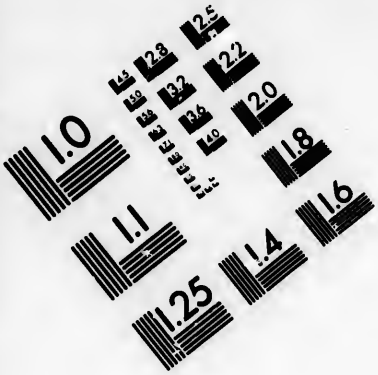

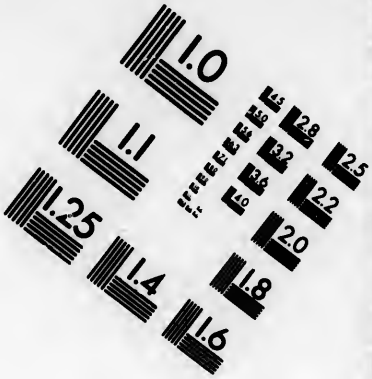

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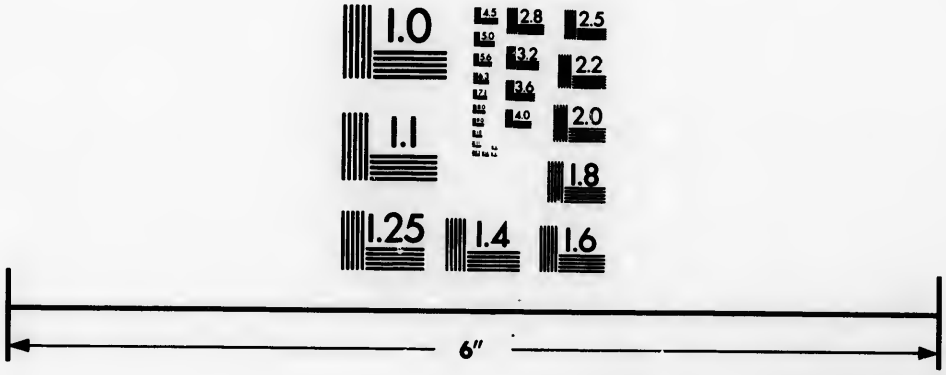

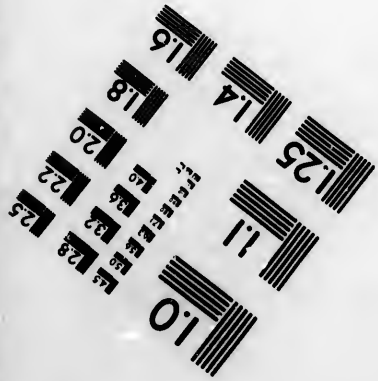

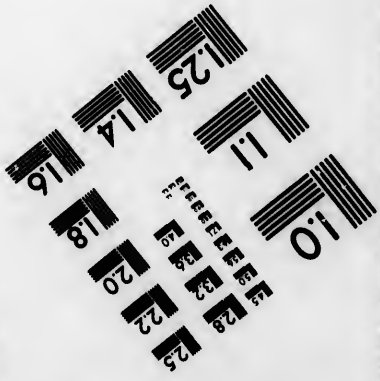

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A

LETTER

FROM

LIEUT. GEN. BURGOYNE

TO HIS

CONSTITUENTS,

UPON HIS LATE

RESIGNATION;

WITH THE

CORRESPONDENCES

BETWEEN THE

SECRETARIES OF WAR AND HIM,

RELATIVE TO

HIS RETURN TO AMERICA.

LONDON:
PRINTED FOR J. ALMON, OPPOSITE BURLINGTON-HOUSE,
PICCADILLY. MDCCLXXIX.

To the 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 auſpicies 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 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 moſt 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 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

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 received very flattering teſtimonies of approbation at home and abroad.

Late 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

turn 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 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 thoſe 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

" thought proper to appoint to as arduous an " undertaking and under as positive a direc- " tion 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 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

* 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.

thought

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, 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

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 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

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 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 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 conven-

tion. 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 that 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 in 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 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

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 ſpight of every management, it had anſwered my purpoſe ſo far, 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 vin-

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 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

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 intention of fighting my own regiment as colonel; or, ſhould its deſtination not admit the honour of meeting the enemy in that capacity, of offering 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 inter-

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 b ak 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 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

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 negociations; in 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 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 ſeſ-

ſion. 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 cenſure; 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 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

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.

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 and my whole proſpects or hopes on this ſide the grave, concenter in the preſervation of my friendſhips, and the tranquility 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.

APPENDIX.

[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, BARRINGTON.

Hertford-Street.

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* Paragraph of the letter from Lieutenat 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 "views. I have the honour to be, &c."

[No.

[No. 2.]

My Lord, June 22, 1778.

I have considered the letter I had the honour to recieve 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

repair to Bath for a ſhort time next month, and to return thither for a much longer ſpace 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.

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 recieved 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

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 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.]

SIR, *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 ſoon as you can, without any riſk of material injury to your health.

I have the honour to be,

SIR,

Your moſt obedient

humble Servant,

Lieut. Gen. Burgoyne. BARRINGTON.

Correſpondence with Mr. Jenkinſon.

[No. 4.]

War-Office, September 24, 1779.

SIR,

I AM commanded by the King to acquaint you, that your 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 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.

SIR,

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

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 a punctilious perſeverance in the execution of all his lawful commands.

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 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.

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, 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

der 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 negociate 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 negoitations to be undertaken in their favour, are to be conducted by the man 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

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 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 reſurrendering 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 diſmiſſion, a diſmiſſion 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 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 Ame-

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 enemy ſo to do.

I have the honour to be,

&c.

The Right Honourable Charles Jenkinſon,
Secretary at War.

[No. 6.]

War-Office, October 15, 1779.

SIR,

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 of your appointment to the American ſtaff, of the Queen's regiment of Light Dragoons, and of the government of Fort

William; humbly defiring only to referve 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 perfonal faith, fhould you be required by the enemy fo to do.

Having laid your letter before the King, I am commanded to acquaint you, that for the reafons fubmitted to his Majefty by the Board of General Officers, in their report, dated 23d May, 1778, (which reafons fubfift in the fame force now as they did at that time) his Majefty does not think proper that any part of your conduct fhould be brought before a military tribunal, fo long as you fhall continue engaged to re-deliver yourfelf into the power of Congrefs upon their demand and due notice being given by them. Nor does his Majefty think proper, in confequence of the reprefentations contained in your faid letter, to reftore you, circumftanced as you are, to a capacity of fervice. Neither of thefe requefts can therefore be granted.

I have it farther in command from the King to acquaint you, that his Majefty confiders your letter to me as a proof of your determination to perfevere in not obeying his orders, fignified to you in the Secretary at War's letter of the 5th June, 1778: and for this reafon, his Majefty is pleafed to accept your refignation of the command of the Queen's regiment of Light Dragoons, of the govern-

ment 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.]

Hertford-Street, October 17, 1779.

SIR,

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 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.

[No. 8.]

War-Office, October 22, 1779.

SIR,

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,

SIR,

Your most obedient
humble servant,

C. JENKINSON.

Lieut. Gen. Burgoyne.
&c. &c. &c.

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