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A
L E T T E R
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.

L O N D O N :
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.

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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

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
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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 re-
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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 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.

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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 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 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 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
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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, 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
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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 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 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 session.

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.

A P P E N D I X.

[No. 1.]

Correspondence with Lord Barrington.

S I R, *War-Office, June 5, 1779.*

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.

* 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
“ 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 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

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 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

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.]

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.

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Correspondence with Mr. Jenkinson.

[No. 4.]

War-Office, September 24, 1779.

S I R,

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.]

Herford-Street, October 9, 1779.

S I R,

I RECEIVED your letter acquainting me,
“ that my not returning to America, and join-
“ ing the troops, prisoners under the conven-
“ tion of Saratoga, is considered as a neglect of
“ duty and disobedience of orders, transmit-
“ ted 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 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 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 ;
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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 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 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.

S I R,

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
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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 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.

S I R,

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.]

(37)

[No. 8.]

War-Office, October 22, 1779.

S I R,

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. &c.

F I N I S.

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