A

REPLY

TO

LIEUT. GEN. BURGOYNE.

[Price 1 s.]

Commended

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TO

Lieutenant General Burgoyne's

LETTER

TO

HIS CONSTITUENTS.

Expende Hannibalem.

JUVENAL.

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TO

LIEUT. GEN. BURGOYNE.

SIR,

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

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

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

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

The manner in which you mention yourſelf, and which, as if meant to leave the moſt forcible impreſſion, forms the concluſion of your addreſs, is certainly adapted, not only to diſarm reſentment, but to excite compaſſion.——" My ambition is dead; my occupation is gone; the humble arrangements of my new ſtate are made; and my whole

proſpects or hopes on this ſide of the grave concenter in the preſervation of my friendſhips, and the tranquillity of my conſcience." ——Thoſe who are not ſtrangers to delicate ſenſibility, find in this pathetic repreſentation, no imaginary diſtreſs. Ambition does not willingly renounce her projects; affluence reluctantly gives way to penury; and rank and power are not eaſily reſigned. The mind, accuſtomed to the buſy purſuit of honours, is too reſtleſs for the calm enjoyments of friendſhip; ill ſuit the humble arrangements of narrow competence, where boundleſs profuſion has rendered every gratification a habit; and however comfortable the ſhelter which conſcience may afford, we are apt to conſider it as the unwilling refuge of diſappointment and deſpair.

Such, however, is the condition to which you have ſubjected yourſelf. Will you pardon me, Sir, if I endeavour to prove to you that the fault is your own? I feel for your condition, and I would not wantonly inſult your diſtreſs. I conſider you as a brave, honourable, but imprudent man; and moſt an enemy

enemy to yourſelf. I will endeavour to obſerve that reſpect which is due to you as a gentleman; and misfortune, which renders you ſacred in my mind, gives you a claim to tenderneſs, as an unſucceſsful man.

As it is your conduct ſince your arrival from America that will become the ſubject of this addreſs, and is in fact the ſubject of your addreſs to your conſtituents, it would be foreign to the preſent purpoſe to enter into a diſcuſſion of your conduct during your command there. Without giving any opinion upon your military judgment, permit me, however, to pay that tribute which I conceive to be juſtly due to you. You manifeſted the greateſt zeal for the cauſe of your country; the moſt unwearied aſſiduity in promoting her ſervice; the moſt determined bravery in fighting her battles. While you became an example to your army which challenged their reſpect, you won their affection by ſharing every difficulty and danger in common with the troops. Theſe are the unanimous ſentiments of thoſe who ſerved under you; and

they

they remain neither queſtioned nor contradicted.

After your ſurrender to the American army, in your private letter to the Secretary of State you expreſſed your " confidence in the juſtice of the King and his councils to ſupport the General they had thought proper to appoint to as arduous an undertaking, and under as poſitive a direction as a Cabinet ever framed."—It is not difficult to trace up to theſe words the firſt cauſe of difference betwixt you and the American Secretary of State. Senſible of having loſt an army; of having depreſſed the hopes of your country; of having elated the ſpirit of her enemies; of having terminated a career moſt brilliant in its commencement by a very fatal diſaſter; you anticipated in your own mind the national effect, and employed your thoughts towards your own juſtification. You naturally had recourſe to your orders; and there you found, or you pretended to find, *as poſitive a direction as any Cabinet ever framed.* If you could perſuade the world of this, the inference you imagined would then follow, that

you

you was to move forward *at all events*; that you had done your duty by urging on a ſtraight courſe, and conſequently they alone muſt be criminal, who, ignorant of the face of the country, and deficient in information with regard to the diſpoſition of its inhabitants, gave you a *poſitive direction* which you could not avoid obeying, though your obedience muſt neceſſarily involve yourſelf and your army in inextricable ruin. Where an implicit obedience was the only part you had to obſerve, you could not be cenſured for want of prudence; nor could you be blamed for want of judgment, where you was precluded by your orders from making any exerciſe of it.

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

What

What may really be the nature of your orders I will not pretend to determine. Nor indeed is it neceſſary at preſent. If we admit them to be as *poſitive* as a Cabinet ever framed, ſtill you will not be juſtifiable, if you appear to have acted with imprudence, and contrary to the ſuggeſtions of reaſon and experience. The inſtructions of an Officer can never be ſo underſtood by him as to imply abſurdity; nor can his command be ſo conſtrued as to have defeat for its purpoſe. This doctrine holds good in general. Let us apply it to your particular caſe.

You was appointed to the command of an army equal to the moſt arduous attempt. Your troops were healthy and well diſciplined; your officers of approved courage, and diſtinguiſhed reputation. As in all probability the enemy would truſt much to the ſtrength of their poſts, you was furniſhed with the beſt train of artillery that was, perhaps, ever allotted to ſecond the operations of ſuch an army as yours. It was hoped, by thoſe who had planned the expedition, that the moſt deciſive advantage would attend the firſt efforts

efforts of ſo powerful a force. Expectations were formed that your ſucceſs in your out-ſet would have very beneficial effects upon the diſpoſition of the inhabitants; and that Canada itſelf would furniſh you with a numerous militia acquainted with the ſituation and ſtrength of the country. It was judged probable, that thoſe who might be inclined to reſiſt would diſperſe at your approach; while every new ſucceſs would add conſiderably to your numbers, by inducing the friends of Government to declare themſelves, when they beheld a force in which they might place confidence.

Nor do theſe hopes appear to have been altogether ill-founded.—You ſet out upon your expedition with zeal, and victory for a time ſeemed to attend your progreſs. Ticonderoga, which the enemy had fortified at immenſe labour and expence, was evacuated upon your appearance before it; the artillery, amounting to 128 pieces, fell into your hands; and the rebel army was intirely diſperſed. Your good fortune ſeemed daily to increaſe; and in every con-

flict with the enemy your troops had the advantage. Notwithſtanding their ſuperiority of numbers, and ſtrength of ſituation, General Fraſer defeated a conſiderable body of their forces, under Colonel Francis, one of the braveſt of their officers. Colonel Hill, after an attack of three hours, repulſed a corps of the enemy amounting to ſix times the number of his own detachment.—Your army elated with its ſucceſs, fought with the confidence of men who deemed themſelves invincible; and the enemy fled on all ſides diſcomfited, diſpirited, and diſmayed.

Such, at one time, was your ſituation. It ſuddenly changed; and (from what circumſtances, it would be inconſiſtent with the preſent purpoſe to inquire) was ſoon intirely reverſed. You diſpatched Lieutenant Colonel Baum with 500 men to gain poſſeſſion of a magazine at Bennington, where the enemy was ſuppoſed to have made a large depoſit of various neceſſaries. Colonel Breyman's corps was poſted at Batten Kill to ſupport Colonel Baum, if it ſhould prove neceſſary. Colonel Baum, upon a near approach, having received

ceived intelligence of the numbers of the enemy, who were too ſtrong to be attacked by his force with any proſpect of ſucceſs, diſpatched an expreſs to you with an account of his ſituation. You gave orders to Colonel Breyman to march forward, and reinforce Colonel Baum. Before, however, the latter could be joined, the enemy attacked him in his poſt, and after a brave defence, the Colonel himſelf was wounded, and his whole party made priſoners. On the evening of this fatal day, Colonel Breyman arrived upon the ſpot, where, in the morning, Colonel Baum had been defeated. His troops, wearied by a toilſome march, and diſtreſſed at the diſappointment, were immediately attacked by the enemy, and after a gallant reſiſtance were obliged to retreat, leaving two pieces of artillery upon the field. Your army had now loſt near 800 men; and it will be readily conceived, how much theſe defeats contributed to inſpirit the enemy. In fact, they were aſſembling from all parts; the whole country, ſo far from aſſiſting, was riſing up in arms againſt you, and difficulties were crouding upon you no leſs formidable

than numerous. You began to feel the want of proviſions; the roads were broken up; the face of the country was interſected with creeks, and covered with large timber trees, which the enemy had cut down to obſtruct your march; you was made ſenſible that every inch of ground would be diſputed; and yet, inſtead of providing for your retreat, and accommodating your meaſures to your ſituation, you thought fit to croſs the Hudſon's river, in order to *force your way to Albany*. Had you, at this time, or could you have, in reaſon, any hopes of ſucceeding in the attempt? Melancholy experience had convinced you, that the preſumed circumſtances upon which the plan had been formed in England, and which were eſſential to its ſucceſs, had no longer any foundation. Before you croſſed the Hudſon's river, you ſhould have conſidered with yourſelf, whether, if your ſituation at that time could have been made known to the cabinet which framed your orders, a man could be found in that body who would ſtill command you to proceed. Either you foreſaw the difficulties that were preparing for you, or you was ignorant of the true ſtate of your

your ſituation. If the latter were the caſe, your judgment cannot remain unimpeached. If, on the contrary, you had eſtimated them juſtly, however poſitive might be your orders, and whatever might be your ideas of criminality in diſobeying them, your regard for your country ſhould have taught you to diſregard every perſonal conſideration, and you ſhould have endeavoured to promote her true intereſt, careleſs of what blame might fall upon you, or to whoſe reſentment you might be expoſed. The moſt eminent and illuſtrious characters have not heſitated in caſes of public neceſſity, to violate the laws of the land, when evidently conducive to the public benefit, and have truſted to the generoſity of their countrymen to indemnify them againſt the conſequences. The ſuppoſition which you make, that " your army was meant to be hazarded, perhaps circumſtances might require it ſhould be devoted," is too romantic for ſerious conſideration. Such reaſoning might become the captain of a fire-ſhip, or the leader of a forlorn hope; but that it can apply to an army of 10,000 men, under any circumſtances, is rather improbable;

that

that it could, in our ſituation, was abſolutely impoſſible.

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

You complain very bitterly of the Court etiquette, invented, you allege, upon your occaſion, which excluded you from the royal preſence. The "foundation of it in precedent," I confeſs with you I am unacquainted with; but the foundation of it "in reaſon" I perceive clearly. Where an officer labours under a ſuſpicion of miſconduct, and it is thought neceſſary he ſhall be tried by a court

martial, it is fit that that officer ſhould be excluded from the only place where he can defeat the courſe of juſtice, by intereſting humanity and compaſſion in his behalf; where, by an addreſs to the paſſions of his Sovereign, he may elude the purſuit of his country, and arm that prerogative in his favour, which, when properly exerciſed, becomes the moſt amiable interpoſition of the Crown. On the other hand, no bad conſequences can happen to him from a temporary excluſion from the royal preſence. The ſentence of a court martial will determine faithfully upon his merits, and reſtore him to honour, or doom him to diſgrace. The voice of his profeſſion, if heard in his favour, will call him to the poſſeſſion of every ſuſpended privilege; and with ſuch a deciſion upon his ſide he cannot be diſhonoured by the royal frowns; and if admitted to the royal favour, even in the preſence of ſovereignty, he may feel himſelf ennobled.

But we are given to underſtand, that the true reaſon of the order you received not to appear at Court, was "an apprehenſion upon the part of the American Secretary, that you might lay before your Sovereign what information you was poſſeſſed of, and which would

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

But the candid and the ſenſible will examine this charge as if brought by an indifferent perſon, and aſcertain how far it could be the intereſt of the American Secretary to obſerve ſuch a conduct; and if he wiſhed to ſuppreſs your information, whether he took the means moſt probable to attain that end. By admitting you to the royal preſence, your information, it is true, would be immediately told in the royal ear; and however unfavourable to the prevailing ſyſtem, few are ſo ignorant of the arts of a court, and the perſuaſive

ſuaſive eloquence of a miniſter, as not to know that it was eaſy to have confined your information to that place, and to have ſuppreſſed it with regard to the public at large. On the contrary, by adopting a meaſure which he knew would prove an offenſive one to you, he drove you into the arms of a powerful and adverſe party; he provoked you to publiſh your information in your place in parliament, and he could not imagine that your facts would be weakened, or your manner of expreſſing them ſoftened by the treatment you had received. The only chance of ſuppreſſing your information, or of counteracting the effect which you ſuppoſe it would have had, an interference with the prevailing ſyſtem, was by uſhering you into the royal preſence; the ſure method of publiſhing it to the nation, was by ſhutting againſt you the door of admiſſion. This charge does not, therefore, appear to have any foundation in truth; and certainly, it has none in reaſon.

You next charge the Secretary of State with "inſidiouſneſs," for having received you with apparent kindneſs; for having heard you atten-

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

You had expreſſed your deſire to be tried by a court martial, and your caſe was referred to a Board of General Officers. They repreſented to his Majeſty, that they did not think " you could be brought to a court martial ſo long as you ſhould continue engaged, upon due

due notice, to re-deliver yourſelf up to the Congreſs." Yet in ſpite of this opinion delivered by men of honour—by profeſſional men, upon a profeſſional point—you ſtill continue to be urgent for a court martial, and complain of oppreſſion becauſe it is denied you. I will prove, that to have granted it to you would have been folly and injuſtice, and that the gentlemen of your profeſſion, to whoſe repreſentation you object, have been guided by principles of reaſon and equity.

Thoſe who ſerved under you, and who were witneſſes to your conduct, are at this time priſoners in America. What method could be purſued to bring them before a court martial, and how could your conduct have been fully examined, and impartially tried, without the preſence of thoſe whoſe teſtimony was material to the enquiry? Any deciſion, therefore, muſt have been made upon a very partial and confined body of evidence. In caſe the court martial had found you guilty in the greateſt, or, in any degree, how could they have proceeded to pronounce ſentence, or to inflict puniſhment? Your life they

could not condemn you to loſe, for that belonged to your enemies; they could not diſmiſs you the ſervice, becauſe you was a priſoner of war taken in a military capacity, and as ſuch muſt be exchanged upon the cartel; they could not degrade you, becauſe the Americans had a right to receive in exchange for you an officer of rank equal to that which you poſſeſſed at the time that you ſurrendered up your arms. It is therefore very clear, that a trial under theſe circumſtances would have been a mockery of juſtice; a trial without evidence; a condemnation without puniſhment; a violation of the rules of war; and a very groſs infringement of the law of nations.

Your ſtay in this country anſwering therefore no effectual purpoſe, the Secretary at War ſignified to you, that " his Majeſty judging your preſence material to the troops detained priſoners in New England under the convention of Saratoga, he wiſhed you to repair to Boſton as ſoon as your health ſhould be reſtored." You had before uſed the freedom of differing from the judgment of the Board

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

You had entered into a convention with the American General, in conſequence of which the army you commanded ſurrendered priſoners under conditions expreſſed in that convention. It was not improbable that difficulties might ariſe in the execution of the treaty; and who was ſo fit to obviate thoſe difficulties as the commander by whoſe authority it was made? His ſituation would naturally give him more weight with the enemy than any other man. While his rank would ſecure him reſpect, the conſideration that he was called to that rank from

from an opinion of his abilities, would give hope to his troops, and confidence to his country. The captive ſoldiery expoſed to every enticement from the ſervice which an unprincipled and inſidious foe could practiſe upon diſappointed and diſtreſſed men, would neceſſarily require the higheſt influence to fortify them in their duty. The zealous attachment of troops to their commander is known to increaſe, when they have been expoſed to one common danger. They look up to him as their unfortunate friend; and, inſtead of that envy which is apt to attend the proſperous, there prevails a mutual ſympathy, a kind condolence, reſpect founded on eſteem, affection heightened by diſtreſs. Such would have been the diſpoſition of your army towards you. Your preſence would have kept them united; in your abſence they have been diſperſed. The enemy by a flagitious violation of the treaty detained them in captivity; they ſtruggled long with hardſhip and diſtreſs; but at length their conſtancy was ſhaken; their fortitude overcome: ſome diſperſed over the country; ſome entered into the enemy's ſervice,

ſervice, and your once powerful army is now waſted away.

The neceſſity for your return muſt, I think, by this time have very fully appeared. But even if no ſuch neceſſity had exiſted, you received *orders* to return; and if diſobedience to the orders of that Sovereign, whoſe commiſſion you bear, and to whoſe bounty you are ſo much indebted, can be juſtified in a military light, I confeſs I am ignorant of the mode of juſtification. You attempt to prove that the order was conditional, and the condition depending upon your own judgment. It is true, your orders were to proceed to Boſton as ſoon as it could be done without any material riſk to your health. They who have aſſociated with you in private, who have ſeen and heard you in public, will determine whether you was not in a condition to obey even the *tenor*, much more the *purport* of this order. But, beſides the perſuaſion which you entertained, that "to expoſe your conſtitution to the next American winter was in all probability to doom you to the grave," you aſſign another reaſon for not returning to America. "Your army

army (you inform Lord Barrington), attached to you by a ſeries of misfortunes and conflicts ſuſtained in common, would not find material conſolation from your return in diſgrace," Your diſgrace would, at any rate, become known to your troops, and as you conſidered that this might cauſe diſſatisfaction, or excite reſentment, it was more incumbent upon you, by your preſence, to have prevented your particular wrong from operating to the detriment of your country, and to have given their affection for you, the effect of an attachment to their duty.

When you tell us " that you intended to fight your own regiment in caſe of an invaſion," I imagine ſuch conduct would have been entirely inconſiſtent with your preſent ſituation. You applied to the Congreſs for permiſſion to return to this country, that you might repreſent the ſituation of your army, and vindicate your own character. Permiſſion was granted to you, in order that you might accompliſh the purpoſes which your application expreſſed. But ſurely the Congreſs did not mean that you ſhould have liberty to fight againſt

their *friends and allies*, for it would have been madneſs, or inſult in them, to have granted your enlargement for ſuch a purpoſe. They gave freedom to your tongue in the ſenate, but not " liberty to your arm in the field;" and it would have been neither honourable in you to have drawn your ſword, nor in this country to have accepted of your ſervices.

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

time that you are told you cannot be tried for any offence by a court martial while your perſon remains ſubject to the will of the Congreſs.

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

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

Notwithſtanding that the convention of Saratoga had been faithfully fulfilled upon our part, the Congreſs refuſed to ratify it, alleging, that we had violated the conditions. We denied the charge; the Congreſs perſiſted, and

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

apply to the juſtice of his country to redreſs the wrong he has received. If it were poſſible to obſerve this conduct in the differences betwixt nations, this country would not be juſtifiable in detaining, after a demand upon the part of the Congreſs, thoſe officers who were their priſoners under the convention of Saratoga; but as this is impracticable, the neceſſity of the caſe becomes our juſtification. But notwithſtanding the injuſtice done to us, we muſt confine our retaliation within the very line of the injury received; for if, under a pretence of its being a part of this tranſaction, we were to detain officers who have come under ſeparate engagements, public faith, now hurt it is true, would then be wounded mortally; mutual confidence would ceaſe; and to the humane manner in which war is now conducted, would ſucceed a ſcene of ſlaughter, maſſacre, and aſſaſſination. Upon theſe principles your engagement to the Congreſs muſt be conſidered as binding; and, therefore, your caſe differs from that of the gentlemen to whom you allude, who are no longer within the power of the Congreſs.

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In the account which you are pleaſed to render to your conſtituents of your conduct in parliament ſince your return from America, we find ſome improbabilities, and ſome contradictions. He muſt indeed be ignorant of public life, and unacquainted with human frailty, who can ſuppoſe that in deſpite of " ſeverity, ingratitude, and injuſtice," a man in a public ſtation will continue to ſupport with his influence, thoſe who have treated him " ſeverely, ungratefully, and unjuſtly," and that ſtubborn in principle, he will alike be proof againſt favour and enmity. The hiſtory of the preſent time makes it particularly difficult to advance ſuch a propoſition with any proſpect of belief. Wherever we turn our conſideration, political apoſtates preſent themſelves, who once harangued with courtly eloquence; who now declaim with patriotic zeal; and the moment of whoſe converſion can be preciſely aſcertained, by the particular favour which they were refuſed. The courtier denied the ducal coronet, aſcends the tribunal, and wooes liberty in the Forum—The rugged patriot throws aſide the lion's fierceneſs, and ſoftens into the ſupple ſpaniel, whenever the hand

hand of power ſeems extended to careſs him. —When you inveigh againſt his conduct, " who could act at the preſent moment againſt men in public ſtations upon any reſentments unconnected with public wrongs;" we admire the morality of the ſentiment, and only lament that it ſhould be ſo little obſerved.

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

Such is nearly the ſubſtance of what you have advanced in juſtification of your conduct. But, as if you entertained a fear that argument might prove inſufficient to your exculpation, you have had recourſe to bitter recrimination,

mination, and acrimonious invective. Judging the ſituation in which you have been placed favourable to the proſpect, you take a view of the political horizon, and croud into your narrow canvas the whole extent of its range. Poſitive and preciſe as the oracle of Delphos, you pronounce upon the plans and principles of miniſters; upon the wrongs of injured merit; upon the dreadful ſituation of public affairs. *The ſtate of this country cannot afford the ſmalleſt countenance to an opinion of integrity and capacity in adminiſtration—I ſaw a ſyſtematical deſign of vilifying and diſgracing every officer whom theſe miniſters had ever employed by ſea or land.—The ruin of officers forms the whole of their military ſyſtem.—Their political plan is to impoſe upon the nation.—They exiſt by bringing forth a ſucceſſion of deceits.*—— Pardon me, Sir, when I aſſure you, that ſuch language from a man in your ſituation is improper and indecent. Whatever may have been the conduct of Miniſters, you ſtand alike with them before the tribunal of the Public, and it is not by an accuſation of others that you will be permitted to juſtify yourſelf. If

you

you tell us that it is the privilege of anger to rail, we will agree with you, that it is a privilege which anger too frequently aſſumes; but if you mean ſeriouſly to bring forward theſe charges, you muſt ſupport them with other evidence than your own.

Whether it be true, as you aſſert, that the ruin of officers forms the whole of the military ſyſtem of the preſent Miniſters, I will not at preſent inquire. If ſuch be, really, their views, we have to regret that the conduct of the officers whom they have employed has been ſo favourable to their plan; and in this inſtance at leaſt you will not charge them with "incapacity," where they have ſhewn ſo great a knowledge of character, and have ſo judiciouſly ſelected fit inſtruments for their plot. While we feel for theſe injured officers, we alſo lament the change which time has brought about. This country *has* ſeen commanders whom Miniſters, in vain, would have laboured to diſgrace; whom it was not in the power of

calumny, to defame; whom it was not within the reach of malice, to hurt. When their enemies attempted to revile them, the ſolemn exhibition of their ſpoils gave ſhame to the lie; and the proudeſt veſſels of France riding in every port of the kingdom, were the vouchers to which they referred us, and the teſtimony they produced. Inſtead of depending for their luſtre upon Miniſters, they reflected glory upon Adminiſtration. It is only the negligent, inactive, unenterprizing commander, whoſe reputation is in the power of the Miniſter—the man whoſe progreſs is impeded by every trifling obſtacle—whoſe ardour is repreſſed by the appearance of oppoſition—who, after a weak, languid, indeciſive engagement, toils through a dull Gazette to eſtabliſh dubious advantage, and equivocal ſucceſs. The truly great commander reſts not upon ſuch uncertain grounds. He lays in a ſtock of reputation which a legion of pilferers may labour in vain to diminiſh; and ſecure in the opinion of his country, he ſets at defiance both the inſidious whiſper, and the profeſſed attack.

As far, however, as it is poſſible for you to produce any good effect by bringing ſuch a charge againſt Miniſters, I ſincerely wiſh that effect may be produced. Inſtead of weakening the public confidence in the Miniſters who have the direction of public affairs, and to whom confidence is moſt eſſentially neceſſary, may it ſtimulate the officers whom they employ to efforts worthy of themſelves! Let them proceed under the jealouſy, that it may be the intereſt of the Miniſter to calumniate them; let them be convinced that the favour of the nation can alone ſecure them againſt the intrigues of the Court; and let them act under the conviction, that the ſureſt method to conquer their enemies in the cabinet is, to conquer their enemies in the field.

This Philippic, however happily adapted to influence the weak, and gratify the violent, you was aware would require ſome explanation to readers of a different complexion. The mob form their opinion of an orator from the ſtrength of his lungs, and the muſcle of his arm. Noiſy vociferation, and vehement geſture,

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paſs with them for the warmth of conviction, and the authority of truth. But the writer whoſe production is to appear in the cabinets of the ſenſible, the candid, and the liberal, knows that cool contemplation will ſit in judgment upon its deſerts. To theſe I ſhall conſider the following explanation as addreſſed. "At a time when ſo little credit is given to principle in political matters, it is probable I may be told, that I have followed the dictates of party, and deluded by vain expectations of popularity, have ſacrificed myſelf to their purſuits." That you would be told this, was indeed probable, but it ſeems you are prepared to diſprove the charge. "My friends, you ſay, will treat ſuch an imputation with the ſame contempt they do every other illiberal cenſure." Allowing every thing to the faith of friendſhip, we will proceed to the argument you addreſs to thoſe, who not having the honour of intimate habits with you, may not feel equal contempt for every probable charge under which you may unfortunately labour. "I have proved my principle in

political matters."——In what manner?—" I have proved it by attaching myſelf to men who have no object but to ſave their country."—This argument, if not of the moſt convincing, is at leaſt of the moſt curious nature. You ſate out with ſtating, that owing to the opinion of a general want of principle in political matters, you might not obtain credit for it: but to obtain credit for it yourſelf, you very liberally give that credit to five hundred others, and expect the Public to keep pace with you in generoſity. The man who but juſt now had much difficulty to believe that an individual could be found of principle in political matters, is required to give faith to the aſſertion, that principle alone actuates a numerous political party; and in order to induce our belief of an improbable circumſtance with regard to you, you tell us firſt to believe it of five hundred others; as if incredulity decreaſed, in proportion as the improbable verges towards the marvellous.

I confeſs, that were I an elector of Preſton, I ſhould entertain ſtrong doubts with regard to

to the propriety of again electing you my repreſentative in parliament, under the circumſtances of your preſent ſituation. Attendance is the firſt duty which a repreſentative owes to his conſtituents. At this perilous time the voice of every member is, or ought to be, of weight in the general councils. Yet, ſituated as you now are, you may not be able to give attendance in parliament, and during the whole of the next intereſting ſeſſions (intereſting doubtleſs it muſt be) the town of Preſton may remain, as far as concerns your perſon, virtually unrepreſented. You will hold your ſeat in parliament at the will of the Congreſs. While you continue to do them no injury, they will, in all probability, ſuffer you to remain; but ſhould your vote ever interfere with their intereſt, there can be no doubt, but they will immediately remove you from a ſituation where you have it in your power to do them harm. By the conſtitution of this country, no man who holds a penſion can ſit in parliament, becauſe he is ſuppoſed to be under *influence* in his conduct; and, in my

opinion, the repreſentative is as likely to be *influenced* who is dependent for his liberty upon the Congreſs, as he who is dependent for a penſion upon the Crown. I am ſure the ſpirit of the conſtitution conſiders him as equally unfit to ſit in parliament; and though there may be a greater probability of the penſioner's vote affecting the meaſures of the Crown, than of the priſoner's affecting the meaſures of the Congreſs, yet this is counterbalanced by the ſuperiority of influence upon the part of the Congreſs, inaſmuch as liberty is a greater enjoyment than property; as impriſonment is more dreadful than a mere privation of wealth; and as that impriſonment would come attended with circumſtances of keen diſtreſs; a removal from his friends, and a tranſportation from his country. Though you may have fortitude to purſue the line of duty, every man is not equally ſtrong. The precedent is dangerous. In matters which affect the conſtitution ſo nearly, as the election of repreſentatives in parliament, we muſt look beyond the preſent moment. At a future

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time, the ſame mark of diſtinction may be conferred upon one, who, under your circumſtances, will not obſerve your conduct; who being equally unfortunate, will not be equally upright.

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

MARCUS ATTILIUS REGULUS was a general in the Roman republic. Rome was then

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at war with Carthage. The Romans, under the command of Regulus, had gained many victories; and the Carthaginians, dejected by repeated defeats, hired mercenaries from Greece to aſſiſt their cauſe. With theſe there came Xantippus, who did not appear to have gained any reputation in the armies of his own country. His diſcourſes ſoon attracted the notice of the Carthaginians. He promiſed them diſcipline and victory; and by a decree of the Senate, he was appointed to the ſupreme command. He watched for a favourable moment, and at length conſidering it arrived, he determined to give battle to the Roman army. With this view, he took the advantage of the ground, and made the neceſſary diſpoſitions. Regulus, inclined to ſecond the wiſh of Xantippus, drew up the Romans in array of battle. In this arrangement he is ſaid to have committed a material error. Xantippus began the attack, and in a ſhort time the main body where Regulus commanded was broken through, and the Roman army put to flight. Regulus remained upon the field with five hundred men,

men, where he was ſoon ſurrounded, and at length taken priſoner. It was the firſt time a Roman general had ever been taken alive in battle by the enemy. The victors marched to Carthage; and Regulus followed. Here he long endured the hardſhips of a rigorous captivity. They gave him but juſt food enough to prolong his miſeries; and to render life inſupportable, they expoſed him to the public ſcorn.—Another engagement ſoon after took place, in which the Carthaginians loſt a conſiderable number of men. Among theſe were many illuſtrious citizens, whom the Romans made priſoners. The ill-fortune of the Carthaginians daily increaſed. A ſecond defeat happened; another, and another ſtill ſucceeded; their beſt officers were in the hands of the Romans; and they ſent Regulus to Rome to negociate an exchange of priſoners, or to treat of peace. They truſted that the miſeries which he had endured in the dungeons of Carthage, would induce him to give his warmeſt ſupport to a meaſure that was to reſtore him to Rome and liberty. Before he departed they gave him to under-

ſtand, that if the propoſals which they ordered him to make ſhould not be accepted, a death of torture awaited him upon his return.—When Regulus arrived in the ſuburbs of Rome, it was ſome time before he would enter the gates of the city. *It is contrary to law*, ſaid he, *for a foreigner, as I am, to enter within the walls of the city. My misfortunes have made me a ſlave to the Carthaginians.* The Senate at length aſſembled, and Regulus made the propoſals with which he was charged. The modeſty with which he ſpoke expreſſed his ſenſe of the low ſtate to which he was fallen. When he had finiſhed, it was with difficulty he could be prevailed upon to remain in the Senate; and only in obedience to the repeated orders of the Conſcript Fathers, that when it came to his turn, as a member of that auguſt aſſembly, he delivered his own opinion. He ſpoke againſt the propoſals which the Carthaginians had deputed him to make. The Senate determined to reject them; and now the moment of trial was come for Regulus, and for his country. The *Pontifex*

Maximus declared, that he might remain in Rome without incurring the guilt of perjury. His wife and children with tears and lamentations conjured him to ſtay; and the people joined in the prayer. It was eaſier for a whole people to be treacherous, than for Regulus to be falſe. He knew the puniſhment that awaited him at Carthage: but ſtern and inflexible, he preferred his duty to his ſafety; and his countenance, which upon his arrival expreſſed a thouſand mixed emotions, was ſerene and ſettled at his departure. Upon his return to Carthage, he ſeemed to enter it in triumph. It was in vain that inventive cruelty prepared the torture.—He ſmiled at her impotence; and the unhappy Chief, who had courted virtue throughout life, in death, was not inconſtant to her.

LIEUTENANT GENERAL BURGOYNE was entruſted with the command of an army deſtined to perform a material ſervice to the ſtate. His conduct was marked by zeal for the expedition upon which he was employed; and wherever he met the enemy he com-

bated with valour. Victory for a time ſeemed to contend under his ſtandard; but at length ſhe deſerted him, and he was expoſed to the malice of Fortune. The enemy collected a force greatly exceeding his in numbers; and he was compelled to yield to their ſuperiority. While a priſoner in the poſſeſſion of the enemy, he obtained permiſſion to return to his own country; but he continued engaged to re-deliver himſelf up to the enemy upon due notice being given to him. Upon his arrival, he found himſelf precluded from the preſence of his Sovereign, upon pretence that an Inquiry was to take place into his conduct, and that it was unfit he ſhould appear at Court till the event of that Inquiry was known. He demanded a Court Martial; but this was denied him, upon a repreſentation from the heads of his profeſſion, that it could not be held upon him while he continued a priſoner. He complained loudly of both theſe meaſures, and joined himſelf to a party which acted upon a plan of general oppoſition to the Miniſters of their Sovereign. Lieutenant General Burgoyne was a member of the Senate. There he attempted to take

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

I ſhall

I ſhall now, Sir, take my leave of you, with a very ſincere wiſh, that your retreat from the public ſervice may appeaſe the malice of your enemies, and that your retirement may be undiſturbed by reproach. If your conduct in this country has been improper, let it be conſidered that it has carried its puniſhment along with it.—Your conduct at Saratoga forms, indeed, too melancholy an epoch in our hiſtory ever to be forgotten—but when poſterity ſhall learn of your defeat, may they be told with how much bravery you fought—may your merit go hand in hand with your misfortune—and may the amiable part of your character live in the memory of your country, long after your harmleſs foibles, and unintentional errors ſhall be ſunk in ſhade, and buried in oblivion!

I have the honour to be, SIR,

Your moſt humble ſervant,

The AUTHOR.