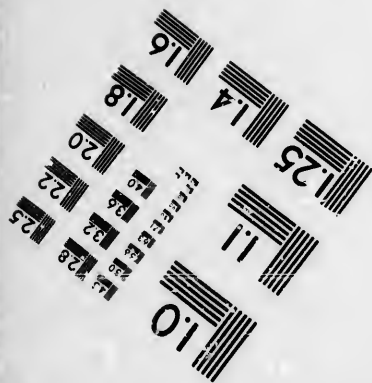
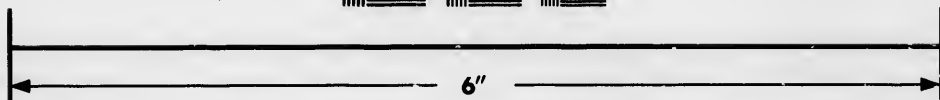
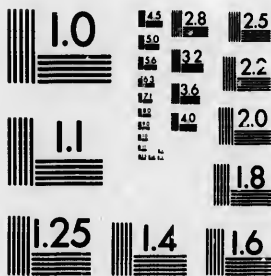


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

© 1985

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/
Couverture de couleur
- Covers damaged/
Couverture endommagée
- Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée
- Cover title missing/
Le titre de couverture manque
- Coloured maps/
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur
- Bound with other material/
Relié avec d'autres documents
- Tight binding may cause shadows or distortion along interior margin/
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure
- Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments:
Commentaires supplémentaires:

- Coloured pages/
Pages de couleur
- Pages damaged/
Pages endommagées
- Pages restored and/or laminated/
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- Pages detached/
Pages détachées
- Showthrough/
Transparence
- Quality of print varies/
Qualité inégale de l'impression
- Includes supplementary material/
Comprend du matériel supplémentaire
- Only edition available/
Seule édition disponible
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/
Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
						✓					

The copy filmed here has been reproduced thanks to the generosity of:

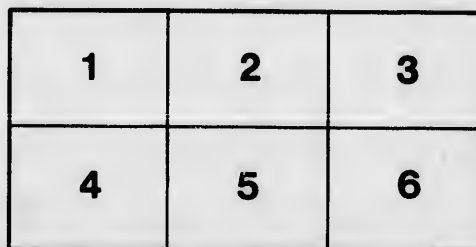
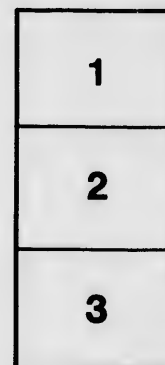
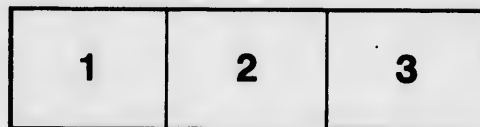
Bibliothèque nationale du Québec

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover end ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Bibliothèque nationale du Québec

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

re
étails
es du
modifier
r une
filmage

s

rrata
to

pelure,
n à

32X

A
L E T T E R

T O

LIEUT. GEN. BURGOYNE,

O N H I S

LETTER to his CONSTITUENTS.

PRINTED BY
SAMUEL JOHNSON
L O N D O N :

Printed for T. BECKET, Corner of the Adelphi, in the
Strand. 1779.

A
L E T T E R

T O

LIEUT. GEN. BURGOYNE, &c.

S I R,

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,

B

are

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 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

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, 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 is it 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 “*caviller*” or “*speculatist*,” but as a plain man of candour, to treat of your *military conduct*, as
 well

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

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 strides, as to forget the enemy they left behind 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

them*. On the 19th, and the succeeding day, skirmishes, attacks, repulses, and battles are represented, but unhappily victories obtained produced no other *fruits* than *honour*. On the 21st, a letter was received from Sir Harry Clinton, with an account of his situation: And the bearer of this letter, *though he must be perfectly acquainted with the country, and the distance, route, and possible communication between the two British armies, was immediately 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 taken, at a time when a scarcity of provisions actually prevailed, without even the expectation 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

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

was to be spent in "*watching an enemy,*
 "*whose numbers increased every day.*" On
 the 7th of October, 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 entrench-*
 "*ments 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 unexplain-
 ed, but the consequence of this disobedience is
 too obvious, "*the enemy by that misfortune gain-*
 "*ed 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 *deserted*, 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

* See the General's Letter.

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, publickly laying down their arms to a force, which, however superior in numbers, they had been taught to consider, as a lawless 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.

C

But

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 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

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 advantagious to this country, that your army should have been held in captivity, from which state they might have been redeemed by the chance

C 2

of

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, 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

ment

ment 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 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 bearing 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* ”

*“ cation on your part, of facts, observations,
 “ and opinions, respecting very important ob-
 “ jects.”*

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

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 invented*, as you assert, for the sole purpose of distressing and disgracing you; "*The foundation of which in reason or precedent you are not acquainted 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 moments consideration.

A trial

A trial or enquiry, implies 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 convey 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 Secretary of State, to prevent "*the clearing up some facts which were wished not to be cleared up,*" and *what they are, he 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 chicane which you suppose the Secretary of State intended to practice against you, with respect to the legality or illegality of a board of enquiry, could only be found
in

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 unthought 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 ti-

D

ed

ed up your hands from serving your country in your own profession, 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 picque, than principle.

Your next complaint is, “ That you had
 “ received from the Secretary of War, a condi-
 “ tional 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 re-
 “ nounce the treaty from the beginning, and
 “ by your surrender to transfer the act,
 “ from

*“from the nation to your person.” These
 “being the only two cases, which, you be-
 “lieve can be produced from the history of nati-
 “ons, wherein an officer who had made a con-
 “vention 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 unlawful 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

our country
 remained here
 mand, and
 with whom
 our obedi-
 decent has
 the King's
 ude, or in-
 t apparent
 r assertions
 ublic, that
 arose much

at you had
 r, a condi-
 erica, and
 und silence
 specting the
 m whence
 our charge
 , or to re-
 nning, and
 the act,
 “ from

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,

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 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

fication in which *you* find so much satisfaction.

Why *you* should at any time after *you* had determined "*not to risque your health in an American winter.*" think the resigning your commission 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 *delivered up* to the enemy, *you* forget that *you* had *yourself* entered into voluntary engagements with this enemy; if they

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 your-

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 at this moment the refuse of goals, and the gallows 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,

con-

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 retainer of opposition, from his Grace of R——d to T——y T——d, 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

E

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, unsought 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 correspondence with his Majesty's Secretaries 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

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 would conceive it possible, had the return of the troops been in view, that any person would have advised so harsh an act, as sending an infirm, calumniated, unheard 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 accomodation, 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 incompleat, 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,*

*“ abroad, without trial, or 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 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

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 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

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
pro-

promotions, neither the policy or circumstances 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 defultory 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 discoverable from the last citation I shall have occasion

tion

sion 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 PARLIAMENTARY PROCEEDINGS WHICH THEY HAVE REASON TO DREAD.

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

F

duce 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 instrument 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,

rica, 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 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 ploughshare, for they were accompanied in their retirements, by the glorious consideration of having preserved their country; but your's will be imbittered by the miserable reflection that you have endangered, if not effected, the ruin of yours.

I am, &c.

AN ENGLISHMAN.

BIBLIOTHÈQUE
SAINT-SULPICE

Just published, in Quarto,

By T. BECKET, Price 2s. 6d.

T H O U G H T S
O N
M A R T I A L L A W,
A N D
O n t h e P R O C E E D I N G S
O F
G E N E R A L C O U R T S M A R T I A L.

W. B. BECKET, BARRISTER AT LAW,
10, BARRINGTON STREET, LONDON, W.

W,

L.

