CHAPTER XI – CAMBRIDGE AND THE CONVENTION TROOPS

LET us now return to North America. Howe received Burgoyne's despatch announcing his failure at the beginning of November and put it in his General Orders for the third, with the appropriate "Parole Burgoyne : Counter Sign Phillips." It ran as follows:

"Sir,

"In Conformity to my Orders to proceed by the most Vigorous Exertions to Albany I passed the Hudson River at Saratoga on the 13th September. No exertions have been left untried.

"The Army under my Command has fought twice against a Superiority of Numbers; the first Action was on the 19th September when after four Hours Sharp Conflict we remained Masters of the Field of Battle; the second Action (on the 7th October) was not so successful, and ended with a Storm on two Parts of our Intrenchments: the One defended by Lieut. Colonel Breymann who was killed upon the Spot and the Post Lost, the other defended by Lord Balcarras at the Head of the British Light Infantry who repulsed the Enemy with great Loss. The Army afterwards made good their retreat to the Heights of Saratoga unable to proceed further, the enemy having Possession of all the Fords and the Passes on the East side Hudson's River.

"The Army then waited the Chance of Events, and offered themselves to the attack of the Enemy till the 13th Inst, when only three days Provisions at short allowance remained: at that Time the Last Hope of Timely assistance being exhausted; my Numbers being reduced by past Actions to three Thousand five Hundred fighting Men, of which about thirteen Hundred were British, invested by the Enemy's Troops to the amount of sixteen Thousand Men; I was induced by the General Concurrence and Advice of the Generals, Field Officers and Captains Commanding Corps to open a Treaty with Major General Gates: Your Excellency will observe by the papers transmitted herewith, the disagreeable Prospect that attended the first Overtures. The Army determined to die to a Man rather than submit to Terms Repugnant to National and Personal Honour.

"I trust you will think the Treaty inclosed consistent with both."

On October twentieth, at Albany,* which, as we have seen, he had expected to reach under very different conditions, Burgoyne wrote two letters—as usual long letters—which are of great interest. The first was to his friend, Colonel

*Where he was entertained by Mr. Philip Van Rensselaer at a large dinner-party at 13 North Pearl Street.

Philippson, of the 3rd Dragoon Guards. In it he says that he has sent a copy of his despatch to Lord George Germain to Lord Derby, "in order that it may be published by him in case that the Ministry should curtail or mangle any part of it in their Gazette."[1]

It is very interesting to find (in the Marquis of Lothian's Manuscripts) Sir John Irwine writing to the Earl of Buckinghamshire:

"General Burgoyne's letter [to Germain] does him harm in the publick. His charge against ministers, with regard to his orders, is thought unfair, and those who are in the secret of them say it is unjust; however, the ministers are determined to let the blame lie at their door till his return, before they expose his orders[2] to the public view. You will I presume be astonished to know that General Burgoyne sent a duplicate of his letter to Lord George to Lord Derby, and that his Lordship was actually reading to the company at Almack's that letter much about the time Lord George, sent the original to the King at the Queen's house.[3] This makes much conversation."

Burgoyne goes on that he expects "Ministerial ingratitude will be displayed, as in all countries and at all times is usual to remove the blame from the orders to the execution." He argues that in view of his orders had he retreated to Canada he would have been as guilty as a sergeant in charge of a forlorn hope who should retire because his destruction was probable. "Mine was a forlorn hope, with this difference, that it was not supported." He continues: "This army has been diminished by scandalous desertions in the collateral parts,[4] by the heavy drain of the garrison of Ticonderoga, and by great loss of blood. It has been totally unsupported by Sir William Howe. When my conduct, in advancing so far as to leave my communication with Canada, is arraigned, face the accusation with the wording of my instructions, and ask the accusers what they would have said had I remained supine in a camp at Fort Edward." He again refers to the fact that his instructions left him neither "latitude" nor alternative, and mentions that the Germans "were dispirited and ready to club their arms at the first fire." And he points out: "I dictated terms of convention which save the army to the State for the next campaign." This phrase got him into trouble: Clinton's friends protested against the word "dictated" and argued that but for Clinton's "brilliant enterprize," as they called it, up the Hudson, Gates would have granted less favorable terms. In other words, even Gates

[1] Unworthy thought!

[2] And Sir William Howe's?

[3] Where Buckingham Palace now stands.

[4] *i.e.*, the Canadians, the so-called Loyalists, and the Noble Red Men.

thought that Clinton would not be content to rest on his oars on the Hudson River and gently to drift back with the stream to New York. This is evident from a letter from Wilkinson to Congress in the *Papers Respecting the Convention Troops,* Vol. 57. Wilkinson writes:

"I have it in charge from Major General Gates to represent to The Honourable, The Congress

"That

"Lieutenant General Burgoyne, at the time he capitulated, was strongly entrenched on a Formidable Post, with Twelve* Days' Provisions: That the reduction of Fort Montgomery & the Enemies consequent Progress up the Hudson's River, endangered our Arsenal at Albany a reflection which left Him no Time to contest the Capitulation with Lt. General Burgoyne, but induced the necessity of immediately closing with his Proposals, hazarding a disadvantageous Attack, on retiring from his Position for the security of our Magazine; this delicate situation abridged our Conquest & procured Lt. General Burgoyne the Terms he enjoys . . . had an attack been carried against Lt. General Burgoyne ; the dismemberment of our Army must necessarily have been such as would have incapacitated it for further Action this Campaign.

"With an Army in Health, Vigour & Spirits, Major General Gates now waits the commands of the Honourable Congress.

"JAMES WILKINSON,
"A. General, N. Army.

"York Town
"October 30th, 1777."

Abigail Adams, writing from Boston October twenty-fifth to her husband John Adams, very sensibly points out: "General Gates by delaying and exacting more might have lost all." In the same letter she pleasantly suggests that the "vaporing Burgoyne" had better set to and write another play, *The Blockade of Saratoga.*

The final paragraph in Burgoyne's letter is very interesting: "I have understated Gates's numbers in calling them 16,000; and sorry am I to add that a better armed, a better bodied, a more alert or better prepared army in all essential points of military institution I am afraid is not to be found on our side." Here of course Burgoyne was trying to "save face" as the Chinese say. He had been beaten, but would not anybody have been beaten by the magnificent troops he encountered? The champion face-saver in military history is, probably, the

*.Burgoyne says three days (see page 153).

most incompetent general who ever blundered through a campaign, the Austrian Mack. After the capitulation at *Ulm,* Mack actually presented in his defense to an astonished court-martial a certificate signed by Napoleon "testifying to General Mack's military talent and his admirable dispositions at Ulm". Napoleon's tongue must have been very far in his cheek when he signed this amazing document.

In the American Manuscripts in the Royal Institution is the second letter, dated Albany, October twentieth, by Burgoyne. This is to Sir William Howe. He again says he had no "latitude" and, for Howe's private information, adds: "Circumstances of a very melancholy nature, viz. a scandelous (*sic*) defection of the Indians, a desertion or timidity worse than desertion of provincials and Canadians, a very few individuals excepted, and a strong disposition in the Germans to be prisoners rather than endure hard blows . . . it was notorious that they meant to have given one fire and then have clubbed their arms." And then he has a dig at Germain and Co. "I think it not impossible that the persons who are most bound to vindicate me will be the first to attack my reputation; those for whom I cheerfully undertook a forlorn hope, and who would have crushed me had I remained inactive, I expect to find my accusers for rashness. These men* know I have it in my power to justify my conduct and it is a duty to myself and my profession not to be absent when occasion calls upon me to produce that justification."

In a later paragraph he says: "The treatment of the officers and troops in general is of so extraordinary a nature in point of generosity that I must suppose it proceeds from some other motive than mere kindness of disposition." These last few words are rather ungenerous. The British soldiers were, indeed, very kindly treated by the soldiers who had defeated them. Congress, as we shall see later, was not quite so generous. But then politicians are not, as a rule, soldiers. Although Gentleman Johnny was, as he says himself, "exhausted to that degree with business that I can really scarce hold my pen," he found time, on this day, to write a little note to "My dearest Nieces"; he sums up his troubles in a few words:

"I have been surrounded with enemies, ill-treated by pretended friends, abandoned by a considerable part of my own army, totally unassisted by Sir William Howe. I have been obliged to deliberate upon the most nice negotiations and political arrangements that required the most undisturbed reflection, and exhausted with laborious days and sixteen almost sleepless nights, without change of clothes or other covering than the sky. I have been

*A curious parallel to Colonel Sloper's "That Man."

with my army within the jaws of famine; shot through my hat and waistcoat; my nearest friends killed round me; and after these combined misfortunes and escapes I imagine I am reserved to stand a war with ministers who will always lay the blame upon the employed who miscarries."

And he adds in a simple, unaffected style which one wishes he used more often in his correspondence: "In all these complicated anxieties, believe me, my dear girls, my heart has a large space filled with you; and I will bring it home, when God shall so permit, as replete with affection as when I left you."

On October twenty-fifth, still at Albany, he wrote another letter to Howe, repeating his uneasiness as to what "those men" were likely to do, and expressing a hope that he may be allowed to return home as soon as possible in order to defend himself. He also puts in a word for Major Acland, hoping that he may be exchanged, and says: "Mr. Gates has got Ethan Allen[1] in his head and will exchange no field officer unless he is given up."

Anburey gives a lively picture of the march of the British troops to "Cambridge in New England." The Americans are delighted to give nine paper dollars for a guinea; a young officer goes ahead and, pretending to be General Burgoyne, gets the best quarters in a small village; they took two days to cross the Green mountains; a baby is born in a baggage-cart during a heavy snowstorm; at Williamstown they get from eighteen to twenty paper dollars for a guinea; he delicately refuses to "bundle" with "our Jemima," a very pretty black-eyed girl of seventeen, on which her astonished parents say, "Oh la! Mr. Ensign, you won't be the first man our Jemima has bundled with, will it, Jemima?" to which Jemima archly replies, "Not by many, but it will be with the first Britainer" ; Lieutenant McNeil of the 9th Regiment, "thought to be a little witty," says to an old woman in a crowd of sight-seers, "So, you old fool, you must come and see the lions," to which the old fool aptly replies, "Lions! Lions! I declare now I think you look more like lambs"; another old lady, anxious to see a Lord, having pointed out to her Lord Napier, soaked with rain and covered with mud, lifting up her hands in astonishment, exclaims, "Well, for my part, if that be a Lord, I never desire to see any other Lord than the Lord Jehovah"; and if "bundling" astonished Anburey, he is even more astounded by "tarrying,"[2] for an account of which interesting and very

[1] See page 67.

[2] My friend Mr. C. L. Bayne of the War Office has brought to my notice that most interesting work *Folkways,* by W. G. Sumner (Ginn & Co., Boston, 1906). The Rise, Decline and Fall of "bundling" and "tarrying" are here set out at length. It appears that they lingered on in Scotland up to so recent a date as 1868. Mr. Bayne is, like myself, a Civil Servant and I hasten to say that there is very little tarrying for the Civil Servants of the modern day. I rather think that Mr. Pownall (see page 29) was an expert at it.

sensible ceremony I must refer you to pages 87-88 of the second volume of Anburey's entertaining *Travels,* a book which would well be worth while reprinting.

The British officers and men were treated with great kindness on their way to Cambridge. At Great Barrington in October, Burgoyne, who was "indisposed and de pressed in spirits," remained for several days the guest of Colonel Elijah Dwight in the Henderson House. "Many of the prisoners were sick, suffering from camp fever, and it is related that Captain Truman Wheeler collected roots, boiled them down and personally distributed the concoction among the invalids with good effect, and that one of the British officers presented Captain Wheeler with a substantial token of his own appreciation of the kindness shown the prisoners."* And in *Historic Hadley,* by Alice M. Walker (New York, 1906), there is a most interesting note of the kindness of Colonel Elisha Porter, who had made Burgoyne's acquaintance at the surrender. Colonel Porter was High Sheriff:

"Moved by sympathy for the defeated general, well-nigh helpless with illness, he extended to him the hospitality of his house and allowed his bodyguard to encamp within the deer yard. The round eyes of the six Porter children stared with astonishment at the gay uniforms and gorgeous trappings brought so suddenly to their very door, and Puritanical ears were horrified at the careless speech of these disgusted British soldiers.

"The English general found the quiet Hadley home a very haven of rest, and his natural foes converted into kindly hosts, by whose ministrations his health was restored, and he was able to resume his journey. In taking leave, Burgoyne presented to Colonel Porter the dress sword which he had surrendered and received again at Saratoga. This invaluable relic was left by its owner to his son Samuel, and from him descended to his daughter Pamela, who married Dudley Smith. Their son Samuel Smith and daughter, Miss Lucy Smith, now own the sword of Burgoyne, a three-edged rapier, with embossed silver handle and filigreed guard. The visitor examining the sword is interested to decipher on the blade, near the handle, the monogram G. R., while on the other side appears the coat of arms, with the motto 'Honi soit qui mal y pense' "

But the most pleasing episode took place at Kinderhoek, as related in *A History o f Old Kinderhoek,* by E. A. Collier (New York, 1914).

"Burgoyne himself and his American escort, General Phillips, were entertained at the elegant home of Mr. David Van Schaack. In the family was an

*The History of the Town of Great Barrington. By C. J. Taylor, Great Barrington, 1882.

adopted daughter, Lydia Van Vleck Van Schaack, a charming young girl, who became the wife of Francis Silvester, whose daughter, Margaret, told us the following incident: After the dinner given Generals Phillips and Burgoyne, several toasts to hosts, guests, and others were offered, in a kindly spirit, with careful avoidance of names and subjects forbidden by courtesy. At last, however, one turned to Lydia and asked her for a toast, whereupon she replied, 'To the King and Queen and all the Royal Family.' That there was a moment of embarrassment if not consternation we may well believe, but General Phillips was so charmed by the grace and artlessness of the girl that he smiled and laughed the embarrassment away."

This was a very graceful compliment on the part of Miss Lydia and surely Handsome Jack was immensely pleased: she may have made a *faux pas* so far as etiquette goes, but it was a very kind heart that prompted it. For Phillips, by the way, one should read Glover, that is to say General John Glover, who had been appointed by Gates to conduct Burgoyne and his troops from Saratoga to Cambridge. In Jared Spark's *Correspondence of the American Revolution* (Boston, 1853) there is an interesting letter from Glover to Washington. He writes:

"I was honored with the command of conducting him [Burgoyne] and his troops from Saratoga to Cambridge, for the better supplying of whom, and the convenience of the inhabitants of the country through which they marched, I divided them into two Divisions; the British by Williamstown and Northampton; the Germans by Kinderhoek and Springfield; with Commissaries, Quarter-masters, and Wagon-masters for each, with particular directions to take bills for what supplies they received, and give orders on me for payment. This order not being fully attended to, I was obliged to send Quarter-master Story back to Albany to collect the outstanding accounts. When that is done I shall charge General Burgoyne with the whole, in one general account; and as many of the charges in my opinion are unjust, and others extravagantly high, large sums being charged by the inhabitants for damages in burning fences, destroying hay, grain, flax, &c., also for clothing, furniture, &c., stolen out of their houses (these charges I know General Burgoyne will object to), the inhabitants look to me, and expect I shall see them paid.

"To acquit myself of censure, I am determined to lay them before the General Court, and desire that a Committee may be appointed to examine them, and make what deductions shall appear to them just, which I hope will give satisfaction to both parties. When this is done, I have to present it to him for payment, and then advertise the inhabitants to come and receive their

moneys. I shall lose no time in bringing the whole to a close as soon as possible.

"Thus, Sir, I have given account of what I have been doing, and still have to do, which I hope will meet your Excellency's approbation."

"The town of Cambridge," says Anburey, "is about six miles from Boston and was the country residence of the gentry of that city; there are a number of fine houses in it going to decay, belonging to the Loyalists." And here, on November sixth, arrived the remnants of that fine force which set forth to quell "that unnatural rebellion"; the appearance of many of the rank and file was such, poor souls! that it would have been more appropriate had they arrived on the previous day[1] Cambridge did not exactly receive them with open arms. General Heath foresaw that he would have no easy task, and in his letter of October twenty-fifth to John Hancock pointed out "the importance of replenishing our stores with provisions" and mentioned in particular that "wood is now at the price of twelve or thirteen dollars per cord," and, to take the evidence of a lady who kept house in Cambridge, Mrs. Winthrop, "two hundred and fifty cords of wood will not serve them a week." And indeed the Convention Troops, as one should call them in future, wanted wood. "As bare as a barrack" is proverbial: those on Winter Hill and Prospect Hill, where the prisoners were lodged, could not well have been more bare: according to a German prisoner, "wind, rain and snow swept through them; they had no windows, only holes."

Heath, most amiable of generals, foresaw other difficulties. He writes in his *Memoirs:* "The capture of Gen. Burgoyne and his whole army, who were now on their way to Boston, opened a new, important and delicate field for our General.[2] This army, in which there were many officers of military condition, and some of refined and courtly manners, who had a high opinion of national honour and prowess, and who, in consequence of the Convention which they had formed, had their spirits by no means depressed as those who are compelled to surrender at discretion-were sure to lay a heavy task on his shoulders." But the first thing this genial old gentleman did was to invite Generals Burgoyne, Phillips, Riedesel, Glover (of Massuchusetts) and Whipple (of New Hampshire) to "an elegant dinner." This took place in Boston. Before dinner Phillips tried to "put one over" Heath. He said, "Sir, you well know the disposition of

[1] Still celebrated in England and very much so in Boston in 1767, when a Mr. Henry Hulton wrote home: "It is the most riotous day in the year: the mob carried twenty Devils, Popes and Pretenders through the streets with labels on their breasts, Liberty and Property and No Commissioners." Hulton was a commissioner but, as Mr. Pickwick would have done, he "laughed at 'em with the rest"

[2] This is his pleasant way of alluding to himself. The word "I" does not occur in his *Memoirs.*

soldiers, and that they will more or less in all armies commit some disorders: suppose you should delegate to General Burgoyne the power of seeing your orders executed."

But Our General was not so simple as he may have looked. He said that while he hoped General Burgoyne and the other British officers would do all they could to maintain discipline, he (Heath) would exercise his own command and enforce his own orders. "Gen. Burgoyne smiled and Gen. Phillips turned it off by saying, 'I only meant it for your easement, Sir.' "

It was a great day in Boston. The streets were filled, the doors, windows, tops of the houses and fences all thick with men, women and children anxious to see the British General. After dinner Burgoyne asked leave to go out by way of Charlestown, and Heath went with him to the ferry: "The streets were so crowded that it was difficult getting along, but not a word or a gesture that was disrespectful." Burgoyne was impressed and said, rightly, (remember poor Baroness Riedesel at Bristol), "Sir, I am astonished at the civility of your people: for, were you. walking the streets of London, in my situation, you would not escape insult" (or even in those rough days, half-a-brick). Our General's note on this occasion is very pleasant. "O my dear countryman! how did this your dignified conduct at that moment charm my very soul! Such conduct flows from a greatness of mind that goes to conquer a world."

In ancient Rome the lives of prisoners of war were spared, but they were made slaves; the word *servus* derives from *servare,* to preserve. In medieval times they were not made slaves, but their lives were preserved in order that they might be ransomed; that is to say a prisoner of war had a cash value. And then the Law of Nations, later to be known as International Law, enlarging on the text *parcere subjectis,* laid it down—on paper— that the victor should "remember that prisoners of war are men and unfortunate."* Cambridge, at this time, and perhaps now, the most learned town in the United States, must have known this perfectly well, but it did not act on it. Which is remarkable, for it was the United States, and Prussia, who were the first, in an article of a treaty signed in 1785, to lay down and agree to definite rules as to the kindly treatment of prisoners of war. But Cambridge proved inhospitable. "It was not infrequent," writes Lamb, "for thirty, or forty persons, men, women, and children, to be indiscriminately crowded together in a small, miserable, open hut; their provisions and fire-wood on short allowance, and a scanty portion of straw their bed, their own blankets their only covering. In the night-time, those that could lie down, and the many who sat up from the cold, were obliged

*But never, in the whole course of military history, so unfortunate as some of those who suffered in certain internment Camps in Germany during the European War.

frequently to rise and shake from them the snow which the wind drifted in at the openings." It is interesting that it is a citizen of Cambridge, Mr. Samuel F. Batchelder, who hag described in an extremely interesting brochure, *Burgoyne and His Officers in Cambridge, 1777-1778,*[1] the cold welcome which the Convention Troops received in this center of culture. The citizens passed a resolution that the prisoner officers of the British Army "may not be permitted to have the range of the town of Cambridge." A Committee of both Houses of Assembly suggested to Heath that the British officers should be accommodated in Charlestown in certain houses, including "the Widow Prentice's, except the West chamber": for what, one wonders, can that chamber have been reserved?

Burgoyne was in very poor health,[2] and the quarters allotted to him were not calculated to improve it. He wrote on November fourteenth to Gates a letter dated (by one used to date his letters from White's and Almack's!) "Public House in Cambridge:

"Sir,
"I transmit to you by Captain Seymour, a correct return of the forces under my command the day of signing the Convention, the Provincials and Canadians Companies excepted, which could not be ascertained but which taken together certainly did not exceed two hundred bearing arms. I should have acquitted myself of this engagement sooner had I been able to find a proper conveyance.

"I have the satisfaction to inform you, Sir, that the British Troops accomplished the march without any complaint either on their part or against them. There were some differences between Major General Riedesel and the officer of your troops who accompanied his division, but no disagreeable consequences ensued. I understand there has been a refusal of quarters and refreshment to the Hospital by a Committee upon the road, but having no regular report I will not trouble you with complaint.

"I am sorry I cannot speak with satisfaction upon what happened and still passes here. The officers are crowded into the barracks, six and seven in a room of about ten feet square & without distinction of rank. The General Officers are not better provided for. I & Genl. Phillips after being amused with promises of quarters for eight days together, are still in a dirty miserable tavern [3] lodging in

[1] Reprinted from the Proceedings of the Cambridge Historical Society.

[2] Glover wrote to Gates, November 16th, "The Badness of the Roads was almost too much for General Burgoyne's shattered constitution."

[3] But a tavern which has its place in history. The Blue Anchor saw Percy and his men jingle past on their way to Lexington, was the headquarters of Rufus Putnam's Regiment and must have witnessed many brave doings on Commencement Days.

a bed room together, & all the gentlemen of our suite lodge upon the floor in a chamber adjacent a good deal worse than their servants have been used to. The only prospect that remains to me personally, is, that I shall be permitted to occupy a house without a table, chair, or any one article of furniture, for the price of an hundred and fifty pounds sterling 'till the first of April, but the same sum is to be paid tho' I should embark in ten days.

"While I state to you, Sir, this very unexpected treatment, I entirely acquit M. Genl. Heath & every gentleman of the military department of any inattention to the publiek faith engaged in the Convention. They do what they can; but while the supreme powers of the state are unable or unwilling to enforce their authority, & the inhabitants want the hospitality or indeed the common civilisation to assist us, without it the publiek faith is broke, & we are the immediate sufferers.

"I cannot close my letter without expressing the sense I entertain of the honor, the candour & the politeness of your proceedings in every respect, towards the army & myself, and I am, with sincere regard,

"Sir,

"Your most obedient

"Humble servant,

J. BURGOYNE.

"P.S. M. Genl. Phillips who is now with me desires you to accept his compliments.

"M. Genl. Gates."

(From *Papers Respecting the Convention Troops, in The Papers of the Continental Congress,* vol. 57*,* folios 31-5.*)* Congress attached such importance to this document that it resolved "that Major General Gates be requested to lodge among the papers of Congress, in the secretary's office, the original letter" in question. (*Journal of Congress,* March, 1778.)

This letter was to cause Burgoyne sad trouble: the unfortunate phrase "the public faith is broke"* was made by Congress the miserable excuse for detaining the Convention Troops in North America.

Heath, whom Mr. Batchelder describes as "a Roxbury farmer, but also an officer and a gentleman to the tips of his work-hardened fingers," wrote a very warm letter to the Council of Massachusetts about the "unhappy and disgraceful

*He had, a few days before (November 10th), in writing to Heath on this same question of quarters, used a similar phrase: "The Convention is infringed in several circumstances."

situation of General Burgoyne and his officers" and said plainly, "The honour of the state is in danger, the public faith responsible."

But if Cambridge behaved shabbily Congress was worse. Article II, the "free passage" to England of Burgoyne's army, stuck in their gizzard. Burgoyne had prided himself upon this article. In his letter of October twentieth from Albany to Germain he says:

"Had the force been all British perhaps the perseverance had been longer; but, as it was, will it be said, my Lord, that in the exhausted situation described, and in the jaws of famine, and invested by quadruple numbers, a treaty which saves the army to the state, for the next campaign, was not more than could have been expected? I call it saving the army because, if sent home, the state is thereby enabled to send forth the troops now destined for her internal defence; if exchanged, they become a force to Sir William Howe, as effectually, as if any other junction had been made."

Some historians have attacked Burgoyne for this, but surely it is a General's duty, firstly to be, if possible, victorious, secondly, if defeated, to make the best terms he can. One might just as well criticize Washington, who put his finger on this weak point of the Convention immediately. Writing on November fifth to Mr. Powell, he said: "As soon as they [the prisoners] arrive [in England] they will enable the ministry to send an equal number of other troops from their different garrisons to join General Howe here, or upon any other service against the American states. . . . If they can be accommodated, I think, in point of policy, we should not be anxious for their early departure." And on the same day he wrote to Heath: "I do not think it to our interest to expedite the passage of the prisoners to England; for you may depend upon it that they will immediately upon their arrival there throw them into different garrisons and bring out an equal number." He repeated this in a second letter to Heath dated November thirteenth. "Policy and a regard to our own interests are strongly opposed to our adopting or pursuing any measures to facilitate their embarkation and passage home which are not required of us by the Capitulation." Washington also suggested that it should be insisted that Boston must be the port of embarkation and not Rhode Island or "some port of the Sound." He says, "I know he [Burgoyne] has received a hint upon the subject from General Howe. "

Writing on November twenty-sixth to Laurens, Washington said: "If the embarkation is confined to Boston it is likely that it will not take place before some time in the spring or at least towards the end of February; whereas if it were allowed at either of the other places it might be made this month or at the beginning of next, and the troops arrive in Britain by the month of January: a

circumstance of great importance to us, as the moment they get there the most scrupulous and virtuous observance of the Convention will justify the Ministry in placing them in garrison and sending others out to reinforce General Howe or upon any other expedition that they may think proper to undertake against us." So Congress resolved on the first of December that the port stipulated by the Convention must be the port employed.

To return to the discomforts of Cambridge, the unfortunate Von Riedesel, with his wife, three small girls and a maid, had to live in one room and a garret until a house could be provided for them. In the barracks there would be six officers living in a room not twelve feet square, and so scarce was fuel that the men would cut down the rafters of the rooms for firewood.

"Our General" had a very hard row to hoe. The Heath Papers in the *Papers of the Continental Congress* bring this out very clearly. He had very little in the way of supplies for the six to seven thousand men he had to feed; for, in addition to the Convention troops and other prisoners of war there was the guard. In addition there was little money in the Pay Office. Congress tells him not to issue any more salt provisions to the prisoners; whereupon the Commissary remarks, in a kind of despair, that if the salt beef is not issued, it will soon go bad; "some of it already begins to smell." The Convention Troops cost only twenty thousand dollars per week for food and fuel, but there were huge expenses for unloading and transporting the stores lately arrived from France. The citizens too were grumbling about the damage done by the English soldiers. A Mr. Blodget[1] had built "a Bake House and a small Dwelling House contiguous to the Barracks." In Mr. Blodget's absence the Convention Troops seized all the boarding in these houses for fuel.

Mr. Blodget was naturally annoyed—who would not be?—and Heath had to promise him reparation. Heath had, also, many political worries. For he was the mouthpiece of Congress.

But worse things were in store for Burgoyne than discomfort. Writing to Howe on November twenty-sixth, he mentioned that he had applied to General Washington for consent to some other port than Boston being used for the embarkation. This same letter[2] contains a very remarkable instance of Burgoyne's interest in his troops. Certain sergeant-majors were recommended for ensigncies "upon my personal observation of distinguished conduct before

[1] I can not refrain from wondering if this was an ancestor of the "Reverend Elexander Blodgett, one o' the Lord's poor servants."

[2] American Manuscripts in the Royal Institution.

the enemy." This promotion was most unusual at this day when the British Army fought under the "cold shade of aristocracy"; even in the Peninsula period promotion from the ranks was very rare.

The reply of Congress to Burgoyne's application for a change of port was a resolution on the seventeenth of December that it would not entertain any suggestion for altering the terms of the Convention. Congress did not behave well in another matter, that is to say over the question of the payment for the upkeep and support of the Convention Troops. For this Congress paid in paper: from Burgoyne they demanded reimbursement in "hard dollars." As the hard dollar was worth about three times the paper one, Burgoyne was called upon to pay three times what he should have done. This, to put it mildly, was rather sharp practise. Heath protested, but on delightfully ingenuous grounds: "General Burgoyne supposes his solid coin to be worth three times as much as our currency. But what an opinion must he have of the authority of these States to suppose that his money would be received at any higher rate than our own in ;public payment. Such payment would be at once depreciating our currency with a witness." Heath was in a very awkward position. With the kindest heart in the world he was the channel between Congress and Burgoyne. In other words, a simple, benevolent old soldier had to speak as though he were a crafty and pettifogging attorney.

On November eighth Congress resolved:

"That Major-General Heath be directed forthwith to cause to be taken down the name and rank of every commissioned officer, and the name, former place of abode and occupation, size, age and description of every non-commissioned officer and private soldier, and all other persons comprehended in the Convention made between Lieut. Gen. Burgoyne and Maj. Gen. Gates, on the 16th day of October, 1777, and transmit an authentic copy thereof to the Board of War, in order that if any officer or soldier, or other person as above mentioned, of the said army, shall hereafter be found in arms against these States in North America, during the present contest, he may be convicted of the offense, and suffer the punishment in such cases inflicted by the law of nations."

On this Heath issued a General Order, dated November twentieth, giving briefly the terms of the resolution and adding:

"Lieutenant General Burgoyne will please immediately to order his Deputy Adjutant General to prepare the lists accordingly; and Major Andrew Brown is directed to receive lists, and to pass the non-commissioned officers

and soldiers, strictly observing that the descriptions are rightly noted, and correct them where there are any mistakes.

"This business is immediately to be attended to."

This was transmitted to Burgoyne, and now we come to the "Descriptive Lists" trouble. On the same day, November twentieth, Burgoyne wrote to Heath:

"Sir,

"I have received a paper, dated Head Quarters, Boston, Nov. 20th. purporting to be founded upon express orders from the honourable Continental Congress, which paper I return as inadmissible, because extending to matters in which the Congress have no right of interference.

"A list of the names and ranks of every commissioned officer, and the numbers of the non-commissioned officers and soldiers may be necessary to you, Sir, for the purpose of fulfilling the Convention in the quartering officers, and the regular delivery of provisions, fuel, etc. Such lists shall be prepared at your, request; but before any other lists can be granted, I must be assured of the purposes for which they are intended, and the word *Order* must neither be mentioned nor implied."

Heath's reply was very tactful; parts of it sound sarcastic, but he was so simple and kindly a soul that I do not think he meant to be so. He wrote on November, twenty-first:

"Sir,

"Yours of yesterday is before me; and although you might at first imagine that the Hon. Continental Congress have no right of interference in matters of the Convention, yet I conclude upon further reflection you must be convinced, that as that body are the Representatives of that people who are to reap the advantages or disadvantages of the Convention, and as all Continental officers are acting by virtue of their authority, and under their direction, they assuredly have a right of interference, and to give such orders to their officers as they may think proper, for the full completion of the Convention, and for the safety and good of the people. The paragraph of my orders of the 20th inst. respecting the troops of the Convention is founded on reason and justice, being designed only to ascertain the officers and soldiers who were comprehended in the Convention, that in case of any of them (contrary to their faith and honour) should hereafter be found in arms against these States, in North America, during the present contest, they may be convicted of the offence, and suffer the punishment in such cases inflicted by the Law of Nations. I must therefore insist

that you furnish me with proper lists of names, and descriptions, for the purpose before mentioned, as soon as may be.

"The other lists of the names and rank of the commissioned officers, and number of non-commissioned officers and soldiers, so essentially necessary for the several purposes of regularity with quartermasters and commissaries (and which should be frequently renewed, as circumstances may vary) should long ere this have been exhibited. Some days since, I directed my Deputy-Adjutant General to call for them; and I expect they will be sent in without delay, for the purposes above mentioned.

"I shall at all times endeavour to found my orders on the principles of honour, reason and justice, and not to infringe those delicate principles in others; but my orders for the purposes of order and regularity must be obeyed by every man and all bodies of men placed under my direction; and fully determined I am, that offenders shall not pass with impunity."

And Heath ends with a delightful mixture of friendliness and formality, "I am, with great personal regard, Your Excellency's most obedient servant."

The whole of this letter was so simple, straightforward and yet dignified in tone that no one, least of all Gentleman Johnny, could take offense at it. But he postponed furnishing the "descriptive lists."

As mentioned above, Burgoyne in a letter to Gates used the unhappy phrase "the public faith is broke."[1] Gates, "who was at heart a sneak,"[2] communicated this letter to Congress. Congress jumped at it. They argued that this meant that Burgoyne did not mean to stand by the Convention; in short they tore the phrase from its context and twisted it to suit their own convenience. Further, they questioned Gates as to the British standards, the military chests, the cartouch-boxes, the cartridges, the muskets, bayonets, scabbards and belts, where were some of these, why were the others so few in quantity?

Gates replied:

"Albany, December 3rd, 1777.
"Sir.

"I had the Honor to receive Your Excellency's ', Letter of the 23rd Ulto.

[1] Common in these days for "broken." Germain, for instance, was "broke" for his cowardice at Minden.

[2] Mr. S. F. Batchelder.

by Mr. Pierce, and immediately proceed to dispatch to Congress the required answers. Respecting the Standards,[1] General Burgoyne declared upon his Honor, that the Colours of the Regiments were left in Canada. As to the Military Chest,[2] its Contents might be so easily disposed of, that, to have sought for it, would have been superfluous. The British Army, all last War, left the Pay Master General and the Military Chest in some secure Town; and Warrants were granted upon the Pay Master General there. From the best accounts the Enemy's Army had been lately cleared off; so that it is not probable there was any Military Chest. The Medicines were left with the General Hospital, which General Burgoyne left behind him at Freeman's Farm. Many of the Cartouch Boxes were left, and some were carried away. The mentioning of the accoutrements was forgotten in the Convention. These that were carried off have been sold upon the road to Boston for Drams. The Quantity of fixed ammunition, of Musket Cartridges taken are by no means inconsiderable. The rest was used and destroyed before the Treaty Commenced. The Muskets will ever be less in number than the Prisoners, as the Drummers and Staff Officers do not carry Firelocks. Many Arms were lost in the Two Hundred Batteaux that were taken from the Enemy upon their Retreat from Freeman's Farm. These, and many others were plundered by the Militia on the East side of the River. The Bayonets were also pilfered by our own people; the very Guards themselves, supplied their wants from the piles. Many of the Scabbards for the Bayonets were disposed of in the like manner. I believe there was no Destruction of Military Stores after the Convention, by, or with the privity of, General Burgoyne, or his officers. It is so extraordinary for a British Army to Surrender their Arms, that we ought not to wonder at the Violent and Disappointed, for Committing some Irregularities; but I do not conceive that anything of sufficient Consequence was done to justify our Charge of their having violated the Convention.

"On the day General Burgoyne surrendered, I received repeated Expresses to inform me that the Enemy's Fleet had advanced up to within a few hours sailing of Albany. The removal of the Army was immediately necessary, to cover that City, and secure our Magazines, my principal attention seems,

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[1] The Colors question is difficult of solution. The Baroness definitely says that the colors of the German regiments were hidden in her bed and subsequently sent surreptitiously to Halifax. A somewhat similar fate was that of the colors of the 9th Foot. Lieutenant Colonel Hill of that regiment ripped them from their poles, placed them in his personal baggage and took them home with him to England in 1781. He presented them to George III, who appointed him aide-de-camp, and promoted him to the rank of Colonel in the Army. There was similar trouble at Metz in 1870. Bazaine ordered that the French colors should be sent to the Arsenal and burned. But at the same time the officer in charge of the Arsenal was instructed to preserve them so that, on the capitulation they might be handed over to the Germans. At Bazaine's trial he first denied having given any such instructions, and when confronted with them, said he had forgotten them!

[2] See page 129 for what happened to the military chest.

therefore, directed towards that object. Generals Glover and Whipple gave me their assistance and entire approbation in the settlement of the Convention. When Things of such importance must be done in a Hurry, some Articles of seeming Importance never fail to be omitted. The Arms were piled up agreeable to the Letter of the Convention; and their condition as good as can be expected upon such Occasions. Their being wholly returned unfit for Service is partly owing to the Land and Water Carriages, but chiefly to the want of proper carriages to secure them. Our own Men must have changed them; but here, I think, we should not imprudently expose the infant State of our Military Discipline. Inclosed I send your Excellency, General Burgoyne's Return of the Troops, included in the Convention, with a Copy of his letter to me of the 14th Instant. General Glover in his letter to me of the 16th following says: 'After a Troublesome journey of thirteen days, we arrived Safe in Cambridge, where we have been put to the greatest difficulty to obtain Quarters for the General and Field Officers; Hope we shall be able to effect it in a day or two to their Satisfaction.'

"The German Interpreter whom I sent with the British Army to Boston, is just returned. He says that when he left Cambridge the 16th Ulto., upwards of eighteen hundred Germans and English had deserted; I am persuaded very few will Embark for Europe. Had it been wise to attempt to force General Burgoyne's Army to have surrendered prisoners of War, those who engaged with us might have done it by permission, and continued in their allegiance; but now they have taken a side.

"I am, Sir,
"Your Excellency's
"Most Obed. Humble Serv't.
"Horatio Gates.

"His Excellency
"Henry Laurens, Esq're."*

Congress would not accept this or any other explanation.

John Witherspoon, one of the signers of the Declaration of Independence, who as a youngster had fought in Scotland for Prince Charlie, made a speech in Congress on January second which puts the official view: "We have reason to conclude that if Mr. Burgoyne is of opinion that the Convention is broken on our part, he will not hold to it on his own. He would act the part of a fool if he did." But Mr. Witherspoon did not strengthen his case by adding that Burgoyne

*(From The Papers of the Continental Congress, the Papers Respecting the Convention Troops, vol. 57.)

had used the word "broke" in a passion, he was a fool to have used it but "his folly is our good fortune."

Henry Laurens went into more detail. After Burgoyne's return to England he said that he was convinced that Howe had instructed Burgoyne, directly his troops were on the transports, to take them to New York or Delaware. Burgoyne, staggered by so dishonorable a suggestion, had used the phrase "the public faith is broke" to justify himself, if occasion should arise. Furthermore, argued Laurens, the resentment of the British court against Burgoyne after his return was due to the fact that his "marplot delicacy" had spoiled the whole conspiracy. This of course is all conjecture. It is making mountains out of molehills. The weak point in the argument is that it credits Howe with a Machiavellian cunning, and it is difficult to find anything in Sir William's lethargic career and pleasure-loving nature to justify this. Congress acted, not only with caution, but also, to use Witherspoon's own words, "with jealousy and suspicion."[1]

It has not very much reason to be proud of the resolution of January 8, 1778: "That the embarkation of Lieut.-Gen. Burgoyne and the troops under his command be suspended till a distinct and explicit ratification of the Convention of Saratoga shall be properly notified by the Court of Great Britain to Congress."[2] The Convention of Saratoga was a scrap of paper. Congress tore it up, for they knew that it would never be ratified. As Phillips said to Heath: "It was made between General Gates and General Burgoyne, and neither the United States nor Great Britain mentioned: the Ministry would have nothing to do with it." Most Legislative Assemblies in every country in the world have resolutions on their record that can only be described as blots. This is one of them. Congress made no attempt to justify itself. When, later on, in September, 1778, Clinton wrote, by command, to request that the Convention be fulfilled, he received a letter signed Charles Thompson, Sec.

"Sir—Your letter of the 19th was laid before Congress, and I am directed to inform you that the Congress make no answer to insolent letters." Which the Earl of Carlisle, one of the commissioners then in the United States, called "an uncouth and profligate reply." "Honors easy" as they used to say at whist.

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[1] See Vol. 3. of Burnett's Letters of Members of the Continental Congress (Washington, 1926).

[2] With, in some printed versions, a small "c" for "court" and a large "C" for "Congress." A small but interesting point.