## CHAPTER XII – THE PRISONERS' FRIEND

ANGLO-SAXONS do not make good prisoners of war. They have too much *sacro egoismo*. They do not take captivity easily, and they do their best to make it as unpleasant as they possibly can for those who have taken them captive. Burgoyne's men tried to get even with their American guardians by showing their contempt for them. It is only human nature to do so. There were constant rows between the Convention Troops and the townsfolk at Cambridge. The British laughed and jeered at the Americans: it was complained against them that they "constantly buzzed." One of the English soldiers, "being at Medford in the shop of a mechaniek," when addressed as "one of Burgoyne's lobster-backs,"* resented it and struck the speaker. Another, Sergeant Reeves, loudly remarked *coram populo*, "King Hancock is come to town: don't you think him a saucy fellow for coming so near General Burgoyne?" On being reprimanded by a provincial American officer for this, Reeves referred him to a portion of his anatomy not usually mentioned in polite circles. Another prisoner addressed an American officer with "You God damn clown with a sword under your arm." "God damn the Yankees" was also often in their mouths. These men, and others, were not unnaturally punished by confinement to barracks for their insubordination. Colonel Henley, who was in command at Cambridge, was not the best-tempered of men. He said to Reeves, "I believe you to be a great rascal." "I am no rascal," replied the English sergeant, "but a good soldier, and my officers know it," and he added that he hoped soon to carry arms under General Howe; which, by the way, rather throws a light upon what the rank and file thought of the Convention. Colonel Henley lost his temper and exclaimed, "Damn your king and your country, when you had arms you was willing enough to lay them down." With this he seized a firelock, with a fixed bayonet and "made a lounge" at Reeves, inflicting a slight wound. He also, so it was alleged, "pushed his sword" into the side of Corporal Hadley, who was slow to leave parade. This of course was unpardonable.

Burgoyne naturally fired up. He wrote on January ninth to Heath:

"A report has been made to me of a disturbance that happened at the barracks on Wednesday afternoon, for which I am much concerned; and though the provocations from your people, which originally occasioned it, were of the most atrocious nature, I was willing the offender on our part should be properly punished. But Col. Henley, not content with that, made prisoners of eighteen innocent men and sent them on board a guardship, as alleged, by your order. It is not only a duty to my situation to demand the immediate discharge of these men, together with a satisfactory apology; but I also mean it as an attention to

*Thomas Lobster was the nickname of the British soldier at this date. The more aristocratic Atkins came later on.

you, Sir, that I give you an immediate opportunity to disavow so unjustifiable a proceeding, as committing men to the worst of prisons upon vague report, caprice and passion.

"Insults and provocation, at which the most placid dispositions would revolt, are daily given to the officers and soldiers of this army. Regular, decent complaints are received by your officers, sometimes with haughtiness, sometimes with derision, but always without redress. These evils flow, Sir, from the general tenour of language and conduct held by Col. Henley, which encourages his inferiors, and seems calculated to excite the most bloody purposes.

"For want of sufficient information, and not bringing myself to believe it possible that facts as related by common report could be true, I have hitherto declined taking public notice of this man; but upon positive grounds, I now and hereby formally accuse Col. Henley of behaviour heinously criminal as an officer, and unbecoming a man; of the most indecent, violent, vindictive severity against unarmed men; and of intentional murder. I demand prompt and satisfactory justice, and will not doubt your readiness to give it. Whenever you will inform me that a proper tribunal is appointed, I will take care that undeniable evidence shall be produced to support these charges."

Heath in his reply pointed out that the Convention Troops had been insolent and abusive; that he intended the orders he gave to be obeyed; and that it was he and not Burgoyne who would punish those who disobeyed his orders. But he added that he had ordered Colonel Henley under arrest and appointed a Court of Inquiry. He said further that he had received many complaints about the Convention Troops, including a number of officers who on December twenty-fifth-the date seems "to excuse it—had made themselves conspicuous at Bradish's Tavern: moreover passes had been counterfeited and "filled up in the most affrontive manner," which presumably means that the counterfeiters had allowed their sense of humor to overcome their sense of fitness.

Burgoyne protested against a Court of Inquiry and demanded a court-martial on Colonel Henley. The Court of Inquiry agreed that for the honor of Colonel Henley and for the satisfaction of all concerned a court-martial would be more fitting, so a court-martial there was, with Brigadier-General Glover as president. It began at the end of January (1778) and by adjournments ran well into February. Gentleman Johnny was in his element: he was stage-manager, gave stage directions and set the Court right as to procedure. As usual he was terribly pompous, but his sincerity is very evident. He said he had three motives (of course he must call them "impulsions") for appearing in person, the chief being "gratitude, esteem and affection to that meritorious, respectable part of my

 

country, the brave and honest British soldier, a private man, defenceless, because unarmed, ignorant of your laws, unqualified to make good his cause in a Court of Justice. . . . I confess I am too selfish to resign to any brother officer the pride and gratification of standing in the front for the defence of men, faithful comrades of honour and misfortune, who have fought bravely under my orders, who have bled in my presence, and who are now exposed to oppression and persecution by the abuse of a treaty signed by my hand." Not forgetting that he was a Member of the Mother of Parliaments, he reminded the Court that they were "trustees for the honour of an infant state, and therefore evasion, subterfuge and law-craft, were any man hardy enough to offer such at your tribunal, would be of no avail." When he said "law-craft" he probably looked hard at the judge-Advocate, Lieutenant-Colonel Tudor, who, was a Boston lawyer.

There is one really eloquent passage in his address "We arrived at Cambridge passengers through your country, under the sanction of a truce, relying confidently on the hearts of a generous people, honour, respect for the brave, the hospitable wishes that usually press to the relief of the unfortunate, the stranger and the defenceless." He gives short shrift to Colonel Henley, who was guilty of "independency, scurrility and impiety," all indicative of "most horrid passions boiling in the breast." Colonel Henley had drawn his sword against an unarmed prisoner; such a sword, said Burgoyne, "is no longer the badge or distinction of a gentleman; it is degraded with the implements of the assassin and hangman and contracts a stain that can never be wiped away." Anburey, who was present at the court-martial, noted that here "Colonel Henley changed colour and appeared bursting with rage."

After witnesses for Colonel Henley had been called, examined and cross-examined, the Colonel read a very brief and rather remarkable apologia; he declined to say a single word in answer to the illiberal abuse thrown upon him, he was perfectly willing to accept the decision of the Court, so conscious was he of having always behaved with humanity. Gentleman Johnny then replied. Colonel Henley had made use of terms to which his [Burgoyne's] ears had not been accustomed, but this would not draw from him an intemperate reply; the Colonel had by his address been a most valuable witness as it had proved the heat of his temper. He then went through the evidence, and ended with a peroration in his best House of Commons manner:

"I stand in this circle, at best an unpopular, with the sanguine enemies of Britain perhaps an obnoxious character. This situation, though disagreeable, does not make me miserable. I wrap myself in the integrity of my intention, and can look round-me with a smile. Implacable hatred is a scarce weed in every soil, and soon is overcome and lost, under the fairer and more abundant growth

 

of cultivated humanity. To the multitude who only regard me with the transient anger that political opinions and the occurrences of the time occasion, I retain not a thought of resentment, because I know the disposition and hour will come, when steadiness of principle, that favourite characteristic in America, will recommend me amongst my worst enemies: as Christian I trust they will forgive me; in spite of prejudice I know they will respect me."

He then thanked the Court (and they deserved it) for the patience with which they had heard him.

Then Lieutenant-Colonel Tudor, the judge-Advocate, "a little vain, conceited fellow," according to a British eye-witness, addressed the Court "in a pert and flippant manner." He began with a phrase which to modern ears sounds strange: "The Court sits upon truth and honour"; he then proceeded: "To state the facts as they rise from the evidence stripped of all that meretricious colouring which uncommon ingenuity and refined eloquence have thrown upon it: it is not my intention to catch the crowd by well-turned periods." He, after this back-hander, complimented Burgoyne on his "Attic language." He got in one very shrewd hit. Burgoyne had argued qui *facit per alium Tacit per se, i.e.,* that a superior in command was responsible for the action of his inferiors. The Judge-Advocate slyly retorted, was not then General Burgoyne responsible for, or a party to, the murder of Miss McCrae? He then frankly avowed himself "the Prisoner's Friend." "My friend Col. Henley is known to be of a warm temper: it must be allowed that warmth carried him too far; but a more generous, honourable or humane man does not live in the American or any other Army: the behaviour of the British troops in general, who, notwithstanding their situation, treated ours upon every occasion with pride, contempt and outrage, is notorious." This is the language not of a judge-advocate nor of a judge, but of an advocate. It got Colonel Henley off. Heath's General Order promulgating the acquittal ended with:

"The General thinks it his duty on this occasion to observe that, although the conduct of Lieut.-Gen. Burgoyne (as prosecutor against Col. Henley) in the course of the foregoing trial, in his several speeches and pleas, may be warranted by some like precedents in British courts martial, yet as it is altogether novel in the proceedings of any general court martial in the army of the United States of America, whose rules and articles of war direct that the Judge-Advocate-General shall prosecute in the name of the United States; and as a different practice tends to render courts martial tedious and expensive—he does protest against this instance being drawn into precedent in future."

One can not but smile at Burgoyne's grandiloquence, which has more than a smack of Mr. Serjeant Buzfuz. But on the other hand one can not but admire his boiling indignation, however pompous its expression, on behalf of

 

the rank and file who had fought so gallantly by his side on the banks of the Hudson. Consideration for one's inferiors in rank has always been reckoned one of the marks of a gentleman; it was certainly always one of the marked characteristics of John Burgoyne. I think his soldiers must have loved him more than ever for the way in which he stood up for them. Would Wellington, in the inconceivable hypothesis that he and his army had ever been taken prisoners, have acted as Burgoyne did?

John Burgoyne lost his case, but do you not think that he comes out of the affair with far more credit than Colonel Henley? There is only one touch of comic relief in this sad business, and that is that a colonel serving on the court-martial bore the pleasing name of Popkin, a name otherwise not known to history, but worthy to appear in any *dramatis personae,* that is to say in a not too serious drama.

A Britisher can not but think that the finding of the court was wrong and unjust. The best that can be said for it is the old tag, *inter arma silent leges.* Against the Henley court-martial it is pleasant to set the trial of Captain Preston, which arose out of the Boston Massacre of 1770. Captain Preston could find no counsel to defend him. One of his friends waited upon a young Boston lawyer, a certain John Adams. There was probably no more zealous patriot than he then in North America. But he accepted the brief for one whom he must have regarded as an enemy of his country and won a verdict of Not Guilty. He risked a career (which, I may remind English readers, brought him to the White House) for the sake of Justice.

Less important, but equally irritating to everybody, was the fuss over the fusees. The "minds of the populace" were uneasy about these "fusees"* which, under the Convention, were the British officers' property. Heath admitted this, but, to placate the citizens, proposed to Burgoyne that these should be given up and he would be responsible for their safety. Burgoyne objected. Then the rumor spread that all sorts of arms were secreted in the barracks. A search was made and, to quote Our General, "a wag, coming from the barracks, was asked if anything was found: he answered, 'Yes-in one of the rooms a large brass mortar.' The fact was that in one of the rooms was a large bell-metal pestle and mortar, for family use." And so, this particular trouble ended happily, with loud laughter.

All this time Burgoyne was chafing to go home. One can, understand his feelings. Every day that he remained in America gave Germain, "willing to

*Or fusils: i. e., a light musket carried by officers of flank companies. In 1792 these were abolished, and swords were carried instead.

wound and yet afraid to strike," more time to make out a case on paper against the soldier whom his blundering incapacity had sent on a mission doomed to failure. The American Colonies might be lost, but Germain must keep his position. In the brave old days incapable Ministers lost their heads on the scaffold. The Minden man did not fear that, he was anxious about a much more important part of his anatomy his—seat.

Burgoyne had written to Gates on February eleventh on the subject of his return.He had just heard of the resolution of Congress of the eighth of January, mentioned above, and said that it caused him "an astonishment that no occurrence ever before occasioned"* He appeals to Gates to use his influence; it is essential that he should go home to defend himself. As he puts it: "To die in this country is nothing; but to leave my honour unvindicated in my own is more than philosophy or fortitude can be expected to bear." At the same time he wrote to Laurens, asking for a passport to England, "as matter of indulgence." His health is very indifferent, he has a complaint (his old enemy, gout) that only the Bath waters can alleviate, he has complicated accounts to settle with the Treasury of Great Britain and above all, "by my detention in this Country I am deprived of every possible means to give an account of my actions; and my character stands exposed after an intricate and unsuccessful Campaign to all the aspersions and erroneous interpretations that the malevolent, the prejudiced, or the misinformed may chuse to cast upon it." John Burgoyne never forgot his manners, and his mode of address at the end is interesting; it runs:

"with due respect, Sir, Your
"Most Humble Servant
"J. BURGOYNE,
"Lt. Genl.

"Hon. H'y Laurens, President of the Congress."

In addition to this letter, Burgoyne sent Laurens a paper, with the request that it should be laid before Congress. This is a very important paper: it was laid not only before Congress but also, later on, before Parliament. It is, in effect, a review of the Report of the Committee of Congress dated January 8, 1778. This report ended with the resolution (mentioned in the previous chapter) which was, to all intents and purposes, a tearing up of the Convention. The Committee argued that the cartouch-boxes and other articles of accouterments (or equipment, as one says nowadays) had not been delivered up; it alluded to "many instances of former fraud in the conduct of our enemies"; it made great

*Washington thought, writing to Heath on January 22nd, that Burgoyne when he heard of the resolution would regard himself as "at liberty to make use of any means to effect an escape."

 

play with the "descriptive lists" question; pounced (as we have already seen) like a terrier upon a rat, on Burgoyne's unfortunate phrase "the public faith is broke," which, and which alone, they found "a strong indication of his intentions, and affords just grounds of fear that he will avail himself of such pretended breach of the convention in order to disengage himself and the army under him of the obligation they are under to these United States."

Burgoyne took up the cudgels in defense of his "private honour and personal conduct." As regards the cartouch-boxes, most of them had been left in Canada, as pouches were found more convenient, and as to the accouterments, they were the private property of the colonels of the regiments and Gates had said in the presence of Lieutenant Noble, acting aide-de-camp to Phillips, that "he did not mean to injure private property, and as the colonels would suffer by the loss of their accouterments, the soldiers might take them."* As to the charge of "former frauds in the conduct of our enemies," Burgoyne practically remarked (as a modern Cockney would say), "there ain't no words for it," only, of course, he puts it in much more dignified language. "My consternation in finding the British honour in treaties impeached is the only sentiment I can express upon the subject." (Cf., as commentators say, the historic "My amazement, my surprise" rebuke of Sir Joseph Porter, K.C.B.) The demand for "descriptive lists" he regarded as "dishonourable and unprecedented," but when Heath had pointed out to him that there was a precedent, that of the American officers and men captured by Burgoyne himself and sent to Canada, he would have yielded the point had not his time been taken up by "an unhappy affair" (*i.e.,* the Henley court-martial). This excuse is perhaps thin, but. I think he has a strong case in dealing with "the public faith is broke" point. What he meant was that "the treaty was not complied with in respect to the stipulation of quartering officers."

We have already seen what discomfort officers and men suffered. Burgoyne points out that there were empty houses more than sufficient for the purpose, that there were other houses possessed by people who would have been willing to receive officers had they not been prevented by the Committee of Cambridge; that he, Phillips and their aides-de-camp had been quartered "in a miserable public-house"; and that the men had been lodged "twenty and twenty-four in a room, three in a berth, without candle and scarce wood enough to cook their victuals, much less to warm their rooms." Finally he trusted "no words of so harsh a nature as to imply a distrust of my personal honour will be suffered to remain in the journals of Congress," and suggested that he and his officers should sign a "further pledge of faith" so that Great Britain and England might

*See, also Gates's letter of December third, page 168.

be saved "from yet more serious evils than we reciprocally endure in the prosecution of our unhappy contest."

So far as Gentleman Johnny himself was concerned, all's well than ends well. In due course he got permission to go home. Gates wrote a kindly letter to him, from which it appears that he had at Albany, on his own responsibility, offered that he should "go to England in a Vessel that the State of Massachusetts Bay would at my request have provided." One can understand that Burgoyne could not have accepted this and have left his troops in the lurch. Gates goes on:

"Your Case I feel as I ever shall that of the unfortunate Brave: if Courage, Perseverance and a Faithful attachment to your Prince could have Prevailed, I might have been your prisoner. The Chance of War has determined otherwise. The Congress now send the passports you desire, and I am happy to acquaint you that the Major and Lady Harriot Acland are in New York, and may possibly be in England as soon as, or very soon after, You."

An equally kind and courteous letter came from Washington (to whom Burgoyne had written) from Headquarters, Pennsylvania; he is, he writes,

"ever ready to do justice to the gentleman and the soldier, and to esteem, where esteem is due, however the idea of a public enemy may interpose. You will not think it the language of unmeaning ceremony if I add that sentiments of personal respect, in the present instance, are reciprocal. Viewing you in the light of an officer contending against what I conceive to be the rights of my country, the reverses of fortune you experienced in the field cannot be unacceptable to me; but abstracted from consideration of national advantage, I can sincerely sympathise with your feelings as a soldier—the unavoidable difficulties of whose situation forbid his success; and as a man, whose lot combines the calamity of ill-health, the anxieties of captivity, and the painful sensibility for a reputation exposed, where he most values it, to the assaults of malice and detraction."

Not only is this the letter of a soldier and a gentleman, but it shows that the writer, with the sagacity that was natural to him, clearly foresaw what kind of reception Burgoyne was likely to get from that Personification of Malice and Detraction, my Lord George Germain.

Although Congress had decided that the Convention Troops were not to return to England, transports arrived to take them there. This led to a kind of *pas de trois* correspondence* between Captain Hugh Dalrymple, R.N., of the

*In the Library of Congress, Manuscripts Division.

Juno, Burgoyne and Heath. Heath, with that artlessness which makes him so charming a personality, notes on February twenty-third that General Lincoln had arrived from Albany at Boston "still very lame, on a moveable bed with handles, with a canopy and curtains: in this was blended ingenuity and convenience." His next entry, February twenty-eighth is "Intelligence was received that the British transports destined to take away the troops of the Convention had arrived at Holmes's Hole." A spot with so homely a name as this was evidently no place for a vessel with so stately a name as the Juno, so she proceeded to Cape Cod Harbor, whence on March fourth Dalrymple sent by a cartel a letter to Burgoyne. He informed the General that he had been appointed to convey him and the troops home, enclosed a list of the transports, with their tonnage, and added that he had a number of private letters for various officers and "a large box of letters for the army." Burgoyne immediately wrote to Heath notifying him that Dalrymple had arrived with 8930 tonnage to convey the Convention Troops to England, and adding (in italics) *"I request to be informed what part you mean to take in regard to the embarkation."* I think Gentleman Johnny thought that here he was going to score off Heath, but Heath declined to be scored off and replied to Burgoyne's request for information: "As the Hon. Congress were pleased by their resolutions of the 8th January last (Copy of which I did myself the Honor to transmit to your Excellency) fully to determine the matter,—as their Servant I can take no other part than such as they are pleased to point out as my duty, to which I shall strictly conform."

Next Burgoyne wrote to Heath, noting that he (Heath) was bound by the resolution of Congress and requesting that the letters in Dalrymple's charge should be delivered unopened: "I admit that there would be an impropriety in making the same request for letters to pass from here, but as no intelligence we can receive can, in our present position, possibly affect the interest of America, you have it in your power to lay this Army under obligation for one of the greatest pleasures in life that of hearing from friends." Burgoyne also wrote (through Heath) to Dalrymple, telling him that in view of the resolution of Congress of January eighth, there was no occasion for the transports. He softened this unpleasant news by begging "your acceptance of a turkey which shall be delivered you herewith." The turkey went with Burgoyne's letter to Heath, who immediately wrote to Dalrymple: "I do myself the pleasure to send down to the Flag a Turkey sent here by General Burgoyne." He also said: "Although I wish on every occasion to extend the utmost generosity to the Gentlemen of the Convention, yet to allow letters to pass unopened would be betraying the trust reposed in me, therefore any Idea of granting such an indulgence can not be admitted." And he wrote to Burgoyne on this point "As to allowing the private letters on board the Fleet being sent to the Officers unopened, although I wish on every occasion to treat the Officers with generosity, in this Instance Duty to my Country and Station forbid a

gratification and, I think, no Officer can say that a Denial is a want of Generosity, as you must be sensible, Sir, it is too much to be expected, and I assure myself you will excuse me." Heath of course was perfectly right: Burgoyne was "trying it on," as the saying is, and found, as he had found before, that Heath, for all his simplicity and kindliness, was not to be bamboozled. I think on the whole this correspondence does credit to everybody, the turkey included, and one hopes Captain Dalrymple did justice to this bird, served, no doubt, "with the usual trimmings" of cranberry sauce and, perhaps, sausages?

Heath also notified Burgoyne that Congress had decided to let him go home, which, he quaintly says, "was joyous to the General." "Our" two Generals had a little business discussion on money matters. Burgoyne asked Heath if Congress seriously desired that he should pay in specie what they had expended in paper money. "Our General" replied that he supposed that honourable body were serious in all their resolutions." Burgoyne "retorted that this was not just, as the odds were double, and did Heath really think it just himself? Heath re: plied that it was not for him to judge or determine whether the orders of his superiors were just or not. Gentleman Johnny saw the force of this, and they came to an agreement. Burgoyne was to pay partly in specie and partly in kind, and would leave a "box of gold" as a pledge for any deficiencies in the provisions supplied. So every thing ended happily, and on April second he dined at headquarters in Boston with Heath. After dinner, Burgoyne, on saying good-by to Heath, said, with his usual courtesy, "I know your situation, Sir, and the difficulty of obtaining many foreign necessaries you may want or wish. If you will give me a memorandum, on my arrival in England, I will with great pleasure forward them to you." "Our General" thanked him for his politeness, but was careful not to mention any, "choosing rather to suffer with his fellow-countrymen the necessities of the times than to avail himself of so exclusive a favour." One does not know whether to admire more the kindness of heart which prompted the offer, or the sense of duty which prevented the acceptance of it. On this same day Burgoyne signed his parole. It ran as follows:

"I, John Burgoyne, Lieutenant General and Commander in Chief of the British Troops under the restrictions of the Convention of Saratoga, do pledge my faith and sacred honor that I will go from here to Rhode Island where I am to embark for Great Britain; that I will not during my continuance at Rhode Island, or in any other part of America, directly or indirectly, hold any communication with, or give intelligence to, any person or persons that may be injurious; to the Interest of the United States of America or either of them; and I do further pledge my faith and sacred honor that should the embarkation of the Troops of the Convention of Saratoga be by any means prolonged beyond the time apprehended I will return to America upon demand and due notice given

by Congress and will re-deliver myself into the power of The Congress of the United States of America, unless regularly exchanged.

"Given under my hand this 2d day of April, 1778.
"J. BURGOYNE.*
"Lt. Genl."

Before taking leave of "Our General," for whom I have formed a real affection, I should like to quote the letter which Major Harnage wrote him, June 10, 1779:

"I must beg leave, previous to our departure, to trouble you with these our acknowledgments for the civility and attention you have been pleased to show us, and to assure you that Mrs. Harnage, Capt. Houston and myself shall ever retain a due sense of all favours by which you have kindly endeavoured to alleviate, and make easy, the restraints and disagreeable circumstances that unavoidably attend our present situation."

There is a portrait of Heath which has a distinct resemblance to Lord Hill, one of Wellington's most trusted Peninsula Generals. To his troops Hill was always "Daddy"; and no wonder, for in kindness of heart, and also in appearance, he was a military Samuel Pickwick. Major-General William Heath, although nicknamed by the French officers serving in North America "The Marquis of Granby," may have cut no great figure in the field. But if there was a courteous and kind-hearted gentleman on either side in this war, it was this Roxbury farmer. He describes himself in his *Memoirs* as "very corpulent and bald-headed"—hence his nickname. I hope that somewhere in Massachusetts there is a very corpulent and bald-headed statue. If there is, any Englishman visiting Boston should make a point of paying a pilgrimage to it. Among those generals who have done whatever they could to preserve what used to be called "the Amenities of War" William Heath takes a very high place.

One last word regarding the Convention Troops. It is pleasant to be able to say that, like all prisoners of war, they managed to amuse themselves. It is true that the first attempt at an entertainment was a sad fiasco. Burgoyne and Phillips decided to give a ball, and invitations were issued to the ladies of Cambridge and Boston. "Whereupon all the Committees issued a prohibition order to the effect that no one was to be bold enough to appear there."A ball without ladies is like beef without mustard, or oysters without red pepper and vinegar, or, to put it more pleasantly, a flower-garden without roses, or a hothouse without peaches, not to mention peacherinos. In spite of the presence, of General

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

Schuyler's two daughters, whose address the General himself had given to Burgoyne (whose host, it will be remembered, he had been after Saratoga), this ball of Gentleman Johnny's must have fallen rather flat. Indeed, I think it must have borne a certain resemblance to the party got up by another Great Man, the hero *of The Gold Rush,* that most pathetic party to which the ladies concerned forgot that they had been invited. Still, there were other amusements in Cambridge. There was a race-course, of sorts; there was fowling, cock-fighting, tenpins, beer and billiards. The billiards, as a matter of fact, led to a General Order. "Complaint has been made[1] to the General, that some of the officers of the Convention have set up a billiard-table in a house near the centre of the town of Cambridge, and that company is frequently there at very unseasonable hours, to the disquietude and uneasiness of the inhabitants. The General means not to prohibit innocent diversions to those officers, but forbids the exercise of them at those hours that discompose others." Not an unreasonable General Order, for billiards can be a very noisy game, especially when punctuated, as it sometimes is, by the constant and pathetic parrot-cry "The marker's dry."

Burgoyne sailed for home in, appropriately enough, the Grampus, for like that marine monster, he was, and justly, puffing and blowing with indignation. He arrived in the middle of May, 1778, and at once demanded a court-martial. Germain received him with much apparent kindness and proceeded to pump him. He then produced an order that he should prepare for an inquiry, which Burgoyne welcomed, and then the astute Minister casually mentioned that pending such an inquiry, etiquette demanded that he should not appear at Court and see the King.It was a carefully devised plot, and everything was done by the unscrupulous and wily Germain to make it appear that Gentleman Johnny was given a square deal. On May twenty-first Charles Gould, the Judge. Advocate General, wrote from the House Guards to Burgoyne :[2]

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[1]Was it, I wonder, made by Mrs. Warren, who said that the Convention Troops were "an idle and dissipated army and corrupted the students of Harvard College"? Or perhaps by Mrs. Winthrop, who said, of the Hessians, "Such effluvia filled the air while they were passing that had they not been smoking all the time I should have been apprehensive of being contaminated." Which reminds me of a character in *The Belle of New York* who demanded the instant removal of another character (Mr. Kenneth Mug, I think) on the grounds that "he contaminates the air." As one who has seen this classic drama at least a score of times I realized with extraordinary interest that Burgoyne on his way as a prisoner from Saratoga to Albany must have passed over the site of what was later the home-town of Mr. Bronson, the famous

**"Far Cohoes**
**Where the hopvine grows**
**And the youth**
**Of the town**
**Are prone to dissipation."**

[2]J. A.G.'s Letter Book, 1773-78.

"Sir,

> "Having received a Warrant under the King's Royal Signature reciting that in March 1777 His Majesty was pleased to send directions to the Commander in Chief of His Majesty's Forces in Canada to detach you [Lieutenant General Burgoyne] with a number of the said Troops and to give you Orders to pass Lake Champlain and from thence by the most vigorous exertion of the Force under your Command to proceed with all expedition to Albany and put yourself under the command of Sir William Howe, and until you should have received Orders from Sir William Howe to act as exigencies might require, and in such manner as you should judge most proper* for making an impression on the Rebels and bringing them to Obedience, and further reciting that the Troops sent for these purposes have failed of Success, and commanding me to convene five General Officers in the said Warrant named, viz. General John Earl of Loudoun, Lieutenants General the Honorable Robert Monckton, the Honorable Thomas Gage, Majors General William Amherst and Staats Long Morris, to examine and inquire into the Causes of such failure, I give you this early intimation thereof, as a matter wherein you may be materially interested."

The General Officers met the next day, May twenty-second, with Gould as president. They reported: "Notice being taken of an opinion which universally prevails, that Lieutenant General Burgoyne is returned to Great Britain by permission from the Congress under a parole or engagement to return to North America when required by them to do so," it was resolved that General Burgoyne "should be desired to explain with precision" the nature of his parole. Burgoyne replied on the same day: "I have never been considered a Prisoner of War and I hold myself a free man in every circumstance except that I am restricted not to Serve in America during the War, with this further Parole on my leaving America that should the embarkation of the Convention troops be by any means prolonged beyond the time apprehended I will return to America upon demand and due notice given by Congress and will redeliver myself into the power of the' Congress unless regularly exchanged."

This was made an excuse. So long as Congress had a *lien,* as it were, upon Burgoyne, English authorities could not begin any inquiry "which may in any wise tend, however remotely, to restrain or affect his person." The above is the gist of a very long Report which the Board of General Officers made on May twenty-third, and on the twenty-fifth George III issued a warrant that he "did

*This, of course, is quite untrue. It implies that Burgoyne had the "latitude" which he so bitterly, and so often, complained was not given him.

approve[1] their caution observed in not summoning the said Lieutenant General Burgoyne." Although an inquiry would have "produced many lights,"[2] the difficulties and inconveniences arising from Burgoyne's peculiar situation made it expedient to defer the contemplated inquiry. The Board was discharged and Burgoyne was notified. There was to be no inquiry, therefore he could not see the King. Germain had a respite, for George III was a just man and did not forget old friends. It was fresh in Germain's memory that His Majesty had treated him with some asperity when he had tried to do Carleton an ill turn. Encouraged by his success, Germain pulled further strings and put the Law Officers of the Crown on the job of proving that Burgoyne did not, as it were, exist and could not therefore appear in Parliament.[3] This failed, so recourse was had to Barrington, the Secretary at War. He wrote on June fifth to Burgoyne that His Majesty, judging his presence material to the troops detained as prisoners in New England, was pleased to order that he should repair to Boston as soon as his health allowed. On the twenty-second Burgoyne replied that his doctor had ordered him "repose, regimen of diet and repeated visits to Bath"; he pointed out that if he were sent back to North America the troops would conclude that the British Government thought it inexpedient to ratify the Convention, or despaired of a ratification resulting in the army being allowed to sail for home. Barrington replied on the twenty-seventh that the King attached such importance to Burgoyne's presence with the prisoners that it was his pleasure that he should return to them so soon as he felt well enough to do so; in fact he repeated his letter of the fifth. Nothing happened until September 24, 1779, when Charles Jenkinson, who had succeeded Barrington as Secretary at War, wrote: "I am commanded[4] by the King to acquaint you that your not returning to America, and joining the troops prisoners under the Convention of Saratoga is considered as a neglect of duty and disobedience of orders transmitted to you by the Secretary at War in his letter of Sth June, 1778."

Burgoyne wrote back in indignation: "The time in which I am charged with neglect of duty has been employed to vindicate my own honour, the honour of the British troops and of those of his Majesty's allies, under my late command, from the most base and barbarous aspersions that ever were forged against innocent men by malignity supported by power." He makes one very good point. He had been deprived of a court-martial because he was not amenable to the law, but in the same breath he is found amenable to the law when it is a question of ordering him to return to North America.

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[1] So no doubt did Germain, who of course drafted the warrant.

[2] Somewhat lurid, so far as Germain's conduct of the war was concerned.

[3] See page 151.

[4] The original draft has "directed," but some zealous clerk in the War Office, remembering that Kings do not direct, but command, altered it.

In short his enemies (Germain and Co.) are "systematically desirous of burying my innocence and their guilt in the prisons of the enemy and of removing in my person to the other side of the Atlantic Ocean the means of renewing parliamentary proceedings which they have reason to dread." He ended his letter by saying that if he were not allowed a court-martial he felt himself compelled to resign his appointment on the American staff, his colonelcy of the Queen's Regiment of Light Dragoons and the governorship of Fort William: he wished to keep his rank as lieutenant-general in the army so that he might be amenable to a possible court-martial later on and "to fulfil my personal faith,[1] should I be required by the enemy to do so."

Jenkinson replied on October fifteenth that His Majesty was pleased to accept the resignation of the appointments specified in the previous letter, and reiterated that a court-martial was out of the question. Burgoyne replied on the seventeenth that he did not admit that he could not legally have a court-martial and ended his letter: "I request you to assure his Majesty, with all humility on my part, that though I have reason to complain heavily of his Majesty's Ministers, my mind is deeply impressed, as it ever has been, with a sense of duty, respect, and affection to his royal person." With this the correspondence closed.

Burgoyne then wrote an open letter to his constituents, that is to say, "To the Gentlemen, Clergy, and other Voters of the Town of Preston," and a fine slashing letter it is. He reviews his political career; he had been a constitutional supporter of the Crown, but had always regarded himself as having a free hand.For example, he had been "agin the Government" in the Falkland Islands debate,[2] and in the matter of the East India Company had acted on his own initiative and taken his own line. He then adverts to his military career from 1775 onward. He had, when chosen to go to North America, tried to put himself upon as good terms as possible with the First Lord of the Treasury, or, to give him the designation by which he (Lord North) was always known in Parliament, "the Gentleman with the Blue Ribbon." It is to be feared that this is true. Burgoyne, like all politicians, was always trying to get into the good graces of those in power. He mentions his service at Boston as "the humblest upon the list of Major-Generals," touches lightly on his return to England and his share in the campaign in Canada in 1776; and says that when he was "pitched upon" for the command of the troops destined to make a junction with Sir William Howe, he was delighted to accept it, owing to "severe private misfortune," by which he means the death of his wife, Lady Charlotte. He then explains how, when he

[1] *i.e.*, to return to North America

[2] See page 21.

 

came home after the Convention, an "etiquette" was invented to prevent his access to the King's "closet," *i.e*., to a personal interview with the King. Not only this, but lies were spread abroad as to the strength of his army and of the enemy's at the date of the surrender and he himself was charged in the same breath with being dilatory and precipitant. His friends in the army had been passed over for promotion, and he himself had been personally insulted by being given a "sentence of banishment" when it had been publicly announced that "not a soldier could be spared from our internal defence."

It is impossible not to come to the conclusion that, just as Byng was shot "because Newcastle deserved to be hanged,"* so Burgoyne was sacrificed because the Minden Man was an unscrupulous scoundrel, as well as a convicted coward.

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*Sir John Fortescue.