentiments. I shall now proceed to state to you, the principles of my parliamentary conduct since my return from America, for which I hold myself peculiarly and strictly accountable to you, and which I have only

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postponed hitherto, to avoid interrupting the relation of my other proceedings.

I am ready to confess that I have been a determined opposer of the King's Ministers, but my opposition has been the cause and not the consequence of my ill treatment. Severity, ingratitude, or even injustice, though exercised against me in the degree you have seen, I should think very insufficient reasons for such a determination. He would ill deserve the trust of his country in its present exigency who could act against men in public station, upon any resentments unconnected with public wrongs.

Gentlemen, I will take the matter short. If the state of the nation, in its wars; in its negotiations; and its concerns with its remaining colonies; or in the internal policy and government of these kingdoms, can afford the smallest countenance to an opinion of integrity and capacity in administration, I am ready to abide every censure for being, what I am, a determined enemy to it. I have been in a situation to see, that in a complicated and alarming war, when unsupported by any alliances, the kingdom was left solely to its own native military force, that sole reliance was discouraged and depreciated. I saw a systematical design of vilifying and disgracing every officer whom these Ministers had ever employed by sea or land; and those most who stood highest in the opinion of their several professions. The ruin of officers forms almost the whole of their military system; and if I have experienced my

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full measure of their hostility, it only shews the extent of their plan; having furnished little else than my zeal and industry as a title to their malevolence.

As to their political plan, its object is to impose upon the nation from session to session. Far from profiting themselves, or suffering others to profit by bitter experience, they exist by bringing forth a succession of deceits. I cannot shut my eyes against my own certain knowledge of some of the most fatal of these deceits respecting America; nor restrain my just and natural indignation at their effects, without forfeiting every feeling for my country.

If this explanation appears warm, be assured it is the warmth of conviction. Had my sentiments been less sincere, my lot would have been very different.

But, in these times when so little credit is given to principle in political matters, you may perhaps be told, that I have been following the dictates of party, and deluded by vain expectations of popularity to sacrifice myself to their pursuits. My friends, I am sure, would treat such an imputation with the same contempt they do every other illiberal censures; but I owe it to truth and propriety to justify them. The men with whom I have the honour to act have no objects, but to save their country; if they had, they might long ago have obtained them; and they would scorn to accept, as I should to offer, an union upon

upon any other terms than a participation of that cause.

My actions have been the mere result of my own sentiments. My resignation in particular was made upon the impulse of honour as it struck my own breast: and why should it be thought strange? I hope that under that influence alone, I am capable of greater efforts than any I have made in relinquishing the liberal accommodations of a life, to which I have been used; and of retreating into the competence of a very private gentleman. It comes recommended by the reflection, that after being entrusted with a considerable coffer of the state, and other opportunities opened of obtaining wealth at the undue expence of the public, my fortune is less than it would have been, had I never served in the American war.

It would be very contradictory to my sentiments of your characters to think this avowal could be prejudicial to me at Preston. In one of the most violent election contests known in England, and in some respects the most expensive, the poorest among the voters, I mention it equally to the honour of both parties, were uncorrupted. Should therefore the integrity of my intentions appear in this appeal, and the past independence of my conduct be considered as a pledge for the future, I have no fear that the reduction of between three and four thousand pounds a year, will be an obstruction to the honour of serving you.

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The trust of my country in parliament is too sacred in my sense to be renounced, while I am thought worthy to be continued in it. As for the other objects which most interest the multitude, and once interested me, my temper or my misfortunes have made them matters of perfect indifference—My ambition is dead, my occupation is gone—the humble arrangements of my new state are made, and my whole prospects or hopes on this side the grave, concenter in the preservation of my friendships, and the tranquillity of my conscience.

I have the honour to be, with the truest respect, affection and attachment,

Gentlemen,

your most obliged,

and most obedient

humble Servant,

J. BURGOYNE.

Hertford Street.

Oct. 23, 1779.

APPENDIX.

A P P E N D I X.

[No. 1.]

Correspondence with Lord Barrington.

SIR, *War-Office, June 5, 1778.*

The King, judging your presence material to the troops detained prisoners in New England, under the convention of Saratoga; and finding in a letter of yours to Sir William Howe, dated April 9, 1778, "that you trust a short time at Bath will enable you to return to America," his Majesty is pleased to order that you shall repair to Boston as soon as you have tried the Bath Waters, in the manner you propose.

I have the honour to be, SIR,

Your most obedient humble Servant,

*Lieut. Gen. Burgoyne,
Hertford-Street.*

BARRINGTON.

* Paragraph of the letter from Lieutenant General Burgoyne to Sir William Howe, which was made the foundation of the above conditional order.

"I need not expatiate upon the satisfaction I should feel at being put again in a situation to serve under you, as soon as my health will enable me.—I trust that a very short time at Bath will effect that purpose.

"I have only to add, my trust that you will continue to me the friendship and confidence with which you have always honoured me, and that you will write to me at full by the first opportunity, how I can be employed to serve your
I have the honour to be, &c."

[No.

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[No. 2.]

MY LORD, June 22, 1778.

I HAVE considered the letter I had the honour to receive from your Lordship on the 5th instant, with the attention and respect due to an intimation of the King's pleasure. I have now to request your Lordship to lay before his Majesty a few particulars of my situation; and to offer to his royal consideration, with all humility on my part, such of my complaints as admit of representation.

My letter to Sir William Howe, referred to in your Lordship's letter, was writ in the fulness of zeal to renew my service in arms the ensuing campaign. The satisfaction of succeeding in that application, would have tended to my recovery, or for a time might have prevented my feeling an ill. Deprived of so animating a support, and visited by new and unexpected anxieties, I have now recourse only, as far as the mind is concerned, to a clear conscience, perhaps a more tardy, but, I trust, as efficacious an assistance.

The present season of the year, always favourable to me, gives me the appearance, and indeed, in some degree the sensation of health. But much care is still wanting to restore me to my former state. The remedies prescribed me are repose, regimen of diet, and repeated visits to Bath: my intention, in consequence, was to remain some time in the country, to repair to Bath for a short time next month, and to return thither for a much longer space in

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in the more proper season, the Autumn. But whatever may be the benefit of all or any part of this plan, I am persuaded, that to expose my constitution to the next American winter, is in probability to doom me to the grave.

That I should not hesitate at such an alternative, in circumstances of exigency, I am confident the King will admit, when in his grace he shall recollect how often at his Majesty's call in this war, I have relinquished private duties and affection more impulsive upon the heart than any we owe to existence. The purposes intimated for my present attendance in America, would, I fear, be very different from services.

The army I commanded, credulous in my favour, and attached to me by the series of conflicts and misfortunes we have in common sustained, would not find material consolation from my return in disgrace; and their disappointment could not but be enhanced by such an indication, that Government either thought it inexpedient to ratify the convention of Saratoga, or despaired of a ratification effectuating the redemption of that army; for they would not conceive it possible, had the return of the troops been in view, that any person would have advised the King to what then might have appeared so harsh an act as sending an infirm, calumniated, unheard complainant, across the Atlantic, merely to inspect their embarkation.

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Your Lordship will perceive the parts of this letter which apply to the council of the throne, from whence I am to suppose the order I have received originated, and in your justice and generosity you will guard me, my Lord, from any supposable presumption of expostulating with the King in person. But I apply to the same qualities in your Lordship's mind, for pointing out to his Majesty, independently of his council, other letters, among those transmitted to the secretary of state, alledging other reasons, and those more prevalent than the attention to health for my return to England; and permit me, my Lord, to add, that every one of them receives ten-fold weight from what has happened lately, for my continuance in England. The special reason upon which I chiefly rest at present, my Lord, is a vindication of my honour.

Until that by full and proper trial is cleared to my Sovereign and to my country, I confess I should feel a removal from hence, though enforced by the term duty, the severest sentence of exile ever imposed; and when the time and circumstances of such removal are farther considered, that Britain is threatened with invasion, and that after an enemy has set my arm at liberty, I am forbid a share in her defence by the council of my own sovereign—After these considerations, can I, my Lord, be deemed offensive if I venture to declare that so marked a combination of displeasure and hard treatment, would be
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more than I should be able, or perhaps ought to bear.

My cause, my Lord, thus committed to your office and character, I have only to add my reliance that you will do it justice, and the respect with which I have the honour to be, &c. &c. &c.

Lord Barrington.

[No. 3.]

S I R, *War-Office, June 27, 1778.*

I TOOK the first opportunity of laying before the King your letter to me, dated the 22d instant. His Majesty continues to think your presence with the troops taken at Saratoga, and still detained prisoners in New England, of so much importance to them, that he has commanded me to acquaint you it is his pleasure, that you return to them as soon as you can, without any risk of material injury to your health.

I have the honour to be,

S I R,

Your most obedient
humble Servant,

Lieut. Gen. Burgoyne. BARRINGTON.

Correspondence with Mr. Jenkinson.

[No. 4.]

S I R, *War-Office, September 24, 1779.*

I AM commanded by the King to acquaint you, that your not returning to America, and joining the troops, prisoners under the convention

convention of Saratoga, is considered as a neglect of duty, and disobedience of orders, transmitted to you by the Secretary at War, in his letter of 5th June, 1778.

I have the honour to be,
&c. &c. &c.

(Signed) C. JENKINSON.

Lieut. Gen. Burgoyne.

[No. 5.]

Hertford-Street, October 9, 1779.

S I R,

I RECEIVED your letter acquainting me, "that my not returning to America, and joining the troops, prisoners under the convention of Saratoga, is considered as a neglect of duty and disobedience of orders, transmitted to me, by the Secretary at War, in his letter of 5th June, 1778."

During a service of more than thirty years, I have been taught by the rewards of two successive Sovereigns, to believe, that my military conduct was held deserving of more favourable terms than those which are applied to it in the above recital. I have received from his present Majesty in particular, repeated and conspicuous testimonies of distinction and good opinion: and I should have been the most ungrateful of men, if I had not felt, and uniformly endeavoured to mark the warmest and most dutiful attachment to his person, together with the punctilious perseverance in the executions of all his lawful commands.

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Under this sense of my past situation, your letter stated to be written by the king's command, cannot but affect me most painfully.

The time in which I am charged with neglect of duty, has been employed to vindicate my own honour, the honour of the British troops, and of those of his Majesty's allies, under my late command, from the most base and barbarous aspersions, that ever were forged against innocent men, by malignity supported by power.

In regard to the second charge, I must first observe that there were two letters from the late Secretary at War, upon the subject of my return to America; and though you only state that of the 5th of June, I conclude it is not meant, that the other of the 27th should be suppressed, as it is explanatory of the former.

The signification of the King's pleasure therein contained being clearly conditional, and the condition depending upon my own judgment; I am unable to conceive by what possible construction it can be considered as disobedience, that I have not fulfilled an optional condition; and I am ready, and desirous to meet the judgment of a proper tribunal upon that, as upon every other part of my conduct.

In the mean time, Sir, I am not told who it is that considers my taking advantage of my parole for the purposes I have done, as a neglect of duty, and breach of orders, and has so represented it to his Majesty. But in this
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state of ignorance concerning my enemies, I must say, as well from duty to my Sovereign, as from justice to myself, that they who have abused the confidence of their gracious Master, by such a gross misrepresentation, merit, and I trust will meet with more of his displeasure, than they wickedly have drawn upon me.

The punishment implied in the order referred to, you will observe, Sir, is unusual as well as cruel. Whether the ministers of the crown, can legally order a British subject into captivity either at home or abroad without trial; or whether they can compel an officer by virtue of his general military obedience, to deliver himself to the prison of the enemy, without any requisition on their part, is (to say nothing stronger of it) matter of serious doubt. On pretence of military obedience, I am ordered to the only part of the world in which I can do no military service. An enemy's prison is not the King's garrison, nor is any thing to be done or suffered there, any part of an officer's duty; so far from it that it implies a direct incapacity for any military function. What are the military orders I am to give to men who have no arms to fight, and no liberty to march? Or by what rule is my not being in the hands of rebels, understood to be a neglect of duty to my Sovereign? Sir, the thing is too evident; those who calumniate my conduct on this account are desirous not of serving the King, but of insulting me, and of establishing new, dangerous,

rous, unmilitary and unconstitutional powers in themselves.

While a precedent is establishing in my particular case, I request it may moreover be remembered that I am deprived of a court-martial upon my conduct in America, because I am not supposed to be amenable to the justice of the kingdom: and the King is told I have disobeyed his orders, in the very same breath that I am stated not to be accountable to him: by this doctrine it seems supposed, that I am not capable of receiving orders for the purposes of public justice or public service, but am perfectly subject to all such as have a tendency to my own destruction.

But it has been suggested when no military duty could be devised as a ground for this order that I might be returned to captivity in a sort of civil capacity. To comfort my fellow prisoners by a participation of their sufferings, and to act as a commissary to negotiate for them. Could any sufferings of mine alleviate the smallest of theirs, I should willingly submit to any thing the malice of the present ministers could inflict upon me. But it is equally injurious to truth and to their honour and humanity, to suppose that my persecution could make any part of their consolation. What consolation could they derive from my junction to the common captivity, only to tell them that not a name among them is to be found in the numerous list of late promotions? And that the negotiations to be undertaken in their favour, are to be conducted by the man who

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who is notoriously proscribed by the power in the name of which he is to negotiate? Who alone of all the officers who have come from America, has been denied all access to the King? Cruelly as I and my fellow sufferers are treated, I can scarce bring myself to wish that they who provide such comfort for others should receive it in a similar situation themselves.

I am sorry finally to observe that the treatment I have experienced, however contradictory in the reasons assigned for the several parts of it, is perfectly uniform in the principle. They who would not suffer me to approach the King's presence to vindicate myself before him, who have held that I cannot have a court martial to vindicate myself to my profession; and who have done all they could do, to prevent me from vindicating myself to my country by a parliamentary enquiry; are now very systematically desirous of burying my innocence and their own guilt, in the prisons of the enemy, and of removing, in my person, to the other side of the Atlantic Ocean, the means of renewing parliamentary proceedings which they have reason to dread.

Those extraordinary attempts to oppress in my person the rights of all subjects, and to pervert every idea of military obedience, by directing it, not to the service of the public, but the ruin of officers, justified me to my own conscience, in the part I took under the conditional order, referred to in your letter. I found the same inward justification in requiring

ing in the most public manner, at the close of the late session of parliament, a clear, peremptory order, in case the ministers persevered in their intention of surrendering me to the enemy.

I have received no order; had an order been sent to me framed in any manner that I could have acted upon it consistently with the existence of character; I might have made a protest against the precedent, I might have enquired of you, Sir, by what probable means in the present posture of affairs it was to be executed. But in deference to the King's name, as a military servant, I meant submission. Your letter, Sir, instead of an order for my future conduct is an unjust reproach of my past; for which I humbly implore of his Majesty and firmly demand of his councils, trial by a court-martial. Should that be refused or procrastinated upon the principle formerly adopted, "that in my present situation no judicature can have cognizance of my actions;" I can then consider the purport of your letter, Sir, in no other light than that of a dismissal, a dismissal as conclusive as any you could have worded in form, and perhaps more poignant. To eat the bread of the Crown however faithfully earned, under a sentence, without appeal, in the name of the King, of neglect of duty and disobedience of orders, is incompatible with my conception of honour; an interdiction from my country; a banishment to the only part of the world in which I am disabled from serving that country

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at the moment of her fate; and when every other arm, even to the weakest is pressed to her defence; these circumstances give a critical barbarity to the intentions of the King's advisers, that an English soldier cannot support. Therefore, Sir, I find myself compelled, if not allowed an early trial, or by the King's grace upon this representation, restored to a capacity of service, through your official channel to request his Majesty, to accept of my resignation of my appointment upon the American staff; of the Queen's regiment of light dragoons; and of the government of Fort William; humbly desiring only to reserve my rank as lieutenant-general in the army, to render me the more clearly amenable to a court-martial hereafter, and to enable me to fulfil my personal faith, should I be required by the Army so to do. I have the honour to be, &c.

To the Honourable Charles Jenkinson,
Secretary of War.

[No. 6.]

S I R, War-Office, October 6, 1779.

I HAVE received your letter of the 9th instant, wherein, after stating your reasons for objecting to the several steps that have been taken with relation to the orders given for your return to North America, you add that "if you are not allowed an early trial, or if by his Majesty's grace, upon the representations contained in the said letter, you are not restored to a capacity of service, it is your request to his Majesty, that he will be pleased to accept your resignation

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resignation of your appointment to the American staff, of the Queen's regiment of Light Dragoons, and of the government of Fort William; humbly desiring only to reserve your rank of Lieutenant General in the army, to render you more clearly amenable to courts martial hereafter, and to enable you to fulfil your personal faith, should you be required by the enemy so to do."

Having laid your letter before the King, I am commanded to acquaint you, that for the reasons submitted to his Majesty by the Board of General Officers, in their report, dated 23d May, 1778; (which reasons subsist in the same force now as they did at that time) his Majesty does not think proper that any part of your conduct should be brought before a military tribunal, so long as you shall continue engaged to re-deliver yourself into the power of Congress upon their demand, and due notice being given by them. Nor does his Majesty think proper, in consequence of the representations contained in your said letter, to restore you, circumstanced as you are, to a capacity of service. Neither of these requests can therefore be granted.

I have it farther in command from the King to acquaint you, that his Majesty considers your letter to me as a proof of your determination to persevere in not obeying his orders, signified to you in the Secretary at War's letter of the 5th June, 1778: and for this reason, his Majesty is pleased to accept your resignation of the command of the Queen's regiment

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regiment of Light Dragoons, of the government of Fort William, and of your appointment on the American staff, allowing you only to reserve the rank of Lieutenant General in the army, for the purposes you have stated.

Lord Barrington's letter of the 27th of June is considered as explanatory of the orders given in his letter of the 5th of that month.

I have the honour to be, &c.

(Signed) C. JENKINSON.

Lieut. Gen. Burgoyne.

[No. 7.]

S I R, *Hertford-Street, October 17, 1779.*

I RECEIVED your letter of the 15th instant, informing me, that his Majesty had been pleased to accept my resignation of my military employments, and that I am refused a court-martial upon that disobedience, for my perseverance in which, you tell me, my resignation is accepted.

I must persist in denying, that I have received any other order, than an order subject to my own discretion.

I must persist in my claim to a court-martial.

I apprehend, that if I am not subject to a trial for breach of orders, it implies that I am not subject to the orders themselves.

I do not admit that I cannot legally have a court-martial, circumstanced as I am: but those who advise his Majesty, assert it, and they are answerable for this contradiction between their reasoning and their conduct.

The report of the general officers, I humbly conceive, is erroneous. And the subsequent

quent appointment of other gentlemen, exactly in my circumstances (with great merit on their part to entitle them to any distinction) to military employments, subject to orders, and accountable for the breach of them, is one of the reasons for my conceiving, that the King's advisers do not differ from me in opinion, that the general officers were mistaken.

Thinking it probable, Sir, that this letter may close the correspondence between us, I conclude with the sentiments I have never deviated from in any part of it, and I request you to assure his Majesty, with all humility on my part, that though I have reason to complain heavily of his Majesty's Ministers, my mind is deeply impressed, as it ever has been, with a sense of duty, respect, and affection to his royal person.

I have the honour to be, &c.

*The Right Hon. Charles Jenkinson,
Secretary at War.*

[No. 8.]

S I R, *War-Office, October 22, 1779.*

I HAVE the honour to acknowledge the receipt of your letter dated the 17th instant, and to acquaint you, that I took the first opportunity of laying it before the King.

I have the honour to be,

S I R,

Your most obedient
humble servant,

C. JENKINSON
Lieut. Gen. Burgoyne, &c. &c.

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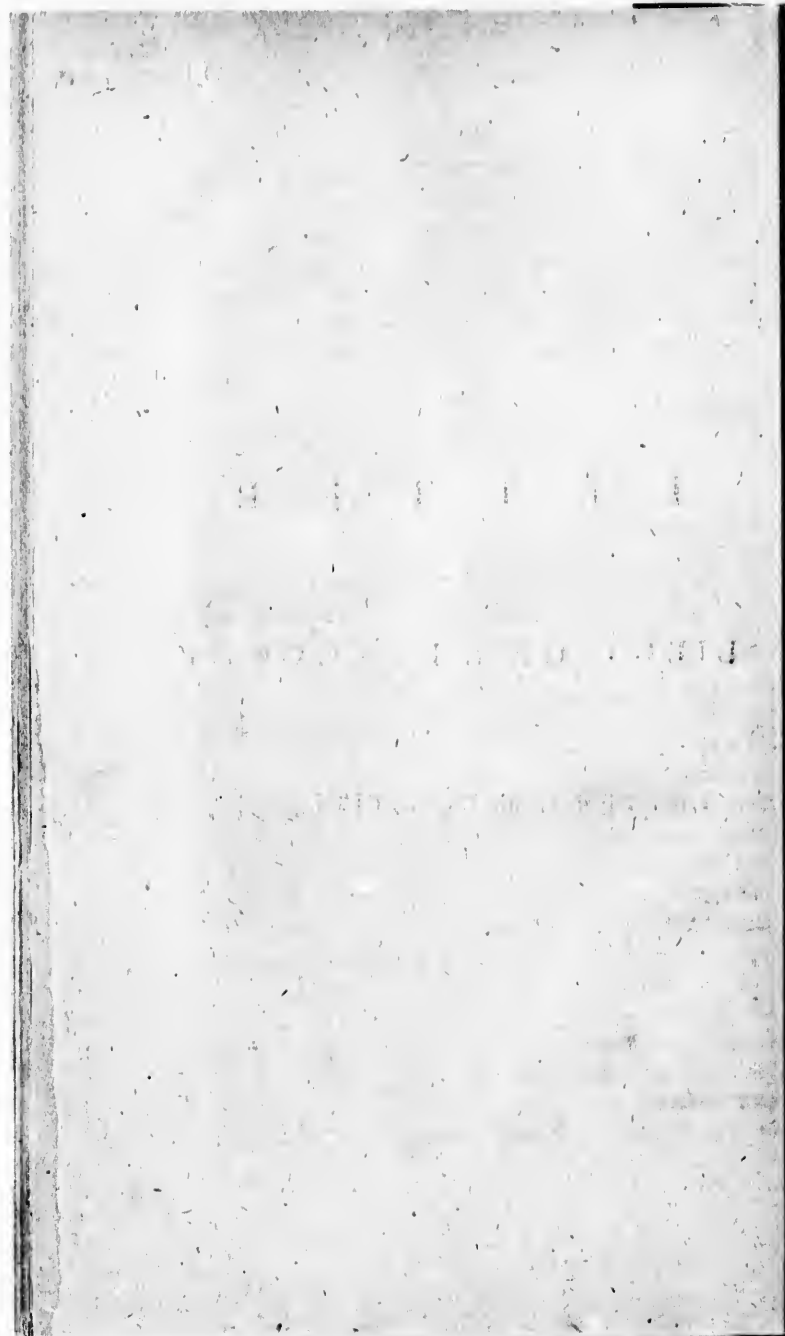
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TO
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ON HIS
LETTER to his CONSTITUENTS.

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LIEUT. GEN. BURGOYNE, &c.

SIR,

AT the approach of a general election, it is not an uncommon, though perhaps a very improper measure, for members of parliament to address their constituents, in such terms, as they apprehend may conciliate their regards, and secure their interests for re-election; nor on such occasions, is a scrupulous adherence to truth, justice, or candour strictly attended to; facts are misrepresented in all the variety of colouring, and arguments directed to mens passions, are generally, for such purposes, more conclusive, than those which have their foundations in sound, and calm reason.

Had your letter to the electors of Preston, been precisely of this sort, your endeavours, to secure your future seat in parliament, should have met with no interruption from me; you might, in perfect security, have entertained your constituents with details of your wisdom, and prowess; nor, would your

your abilities in the cabinet or the field, have been once called in question: but as the letter now before me, seems much more calculated to obtrude yourself on the public, as an innocent, injured man of merit, and consequence, and to raise a cabal in your favour, than to establish an interest in your borough; and as it has apparently a malignant, though most impotent, tendency, to weaken the hands of government at this important crisis, by inflaming the minds of the people, both against his Majesty and his ministers, exciting them to discontent, and inspiring them with doubts, apprehensions, and want of confidence in all those who have the management of public affairs; I shall beg leave, to offer to the world, some remarks on your publication; in the course of which, I trust, I shall be able effectually to remove these evil impressions; to disprove many, if not the greater part of your assertions, and to obviate those heavy charges, with which you have so very unsparingly loaded every member of administration.

However it may concern the electors of Preston, the public at large will feel themselves but little interested in the manner wherein you first got into parliament, or your conduct there; the opinions and actions of one private man out of 540, can be of no very material consequence. It is not as a senator, but as an officer, that you have been censured, and if you can acquit yourself of blame, as the commander of an army,

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my, whatever parliamentary line you pursued before the Saratoga convention, or may think fit to pursue, after you are free from your engagements to the rebellious subjects of Great Britain, will import more to yourself, than to the commonwealth.

Of still less consideration it is to your fellow-citizens, whether you had, or had not, separated from the First Lord of the Treasury—Whether you solicited employment in America, or received orders to take a command there,—or, whether you had, or had not, family reasons, which induced you to wish such a voyage could be avoided.—Sufficient it is for them to know, and the fatal consequences will not easily suffer them to forget, that you did undertake it in the beginning of the year 1777, and having arrived at Quebec, put yourself at the head of that part of the army, which was ordered to proceed towards Albany, and effect a junction with Sir William Howe.

And here, however painful the task, to recur to transactions which every Englishman will wish to obliterate from his memory, you must permit me, not as a “*cailler*” or “*speculatist*,” but as a plain man of candour, to treat of your *military conduct*, as well as of the *principle* on which you acted during this memorable campaign, and tho’ where either the measures of ministers appear to be ill planned, or the operations of officers ill conducted, human error, and imperfection, will in many cases account for the

one, and unavoidable misfortune is frequently mistaken for the other; yet to investigate truth in all public matters is a privilege claimed by every individual of the state, and to impute blame, and render applause, are rights which will not easily be surrendered.

Very soon after, if not before, your departure for America, the certainty of your success was confidently bruited by a particular party; the return of the troops in the last campaign, was industriously imputed as a fault to the able officer who commanded them, and the facility of carrying the present plan into execution, with such an army as was to be under your direction, was talked of in terms, which did not imply a possibility of failure, and at the commencement of your operations you issued general orders, purporting, that the army was expected to encounter every difficulty, and danger, with patience, and determined fortitude, and concluding with this remarkable expression, "THESE TROOPS MUST NOT BE BEAT."

From Quebec to Ticonderoga, except a skirmish at Trois Rivieres, (where instead of being intercepted, or cut off, a detachment of the Rebels was beat back upon their main northern army) nothing material happened. This fortress too, the Americans evacuated, wisely drawing their garrison aside, for purposes which were afterwards fully answered. A body of men being left at Ticonderoga, the British army proceeded with such hasty

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strides, as to forget the enemy they left be-
hind them, to Hudson's River, which they
unfortunately passed on the 13th and 14th of
September, no care appearing, from any
accounts hitherto published, to have been taken
to secure their retreat, by enquiring what
was become of the Rebel troops in their
rear, or their progress, by discovering the
strength, and situation of the enemy before
them*. On the 19th, and the succeeding
day, skirmishes, attacks, repulses, and battles
are represented, but unhappily victories ob-
tained produced no other fruits than *honour*.
On the 21st, a letter was received from Sir
Harry Clinton, with an account of his situ-
ation: And the bearer of this letter, *though*
he must be perfectly acquainted with the country,
and the distance, route, and possible communica-
tion between the two British armies, was imme-
diately sent back to Sir Henry Clinton; though
the arrival of this messenger seemed almost
a providential interposition, to point out
the possibility of your joining that gallant
officer.

A resolution was now unaccountably tak-
en, at a time when a scarcity of provisions
actually prevailed, without even the expect-
ation of a supply, to remain in the same
station three weeks, in hopes Sir Henry
Clinton might be able to induce the Rebel
Gates to divide his army; and that time
was to be spent in "*watching an enemy,*
whose numbers increased every day." On

* See Gen. Burgoyne's Letter, published in the Gazette.

the 7th of Oct. however, the army was again put in motion and sustained a fresh loss, and on the 8th, after seventeen days consideration, the necessity of a retreat was discovered, but it was now too late; in the attack of the preceding day, "the entrenchments of the German Reserve, commanded by Lieutenant Colonel Breymen, were carried, and though ordered to be recovered, they never were so;" who issued those orders, or why they were disobeyed, remains unexplained, but the consequence of this disobedience is too obvious, "the enemy by that misfortune gained an opening on our right and left;" in plain English, they surrounded the British army. Thus * was the expedition hazarded, though it is not evident to me, that it was at first meant to be so; it was soon after devoted, the necessity of which is not, in my opinion, supported by any evidence at all.

On the 13th of October, after holding a council of war, a treaty commenced, the conclusion of which has, I am afraid, given so rude a shock to our national credit and honour, as will require the ablest artificers that can be employed about the fabrick to resettle and repair it. I wish to pass over the humiliating detail of the surrender of our army; my heart bleeds, when I recollect the disgraceful situation of 3500 brave men, publicly laying down their arms to a force, which, however superior in numbers, they had been taught to consider, as a lawless

* See the General's Letter.

banditti,

banditti, a Rebel crew, who need only be opposed to be effectually conquered. Nor can I forget the numberless passages in history, from the fields of Agincourt, to the heights of Abraham, where numbers have been ineffectual to combat the united forces of courage, and conduct, or forbear to compare the glorious success of the one army, circumstanced exactly like the devoted Band at Saratoga, or the brilliant victory obtained by the other, under greater disadvantages, with the melancholy pageant of these unfortunate warriors, marching before the conquering Rebels, to surrender up what they held much dearer than their lives.

But let us turn our eyes from this scene of horror, to consider the nature of this notable (I had almost said notorious) capitulation, to support the credit of which, much pains is taken in your letter, which first communicated the fatal intelligence, and much industry, and ingenuity has been exerted by those, whose interest it is to put a false gloss, and fair colouring, on an event so unpropitious. In the first place, I never yet heard, or read of a formal treaty between the General of any Prince or People, and the Commander of any army composed of subjects in actual rebellion, much less did I ever hear, or read, of any loyal General allowing the authority, or rank, of any such Rebel Leader; but though the Congress in America had by law been declared a rebellious, and unlawful assembly, and all those

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who took arms under the authority of that meeting, Rebels to the Crown of Great Britain, yet have we seen a royal general treating with the chief of those, who are under this description, and allowing him a rank, and character, which he could only derive from this very unlawful and rebellious assembly.

In the commencement of this extraordinary treaty, you proposed *your own terms*, which were for yourself, your officers and soldiers to lay down their arms, and be suffered to return to Great Britain, *on condition of not serving again in America during the present contest*. Whether you were actuated by any particular dislike to the service you was employed in, or whether you apprehended the situation of affairs on that continent, to be then too desperate to leave even a hope of success to the Royal Arms, I cannot take upon me to determine; but I may venture to offer my opinion, and I doubt not but it will be adopted by the unprejudiced, that whilst the most distant prospect remained of the reduction of America, it would have been more prudent, more honourable, and much more advantageous to this country, that your army should have been held in captivity, from which state they might have been redeemed by the chance of war, than that they should tamely have surrendered their arms, and purchased their immediate return by the ignominious condition of being no longer serviceable to their King,

King, and Country, even supposing you had confidence enough in your new friends to expect a faithful performance of the treaty on their part, which, however, common reason would then have suggested, as sad experience has since fully convinced you, was by no means to be relied on.

Your whole army being thus miserably disposed of, in captivity to the worst of enemies, those who being disloyal to their King, and ungrateful to their Country, could hardly be expected to treat with common humanity, the troops who had fought under the banners of that King, and in support of that country, you solicit from this unlawful assembly of Rebel Chiefs, permission to return to Great Britain, leaving your unfortunate companions to shift for themselves, without the countenance, or protection of him, who having made the treaty, could only remonstrate against any infringement of it, and you arrived in England and visited the Secretary of state in full expectation of such a reception as your *vanity* (pardon the expression, I shall have occasion to use it again) prompted you to believe was due to the *principle and zeal*, which you chose to apprehend had actuated your endeavours.

From the epocha of this visit, your complaints commence, all which I shall arrange under distinct heads, that the refutation of them, or my remarks upon them, may be more perspicuous; and though I may not follow

follow them in exactly the same order, wherein you have placed them, yet I will use my endeavours, that none of them shall remain unanswered, or unnoticed.

The first complaint is, "that the Secretary of State gave a patient hearing to your report of all the transactions subsequent to the convention of Saratoga, and that you was led by degrees, and without suspicion of insidiousness, to the most confidential communication on your part, of facts, observations, and opinions, respecting very important objects."

To listen attentively to whatever you had to say, was a respect due to your rank and situation; had the Secretary of State interrupted you, or refused to hear you, you would have every reason to charge him with want of politeness, and he must have possessed very little prudence, and paid very little regard to the duties of his office, if he had not endeavoured to gain from you, every communication of facts, observations, and opinions, which respected such very important objects. That he should desire to learn all you knew, does him honour; I cannot say as much of your even hinting a wish, that you, a servant of the public, had concealed matters, which you avow were material to the interests of your country. If among your communications, you opened any circumstances respecting America, different from the ideas then prevalent in the governing councils of this kingdom, the Secretary of State, no doubt, availed himself

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himself of such part of your intelligence, as he conceived might be useful; nor could he be absurd enough, to hope to suppress your information, or prevent its reaching the ears of the King, by denying you access to him; the party to which you have attached yourself, take effectual care, that no concealment, however necessary, shall take place in matters of state: the public newspapers they well know, are universally read, as well by his Majesty, as his meanest subject.

And this denying you access to the King, constitutes your second grievance, an *etiquette invent- ed*, as you assert, for the sole purpose of distress- ing and disgracing you; "*The foundation of which in reason or precedent you are not acquaint- ed with.*"

In point of *precedent*, I conceive it may be traced from the original institution of courts- martial, and courts of enquiry; and the *reasons* on which it is founded, will appear from a single moment's consideration. A trial or enquiry, im- plies a suspicion of delinquency, and until those suspicions are removed by acquittal, no man in his senses will argue, that the subject of them is in a proper situation to claim access to the King, whose receiving him at court, would at once con- vey a prejudging opinion of exculpation from all charges. No indirect means therefore, were used to exclude you from the King's presence, you had by your own act, placed yourself in a state, which created a difficulty that still subsists, and now produce that difficulty, as a trick of the Se- cretary of State, to prevent "*the clearing up*

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Some facts which were wished not to be cleared up, and what they are, be only can inform the world. This I confess, is a stile of accusation above the reach of my comprehension, nor can I by any means understand, how the Secretary of State only, can be possessed of facts which you could have cleared up.

The chicanery which you suppose the Secretary of State intended to practise against you, with respect to the legality or illegality of a board of enquiry, could only be found in your own bosom; the board of enquiry being ordered by the King's ministers, the legality of it could be questioned by you alone.

The next injury of which you complain, is, "That attempts were not unbought of to deprive you of your voice in parliament; and that a great law officer in the form of legal doubts, made a long and methodical argument against your competence to any civil duty or function."

Not being a lawyer, I confess myself incompetent to judge of this as a constitutional question, but the histories of Greece and Rome will furnish you with instances of the conduct of commanders in situations analagous, though not perfectly similar to yours, because they were under engagements to natural enemies, not rebellious subjects of their respective states; from whence you may form an opinion which has generally prevailed in the world, that however the matter stood as a right, decency should have forbid your exercising it, whilst you had tied up your hands from serving your country in your own profession, and

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and remained here a prisoner at large, at the command, and under the comptrol of Rebels, with whom you had left 3500 hostages for your obedience to their orders.—Still less decent has been your *determined opposition* to the King's ministers, whose severity, ingratitude, or injustice towards you, is at present apparent only in your assertions, and your assertions are the only proofs before the public, that this *determined opposition*, has not arose much more from pique, than principle.

Your next complaint, is, "That you had received from the Secretary of War, a conditional order for your return to America, and That the ministry had kept a profound silence both to yourself and the public, respecting the ratification of the convention;" from whence you infer a design, either to lay to your charge some breach of faith with the enemy, or to renounce the treaty from the beginning, and by your surrender to transfer the act, from the nation to your person." "These being the only two cases, which, you believe can be produced from the history of nations, wherein an officer who had made a convention with an enemy had been delivered up to them."

This is a second attempt to calumniate the Secretary of State, on the score of a dilemma occasioned by your own fatal act. The history of nations affords no instance of a convention or treaty made with Rebels, to surrender to them the power of opposing their progress, or of an army giving up their weapons to fellow-subjects in arms against their sovereign, on the express stipulation, of never more opposing their unlaw-

ful designs. In so new a case, it well became the King's ministers to act with the utmost caution, and after the most mature deliberation, as the consequence of confirming your treaty, would be a kind of acknowledgment of some descriptive power in the Rebels, to act independently of the state to which they owed subjection; and the refusal to ratify it, would put in extreme danger the lives of all those who were thus unhappily placed within their reach.—Your apprehensions of designs in the ministry against your particular person, are unworthy notice.

The order from the Secretary of War you call a conditional one, and claim from the impartial and the candid, "a consideration of it in its principal parts." Yet in the same paragraph, you anticipate the judgment you demand, by describing it, as supposing "a novel species of cruelty within the power of the crown, exercised by men who were parties, and against the man, they were called upon by their station, and their honour to confront."

If I understand your meaning by this description, it is, that the power of giving orders to military officers, was just now assumed by the crown, for the particular purpose of cruelly compelling you to return to America, to alleviate by your presence, that captivity, which had been incurred by your treaty, when you chose to remain comfortably in England; and requiring your return without giving you an opportunity of being tried, whilst infinitely the greater part of those, whose testimony *must* be necessary on such an occasion, were fast bound in America, and

and not being favoured by the Congress, had no immediate chance of being here to tell *their* tale.

You next complain of attempts made by ministry, "to defeat an enquiry which was instituted in the last session of parliament, and which enquiry they at last, contrived to leave imperfect."

That such an enquiry must remain imperfect, cannot be doubted, for the reasons mentioned above; the same reasons will account for a desire (if any such appeared) in ministry to postpone that proceeding. It being indispensibly right, that information of every kind should be compleat; that not being the case, we may easily look through the justification in which you find so much satisfaction.

Why you should at any time after you had determined "not to risk your health in an American winter," think the resigning your commissions unnecessary; it is as impossible to conceive, as it is to understand, what "the submitting your public accounts to the rigorous scrutiny of office;" where all public accounts are, or ought to be, scrutinized, had to do with your being ordered to return to America. It is somewhat extraordinary, that you should take occasion publicly to declare, that should it be thought expedient to send you back, and a positive order should be sent you for that purpose, you should as far as in you lay, obey it. Though you had at that moment an order in your pocket, which a generous mind would have found most obligatory, but which you had long before resolved totally to disregard. When you term your being ordered to return to America, being

being delivered up to the enemy, you forget that you had yourself entered into voluntary engagements with this enemy; if they have acquitted you of these engagements, no ill consequence can attend your going back; if they are still binding, your own honour, if not that of the nation, is concerned in your fulfilling them.

The sincerity of your intentions to obey an order even of your own dictating, will be doubted by all those (and they you may be assured are not a few) who consider the order you had already received, as neither derogating from your honour, as it then stood, or in any degree tending to your ruin; your embarkation in the year 1776, was to command an army; your required return in 1778, was to join one which you had committed to captivity; the occasions so very different, we cannot conceive that your feelings were alike on both.

Why you should affect consequence enough to suppose a single man could be involved in the displeasure which you had incurred, or should be excluded from any military preferment to which he was entitled, because he bore kindness and friendship to you, is best known to yourself; no instance being produced, this part of your persecution, will be considered as merely ideal.

On the apprehensions of an invasion, you say, Government were not strangers to your intentions to fight your own regiment as Colonel, if it should be so destined as to meet the enemy, or to serve as a volunteer in the ranks of any other corps, that might happen to be employed in that service; but this moment the refuse of goals and the gallows are

are preferred to you, and at the crisis, when it was openly announced, that neither a ship, or a soldier could be spared from our internal defence, a sentence of banishment was sent you, a submission to ignominy required of you, and your sword was virtually broke over your head.

When you entertained those intentions of fighting for your Country, and complain of cruel designs to triumph over a soldier's honour and sensibility, you do not seem to recollect the detestable treaty by which, to use words quoted by yourself, "your occupation is gone." Under your circumstances, you could not, consistently with the honour of the British Army, bear arms in its ranks; for when you surrendered your sword to the Rebels at Saratoga, it was not *virtually*, but *actually* broken over your head.

Your declamatory protest against the proceedings of the King's Ministers, and your political Creed, are so perfectly conformable to the doctrines broached by every taster of opposition, from his Grace of R----- to T-----, and published daily from Mr. Almon's Loyal Manufactory, that it would be equally unprofitable, and unpleasant, to bestow a single remark on them, nor whilst our fleets and armies are well appointed, and our finances conducted with frugality, and integrity, will the public desire to see the present ministry removed, for the purpose of making the noble Duke Secretary of State, or the right honourable Commoner Chancellor of the Exchequer, however ardently such a change may be solicited by those who want to participate in the Advantages of office, or by the Wise Citizens

Citizens of London, who seem not to know what they want.

"That your actions have been the mere result of your own sentiments," your country has now to lament, as it has, that the impulse of honour, on which your resignation was made, had not struck your breast, before the convention of Saratoga. That you should return "from the liberal accommodations of life to which," (by the munificence of your gracious Sovereign, and the public) "you have been used to the competence of a private gentleman," is no uncommon case. Misfortune, unfought misfortune, has frequently reduced the most worthy, from affluence to poverty itself. The abatement of your income has been the effect of your own choice, or misconduct.

Your correspondences with his Majesty's Secretary of War, or rather your letters to them, for theirs to you are official, and contain little more than orders, in the usual form, come next under consideration; but as they contain principally a reiteration of the grievances complained of in your letter to your constituents, and a recapitulation of your services, endeavours, expectations, and disappointments, I shall confine my remarks to such parts, as seem to offer any thing like new fact, or argument, in support of your catalogue of complaints.

In your letter of the 22d of June, 1778, you observe, "that the army you commanded, credulous in your favour, and attached to you by common misfortunes, would not find material consolation from your return in disgrace, nor could conceive it possible, had the return of the troops been in view,

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*"view, that any person would have advised so harsh
"an act, as sending an infirm, calumniated, un-
"heard Complainant across the Atlantic, merely to
"inspect their embarkation."*

It cannot but appear one of the most absurd propositions that can be offered to human reason, to assert, that it was a wise, prudent, and necessary measure, to surrender your whole army prisoners to Rebels, who on the most groundless, and frivolous pretences, instantly broke through your treaty, and that it should be fit and right for you to seek, and accept a personal indulgence from this perfidious enemy, and avail yourself of the continuance of it, for your own private accommodation, and complain of the hardship of being ordered to place yourself in that situation wherein it was necessary you should be, even if Government should, in compassion to the unhappy captives, consent to ratify the convention, because it is too apparent that such a ratification during your absence, would be treated by the Rebels as incomplete, and afford them another pretext for detaining still longer the victims of your imprudence.

In your Letter of the 9th of October, 1779, you desire the Secretary of War to observe that the order referred to (for your return to America) *"is unusual, as well as cruel,"* and you venture your opinion, *"that it is matter of serious doubt, whether the Ministers of the crown can legally order a British subject into captivity, at home, or abroad, without trial, or can compel an officer by virtue of his general military obedience, to de-*

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“ liver himself to the prison of the enemy, without any requisition on their parts.”

Whether the Ministers of the Crown can legally order into imprisonment, a British subject without crime, or charge of crime, is a matter of no doubt at all. The question, whether the same Ministers can and ought to enforce an officer by virtue of his general military obedience, to conform to, and on his part fulfil, engagements entered into by himself, and in which he is himself personally included, may be answered, by asking you, under what orders, and by what authority, the whole British army surrendered themselves prisoners, at Saratoga; and by remarking, that the wretched engagements made there, extended only to captivity, and inactivity, not to a renunciation of allegiance, or duty, to your Sovereign. That the order received for your returning, is unusual, will be readily granted, no instance having ever before occurred, in which it could have been issued. That it was cruel, may for the reasons above stated, be fairly denied; nor is it necessary to repeat those reasons in reply to your questioning the secretaries of war to what purpose, your return was enforced.

In the same letter you request it may be remembered, that you are deprived of a Court Martial upon your conduct in America, because you are not supposed to be amenable to the justice of the kingdom; that the King is told you have disobeyed his orders, in the very same breath that you are stated not to be amenable to him, and that by this doctrine, it seems

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supposed that you are not capable of receiving orders, for the purposes of public justice, or public service, but are perfectly subject to all such, as have a tendency to your own destruction.

By your convention at Saratoga you surrendered your person, as well as the persons of your whole army into the hands of the rebels, and under the indulgence of a permission from them, you now appear in England. Should a Court Martial be granted you, and their opinion prove unfavourable, are you in a situation to receive the punishment, their sentence might direct to be inflicted? Certainly not, your person is at present the property of those to whom you committed it, and a punishment inflicted on you, would not fail to involve the innocent hostages you left behind you, in the consequences of your guilt; yet your allegiance to the Crown of Great Britain still remaining, you are certainly without injustice, or inconsistency, amenable to all such orders, as do not compel you to act in direct opposition to your treaty, which cannot be the case, when you are required to return to your parole.

That your *persecution* would in no degree console your fellow prisoners is admitted, but your returning to do your part towards removing the fetters, with which you have loaded them, can by no means be considered in that light, on the contrary it is a duty, which you should have required no order to perform; and these unfortunate officers owe to you, the impossibility of their being included in any of the late numerous lists of promotions, neither the policy or circumstances

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stances of the state admit of giving additional rank and pay, to those who have been, by you, rendered incapable of serving their country.

Your observation, that the treatment you have received is contradictory, falls to the ground with the foregoing state of your situation; *that it is perfectly uniform in principles* of justice, equity and impartiality, is, I should apprehend, made fully obvious.

I have now nearly gone through as well your letter to your constituents, as those to the Secretaries of War, and I trust, reduced your whole formidable list of injuries, and oppressions, to the single inconvenience of your giving up employments and emoluments which you could not hold, without obedience to orders, that upon surmises and apprehensions, equally desultory and groundless, you thought fit to disregard; the purpose of which conduct of yours, as well as of your appeal to the public, is fully discovered from the last citation I shall have occasion to make, wherein you exhibit your final charge, of expected and intended injustice.

You say, — *They who would not suffer you to approach the King's person to vindicate yourself before him, who have held you could not have a Court Martial to vindicate yourself to your profession, and who have done all they could do, to prevent your vindicating yourself to your country, by a parliamentary enquiry; are now very systematically desirous of burying your innocence and their own guilt, in the prisons of the enemy, and of removing, in your person, to the other side of the Atlantic,* THE MEANS OF RENEWING PARLIAMEN-

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And here the whole plot develops: after having made a false step, you are considered by the leaders of opposition, as a fit subject for them to work upon, and having first goaded you on, to expose your weakness by an inflammatory address to the public, and having by this means, effectually prevented you from deserting, they now intend to produce you as the immediate tool of their party, to bring forward another parliamentary enquiry; to add to the list of those, which have already been imposed upon both houses, by the virtuous band of patriots, for the honest purposes of distracting the councils of the nation in this time of public difficulty and danger, and diverting the attentions of his Majesty's ministers, from great and interesting objects, to a defence against charges, which however ill founded, false, and malicious, must be opposed by facts, and obviated by serious investigation.

That this is the use to which you are intended to be applied, admits not of a shadow of doubt, and if you remain in their hands, the instruments of such base designs, your country may still be indebted to you for further mischief. To remedy, as much as in you lies, the injuries it has already sustained from your conduct, let me advise you, to shake off the trammels of a party, whose connexion can only tend to involve you in deeper disgrace; return instantly to America, and wait the hour of your release with your fellow-sufferers, employing the interval, in such offices of humanity, as may soften the hardships they labour

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bour under, and dispose them to forget and forgive, that they are hardships of your imposition.

But if you refuse to attend to my council, and persist in your retirement as an escape from the toils and dangers to which the other course would subject you; let not your vanity suggest to you an idea of imitating those heroes of old, who have alternately exercised the sword and the plough-share, for they were accompanied in their retirements, by the glorious consideration of having preserved their country; but your's will be embittered by the miserable reflection that you have endangered, if not effected, the ruin of yours.

I am, &c.

AN ENGLISHMAN.

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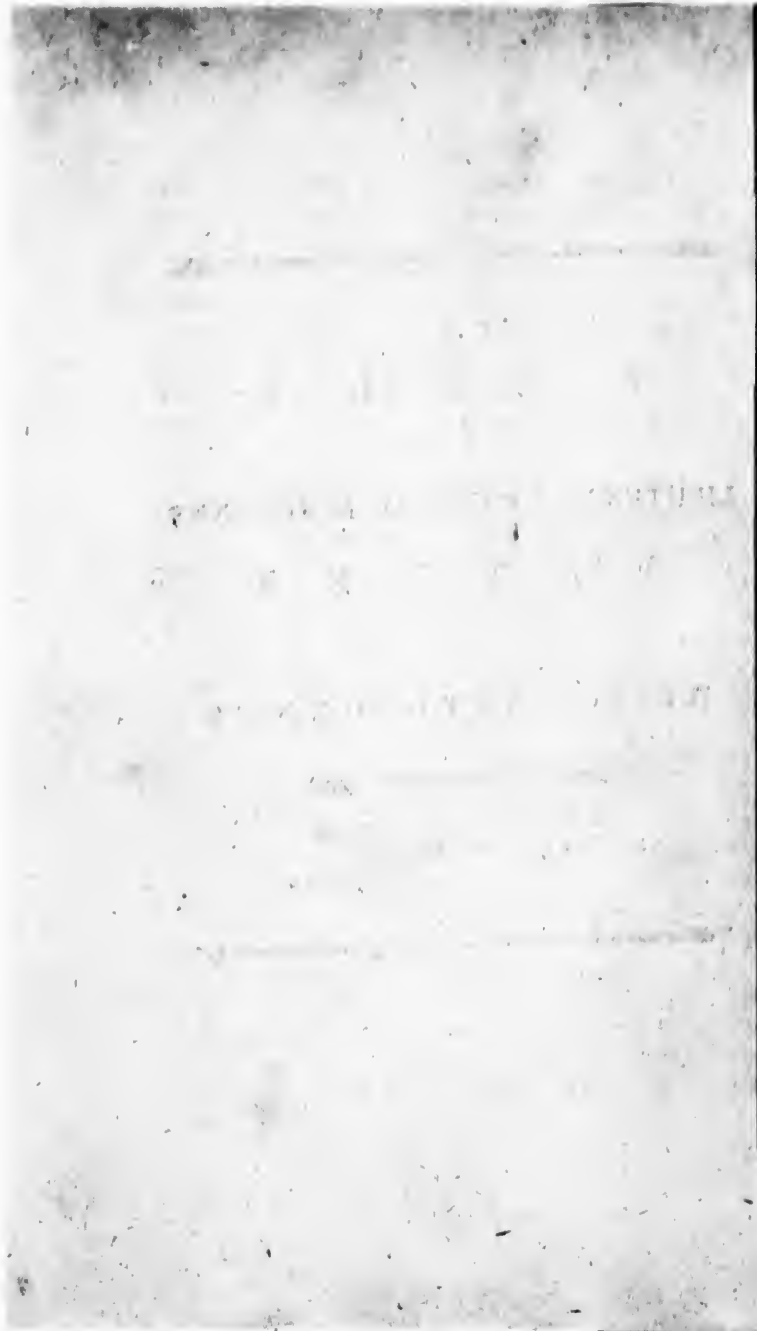
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EXPENDE HANNIBALEM.
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*attributed to sir John Dalrymple
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LIEUT. GEN. BURGOYNE.

SIR,

YOUR conduct, since your return from America, has engaged the public attention, and in some respects, the public animadversion. Men of honour, in general, were at a loss to comprehend upon what principle you could justify your absence from your captive army, whose calamities they considered it as your duty to share; and the gentlemen of your own profession, knew not how to reconcile your stay in this country, after you had received an order from your Sovereign to return to America, with those principles of military obedience which a long course of service should have taught you fully to comprehend, and an exalted rank in the army forcibly to feel.

Your enemies were violent in their censures; the public did not hesitate to pronounce your condemnation; and even your friends appeared weak in their wishes to vindicate you, and certainly were awkward in their attempts.

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Your speeches in parliament had contributed but little to restore your fame. But men of liberality felt for your misfortunes, and were willing to hope, that the importance of that Assembly, the awe which it is apt to inspire, and perhaps, your talents not exactly fitted to parliamentary debate, were hitherto the causes why every public attempt to justify yourself had been attended with inconsiderable success. You have now affixed your name to a formal vindication of your measures; not a few incoherent sentences provoked from you by illiberal reproach; pronounced under the awe of a public assembly; delivered under the agitation which unqualified censures upon military honour must necessarily occasion in every military mind; but a deliberate recital of your proceedings; a cool avowal of your motives; and a studied justification of your conduct.

This publication will find the world very favourably disposed to listen to every argument which you can advance in your own behalf. You are known to be a brave, and you are now an unfortunate, man. Courage is the quality we are most apt to admire; and a brave man in distress is an interesting spectacle. You have renounced splendid rank and sumptuous opulence and have retired into the competence of a private gentleman. This measure must disarm resentment; for whatever may be the opinion of your errors, you have expiated them by the sacrifice you have performed; and have yourself made an atonement, in the opinion of your most determined adversaries, equal at least to your guilt.

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The manner in which you mention yourself, and which, as if meant to leave the most forcible impression, forms the conclusion of your address, is certainly adapted, not only to disarm resentment, but to excite compassion.—“ My ambition is dead; my occupation is gone; the humble arrangements of my new state are made; and my whole prospects or hopes on this side of the grave concenter in the preservation of my friendships, and the tranquillity of my conscience.”—Those who are not strangers to delicate sensibility, find in this pathetic representation, no imaginary distress. Ambition does not willingly renounce her projects; affluence reluctantly gives way to penury; and rank and power are not easily resigned. The mind, accustomed to the busy pursuit of honours, is too restless for the calm enjoyments of friendship; ill suit the humble arrangements of narrow competence, where boundless profusion has rendered every gratification a habit; and however comfortable the shelter which conscience may afford, we are apt to consider it as the unwilling refuge of disappointment and despair.

Such, however, is the condition to which you have subjected yourself. Will you pardon me, Sir, if I endeavour to prove to you that the fault is your own? I feel for your condition, and I would not wantonly insult your distress. I consider you as a brave, honourable, but imprudent man; and most an enemy to yourself. I will endeavour to observe that respect which is due to you as a gentleman; and misfortune, which renders you sacred in my mind, gives you a claim to tenderness, as an unsuccessful man.

As it is your conduct since your arrival from America that will become the subject of this address, and is in fact the subject of your address to your constituents, it would be foreign to the present purpose to enter into a discussion of your conduct during your command there. Without giving any opinion upon your military judgment, permit me, however, to pay that tribute which I conceive to be justly due to you. You manifested the greatest zeal for the cause of your country; the most unwearied assiduity in promoting her service; the most determined bravery in fighting her battles. While you became an example to your army which challenged their respect, you won their affection by sharing every difficulty and danger in common with the troops. These are the unanimous sentiments of those who served under you; and they remain neither questioned nor contradicted.

After your surrender to the American army, in your private letter to the Secretary of State you expressed your "confidence in the justice of the King and his councils to support the General they had thought proper to appoint to as arduous an undertaking, and under as positive a direction as a Cabinet ever framed."—It is not difficult to trace up to these words the first cause of difference betwixt you and the American Secretary of State. Sensible of having lost an army; of having depressed the hopes of your country; of having elated the spirit of her enemies; of having terminated a career most brilliant in its commencement by a very fatal disaster; you anticipated in your own mind the national effect, and employed your

your thoughts towards your own justification. You naturally had recourse to your orders; and there you found, or you pretended to find, *as positive a direction as any Cabinet ever framed*. If you could persuade the world of this, the inference you imagined would then follow, that you was to move forward *at all events*; that you had done your duty by urging on a straight course, and consequently they alone must be criminal, who, ignorant of the face of the country, and deficient in information with regard to the disposition of its inhabitants, gave you a *positive direction* which you could not avoid obeying, though your obedience must necessarily involve yourself and your army in inextricable ruin. Where an implicit obedience was the only part you had to observe, you could not be censured for want of prudence; nor could you be blamed for want of judgment, where you was precluded by your orders from making any exercise of it.

In this letter you therefore fairly joined issue with the cabinet upon the sense of your instructions. You did not attempt to say, that difficulties had arisen too great for human valour to overcome, too distant for human judgment to foresee; but you gave them to understand, that if you had been rash and imprudent, it was because their orders compelled you to rashness and imprudence.

What may really be the nature of your orders, I will not pretend to determine. Nor indeed is it necessary at present. If we admit them to be as *positive* as a Cabinet ever framed, still you will not be justifiable, if you appear to have acted with imprudence, and contrary to the suggestions of reason.

reason and experience. The instructions of an Officer can never be so understood by him as to imply absurdity; nor can his command be so construed as to have defeat for its purpose. This doctrine holds good in general. Let us apply it to your particular case.

You was appointed to the command of an army equal to the most arduous attempt. Your troops were healthy and well disciplined: your officers of approved courage, and distinguished reputation. As in all probability the enemy would trust much to the strength of their posts, you was furnished with the best train of artillery that was, perhaps, ever allotted to second the operations of such an army as yours. It was hoped, by those who had planned the expedition, that the most decisive advantage would attend the first efforts of so powerful a force. Expectations were formed that your success in your outset would have very beneficial effects upon the disposition of the inhabitants; and that Canada itself would furnish you with a numerous militia acquainted with the situation and strength of the country. It was judged probable, that those who might be inclined to resist, you would disperse at your approach; while every new success would add considerably to your numbers, by inducing the friends of Government to declare themselves, when they beheld a force in which they might place confidence.

Nor do these hopes appear to have been altogether ill-founded. You set out upon your expedition with zeal, and victory for a time seemed to attend your progress. Ticonderoga, which the enemy

enemy had fortified at immense labour and expence, was evacuated upon your appearance before it; the artillery, amounting to 128 pieces, fell into your hands; and the rebel army was intirely dispersed. Your good fortune seemed daily to increase; and in every conflict with the enemy your troops had the advantage. Notwithstanding their superiority of numbers, and strength of situation, General Frazer defeated a considerable body of their forces, under Col. Francis, one of the bravest of their officers. Colonel Hill, after an attack of three hours, routed a corps of the enemy amounting to six times the number of his own detachment.—Your army, elated with success, fought with the confidence of men who deemed themselves invincible; and the enemy fled on all sides discomfited, dispirited, and dismayed.

Such, at one time, was your situation. It suddenly changed; and (from what circumstances, it would be inconsistent with the present purpose to inquire,) was soon intirely reversed. You dispatched Lieutenant Colonel Baum with 500 men to gain possession of a magazine at Bennington, where the enemy was supposed to have made a large deposit of various necessaries. Colonel Breyman's corps was posted at Batten Kill to support Colonel Baum, if it should prove necessary. Colonel Baum, upon a near approach, having received intelligence of the numbers of the enemy, who were too strong to be attacked by his force, with any prospect of success, dispatched an express to you with an account of his situation. You gave orders to Colonel Breyman to march forward

forward, and reinforce Colonel Baum. Before, however, the latter could be joined, the enemy attacked him in his post, and after a brave defence, the Colonel himself was wounded, and his whole party made prisoners. On the evening of this fatal day, Colonel Breyman arrived upon the spot, where, in the morning, Colonel Baum had been defeated. His troops, wearied by a toilsome march, and distressed at the disappointment, were immediately attacked by the enemy, and after a gallant resistance were obliged to retreat, leaving two pieces of artillery upon the field. Your army had now lost near 800 men, and it will be readily conceived, how much these defeats contributed to inspire the enemy. In fact, they were assembling from all parts, the whole country, so far from assisting, was rising up in arms against you, and difficulties were crowding upon you no less formidable than numerous. You began to feel the want of provisions, the roads were broken up; the face of the country was intersected with creeks, and covered with large timber trees, which the enemy had cut down to obstruct your march; you was made sensible that every inch of ground would be disputed; and yet, instead of providing for your retreat, and accommodating your measures to your situation, you thought fit to cross the Hudson's river, in order to *force your way to Albany*. Had you, at this time, or could you have, in reason any hopes of succeeding in the attempt? Melancholy experience has convinced you, that the presumed circumstances upon which the plan had been formed in England, and which were essential to

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its success, had no longer any foundation. Before you crossed the Hudson's river, you should have considered with yourself, whether, if your situation at that time could have been made known to the cabinet which framed your orders, a man could be found in that body who would still command you to proceed. Either you foresaw the difficulties that were preparing for you, or you was ignorant of the true state of your situation. If the latter were the case, your judgment cannot remain unimpeached. If, on the contrary, you had estimated them justly, however positive might be your orders, and whatever might be your ideas of criminality in disobeying them, your regard for your country should have taught you to disregard every personal consideration, and you should have endeavoured to promote her true interest, careless of what blame might fall upon you, or to whose resentment you might be exposed. The most eminent and illustrious characters have not hesitated in cases of public necessity, to violate the laws of the land, when evidently conducive to the public benefit, and have trusted to the generosity of their countrymen to indemnify them against the consequences. The supposition which you make, that "your army was meant to be hazarded, perhaps circumstances might require it should be devoted," is too romantic for serious consideration. Such reasoning might become the captain of a fire-ship, or the leader of a forlorn hope; but that it can apply to an army of 10,000 men, under any circumstances,

is rather improbable; that it could, in our situation, was absolutely impossible.

I apprehend these conclusions to be evident, That no orders can, in their nature, be so positive as not to leave some discretion in the commander appointed to carry them into execution — Your situation required that you should employ that discretion — and further, If any orders could be so positive, that to act in contradiction to them, however great the inducement, would subject the commander to punishment, it was your duty to have incurred this risk.—But I will proceed to what more immediately concerns your conduct in this country.

You complain very bitterly of the Court etiquette, invented, you allege, upon your occasion, which excluded you from the royal presence. The “ foundation of it in precedent,” I confess with you I am unacquainted with; but the foundation of it “ in reason” I perceive clearly. Where an officer labours under a suspicion of misconduct, and it is thought necessary he should be tried by a court martial, it is fit that that officer should be excluded from the only place where he can defeat the course of justice, by interesting humanity and compassion in his behalf; where, by an address to the passions of his Sovereign, he may elude the pursuit of his country, and arm that prerogative in his favour, which, when properly exercised, becomes the most amiable interposition of the Crown. On the other hand, no bad consequences can happen to him from a temporary

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temporary exclusion from the royal presence. The sentence of a court martial will determine faithfully upon his merits, and restore him to honour, or doom him to disgrace. The voice of his profession, if heard in his favour, will call him to the possession of every suspended privilege; and with such a decision upon his side he cannot be dishonoured by the royal frowns; and if admitted to the royal favour, even in the presence of sovereignty, he may feel himself ennobled.

But we are given to understand, that the true reason of the order you received not to appear at Court, was "an apprehension upon the part of the American Secretary, that you might lay before your Sovereign what information you was possessed of, and which would have proved very different from the ideas which it is now known were at that time prevalent in the governing councils of this kingdom." By this mode of accounting for it, you bring a charge against the American Secretary of endeavouring to withhold from his Sovereign useful and necessary information. This charge, it must be observed, rests merely upon your own authority; and when we consider that you are a party concerned; that your feelings appear to be unusually irritated, and your resentment warm; your authority cannot have that weight upon the present occasion, which upon all other occasions it is justly entitled to.

But the candid and the sensible will examine this charge as if brought by an indifferent person, and ascertain how far it could be the inter-

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rest of the American Secretary to observe such a conduct ; and if he wished to suppress your information, whether he took the means most probable to attain that end. By admitting you to the royal presence, your information, it is true, would be immediately told in the royal ear ; and however unfavourable to the prevailing system, few are so ignorant of the arts of a court, and the persuasive eloquence of a minister, as not to know that it was easy to have confined your information to that place, and to have suppressed it with regard to the public at large. On the contrary, by adopting a measure which he knew would prove an offensive one to you, he drove you into the arms of a powerful and adverse party ; he provoked you to publish your information in your place in parliament, and he could not imagine that your facts would be weakened, or your manner of expressing them softened by the treatment you had received. The only chance of suppressing your information, or of counteracting the effect which you suppose it would have had, an interference with the prevailing system, was by ushering you into the royal presence ; the sure method of publishing it to the nation, was by shutting against you the door of admission. This charge does not, therefore, appear to have any foundation in truth ; and certainly, it has none in reason.

You next charge the Secretary of State with "insidiousness," for having received you with apparent kindness ; for having heard you attentively through a report of all the transactions subsequent

subsequent to the convention of Saratoga, and for having led you to a confidential communication of facts, observations, and opinions respecting very important objects. The futility of this charge must appear evident to every one. Whatever might have been the conduct of the American Secretary towards you, as his Majesty's confidential servant, and holding a place of responsibility, he had a right to the most unreserved communication upon your part with regard to the command upon which you had been employed. To have withheld from him "information respecting important objects," from an idea of personal ill-treatment, would have been as much an act of treachery to the nation, as if, in the moment of success, you had delivered up your sword to the enemy.

You had expressed your desire to be tried by a court martial, and your case was referred to a Board of General Officers. They represented to his Majesty, that they did not think "you could be brought to a court martial so long as you should continue engaged, upon due notice, to re-deliver yourself up to the Congress." Yet in spite of this opinion delivered by men of honour — by professional men, upon a professional point — you still continue to be urgent for a court martial, and complain of oppression because it is denied you. I will prove, that to have granted it to you would have been folly and injustice, and that the gentlemen of your profession, to whose representation you object, have been guided by principles of reason and equity.

Those

Those who served under you, and who were witnesses to your conduct, are at this time prisoners in America. What method could be pursued to bring them before a court martial, and how could your conduct have been fully examined, and impartially tried, without the presence of those whose testimony was material to the enquiry? Any decision, therefore, must have been made upon a very partial and confined body of evidence. In case the court martial had found you guilty in the greatest, or, in any degree, how could they have proceeded to pronounce sentence, or to inflict punishment? Your life they could not condemn you to lose, for that belonged to your enemies; they could not dismiss you from 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

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soon as your health should be restored." You had before used the freedom of differing from the judgment of the Board of General Officers, and you now presume to set up your opinion in opposition to that of your royal master. In your letter to Lord Barrington you express, that "the purposes intimated for your present attendance in America would be very different from services." That I may not violate that respect which I feel for majesty, I will not be so arrogant as to enquire upon what grounds, it is probable that the royal judgement was formed; but I will take the liberty to examine what would most naturally occur to a subject of plain common sense upon a like occasion.

You had entered into a convention with the American General, in consequence of which the army you commanded surrendered prisoners under conditions expressed in that convention. It was not improbable that difficulties might arise in the execution of the treaty; and who was so fit to obviate those difficulties as the commander by whose authority it was made? His situation would naturally give him more weight with the enemy than any other man. While his rank would secure him respect, the consideration that he was called to that rank from an opinion of his abilities, would give hope to his troops, and confidence to his country. The captive soldiery exposed to every enticement from the service which an unprincipled and insidious foe could practise upon disappointed and distressed men, would necessarily require the highest influence to fortify them in their duty. The zealous attachment.

attachment of troops to their commander is known to increase, when they have been exposed to one common danger. They look up to him as their unfortunate friend; and, instead of that envy which is apt to attend the prosperous, there prevails a mutual sympathy, a kind condolence, respect founded on esteem, affection heightened by distress. Such would have been the disposition of your army towards you. Your presence would have kept them united; in your absence they have been dispersed. The enemy by a flagitious violation of the treaty detained them in captivity; they struggled long with hardship and distress; but at length their constancy was shaken; their fortitude overcome: some dispersed over the country; some entered into the enemy's service, and your once powerful army is now wasted away.

The necessity for your return must, I think, by this time have very fully appeared. But even if no such necessity had existed, you received orders to return; and if disobedience to the orders of that Sovereign, whose commission you bear, and to whose bounty you are so much indebted, can be justified in a military light, I confess I am ignorant of the mode of justification. You attempt to prove that the order was conditional, and the condition depending upon your own judgment. It is true, your orders were to proceed to Boston as soon as it could be done without any material risk to your health. They who have associated with you in private, who have seen and heard you in public, will determine whether you was not in a condition to obey even

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even the *tenor*, much more the *purport* of this order. But, besides the persuasion which you entertained, that "to expose your constitution to the next American winter was in all probability to doom you to the grave," you assign another reason for not returning to America. "Your army (you inform Lord Barrington), attached to you by a series of misfortunes and conflicts sustained in common, would not find material consolation from your return in disgrace." Your disgrace would at any rate become known to your troops, and as you considered that this might cause dissatisfaction, or excite resentment, it was more incumbent upon you, by your presence, to have prevented your particular wrong from operating to the detriment of your country, and to have given their affection for you, the effect of an attachment to their duty.

When you tell us "that you intended to fight your own regiment in case of an invasion," I imagine such conduct would have been entirely inconsistent with your present situation. You applied to the Congress for permission to return to this country, that you might represent the situation of your army, and vindicate your own character. Permission was granted to you, in order that you might accomplish the purposes which your application expressed. But surely the Congress did not mean that you should have liberty to fight against their *friends and allies*, for it would have been madness, or insult in them, to have granted your enlargement for such a purpose. They gave freedom to your tongue in the senate, but not "liberty to your arm in the field;"

field;" and it would have been neither honourable in you to have drawn your sword, nor in this country to have accepted of your services.

In your second letter addressed to Mr. Jenkinson, "you apprehend that if you are not liable to be tried for a breach of the orders you received, you are not subject to the orders themselves." This proposition is entirely false. You cannot undergo a trial, because your condemnation might interfere with the rights of your enemies—rights founded upon the law of nations;—but while you are within the jurisdiction of the Crown, you are bound to military obedience, so far as it does not militate against the law of nations, and to civil obedience in conformity to the law of the land.—There is a degree of absurdity, when you talk of being willing to undergo a trial for this imputed disobedience, at the same time that you are told you cannot be tried for any offence by a court martial while your person remains subject to the will of the Congress.

The report of the Board of General Officers you apprehend to be erroneous, and the subsequent appointment of other gentlemen, exactly in your circumstances, to military employments, subject to orders, and accountable for the breach of them, is one of your reasons for conceiving that the King's advisers do not differ from you in opinion, that the general officers were mistaken.

One of the gentlemen to whom you allude, if I mistake not, is the present Earl of Harrington; but so far from being *exactly in your circumstances*, he stands in a very different situation.

Notwithstanding

Notwithstanding that the convention of Saratoga had been faithfully fulfilled upon our part, the Congress refused to ratify it, alledging, that we had violated the conditions. We denied the charge; the Congress persisted, and detained our troops in captivity. This being a dispute betwixt two nations at war with each other, and which no earthly tribunal is competent to decide, each nation, as far as it has the means in its own hands, will endeavour to do justice to itself. The Congress, under this idea, detain our troops; and under the same idea, we consider every man of that army, whom we can recover from the Americans, as freed from the condition in the treaty, not to serve in America during the war. Lord Harrington returned to this country under the stipulation of that treaty; but you, Sir, bound yourself by an express and distinct engagement to the Congress; you gave them your parole of honour, that you would return to America whenever they should require you, upon their giving you due notice. When a conditional contract is entered into betwixt individuals, if a question should arise how far the condition be fulfilled, the municipal laws will determine the doubt. If the contract be unconditional in its nature, and one party do not fulfil it, this will not justify a breach of it in the other; he is to observe it as far as depends upon him, and to apply to the justice of his country to redress the wrong he has received. If it were possible to observe this conduct in the differences betwixt nations, this country would not be justifiable in detaining, after a demand on the part of the Congress,

gress, those officers who were their prisoners under the convention of Saratoga; but as this is impracticable, the necessity of the case becomes our justification. But notwithstanding the injustice done to us, we must confine our retaliation within the very line of the injury received; for if, under a pretence of its being a part of this transaction, we were to detain officers who have come under separate engagements, public faith, now hurt it is true, would then be wounded mortally; mutual confidence would cease; and to the humane manner in which war is now conducted, would succeed a scene of slaughter, massacre, and assassination. Upon these principles your engagement to the Congress must be considered as binding; and, therefore, your case differs from that of the gentlemen to whom you allude, who are no longer within the power of the Congress.

In the account which you are pleased to render to your constituents of your conduct in parliament since your return from America, we find some improbabilities and some contradictions. He must indeed be ignorant of public life, and unacquainted with human frailty, who can suppose that in despite of "severity, ingratitude, and injustice," a man in a public station will continue to support with his influence, those who have treated him "severely, ungratefully, and unjustly," and that stubborn in principle, he will alike be proof against favour and enmity. The history of the present time makes it particularly difficult to advance such a proposition with any prospect of belief. Wherever we turn our consideration, political apostates present themselves, who once harangued

rangued with courtly eloquence, who now declaim with patriotic zeal; and the moment of whose conversion can be precisely ascertained, by the particular favour which they were refused. The courtier denied the ducal coronet, ascends the tribunal, and woos liberty in the forum—The rugged patriot throws aside the lion's fierceness, and softens into the supple spaniel, whenever the hand of power seems extended to caress him.—When you inveigh against his conduct, “who could act at the present moment against men in public stations upon any resentments unconnected with public wrongs;” we admire the morality of the sentiment, and only lament that it should be so little observed.

That your “opposition has been the cause, and not the consequence of your ill-treatment,” appears to be a contradiction, from the nature of your own account. The first injury you received was, your exclusion from the royal presence, which happened immediately to you upon your arrival in England; this appears to have been the origin of the supposed ill-treatment; your opposition was *subsequent* to this measure, and therefore it is impossible that your opposition can have been the *cause* of your ill-treatment.

Such is nearly the substance of what you have advanced in justification of your conduct. But, as if you entertained a fear that argument might prove insufficient to your exculpation, you have had recourse to bitter execration, and acrimonious invective. Judging the situation in which you have been placed favourable to the prospect, you take a view of the political horizon, and

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crowd into your narrow canvas the whole extent of its range. Positive and precise as the oracle of Delphos, you pronounce upon the plans and principles of ministers; upon the wrongs of injured merit; upon the dreadful situation of public affairs. *The state of this country cannot afford the smallest countenance to an opinion of integrity and capacity in administration—I saw a systematical design of vilifying and disgracing every officer whom these ministers had ever employed by sea or land.—The ruin of officers forms the whole of their military system.—Their political plan is to impose upon the nation.—They exist by bringing forth a succession of deccits*— Pardon me, Sir, when I assure you, that such language from a man in your situation is improper and indecent. Whatever may have been the conduct of Ministers, you stand alike with them before the tribunal of the Public; and it is not by an accusation of others that you will be permitted to justify yourself. If you tell us that it is the privilege of anger to rail, we will agree with you, that it is a privilege which anger too frequently assumes; but if you mean seriously to bring forward these charges, you must support them with other evidence than your own.

Whether it be true, as you assert, that the ruin of Officers forms the whole of the military system of the present Ministers, I will not at present inquire. If such be, really, their views, we have to regret that the conduct of the officers whom they have employed has been so favourable to their plan; and in this instance at least you will not charge them with incapacity, where they have shown so great a knowledge of character, and

and have so judiciously selected fit instruments for their plot. While we feel for these injured officers, we also lament the change which time has brought about. This country has seen commanders whom Ministers, in vain, would have labour'd to disgrace; whom it was not in the power of calumny, to defame; whom it was not within the reach of malice, to hurt. When their enemies attempted to revile them, the solemn exhibition of their spoils gave shame to the lie; and the proudest vessels of France riding in every port of the kingdom, were the vouchers to which they referred us, and the testimony they produced. Instead of depending for their lustre upon Ministers, they reflected glory upon Administration. It is only the negligent, inactive, unenterprising commander, whose reputation is in the power of the Minister—the man whose progress is impeded by every trifling obstacle—whose ardour is repressed by the appearance of opposition—who, after a weak, languid, indecisive engagement, toils through a dull Gazette to establish dubious advantage, and equivocal success. The true great commander rests not upon such uncertain grounds. He lays in a stock of reputation which a legion of pillagers may labour in vain to diminish; and secure in the opinion of his country, he sets at defiance both the insidious whisper, and the professed attack.

As far, however, as it is possible for you to produce any good effect by bringing such a charge against Ministers, I sincerely wish that effect may be produced. Instead of weakening the public confidence in the Ministers who have the directi-

on of public affairs, and to whom confidence is most essentially necessary, may it stimulate the officers whom they employ to efforts worthy of themselves! Let them proceed under the jealousy, that it may be the interest of the Minister to calumniate them; let them be convinced that the favour of the nation can alone secure them against the intrigues of the Court; and let them act under the conviction, that the surest method to conquer their enemies in the cabinet is, to conquer their enemies in the field.

This Philippic, however happily adapted to influence the weak, and gratify the violent, you was aware would require some explanation to readers of a different complexion. The mob form their opinion of an orator from the strength of his lungs, and the muscle of his arm. Noisy vociferation, and vehement gesture, pass with them for the warmth of conviction, and the authority of truth. But the writer whose production is to appear in the cabinets of the sensible, the candid, and the liberal, knows that cool contemplation will sit in judgment upon its deserts. To these I shall consider the following explanation as addressed. "At a time when so little credit is given to principle in political matters, it is probable I may be told, that I have followed the dictates of party, and deluded by vain expectations of popularity, have sacrificed myself to their pursuits." That you would be told this, was indeed probable, but it seems you are prepared to disprove the charge. "My friends, you will say, will treat such an imputation with the same contempt: they do every other illiberal sentence."

sure." Allowing every thing to the faith of friendship, we will proceed to the argument you address to those, who not having the honour of intimate habits with you, may not feel equal contempt for every probable charge under which you may unfortunately labour. "I have proved my principle in political matters."—in what manner?—"I have proved it by attaching myself to men who have no object but to save their country."

—This argument, if not of the most convincing, is at least of the most curious nature. You set out with stating, that owing to the opinion of a general want of principle in political matters, you might not obtain credit for it; but to obtain credit for it yourself, you very liberally give that credit to five hundred others, and expect the Public to keep pace with you in generosity. The man who but just now had much difficulty to believe that an individual could be found of principle in political matters, is required to give faith to the assertion, that principle alone actuates a numerous political party; and in order to induce our belief of an improbable circumstance with regard to you, you tell us first to believe it of five hundred others; as if incredulity decreased, in proportion as the improbable verges towards the marvellous.

I confess, that were I an elector of Preston, I should entertain strong doubts with regard to the propriety of again electing you my representative in parliament, under the circumstances of your present situation. Attendance is the first duty which a representative owes to his constituents. At this perilous time the voice of every member is, or ought to be, of weight in the general councils.

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Yet, situated as you now are, you may not be able to give attendance in parliament, and during the whole of the next interesting sessions (interesting doubtless it must be) the town of Freston may remain, as far as concerns your person, virtually unrepresented. You will hold your seat in parliament at the will of the Congress. While you continue to do them no injury, they will, in all probability, suffer you to remain; but should your vote ever interfere with their interest, there can be no doubt, but they will immediately remove you from a situation where you have it in your power to do them harm. By the constitution of this country, no man who holds a pension can sit in parliament, because he is supposed to be under *influence* in his conduct; and, in my opinion, the representative is as likely to be *influenced* who is dependent for his liberty upon the Congress, as he who is dependent for a pension upon the Crown. I am sure the spirit of the constitution considers him as equally unfit to sit in parliament; and though there may be a greater probability of the pensioner's vote affecting the measures of the Crown, than of the prisoner's affecting the measures of the Congress, yet this is counterbalanced by the superiority of influence upon the part of the Congress, in as much as liberty is a greater enjoyment than property; as imprisonment is more dreadful than a mere privation of wealth; and as that imprisonment would come attended with circumstances of keen distress; a removal from his friends, and a transportation from his country. Though you may have fortified to pursue the line of duty, every man is not

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not equally strong. The precedent is dangerous. In matters which affect the constitution so nearly, as the election of representatives in parliament, we must look beyond the present moment. At a future time, the same mark of distinction may be conferred upon one, who, under your circumstances, will not observe your conduct, who being equally unfortunate, will not be equally upright.

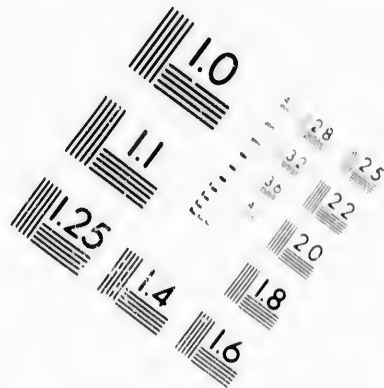
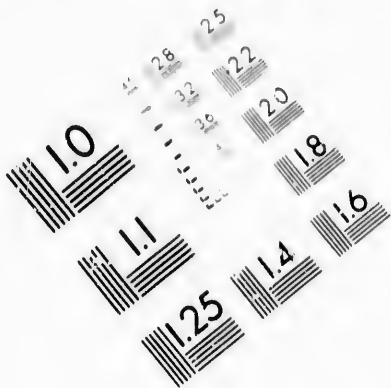
I have now gone through the substance of your letter; and after what I have written, it would be superfluous to add, how little I think it calculated to remove any prejudices which your conduct has occasioned.—You will observe, Sir, I have confined myself merely to an examination of the complaints which you make; and how far those complaints appear to be founded. I shall not even now attempt to criminate you in the first degree. How far you may be implicitly guilty, I leave to implication to decide. If it be said, that you have acted as every brave and gallant officer would have done in a like situation, I must request your attention for a few minutes longer.

MARCUS ATTILUS REGULUS was a general in the Roman republic. Rome was then at war with Carthage. The Romans, under the command of Regulus, had gained many victories; and the Carthaginians, dejected by repeated defeats, hired mercenaries from Greece to assist their cause. With these there came Xantippus, who did not appear to have gained any reputation in the armies of his own country. His discourses soon attracted the notice of the Carthaginians. He

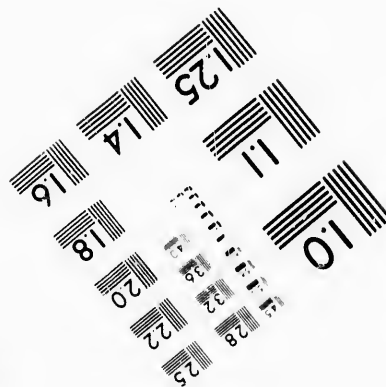
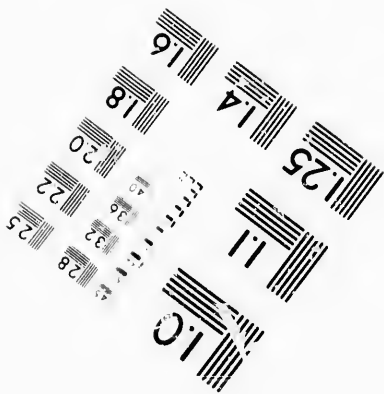
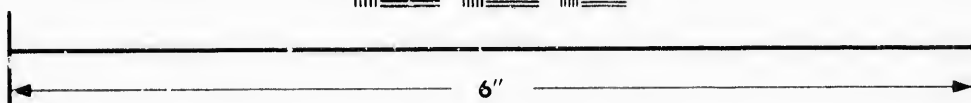
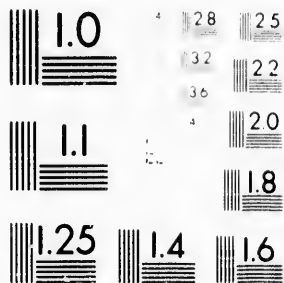
promised them discipline and victory; and by a decree of the Senate, he was appointed to the supreme command. He watched for a favourable moment, and at length considering it arrived, he determined to give battle to the Roman army. With this view, he took the advantage of the ground, and made the necessary dispositions. Regulus, inclined to second the wish of Xantippus, drew up the Romans in array of battle. In this arrangement he is said to have committed a material error. Xantippus began the attack, and in a short time the main body where Regulus commanded was broken through, and the Roman army put to flight. Regulus remained upon the field with five hundred men, where he was soon surrounded, and at length taken prisoner. It was the first time a Roman general had ever been taken alive in battle by the enemy. The victors marched to Carthage; and Regulus followed. Here he long endured the hardships of a rigorous captivity. They gave him but just food enough to prolong his miseries; and to render life insupportable, they exposed him to the public scorn.—Another engagement soon after took place, in which the Carthaginians lost a considerable number of men. Among these were many illustrious citizens, whom the Romans made prisoners. The ill-fortune of the Carthaginians daily increased. A second defeat happened; another, and another still succeeded; their best officers were in the hands of the Romans, and they sent Regulus to Rome to negotiate an exchange of prisoners, or to treat of peace. They trusted that the miseries which he had endured in the dungeons of Carthage, would induce him to

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give his warmest support to a measure that was to restore him to Rome and liberty. Before he departed they gave him to understand, that if the proposals which they ordered him to make should not be accepted, a death of torture awaited him upon his return.—When Regulus arrived in the suburbs of Rome, it was some time before he would enter the gates of the city. *It is contrary to law, said he, for a foreigner, as I am, to enter within the walls of the city. My misfortunes have made me a slave to the Carthaginians.* The Senate at length assembled, and Regulus made the proposals with which he was charged. The modesty with which he spoke expressed his sense of the low state to which he was fallen. When he had finished, it was with difficulty he could be prevailed upon to remain in the Senate, and only in obedience to the repeated orders of the Conscript Fathers, that when it came to his turn, as a member of that august assembly, he delivered his own opinion. He spoke against the proposals which the Carthaginians had deputed him to make. The Senate determined to reject them, and now the moment of trial was come for Regulus, and for his country. The *Pontifex Maximus* declared, that he might remain in Rome without incurring the guilt of perjury. His wife and children with tears and lamentations conjured him to stay, and the people joined in the prayers. It was easier for a whole people to be treacherous, than for Regulus to be false. He knew the punishment that awaited him at Carthage; but stern and inflexible, he preferred his duty to his safety; and his countenance, which upon his arrival,

rival expressed a thousand mixed emotions, was serene and settled at his departure. Upon his return to Carthage he seemed to enter it in triumph. It was in vain that inventive cruelty prepared the torture. — He smiled at her impotence; and the unhappy chief, who had courted virtue throughout life, in death, was not inconstant to her.

LIEUTENANT GENERAL BURGOGNE was entrusted with the command of an army destined to perform a material service to the state. His conduct was marked by zeal for the expedition upon which he was employed; and wherever he met the enemy he combated with valour. Victory for a time seemed to contend under his standard; but at length she deserted him, and he was exposed to the malice of Fortune. The enemy collected a force greatly exceeding his in numbers, and he was compelled to yield to their superiority. While a prisoner in the possession of the enemy, he obtained permission to return to his own country; but he continued engaged to re-deliver himself up to the enemy upon due notice being given to him. Upon his arrival, he found himself precluded from the presence of his Sovereign, upon pretence that an enquiry was to take place into his conduct, and that it was unfit he should appear at Court till the event of that enquiry was known. He demanded a Court Martial: but this was denied him, upon a representation from the heads of his profession; that it could not be held upon him, while he continued a prisoner. He complained loudly of both those measures, and joined himself to a party which

which acted upon a plan of general opposition to the Ministers of their Sovereign. Lieutenant General Burgoyne was a member of the Senate. There he attempted to take the lead upon many important occasions. It was observable, that his chief complaints were of the personal ill-treatment which he had received, and that he seemed to feel his own wrong more sensibly than the loss of his country. He received an official order signifying to him, that it was the pleasure of his Sovereign that he should return to America and join his captive army, who were suffering under cruelty and disgrace. He thought fit to represent what he supposed the severity of this order. Again he was commanded; again he remonstrated; and at length finding the matter firmly insisted upon, he resigned all his civil and military employments, reserving only his rank in the service. He gave an account of his conduct to the Public in a letter which he addressed to his Constituents, and inveighed with bitter acrimony against the Ministers of his royal master. This letter was received with a difference of opinion. Some thought it a pathetic representation of unnecessary severity; Some considered it as a justification of his conduct; and there were not wanting some who pronounced it **A LIBEL UPON THE KING'S GOVERNMENT.**

I shall now, Sir, take my leave of you, with a very sincere wish, that your retreat from the public service may appease the malice of your enemies, and that your retirement may be undisturbed by reproach. If your conduct in this country has been improper, let it be considered that

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that it has carried its punishment along with it. —Your conduct at Saratoga forms, indeed, too melancholy an epoch in our history ever to be forgotten—but when posterity shall learn of your defeat, may they be told with how much bravery you fought—may your merit go hand in hand with your misfortune—and may the amiable part of your character live in the memory of your country, long after your harmless foibles, and unintentional errors shall be sunk in shade, and buried in oblivion!

I have the honour to be,

SIR,

Your most humble servant,

The AUTHOR,

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