

18 JUN 99

S T A T E
OF THE
E X P E D I T I O N
FROM
C A N A D A,

AS LAID BEFORE THE
HOUSE OF COMMONS,
BY
LIEUTENANT-GENERAL BURGOYNE,
AND VERIFIED BY EVIDENCE;

WITH A
COLLECTION OF AUTHENTIC DOCUMENTS,

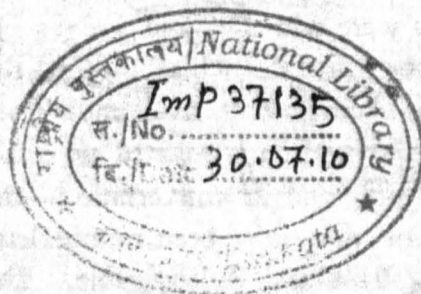
AND
AN ADDITION OF MANY CIRCUMSTANCES WHICH WERE PREVENTED FROM
APPEARING BEFORE THE HOUSE BY THE PROROGATION OF PARLIAMENT.

WRITTEN AND COLLECTED BY HIMSELF,
AND
DEDICATED TO THE OFFICERS OF THE ARMY HE COMMANDED.

L O N D O N :
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T O
MAJOR GENERAL PHILLIPS,
AND THE
OTHER OFFICERS
WHO SERVED IN THE ARMY COMMANDED BY
LIEUTENANT GENERAL BURGOYNE,
UPON AN
EXPEDITION FROM CANADA.

GENTLEMEN,

PROPRIETY and affection alike incline me to inscribe to you the following undertaking. We are mutual and peculiar sufferers by the event of the campaign in 1777. You were witnesses and judges of my actions; but I owed you an account of the principles which directed them.

Another motive for this Address is to avail myself of a proper public opportunity to repeat to you, what I have omitted no occasion of expressing in Parliament, in correspondence, and in conversation—the fullest approbation of your services. My errors may have been numberless; your conduct has been uniform—faithful, gallant and indefatigable. Debarred of the power of doing you justice before the King, these testimonies are the only means to which my esteem and gratitude can resort.

After vindicating myself as a commanding officer from any inattention to your interest or fame, I next throw myself upon your judgment for my conduct as a friend.

You will find by this publication, and some others, which though not addressed to you will probably engage your curiosity, that I have been accused of shrinking from the common captivity.

I have been supported under that aspersions by the consciousness I did not deserve it, and the confidence that you (to whom chiefly upon that charge I was responsible) would not adopt it. After the fortunes we have run together, it is not surely unworthy of belief, that I should rather have desired, than avoided to partake the closing scene: uniting with a due sense of personal attachments, the preservation of my military fortune, and a retreat from the distractions of my country. The defence of your honour and my own, at one time, and resistance to an affront * which my nature could not bear, at another, alone detained me here.

In regard to my political transactions, I have stated them, and I wish them to be considered by my friends, apart from my military conduct. I bear very high respect to some eminent and ill-treated characters in our profession, who in deference to the tranquility of government, have silently resigned the stations which they could no longer hold with security to their honour, or benefit to the state. But the option is not left to those, who having a voice in Parliament are obliged to act as citizens as well as soldiers. The number of officers altogether of the army and navy, who with known love to their country and professional spirit equally conspicuous, have voluntarily withdrawn themselves from employment within these two years, exceeds all precedent. I do not place my name in the list with the same pretensions; but it is not arrogant to emulate where we cannot compare; and I am desirous of following the high examples before me in no point more than in that of avoiding to disturb the zeal of those who are now employed. The officers who have held it their duty to take part in opposition, have acted openly and directly in their place in Parliament; but they may

* The part of my treatment which I call an affront upon this and other occasions, is the refusal of my service in this country, even at the head of my own regiment, or as a volunteer, in the time of exigency, and when other officers *precisely in my own situation* were employed. My complaint of this partiality has never been officially answered; it has only been evaded by anonymous writers, who have laid it down as a position, that I meant to allude to the example of Lord Harrington (with which it certainly has nothing to do) and then have taken a merit in refusing me. The particular example to which I appeal is that of Lieutenant Colonel Kingston, of the 86th regiment, appointed to that regiment, employed in it for the defence of Plymouth, and actually now embarking with it for foreign service, under the same terms of the convention, and the same terms of parole to the Congress verbatim with myself. Other objections, and of a nature that could not be afterwards supported, were tried against the Duke of Rutland's recommendation of this excellent officer: but the objection of parole, though fully known to be precisely the same with that which was so peremptorily urged against my pretensions, was never mentioned.

defy malice to shew an instance wherein they have not encouraged ardour in their profession. They contemplate with one and the same sentiment the great supply of honourable men to occupy their places.

You, Gentlemen, stand high in that description; your trials have made you of sterling value; and perhaps it will be better discerned by men in power, when no longer viewed through the unfavourable medium of my friendship. If my exhortations retain their former weight, let me be permitted earnestly to apply them upon this occasion. The examples of generals or admirals who decline employment, respect only similar cases; your honour is secure: look not at professional disappointments; but point all your views to the true glory of your King and country, and trust for the reward.

O socii (neque enim ignari sumus ante Malorum).

O passi graviora: dabit Deus his quoque finem.

This passage will bring to the remembrance of some among you a hard hour when we before quoted it together, and not without some *cheer of mind*.—May the end of your enduring be near! And with every other wish and sentiment that can denote esteem, I have the honour to be,

Gentlemen,

Your most faithful and most obedient

humble servant,

Hertford Street,

Jan. 1, 1780.

J. BURGOYNE.

I N T R O D U C T I O N.

WHEN it becomes necessary for men who have acted critical parts in public stations to make an appeal to the world in their own justification, there are many prudential considerations which might lead them to commit the care of it to friends, or, which is in many respects the same thing, to defend themselves under an assumed character. The charge of vanity usually made on egotism is thus eluded: a fuller scope may be given to self-love and particular resentment: even the lower vexations which attend an author are to a great degree avoided: the ill-nature of criticism is seldom awakened by anonymous writings, and the venal pens of party lose half their gall when the object of it is not personally and directly in question.

But there are situations, in which, not only general assent seems to justify a man in speaking of himself, but in which also no little consideration ought to be admitted to the mind. Such will be the case, if I am not deceived, when the interests of the public are blended with those of the individual; and when his very errors may serve as instruction to others. Misfortunes which awaken sensibility will be a further, and a persuasive call, upon the *attention* of the public; and it will amount to a claim upon their *justice*, if he can shew that he has been injuriously treated.

Upon maturely weighing these and several other circumstances, after I had been denied a professional examination of my conduct, and disappointed of a parliamentary one, I determined to lay before the public a state of the expedition from Canada, in 1777, in my own name. And my first design was to do it under the title, and with the latitude of *Memoirs*; as a mode by which I could best open the principles of my actions, and introduce, with most propriety, collateral characters, incidents, and discussions, as they might occasionally tend to illustrate the main subject.

However, in the last session of Parliament, the enquiry which had not been agreed to the year before, took place. I had pressed it, and I entered into it under all the disadvantages which attend a struggle with power, and the
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the prejudice that power can raise against the persons it means to destroy. The utmost that power could do was done; the Parliament was prorogued pending the proceedings. But though by this contrivance, a final and formal adjudication by that august assembly was avoided, their minutes stand a sacred record of truth and justice, and the most satisfactory reliance to which my wishes could aspire, in offering my actions to the judgment of my country at large.

From that time, therefore, I resolved to publish, instead of Memoirs, the Proceedings precisely as they passed in Parliament, and to continue my defence by such Observations and Comments upon the Evidence, as I should have had a right, and was prepared to make, had the proceedings in the house continued.*

Possibly in this latter part some colour of my original design may remain. The scenes I have been engaged in are uncommon, and it is a natural desire to place them in a full light. The interests concerned make that desire more urgent; and I dare believe they will be best guarded by being most explained.

* The order in which the committee in the House of Commons proceeded was, to hear Sir William Howe's Narrative, respecting his conduct whilst in command in America, and such evidence as he thought proper to bring in support of it. They next heard my Narrative and Evidence, respecting the conduct of the expedition from Canada. Lord George Germain then opened a defence on his part, and summoned witnesses to support it. According to the arrangement made by the committee, Sir William Howe and myself were afterwards to be heard in reply; but the proceedings were ended by the prorogation of Parliament before the examination of Lord George's second witness, Mr. Galloway, was closed, and there were sixteen or eighteen more upon his list. The order in which the following papers are placed is—1st. The Prefatory Speech. 2d. The Narrative. 3d. Minutes of the verbal evidence. 4th. Review of the evidence, with Remarks and Explanations, &c. 5th. An Appendix, containing the written evidence.

The SPEECH of Lieutenant General BURGOWNE, prefatory
to his NARRATIVE.

MR. MONTAGU,

BEFORE I enter upon the narrative, which the precedent of your late proceedings authorises me to lay before you, I think it a duty to the committee, to promise that I shall trouble them with little other matter than such as may be necessary to elucidate the transactions of the campaign 1777, in that quarter where I commanded.

I shall keep in mind, that to explain the causes of the disaster at Saratoga is the principal point to which all my evidence ought to lead: but at the same time, I shall take confidence in the justice and benevolence of my hearers, that where arguments in exculpation of the commander can aptly be combined with a faithful representation of facts, they will not be deemed foreign to the main object under their consideration.

Upon these ideas, though some introductory explanations are requisite, I shall suppress the inclination I at first conceived, of stating my conduct from the time, when, conjointly with my honourable friend who took the lead in this enquiry,* I was called to the unsolicited and unwelcome service in America: nor will I enumerate the complicated circumstances of private misfortune and ill health under which I pursued it. Prudence, as well as other propriety, is, I confess, consulted in this suppression; for were it seen, that an officer had blended with the respect due to authority, warm, though disinterested personal attachments; that under a persuasion of the honour and integrity of the king's servants, he had united to his zeal for the public cause an interest in their private credit and ambition; would it not be conceived, that his guilt must have been atrocious, beyond all excuse or palliation, to induce the very men to whom his endeavours, and his faculties, such as they were, had been thus devoted, not only completely to desert him, but to preclude him, as far as in them lay, from every means of defence, and if possible, to ruin him in the opinion of the king, the army, and the country?

An earnest desire to save, as much as possible, the time of the committee, would also dissuade me from recurring to any points previous to my instructions which have been discussed upon former occasions; but I find that great stress is still laid to my prejudice upon a paper which found its way to the house during my absence: I mean the private letter to the noble lord, secretary for the American department, dated 1st January, 1777.*

The noble Lord has frequently stated that letter to have slipped inadvertently into the parcel destined for the house, and I give credit in that particular to his assertion;

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because,

* Sir William Howe.

because, whatever other impressions he might have found it his interest to make respecting me, he certainly would not have thought that the imputation on me which that letter tended to fix, a proper one for *him* to put forward: it is a notorious fact, or I would not mention it, that it has been held a reflection upon my character (by the part of the public with whom the noble lord is unpopular) that I addressed him as a patron and friend.

This is an imputation to which I must plead guilty; for at the time I wrote that letter, I certainly did hold that noble lord as my friend, and I had acted to deserve he should be so. The next ill tendency of that paper was, as the noble lord well knows, to impress the public with an opinion, that I was endeavouring to supplant Sir Guy Carleton in the command of the northern army—an action abhorrent to the honour of an officer and the liberality of a gentleman; and of which, thank God, I can prove the falsehood, by irrefragable evidence upon your table, and in a very small compass. I need only refer to the dispatches to Sir Guy Carleton by his aid de-camp, dated 22d August, 1776,* four months before I came home, to shew that it was at that time determined, that Sir Guy Carleton should remain in Canada; and that determination was made, as I have been informed, not only upon the political reasoning which appears in that dispatch, but also, upon great law opinions, that he could not, under the commission he then held under the great seal, pass the frontiers of his province. Sir, this confutation was urged by me last year; and were collateral proof necessary to my justification upon this subject, I could bring to your bar a tribe of gentlemen, who had imbibed impressions not very favourable to the military proceedings of Sir Guy Carleton in the campaign of 1776: I could shew that I seized numberless, indeed I seized every possible occasion to vindicate the judgment, the assiduity, the activity of that highly respectable officer, careless how ill I paid my court, earnest to meet every attack against his fame.

I beg leave also to call the attention of the committee very particularly to one other paper, the date of which is previous to my departure from England: it is entitled, "Thoughts for conducting the War from the Side of Canada, by Lieutenant General Burgoyne."* Sir, it will be in the recollection of the committee, whether, when the conduct of the war was under consideration last year in my absence, it was not understood, that the plan of the northern expedition was formed upon that paper as produced upon your table? If so, I must ask the noble lord, why he suffered that error to prevail? The noble lord knew, (and it was peculiarly his duty to declare it) that the two proposals, the first of turning the expedition eventually towards Connecticut; and the second, of embarking the army in the river St. Lawrence, in order to effect a junction with Sir William Howe by sea, in case the attempt by land appeared "impracticable, or too hazardous," were erased while the paper was in his lordship's hands.

From

* See Appendix
No. II.

* No. III.

From that paper, as it appeared without erasures, naturally arose the conclusion, that the plan I had to execute was completely my own; upon that paper were founded, as naturally, the doubts which have been entertained upon the peremptory tenor of my instructions. I must again ask the noble lord, upon what principle of justice he suffered those impressions to exist in this house? Why, in a debate in which he took a part, did he conceal, that the circumstances in reality were totally different from those upon which gentlemen reasoned; that the discretion reserved in the paper before the house was taken away, and consequently, that my orders were rendered absolute in the strictest sense by his own alterations?

Let any gentleman who has supposed I had an implied latitude for my conduct, now compare this circumstance with the wording of the letter to Sir Guy Carleton, dated March 26, 1777, with a copy of which I was furnished, and *extracts from which were afterwards the only orders I had to act upon. *

I shall take no particular notice of what is called the saving clause, in the latter part of the orders, except to give the flattest contradiction to the supposition that I dictated it—a supposition that I know is not yet abandoned by the men who first suggested it. I have spoke to it very fully upon a former occasion;† and I do not wish, when it can be avoided, to enforce or reiterate the charges of duplicity and treachery which must ensue, if that clause could be supposed to have reference to any conduct previous to my arrival at Albany. The circumstance of forbidding me the latitude in the two particulars I had proposed in my plan, and many other circumstances, clearly indicating the decided intentions and expectations of the ministers, rendered the sense of the whole order taken together clear and distinct, and shewed that the clause which is pretended to have left me a discretion as to my main object, had no sort of relation to that object. That clause evidently related not to my forcing my way, or not forcing it, to Albany, the place of my destination, but to such collateral and eventual operations as might be advisable in the course of my march. It related to the making impression upon the rebels, and bringing them to obedience, in such manner as exigencies might require, and in my judgment might seem most proper, previous to receiving orders from Sir William Howe, “of my junction with whom I was never to lose view.”

*
See Appendix
No. IV.

Notwithstanding there has been so much discussion in debate and print upon the interpretation of absolute orders, the committee, I am confident, will absolve me, though, at the expence of a few moments more, I should continue a subject upon which the merit or blame of the future proceedings in great measure rests.

I do not admit the position, that there can be no case in which an officer acting at a distance is bound at every hazard to pursue orders, that appear absolute *and decisive*.

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† The debate upon Mr. Vyner's motion, May 28, 1778; the speech was published,

PREFATORY SPEECH.

It is easy to conceive circumstances, which might justify a state in hazarding an army, for the sake of facilitating great and decisive objects. Gentlemen, conversant in military history, will recollect many examples of this principle: upon a former occasion, I stated a supposed case;* and I now entreat leave to add a real example of peremptory orders, which happened in the course of my own service. I have ever retained the impression, that the circumstance I am going to relate, made upon my mind at the time; and to those few who may still think, that in any part of my conduct, I rashly risked my peace, my interest or my fame, to forward the wishes of others, this prepossession may in some measure account for, and excuse my imprudence.

In the campaign of 1762, in Portugal, the Count La Lippe, a name, which, if it finds a due historian, will stand among the first in military fame, was placed at the head of about 6000 British troops, and a Portuguese army, the greater part of which was little better than nominal, to defend an extensive frontier against the whole force of Spain, and a large body of the veteran troops of France. The salvation of Portugal depended solely on the capacity of that great man, which united the deepest political reasoning with exquisite military address.

I had the honour to be entrusted with the defence of the most important pass upon the Tagus, and my orders were peremptory to maintain it against any numbers, and to the last man.

A select corps of the enemy, greatly superior to mine, were encamped within sight on the other side the river, and our advanced posts were within half musquet shot.

In this situation, I received intelligence from Count La Lippe, of a design of the enemy to pass the Tagus in force, about six miles above me, and to take possession of the open country in my rear, with a large corps of cavalry, by which means all communication, supply, or safe retreat, would be cut off.

Together with this intelligence, the Count's letter expressed, "That every delay to the enemy in getting possession of the pass I guarded, was so material to his other plans and operations, that it justified a deviation from systematic rules; that, therefore, after taking timely precautions to secure the retreat of my cavalry, I must abide the consequence with the infantry; that at the last extremity, I must abandon my cannon, camp, &c. and with such provision as the men could carry

* The case alluded to was put in a former debate, as follows: suppose the British army that invaded Britany in 1758, had gained a complete victory over the Duke D'Aiguillon; to have marched rapidly towards Paris, abandoning the communication with the fleet, exposing the army possibly to great want of provision, and to the impracticability of retreat, would certainly have been a measure consummately desperate and unjustifiable, if tried upon military system: yet, will any man say, that if that measure must evidently have produced such alarm and confusion in the heart of France, as to have compelled the recall of her whole force from Germany, or such part of it, as would have given uncontrouled scope to the armies under the King of Prussia and Prince Ferdinand, that the minister of England would not have been judicious, though at the palpable risk of the army, as far as capture was concerned, in ordering the general to proceed by the most vigorous exertions, and to force his way to Paris?

" upon

P R E F A T O R Y S P E E C H.

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“ upon their backs, throw myself into the mountains upon my left, and endeavour, by small and dispersed parties, to gain a rendezvous at the northern part of the province.” I must observe, that when these peremptory orders were given, the commander was at a distance that made all timely communication of circumstances as impossible, as if the Atlantic had been between us; and I cannot close the example without mentioning the concluding part of Count La Lippe’s letter. “ He participated,” he said, “ in the feelings with which an officer would be struck for his reputation, in suffering himself to be cut, and reduced to sacrifice his camp, his baggage, and twenty pieces of cannon. But *be at ease*,” continued that great and generous man, “ *I will take the measure entirely upon myself, persevere as I have directed, and be confident of my defence and protection.*” This was a saving clause of a nature very different from those it is the practice in the present day to pen; and if any man doubts the quotation, I can bring positive evidence to the truth of it verbatim.

Thus much, Sir, I thought it incumbent upon me to state in argument against the position that has been insisted upon, that no orders can be worded so peremptorily at a distance, as not to admit of an implied latitude, in case of unforeseen and insurmountable difficulties: but to prevent all future cavil, upon this subject, I request the committee to recollect, what I have again and again repeated; that I by no means put my defence, in passing the Hudson’s River, solely upon this reasoning. On the contrary, supposing for the argument’s sake, I should concede (which I never have done, nor mean to do) to the noble Lord, and to every other gentleman, all they can desire to assume upon implied latitude in given cases, I should equally prove that no such case did exist, as would have justified me upon their own principle, in departing from the letter of the orders under which I acted.

Having thus cleared my way to the time of my leaving England, to take upon me the command of the Northern expedition; I shall now lay before the committee a narrative of its progress, in as concise and simple terms, as the nature of the subject will allow, endeavouring to imitate the perspicuity of the honourable gentleman who took the lead in this business, and not without hope of my endeavours producing the same effect; and that, in the opinion of the house, my language, as has been expressed of his, will be deemed the language of truth.

N A R.

N A R R A T I V E.

NARRA-
TIVE.

IT is my intention, for the more ready comprehension of the whole subject, to divide it into three periods. The first, from my appointment to the command, to the end of my pursuit of the enemy from Ticonderoga; the second, from that time to the passage of the Hudson's River; and the third to the signing the convention.

I left London on the 27th of March, and upon my departure from Plymouth, finding the Albion man of war ready to sail for New-York, I wrote to Sir W. Howe by that conveyance, upon the subject of my expedition, and the nature of my orders. I arrived at Quebec the 6th of May. Sir Guy Carleton immediately put under my command the troops destined for the expedition, and committed to my management the preparatory arrangements. From thence I wrote a second letter to Sir William Howe, wherein I repeated that I was entrusted with the command of the army destined to march from Canada, and that my orders were to force a junction with his excellency.

I expressed also my wishes, "that a latitude had been left me for a diversion towards Connecticut, but that such an idea being out of question, by my orders being precise to force the junction, it was only mentioned to introduce the idea still resting upon my mind; viz. to give the change to the enemy if I could, and by every feint in my power to establish a suspicion, that I still pointed towards Connecticut."

"But," I repeated, "that under the present precision of my orders, I should really have no view but that of joining him, nor think myself justified by any temptation to delay the most expeditious means I could find to effect that purpose."

I proceeded to Montreal on the 12th, and as my letters, lately laid before the house from that place,* and from Quebec, will shew the state of things, I should not rest a moment upon this period, were it not to add one more public testimony, to those I am not conscious of having omitted upon any occasion, of the assiduous and cordial manner in which the different services were forwarded by Sir Guy Carleton. I should think it as dishonourable to seek, as I know it would be impossible to find excuse for any fault of mine in any failure on the part of Sir Guy Carleton, or of any persons who acted under him, in any matter respecting the expedition. Had that officer been acting for himself, or for his brother, he could not have shewn more indefatigable zeal than he did, to comply with and expedite my requisitions and desires.

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See Appendix
No. V.

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Certain parts of the expected force, nevertheless, fell short. The Canadian troops, stated in the plan at 2000, consisted only of three companies, intended to be of 100 men each, but in reality not amounting to more than 150 upon the whole; nor could they be augmented. The *corvées*, which are detachments of provincials without arms, to repair roads, convey provisions, or any other temporary employments for the king's service, could not be obtained in sufficient number, nor kept to their employments, although Sir Guy Carleton used every possible exertion and encouragement for the purpose. Drivers for the provision carts, and other carriages, could not be fully supplied by the contractor, though no expence was spared; a circumstance which occasioned much inconvenience afterwards.

To these unavoidable disappointments were added the difficulties occasioned by bad weather, which rendered the roads almost impracticable at the carrying places, and consequently the passage of the batteaux, artillery, and baggage exceedingly dilatory: we had besides a great deal of contrary wind. Notwithstanding all impediments the army assembled between the 17th and 20th of June, at Cumberland Point, upon Lake Champlain.

On the 21st I held a conference with the Iroquois, Algonchins, Abenekies, and Outawas, Indians, in all about four hundred.

This conference appears in your papers*. I thought at the time that the cordiality of the Indians over the whole continent might be depended upon, and their first operations tended to persuade me into a belief of their utility. The priest to whom they seemed devoted, and the British officers employed to conduct them, and to whose controul they engaged to submit, gained advantages, and spread terror without barbarity. The first party sent out made several of the enemy prisoners in the heat of action, and treated them with European humanity.

* See Appendix
No. VI.

During the movement of the different corps to this general rendezvous, I wrote a third letter to Sir William Howe. The chief purport of it was to give him "intelligence of my situation at the time, and of my expectation of being before Ticonderoga between the 20th and 25th instant; that I did not apprehend the effective strength of the army would amount to above 6500 men; that I meant to apply to Sir Guy Carleton to send a garrison to Ticonderoga when it should be reduced, but that I was apprehensive he would not think himself authorised by the King's orders to comply; that whenever, therefore, I might be able to effect the junction, Sir William would not expect me to bring near the original number. I repeated my perseverance in the idea of giving jealousy on the side of Connecticut, and at the same time my assurances, that I should make no manœuvre that could procrastinate the great object of a junction."

I state these different letters to Sir William Howe merely to shew that my conception of the precision of my orders was not upon after-thought, and taken up as an excuse

excuse when I found the expedition had failed ; but a fixed decided sentiment coeval with my knowledge of my command.

For a further proof of the same fact, I beg leave to state an extract from my orders to the army at Crown Point, June 30th. The words were these.

“ The army embarks to-morrow to approach the enemy. The services required of this particular expedition are critical and conspicuous. During our progress occasions may occur, in which, nor difficulty, nor labour, nor life are to be regarded. “ This army must not retreat.” Were it necessary, I could bring abundant collateral proof to the same effect, and shew that the idea of forcing a way to Albany by vigorous exertions against any opposition we might meet, was general and fixt through the whole army.

My proceedings from the time of assembling the army as before described, to the date of my public dispatch from Skenesborough, comprehending the manœuvres which forced the enemy from Ticonderoga, and the actions at Skenesborough, Huberton, and Fort Anne, are related at full in that dispatch.*

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See Appendix
No. VII.

It is the less necessary to give the Committee further trouble upon this subject, because I believe no enemy can be found to arraign my conduct in those days of success ; or if there were one, he could not deprive me of the consolation, that I had his Majesty's full approbation and applause, of which it is known to many, I had a very honourable and distinguished proof.

All therefore that is necessary before I quit this first period of the campaign, is to give a precise state of the effective strength of the army, at the time it assembled.

On the 1st July, the day we encamped before Ticonderoga, the troops consisted of

British rank and file	-	3724
German ditto	-	3016
		<hr/>
		6740 regulars, exclusive of artillery-men.
		<hr/>
Canadians and Provincials, about		250
Indians about	-	400
		<hr/>
		650

In regard to the artillery, I think this the proper place to rectify the misrepresentations that have prevailed respecting the quantity employed. It has been stated as far beyond the necessary proportion for the number of troops, an incumbrance to their movements, and one cause of what has been called the slow progress of the expedition.

In order to justify this charge, a view of the whole mass has been presented to the public without any explanation of its distinct allotments ; and many have been led to believe, that the whole was attached to the army throughout the campaign, and

fell

fell into the enemy's hands at last—The intention of this representation is obvious: the allegation is false.

The facts, as I shall prove them to the committee, are as follow. The whole original train furnished by Sir Guy Carleton consisted of sixteen heavy twenty-four pounders; ten heavy twelve-pounders; eight medium twelve-pounders; two light twenty-four pounders; one light twelve-pounder; twenty-six light six pounders; seventeen light three-pounders; six eight-inch howitzers; six five and a half inch howitzers; two thirteen-inch mortars; two ten-inch mortars; six eight-inch mortars; twelve five and a half-inch mortars; and twenty-four four and two fifth-inch mortars. Of these two heavy twenty-four pounders were sent on board a ship for the defence of Lake Champlain, and the other fourteen were sent back to St. John's. Of the heavy twelve-pounders, six were left at Ticonderoga, four ditto in the Royal George; four medium twelve-pounders at Fort George; one light twelve-pounder at Ticonderoga; two light six-pounders at Fort George; four light six-pounders at St. John's; four light three-pounders at Ticonderoga; five light three-pounders at St. John's; two eight-inch howitzers at Fort George; two ditto at St. John's; two five and a half inch howitzers at Fort George; two thirteen-inch mortars in the Royal George; two ten-inch mortars in ditto; four eight-inch mortars in ditto; four five and a half inch mortars at Ticonderoga; four royal mortars in the Royal George; twelve cohorns at Ticonderoga; and eight cohorns in the Royal George.

The field-train therefore that proceeded with the army consisted of four medium twelve-pounders; two light twenty-four pounders; eighteen light six-pounders; six light three-pounders; two eight-inch howitzers; four five and a half-inch howitzers; two eight-inch mortars, and four royals.

The carrying the twenty-four pounders (though they were but two) has been spoken of as an error, and it is necessary therefore to inform the committee that they were of a construction lighter by 800 weight than medium twelves, and to all intents and purposes field artillery.

This artillery was distributed as follows.

Frazer's corps, estimated at three battalions.

Ten pieces, viz.

Four light six-pounders.

Four light three-pounders, constructed for being occasionally carried on horseback.

Two royal howitzers.

German reserve, under Colonel Breyman, estimated at two battalions.

Two light six-pounders.

Two light three-pounders, and served by the Hesse Hanau artillery men.

The line of British, four battalions

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Germans;

N A R R A T I V E.

Germans, five battalions.

Total, nine battalions.

Three brigades of artillery, of four six-pounders each; viz. one brigade for each wing, and one for the center.

From hence it appears that to fourteen battalions there were allotted twenty-six pieces of light artillery. The customary allotment is two pieces per battalion, consequently the proportion of artillery was less than upon common services.

The forming artillery into brigades, in preference to detaching two guns to each battalion, has been constantly practised in most services during last war under the ablest men, and it is productive of many advantages, as the brigades by that means, either singly or united, fall under the command of a proportionable number of officers. The service is carried on with greater regularity, and the effect of the fire becomes much more formidable than when scattered along the front of the line.

This mode of service was recommended by Major-general Phillips, and adopted without hesitation by me, my own judgment being confirmed by an officer of his great skill and experience.

The park artillery consisted of ten pieces, viz.

2 light twenty-four pounders.

4 medium twelve-pounders.

2 eight-inch howitzers.

2 royal howitzers.

I understood this proportion of field artillery to be the same as that proposed by Sir Guy Carleton had he commanded; it was the proportion recommended by General Phillips, and I formed my opinion conformably to the sentiments of those respectable officers upon the following reasons, viz. that artillery was extremely formidable to raw troops; that in a country of posts it was essentially necessary against the best troops; that it was yet more applicable to the enemy we were to combat, because the mode of defence they invariably adopted, and at which they were beyond all other nations expert, was that of entrenchment covered with strong abatis, against which the cannon, of the nature of the heaviest above described, and howitzers might often be effectual, when to dislodge them by any other means might be attended with continued and important losses.

In these general ideas of the use of artillery against the rebel forces, I have the happiness to observe, from the papers before you, the concurrence of Sir William Howe, who states similar ideas very fully in one of his requisitions to the secretary of state: but further reasons for not diminishing the proportion of guns of superior calibre to six-pounders in this train, were, first, their use against block-houses (a species of fortification peculiar to America); secondly, a probability that gun-boats might be requisite for the security of the water transport, on some parts of the

N A R R A T I V E.

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Hudson's River; but principally the intention of fortifying a camp at Albany, in case I should reach that place, should meet with a sufficiency of provision there, (as I was led to expect) and should find it expedient to pass the winter there, without communication with New-York.

With respect to the quantity of ammunition attached to this artillery, it is to be observed, that the number of rounds accompanying the light pieces, and which were carried in small carts, were not more than sufficient for a day's action.

Light six-pounders	—	124 rounds each.
Light three-pounders	—	300 rounds.
Royal howitzers	—	90 rounds.

The different reserves of ammunition were chiefly conveyed by water in scows and batteaux; it certainly would not have been advisable, after a communication with Canada was at an end, to depend upon precarious supplies from the southward, and therefore it became necessary (as far as the service would allow) to carry forward such stores, as there was every appearance of an absolute want of, during the course of an active campaign.

Had the enemy established themselves in force upon the islands at the mouth of the Mohawk river, or on other ground equally advantageous, to have disputed the passage of that, or of the Hudson's River, or had they even waited an assault in their works at Still-Water, it is probable, that recourse must have been had to artillery of the heavier nature; in the latter case especially they must have been used in order to derive any advantage from our seizing a post upon their left flank: I have since known, that they had iron twelve and nine-pounders mounted upon those works, which were in other respects very formidable.

The British artillery-men, rank and file, were	—	—	245
Recruits, under command of Lieutenant Nutt, of the 33d regiment, attached to the service of the artillery	—	—	150
Hessian artillery-men, rank and file	—	—	78
			473

Add these numbers to the former state of the army, and it will be found, that the regular strength when at the greatest consisted of 7213.

I come now to the second period of the campaign, comprehending the transactions from the time the pursuit of the enemy from Ticonderoga ceased, and the corps of Brigadier-general Frazer, and the 9th regiment, rejoined the army, after the respective actions of Huberton and Fort Anne, to the time when the army passed the Hudson's river to attack the enemy near Still-Water.

It had proved impossible immediately to follow the quick retreat of the enemy farther, from the nature of the country, and the necessity of waiting a fresh supply of

of provisions. But it appeared evident to me, that could a rapid progress towards Albany be effected, during their dispersion and panic, it would be decisive on the success of the expedition.

Question has been made by those who began at this period to arraign my military conduct, whether it would not have been more expedient for the purpose of rapidity, to have fallen back to Ticonderoga, in order to take the convenient route by Lake George, than to have persevered in the laborious and difficult course by land to Fort Edward? My motives for preferring the latter were these: I considered not only the general impressions which a retrograde motion is apt to make upon the minds both of enemies and friends, but also, that the natural conduct of the enemy in that case would be to remain at Fort George, as their retreat could not then be cut off, in order to oblige me to open trenches, and consequently to delay me, and in the mean time they would have destroyed the road from Fort George to Fort Edward. On the other hand, by persisting to penetrate by the short cut from Fort Anne, of which I was then master, to Fort Edward, though it was attended with great labour, and many alert situations, the troops were improved in the very essential point of wood service; I effectually dislodged the enemy from Fort George without a blow; and seeing me master of one communication, they did not think it worth while to destroy the other.

The great number of boats also, which must necessarily have been employed for the transport of the troops over Lake George, were by this course spared for the transport of the provision, artillery, and ammunition.

The success answered this reasoning in every point; for by the vigilance of General Phillips, to whom I had committed the important part of forwarding all the necessaries from Ticonderoga, a great embarkation arrived at Fort George on July 29th. I took possession of the country near Fort Edward on the same day, and independently of other advantages, I found myself much more forward in point of time than I could possibly have been by the other route.

Another material motive, which could not be known by strangers who have reasoned upon this movement, was, that during the time that my army was employed in clearing Wood-Creek and cutting roads, and the corps under Major-general Phillips working to pass the transports over Lake George, I was enabled to detach a large corps to my left, under Major-general Reidesel, and thereby assist my purpose of giving jealousy to Connecticut, and keeping in check the whole country called the Hampshire Grants.

It was at this time Major-general Reidesel conceived the purpose of mounting his regiment of dragoons. In the country he traversed during his detached command, he found the people frightened and submissive. He was industrious and expert in procuring

procuring intelligence in parts of the country more remote than Bennington, and entertained no doubt of success, were an expedition formed under the command of Lieutenant-colonel Baum.

On the arrival of the army at Fort Edward, the great object of attention was the transports from Fort George. The distance was about sixteen miles, the roads wanting great repair, the weather unfavourable, the cattle and carriages scarce; part of the latter inconvenience was occasioned by the number of both that were necessarily detained at Ticonderoga, for the purpose of dragging the boats and the provisions over the carrying places, between Lake Champlain and Lake George; another part of the inconvenience was caused by the unavoidable delays, in bringing the different divisions of horses as they were collected in Canada through the desert, for such most of the country is between St. John's and Ticonderoga.

It was soon found, that in the situation of the transport service at that time, the army could barely be victualled from day to day, and that there was no prospect of establishing a magazine in due time for pursuing present advantages. The idea of the expedition to Bennington originated upon this difficulty, combined with the intelligence reported by General Reidesel, and with all I had otherwise received.

I knew that Bennington was the great deposit of corn, flour, and store cattle; that it was guarded only by militia; and every day's account tended to confirm the persuasion of the loyalty of one description of the inhabitants and the panic of the other. Those who knew the country best were the most sanguine in this persuasion.

Had my intelligence been worse founded, I should not have hesitated to try this expedition with such troops, and under such instructions as I gave to the commanding officer, for so great a purpose as that of a supply sufficient to enable the army to follow at the heels of a broken and disconcerted enemy. The German troops employed were of the best I had of that nation. The number of British was small; but it was the select light corps of the army, composed of chosen men from all the regiments, and commanded by Captain Fraser, one of the most distinguished officers in his line of service that ever I met with. The instructions recommended the utmost caution respecting posts and security of retreat, attention against exposing the solid part of the detachment to affront, or committing it in any instance, without a moral certainty of success. I touch with tenderness and with great reluctance points that relate to the dead. My defence compels me to say, my cautions were not observed, nor the reinforcement advanced with the alacrity I had a right to expect. The men who commanded in both instances were brave and experienced officers. I have ever imputed their failure partly to delusion in respect to the enemy, and partly to surprise and consequent confusion in the troops.

For further explanation of my motives, and the circumstances attending the conduct

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duct of the expedition, I beg leave to refer the committee to the letter laid before the house last year, and more particularly to the private letter laid before the house lately.*

The same letter will shew the only resource that remained for proceeding towards Albany, after the disappointment of this expedition, viz. to press forward a necessary supply of provision, and other indispensable articles, from Fort George. I shall bring proof to your bar to this point, and I trust I shall shew beyond a doubt, that no possible exertion was omitted. It is not uncommon for gentlemen, unacquainted with the peculiarities of the country to which I am alluding, to calculate the transport of magazines, by measuring the distance upon a map, and then applying the resources of carriage, as practised in other countries. I request permission to shew their mistake. The first stage from Fort George to Fort Edward is by land. The distance and the roads were described before. At Fort Edward the Hudson's River becomes navigable for a certain extent, and it is the constant practice in all transports to resume the water carriage. Were it not, new impediments would arise from hills, worse roads, and such an increased distance, as would prevent the cattle returning to Fort George the same day. About six miles below Fort Edward lie the falls of Fort Miller, where there is another carrying-place, which, though of no considerable length, makes it necessary to unload the boats, to place the contents in carts, and to replace them in fresh boats, at the place the river again admits of navigation. The boats unloaded, return to Fort Edward against a rapid stream.

Upon this short state of facts, gentlemen will judge of our embarrassments. In the first place, it was necessary to bring forward to Fort Edward fourscore or a hundred boats, as mere carriage-vessels for the provisions, each boat made a hard day's work for six or more horses, including the return of the horses. At the next carrying-place, as above described, it was necessary to place a considerable relay of horses to draw over, first, a portion of carriage boats, and afterwards the provision, as it arrived. I have not mentioned the great number of other boats necessary to be brought forward, to form bridges, to carry baggage and ammunition, and the number of carriages framed to transport the boats themselves at the ensuing carrying-places, as we should proceed to Albany. This will be shewn in detail at the bar, if the committee chuse to hear it; and I pledge myself, it will appear, that the diligence in this service was extreme; that it was performed in the most expeditious manner possible, regard being had to our resources, and that no delay was occasioned by the artillery, because the horses appropriated to it were supernumerary to those for which we had carts, and the artillery, not already with the army, at last was all brought up by its own horses in two days.

On the 13th of September, the store of provision, amounting to about thirty day's consumption, was completed. I have stated, in my letter to the secretary of state, my reasons against proceeding with less quantity. And it is now time to enter upon
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the consideration of that object, which is held by some to be conclusive upon the executive part of the campaign, the passage of the Hudson's River.

Two errors, respecting this passage, though of opposite and incompatible natures, are supposed to have contributed to the ill success that ensued; the one, the error of delay, the other, that of precipitation. In defence against the first, I refer to my effort at Bennington to procure supplies, and to the impediments, I have just now stated, after that effort failed. Against the latter, I refer to the reasons laid down in my private letter to the secretary of state, dated 20th of August. * The state of things at this important crisis, and my reasoning upon it, are expressed still more at large in my dispatch from Albany; I will now only touch them shortly. On the one hand, my communications were at an end; my retreat was insecure; the enemy was collected in force; they were strongly posted; Colonel St. Leger was retiring from Fort Stanwix. These were difficulties, but none of them insurmountable. On the other hand, I had dislodged the enemy repeatedly, when before in force, and more strongly posted; my army was conscious of having the superiority, and eager to advance; I expected co-operation; no letters from Sir William Howe removed that expectation; that to Sir Guy Carleton had never weighed upon my mind; because it was dated early in April, and consequently long before the secretary of state's instructions, which I must have supposed to relate to co-operation, could be received. The letter of 17th July,* mentioned that General's return to my assistance, should Washington turn his force towards me; indicated, as I thought, an expectation of my arrival at Albany; and informed me, that Sir Henry Clinton was left at New-York, and would act as occurrences might direct. I did *not* know Sir Henry Clinton's force. I *did* know, that considerable reinforcement might be then expected at New-York from England. After all, should co-operation from below fail, the whole force of Colonel St. Leger, and Sir William Johnson, was to be expected from above, in time to facilitate a retreat, though not in time to assist my advance. Under these different suggestions, and those that are more copiously stated in the dispatch, to which I have referred, I read again my orders (I believe for an hundredth time) and I was decided.

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And I am still convinced, that no proof that could have been brought from appearances, intelligence or reasoning, could have justified me to my country, have saved me from the condemnation of my profession, or produced pardon within my own breast, had I not advanced, and tried a battle with the enemy.

I will conclude this subject, with again asserting upon my honour, what I hope to support by evidence, though it is impossible to bring positive proof to a negative, that neither General Frazer, nor General Phillips, ever offered, as has been reported, nor can be supposed to have conceived any objection against the passage of the Hudson's River.

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This resolution being taken, I trust, the manner of approaching the enemy, when explained by witnesses, will not be disgraceful to me as a soldier. The action, which ensued on the 19th of September, verified my opinion of the valour of my army; and I must, in truth, acknowledge, a very respectable share of that quality in the army of the enemy. To the general description given in my dispatch, it will be fit to add, by evidence, the peculiar merits of the troops in that action. The honour of three British regiments, in continual and close fire for four hours, all of them suffering considerable loss, and one remaining with less than sixty men, and four or five officers, ought not to lose its due applause, because it is said, their opponents were irregulars and militia.

A victory was at last obtained, but the close of day unavoidably prevented any immediate advantages. On the day following, it was known from prisoners and deserters, that the enemy were in a post strongly fortified; but from the thickness of the wood, it was impossible to catch a view of any part of their position. All that could be done, therefore, was to take up ground as near them, as the nature of the country would admit with regard to military arrangement. It appears from the dispatch already alluded to, that the army remained in this position till the 9th of October, when the second action ensued, employed in fortifying their camp, and watching the enemy, whose numbers it was now known, had been greatly superior to ours in the action.

It may here be asked, why, as soon as it became palpable that no use could be made of the victory, I did not retreat?

It will be shewn, that on the second day after the action, I received intelligence from Sir Henry Clinton, of his intention to attack the highlands about that time, and I was hourly in expectation, I thought a justly founded one, of that measure operating to dislodge Mr. Gates entirely, or to oblige him to detach a large portion of his force. Either of these cases would probably have opened my way to Albany. In these circumstances, could the preference upon these alternatives admit of a moment's reflection? To wait so fair a prospect of effecting at last the great purpose of the campaign, or to put a victorious army, under all the disadvantages of a beaten one, by a difficult and disgraceful retreat; relinquishing the long expected co-operation, in the very hour of its promise, and leaving Sir Henry Clinton's army, and probably Sir William Howe's, exposed, with so much of the season of the campaign to run, to the whole force of Mr. Gates, after he should have seen me on the other side of Hudson's River.

Some of the same considerations, and other concomitant circumstances, will, in part, serve to account for my not attacking the enemy during this interval; for in this situation, as in former ones, my conduct has been arraigned upon opposite principles.

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The committee will observe, that after receiving intelligence of Sir Henry Clinton's design, different messengers were dispatched by different routes, to inform that officer of my situation, and of the time I thought I could continue in it. To have hazarded a repulse, under so reasonable an expectation of a powerful diversion, would, in my opinion, have been very unjustifiable; but when I add, that from the backwardness, or defection, of the few Indians that remained, the numbers of rifle-men, and other irregulars employed on the enemy's out-posts, and the strength and darkness of the surrounding woods, it had not yet been practicable to gain any competent knowledge of their position, I trust every man will go with me in the sentiment, that all these circumstances considered, an attack would have been consummate rashness.

Another very powerful reason, that operated on the side of delay, was the state of my sick and wounded. Numbers of the latter were recovering fast; many excellent officers in particular; and the more I delayed the stronger I grew. The time also entitled me to expect Lieutenant Colonel St. Leger's corps would be arrived at Ticonderoga, and secret means had been long concerted to enable him to make an effort to join me, with probability of success.

Upon mature consideration of these and other circumstances attending this period, come to my knowledge since, I am clearly of opinion, that had the reinforcements from England arrived in time, to have enabled Sir Henry Clinton to have effected the stroke he afterwards so gallantly made in the highlands, any time between the two actions, I should have made my way.

The dispatch alluded to, proceeds to state the reason that induced me to make the movement on the 7th October. I shall only add, to obviate a supposed error, in not advancing my whole line, that the part remaining in my camp, operated as effectually to keep the enemy's right wing in check, from supporting their left, as if it had moved, with this additional advantage, that it prevented the danger of their advancing by the plain, near the river, and falling upon my rear.

I have reason to believe my disappointment on that day proceeded from an uncommon circumstance in the conduct of the enemy. Mr. Gates, as I have been informed, had determined to receive the attack in his lines; Mr. Arnold, who commanded on the left, foreseeing the danger of being turned, advanced without consultation with his general, and gave, instead of receiving battle. The stroke might have been fatal on his part had he failed. But confident I am, upon minute examination of the ground since, that had the other idea been pursued, I should in a few hours have gained a position, that in spite of the enemy's numbers, would have put them in my power.

Disagreeable as is the necessity, I must here again, in justice to my own army, recur to the vigour and obstinacy with which they were fought by the enemy. A more determined perseverance than they shewed in the attack upon the lines, though they were

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finally repulsed by the corps under Lord Balcarras, I believe, is not in any officer's experience. It will be the business of evidence to prove, that in the part, where Colonel Breyman was killed, and the enemy penetrated, the mischief could not be repaired, nor under it the camp be longer tenable.

The transactions of the ensuing night, the day of the eighth, and the whole progress of the retreat to Saratoga, will be laid before the committee minutely in the course of my evidence, as well as every circumstance, from the time the army arrived there to the signing the convention. I have only to premise, that, I trust, I shall be able to prove, to the satisfaction of the committee, that even in this situation, I had the chance of a favourable event. The enemy had intended to attack by the plain of Saratoga. On the morning of the 11th, a considerable column had actually passed the Fish Kill for that purpose during the fog, which at that season was regular till sometime after sun rise. The intention was prevented taking place, by intelligence one of their generals received from a deserter, that I had a line formed behind the brush-wood, to support the post of artillery, which was their immediate object of attack. The general instantly retreated his column, and prevented a general action, which my position, compared with the proposed one of the enemy, gave me reason to hope would have been to my advantage.

I have likewise a satisfactory confidence, that I shall demonstrate that the intelligence I stated to the councils of war, respecting the strength of the enemy, did not fall short in any part, and in some parts much exceeded my own belief, particularly on the only possible routes of my retreat; and that those posts were not taken up during my stay at Saratoga, as has been reported, but some of them previous to the action of the 7th, and the rest immediately after it.

I shall close the whole of this by delivering at your table, from the hands of my secretary, an authenticated return of the force of General Gates, signed by himself, and the truth of it will be supported from ocular testimony, by every officer of the British army. Many of them are now in England, and after what has been insinuated, not to say charged in this House, it becomes the duty of the accusers, not only to examine closely the officers I have called, but to produce any other witnesses, that in their thoughts may be qualified to speak to the good or bad order of the rebel troops, when they marched by in their presence, and to their behaviour, when opposed to our troops in action.

I cannot close this long trespass upon the patience of the committee, without expressing one humble hope, that in forming a judgment upon the whole, or any distinct part of these transactions, they will be considered as they must have appeared at the time; for, I believe, where war is concerned, few men in command would stand acquitted,

quitted, if any after-knowledge of facts and circumstances were brought in argument against decisions of the moment, and apparent exigencies of the occasion.

I submit all I have said, some of it, I fear, not sufficiently prepared or arranged, with true respect to the committee. I shall not mention *all* the disadvantages, under which I have pressed this business upon their attention. I have cause to regret the absence of a most confidential friend in Major General Phillips; zealous advocates, I trust, in Major General Reidesel and Brigadier Hamilton. Much of my vindication is in the grave with General Frazer; much with Colonel Ackland your late member. I trust my zeal, in promoting this enquiry, as I have done, will be one mark of the sense I bear of the general character of this house; that however men may be biased by political attachments upon common occasions, when the honour of an individual is committed to their hands, they will alone be guided by truth and justice. And the next inference I should wish to be drawn, from my earnestness for a public appeal, is this; that however others may impute errors to my conduct, I am myself conscious of the rectitude of my intentions.

EVIDENCE.

Jovis 20^o die Maij, 1779.

Committee to confider of the feveral Papers which were prefented to the Houfe by Mr. De Grey, upon the 19th Day of March laft, purfuant to their Addrefs to his Majefty.

Mr. F. Montagu in the Chair.

SIR GUY CARLETON was called in and examined by General Burgoyne as follows :

1. Q. **D**O you recollect having received a letter from the fecretary of ftate, mentioning the reafons that made it expedient for you to remain in the province of Quebec ?
A. Yes, very well.
2. Q. What was the date of it ?
A. I think the 12th of Auguft, 1776—I am fure it was in Auguft.
3. Q. Was not the date of that letter long before the return of General Burgoyne from Canada to Great Britain ?
A. Yes.
4. Q. During the winter, preceding the campaign of 1777, was not the artillery prepared at Montreal for field fervice, upon the fuppofition that you was to command the army beyond the frontiers of the province ?
A. It was.
5. Q. Was the proportion allotted to General Burgoyne for field fervice more than was intended, had you fo commanded ?
A. I don't precifely recollect that—It does not ftrike me there was any great difference.
6. Q. Was the quantity of artillery decided on in concert with Major-General Phillips, and on his recommendation ?
A. The artillery I had prepared for the campaign, on a fuppofition I was to go myfelf, was in concert with General Phillips. That department, as well as others, was put under the command of General Burgoyne on his arrival ; and, I fuppofe, he followed the fame method fo far as regarded the artillery.
7. Q. Did General Burgoyne apply to you for troops from Canada to garrifon Ticonderoga when he advanced ?
A. He did.
8. Q. What was the purport of your answer ?
A. That I did not think myfelf juftified to grant it by my orders—My answer will appear more precifely by a copy of my answer to General Burgoyne.

Q. Do

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Q. Do you recollect that General Burgoyne informed you of the motives on which he proceeded from Skenesborough to Fort Edward by land in preference to the route by Ticonderoga and Lake George? 9.

A. I do.

Q. Did you concur in his sentiments? 10.

A. I remember my answer was an answer of approbation.

Q. Do you know of any circumstance of General Burgoyne's military conduct, while under your command, that you disapproved? 11.

A. I had no reason to disapprove of any part of his conduct while under my command. [Withdrew.

Again called in, and examined by other Members of the Committee.

Q. Whether, when you proposed to take that train of artillery with you that you have mentioned, it was with a view to the reduction of the forts at Ticonderoga; or whether you proposed to have taken with you the same train of artillery in case you had marched forward in the country toward Albany? 12.

A. It was with an intention to reduce the forts and lines at Ticonderoga; the train of artillery was calculated for that service.

Q. Whether you know what proportion of artillery was carried forward by the army under General Burgoyne's command after the reduction of Ticonderoga? 13. By Gen. Burgoyne.

A. I don't recollect.

Q. Would you not, in case you had reduced Ticonderoga and marched forwards towards Albany, have carried with you a train of field artillery? 14.

A. I probably should have taken artillery with me.

Q. Had you foreseen a necessity of fortifying a camp at Albany, would you not have carried some guns of the calibre of twelve pounders and light twenty-fours? 15.

A. It is really a very difficult matter off hand to run into all the minute operations of a campaign; every measure of that sort must have been a matter of consideration and deliberation, and there are a thousand circumstances that might have determined me upon the spot—I don't wish to conceal from this House any thing that I would have done—but I hope they will consider, that every gentleman may have different ideas of the state and situation of the army, as expressed by the question asked, and the least inaccuracy of expression on my part may convey ideas very different from what I could wish—In general, so considerable a corps as that was, very seldom moves without artillery, but the precise number must depend on a variety of circumstances, which the discretion and judgment of the officer who commands must determine.

Q. Were not the orders you received from government positive, for General Burgoyne to march to Albany? 16.

A. The orders have been published I understand—Every gentleman in this House must be a judge of those orders whether they were positive or not.

Q. Did you not receive a letter, dated the 5th of April, from Sir William Howe, informing you that he could not send any force to assist the operations of General Burgoyne's army? 17.

A. I received a letter from Sir William Howe relative to his operations, a copy of which was sent to General Burgoyne—I think it was not just in those terms, but a copy of the letter is on the table.

Q. Whether

18. Q. Whether on that information, you considered that you had any discretionary power to detain General Burgoyne after that information ?
A. Certainly not.
19. Q. Whether in case of any difficulty that General Burgoyne might meet with on his march, there was any latitude given to him (General Burgoyne) to retreat ?
A. I said before, that the orders were before the House, who are competent to judge on that point.
20. Q. Did you yourself understand those orders to General Burgoyne to be positive ?
A. That is giving an opinion upon what perhaps may be a question in the House ; whereas I have already said, the House are as competent to judge as I am.
21. Q. Is the Committee to understand from that answer, that you have any objection of giving your opinion on that question ?
A. I have an objection to give an opinion on almost all points.
22. Q. Did you give it in orders to General Burgoyne, in case he met with any difficulties during his march in Canada, under your command, not to proceed ?
A. I should have taken care that General Burgoyne met with no difficulties in his march in Canada ; nor do I well see how he could.
23. Q. Where do the boundaries of the province of Canada end ?
A. Between the Illinois and Point au Fer.
24. Q. Is the fortress of Ticonderoga in Canada ?
A. No.
25. Q. Did your commission, as commander in chief of the troops in the northern division, extend beyond the boundaries of Canada to Ticonderoga ?
A. That commission as commander in chief, I understood, did extend so far ; but by the orders already alluded to, or by those which General Burgoyne brought out in the spring 1777, I understood that my command was restrained to the limits of the province, and that General Burgoyne was entirely from under my command, as soon as he passed the limits of the province.
26. Q. Did you apply to the secretary of state for a reinforcement of 4000 men, as necessary for the campaign of 1777 ?
A. I recollect when General Burgoyne was coming home in the fall of 1776, as I was perfectly satisfied with his conduct in the preceding campaign, I talked over with him, in confidence, what I thought necessary for the following campaign ; among other things I desired him to make a memorandum to demand 4000 men, as a reinforcement for the ensuing campaign, or at least for four battalions. I think I have seen those memorandums were accurately stated and laid before the House.
27. Q. What part of that 4000 men which you thought necessary for the campaign of 1777, was actually sent out to Canada in that year ?
A. I do not accurately remember how many—I think a very small part—You may have a very precise account from the returns.
28. Q. Of that small part sent in 1777, did not a certain proportion arrive very late in the year ?
A. Yes, a part arrived late.

Q. After you had received your orders from the secretary of state, did you apprehend that General Burgoyne, as long as he was within the province of Canada, was positively under your command? 29.

A. Yes, I did: as long as he was in the province of Canada, I looked on him to be positively under my command; but the load of the expedition being on his shoulders, I thought it proper that he, in all things should direct; and therefore I gave out immediate orders, that not only the troops he was to command out of the province, but all the departments necessary for the assisting his expedition, should comply immediately, and without delay, with every requisition and order he should give. The reason of my doing so was, that no time might be lost. I only required that they should report to me what orders they had received from General Burgoyne. I believe those orders are also on the table.

Q. Will you explain to the Committee what you mean by the words, *load of the expedition lying on General Burgoyne's shoulders*? 30.

A. I had no particular meaning; they are words I should have used on any expedition of importance.

Q. If General Burgoyne had met with very considerable difficulties to impede his progress within the province of Canada, would you have thought yourself justifiable in giving any orders to General Burgoyne, different from those transmitted to General Burgoyne, through you, from the secretary of state? 31.

A. Had there been any difficulties in Canada, I would not have given him up the command.

Q. Having given up the command to General Burgoyne, and having ordered all the troops to obey him, only reporting their proceedings to you, would you after that, have thought yourself justifiable to change the order to General Burgoyne, upon his meeting with great difficulties on the frontiers of the neighbouring provinces? 32.

A. I really did not mean to evade the question in the least. It did not appear to me possible that there could be any difficulties. I don't mean to say there could not, from the nature of the country, be difficulties in the march that might occasion delay, but by the nature of the question I understood difficulties from the enemy. In that case I should not have thought myself justifiable in giving up the command.

Q. If you had heard, that on the frontiers, and within the province of Canada, there was the greatest reason to think, that the resistance of General Burgoyne's army was so great as to make it, in your opinion, exceedingly difficult for that General to force his way to Albany, would you think yourself justifiable in giving different orders to General Burgoyne, from those given by the secretary of state; or would you have thought the secretary of state's orders for General Burgoyne's army so peremptory that it would not be proper for you to interfere? 33.

A. If I understood the question as it now stands, it is what I would have done, had the province been invaded, or close on the point of being invaded, and the enemy entering the province.

Q. The question does not mean an invading army, but a resistance from the enemy to the progress of General Burgoyne's army, in the case stated in the last question? 34.

A. In

A. In that case, that an enemy should be found (within the limits of my command) I should have ordered all the troops destined for the defence of the province, to have immediately joined those destined for General Burgoyne, and have reassumed the command of all, until those obstructions had been removed, within the limits of my authority.

35. Q. Suppose no enemy within the province of Canada, but posted in such a manner upon the line of communication with Albany, as to make it exceeding difficult for General Burgoyne to obey the orders given to him, would you think yourself justifiable in giving different orders to General Burgoyne, from those given by the secretary of state; or would you have thought the secretary of state's orders for General Burgoyne's army so peremptory that it would not be proper for you to interfere?

A. I could not change General Burgoyne's orders one tittle, that was my opinion; he received his orders from the same power that gave me my authority; when once he passed the limits of my command, I neither could give him orders, nor would he be justified in obeying them.

36. Q. Do you mean the latter part of that answer as an answer to a question which supposes General Burgoyne within the limits of the province of Canada?

A. No: while he was within the limits of the province of Canada, I would have given General Burgoyne orders in all cases of difficulty and danger. There being no such case when General Burgoyne arrived in Canada, in 1777, nor a possibility of an event of that sort, I put the troops and all things under his command, which concerned his expedition, that he might arrange and combine their motions according to his own plan of operation for the campaign, that no time might be lost by any unnecessary applications to me, which the strict forms of my command might otherwise require.

[*Withdrew.*]

Again called in.

37. Q. Should you, if you had been in General Burgoyne's situation, and acting under the orders which you know he received, have thought yourself bound to pursue them implicitly, or at liberty to deviate from them?

A. I should certainly have thought myself bound to have obeyed them to the utmost of my power; but, to say as a military man, that in all cases possible, I must have gone on, is a very nice thing to say indeed; it must have thrown me, and I suppose every officer, into a most unpleasant and anxious situation, to have debated within himself, whether he was or was not to go on. Every man must decide for himself. What I would have done, I really don't know; the particular situation, and a man's own particular feelings, must determine the point. If I might be indulged, I would beg leave to say, that I did not mean to evade any question; I meant to answer directly; yet questions may be put to me, of so delicate a nature, and perhaps no man in the world is in a more delicate situation, with respect to the present case in question, and the business of this Committee, than I am; when such questions are put to me, I shall pray the indulgence of the Committee, to be excused answering them

them, but I will not evade them. As I now understand the meaning of the right honourable member in the former questions to be, Whether I should have taken upon me to supersede the King's orders, supposing I knew of any unfurmountable difficulties in the way, as that I had information of 20,000 men at Ticonderoga, before General Burgoyne left the province of Canada, I should have told General Burgoyne my information? But it was General Burgoyne who was to carry the orders into execution, and not me, and therefore it was upon his own judgment he was to determine; I should have given him my opinion, but I think I had no right to give him orders under those circumstances.

Q. Who was it that made the arrangement and distribution of the troops that were to be left for the defence of Canada, independent of those under the command of General Burgoyne? 38.

A. The orders that are before the House are very full, and I thought very clear. The Committee will see in those orders the troops that were destined for General Burgoyne's expedition, and the troops that were to remain for the defence of the province.

Q. Who made that distribution? 39.

A. It came to me from the secretary of state.

Q. Did not the orders from the secretary of state go to the detail of the smallest posts within the province? 40.

A. The letter is before the Committee.

Question repeated.

A. I should beg for the letter to be read; I don't wish to avoid any question, but I wish to be accurate. 41.

Q. Was the distribution of the troops prescribed to you by the secretary of state, or left to your discretion? 42.

A. In mentioning the number of troops which were to remain in that province, it was there said that those troops would be sufficient for garrisoning such and such places, particularizing them.

Q. Did you ever know an instance, in your military life, of a minister making a distribution of troops for the defence of a province, without taking the opinion or leaving a great deal to the discretion of the governor of that province, that governor being an acting military officer of very high rank? 43.

A. I never had the honour to correspond with a secretary of state till I was appointed to the command of that province.

Q. Whether you was consulted upon the practicability of penetrating from the frontiers of Canada to Albany by force, with the strength allotted to General Burgoyne for that purpose? 44.

A. No; I was not.

Q. Are you acquainted with the passage from New York to Canada by the Hudson's River. 45.

A. I have gone that way.

Q. Have you observed it with a view to military operations? 46.

A. No; I never made the tour having any military operations in view.

E

Q. Are

47. Q. Are you acquainted with the forces which Sir William Howe had under his immediate command at and about New York, on the 17th of July, 1777?
- A. I am not.
48. Q. Supposing Sir William Howe had 12,000 effective men, besides a sufficient force lodged in New York, Staten Island, and Long Island, to defend them against General Washington's army, supposing General Washington's army in the Jerseys, near Quibble Town, and that Sir William Howe had received accounts of General Burgoyne's success at Ticonderoga, and was acquainted with the orders under which General Burgoyne acted; is it your opinion that the best movement Sir William Howe could have made for the purposes of forwarding the execution of the orders, under which General Burgoyne acted, would have been to have sailed with his army from New York to Chesapeake Bay?
- A. Had I had the honour to have commanded on that side, I do not know what I should have done myself.
49. Q. After you received the letter from Sir William Howe, informing you of his intended expedition to the southward, whether you did expect that Sir William Howe's army could co-operate on the Hudson's River with the northern army that season?
- A. I don't know.
50. Q. Whether you thought, after the receipt of that letter, that it was probable there would be a co-operation from the southern army?
- A. I took it for granted, that Sir William Howe knew what he was about, and would do what he thought best for the public service. I really was so little informed of all the particular circumstances of his situation and of the provinces under his command, that I could form no judgment of the propriety or impropriety of his conduct, or of the effects of his measures.
51. Q. Did your information lead you to believe, that the inhabitants between Saratoga and Albany, were so well affected to his Majesty and Great Britain, as that there would be much advantage derived from their assistance to the King's army in the prosecution of General Burgoyne's expedition?
- A. I had frequent accounts from that part of the country, that there were numbers ready to take arms and join the King's troops if they should penetrate so far.
52. Q. Do you mean, by *penetrating so far*, to Albany, or to the length the army got?
- A. The whole extent of the inhabited country, according to the information brought to me.
53. Q. Had you no information that a formidable militia might be raised in that country to oppose his Majesty's arms?
- A. Yes; I had such information.
54. Q. Did you think that the force which General Burgoyne carried with him from Ticonderoga towards Albany was sufficient to oppose such force?
- A. I really must beg leave to be excused answering that question.
55. Q. If you had been consulted respecting General Burgoyne's expedition, knowing the nature of that country, and the force General Burgoyne had, would you or not have advised such an enterprize?

A. If

A. If I had had the honour to command in that campaign as I had in the former, I don't precisely know what I should have done myself.

Q. Did you give any advice for employing the savages?

A. I don't recollect that I said any thing about them.

[Withdrawn. 56.]

Jovis 27^o die Maii, 1779.

EARL of BALCARRAS called in and examined by General Burgoyne.

Q. IN what station did your Lordship serve in the campaigns in America, in 1776, 1. and 1777?

A. I commanded the British light infantry.

Q. Was the British light infantry continually attached to the corps under the 2. command of Brigadier General Frazer?

A. Yes.

Q. Had you occasion to observe that General Burgoyne and General Frazer lived 3. together in friendship and confidence?

A. Yes, I had.

Q. Had you reason to believe that General Frazer was consulted by General Bur- 4. goyne in all material operations?

A. I had reason to believe that General Frazer was consulted in many material operations.

Q. Does your Lordship know or believe that the proportion of artillery, at- 5. tached to General Frazer's corps through the whole campaign, was according to his requisitions and desires?

A. I understood from General Frazer, that the proportion of artillery allotted to him was agreeable to his own requisitions.

Q. Do you recollect the number of killed and wounded in General Frazer's corps, 6. at the affair of Huberton?

A. I don't recollect exactly; I think it was about 150.

Q. What was your opinion of the behaviour of the enemy on that day?

7.

A. Circumstanced as the enemy was, as an army very hard pressed in their retreat, they certainly behaved with great gallantry.

Q. Was it practicable, the nature of the country, the fatigue of the King's troops, 8. the care of the wounded, and other circumstances considered, to have pursued the enemy farther after that action?

A. It was not

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Q. Do

9. Q. Do you recollect on what day General Frazer's corps rejoined the army at Skenesborough?
A. On the 9th of July; I think that it was on that day.
10. Q. On what day was the action at Huberton?
A. On the 7th of July.
11. Q. Do you recollect the difficulties of removing the wounded from Huberton to the hospital at Ticonderoga?
A. From the distance and badness of the roads, the difficulties attending the removing of the hospital must have been very great.
12. Q. Was it practicable, unless the wounded had been left exposed to the enemy, to have rejoined the army sooner?
A. It was not.
13. Q. Does your Lordship recollect how the army was employed between that time and the march to Fort Edward?
A. The British were employed in opening the country and making roads to Fort Anne; the Germans under General Reidesel were detached about fourteen miles to the left.
14. Q. Do you recollect the post the enemy abandoned upon the ascent from the Low Country to the Pitch Pine Plains, in the march from Fort Anne to Fort Edward?
A. I do recollect such a place.
15. Q. Had the enemy maintained their ground on that post, do you apprehend that a considerable portion of artillery would have been necessary to dislodge them?
A. Artillery would certainly have been of great use to dislodge the enemy.
16. Q. Did you ever see an instance, during your service in America, that the rebels continued twenty-four hours on the same place without entrenching; and was it not also their general practice to add abbaties to their entrenchments?
A. The rebels were always indefatigable in securing themselves by entrenchments, and in general they added an abbatis to those entrenchments.
17. Q. Do you remember the position the enemy abandoned at Schuyler's Island?
A. I do remember to have passed such a post once.
18. Q. Does your Lordship think that position could have been forced without a numerous artillery or heavy loss?
A. I do not think it could.
19. Q. From the nature of that country, do you think that post could have been turned?
A. Not without greatly risking the boats and portable magazines.
20. Q. Is it possible at any time in that country, and with a small army, to quit the navigable rivers, without leaving the boats and portable magazines exposed?
A. I imagine it is not.
21. Q. Did you live in habits of intimacy and communication with General Frazer?
A. I did.
22. Q. Was General Frazer of a warmth and openness of temper that generally made him communicative of his sentiments, when they differed from the sentiments of those with whom he acted?

A. General

A. General Frazer's temper was warm, open, and communicative, but reserved in matters of confidence.

Q. Did you ever hear General Frazer express disapprobation of the measure of passing Hudson's River? 23.

A. I never did.

Q. Was not a bridge constructed of rafts, and some boats thrown over that river, a little before the time of the attack on Bennington? 24.

A. There was.

Q. Did not General Frazer's corps pass the river by that bridge, and take post on the heights of Saratoga? 25.

A. It did.

Q. Do you remember that bridge being carried away by the torrents and bad weather, whereby the communication was cut off between that corps and the main body of the army? 26.

A. I do.

Q. Was General Frazer's corps recalled after that action, and obliged to repass the river in boats and scowls? 27.

A. It was.

Q. Do you remember General Frazer expressing his sorrow for being obliged to return back over the Hudson's River? 28.

A. I remember General Frazer mentioning it with regret.

Q. Had the rear guard of General Frazer's corps been attacked during that passage over the river, would not a powerful fire of artillery from the opposite shore have been of great use, if not the only means of protecting them? 29.

A. If the enemy had attacked General Frazer, they would have found him in a very bad posture; it was impossible to take a better, and, as they could not be supported by the line, the only means of safety must have been to get under cover of the fire of our artillery.

Q. Was there not an expectation and impatience of the troops in general to pass Hudson's River, and advance on the enemy? 30.

A. There was.

Q. Was there not a general confidence and alacrity on the occasion? 31.

A. There was.

Q. From these circumstances, and your other knowledge of the army, do you not believe that to have made no further attempt on the enemy would have caused disappointment and dejection in the troops, and reflections on the general? 32.

A. The troops were in the highest spirits, and wished to be led on.

Q. Does your Lordship recollect the march up to the enemy on the morning of the 19th of September? 33.

A. I do.

Q. Was the combination of the march such, as, that notwithstanding the passage of the ravines and the thickness of the woods, the column of General Frazer's march, and that of the British line, led by General Burgoyne, were in a situation to support each other, and speedily to form in line of battle, at the time the enemy began the attack? 34.

A. After

A. After the columns had passed the ravines, they arrived at their respective posts with great precision in point of time, and every fortunate circumstance attended the forming of the line.

35. Q. How long did that action last?

A. The British were attacked partially about one o'clock. The action was general at three, and ended at seven o'clock.

36. Q. From the nature of the country, was it possible to discern the enemy's position or movements, to form any judgment what attacks were in force, and what were feints?

A. I think not.

37. Q. Did we remain masters of the field of battle?

A. We did.

38. Q. Had the field of battle been well disputed by the enemy?

A. The enemy behaved with great obstinacy and courage.

39. Q. Was it too dark to pursue with effect at the time the action ended?

A. It was.

40. Q. Did the King's troops take up ground nearer to the enemy, the morning after the action?

A. It was rather nearer to the enemy.

41. Q. How near were the out-posts of General Fraser's corps to the out-posts of the enemy from that time to the action of the 7th of October?

A. I should imagine within half a mile.

42. Q. From the nature of the country, and the situation of the enemy's out-posts, was it possible to reconnoitre their position?

A. From the nature of the country, the difficulties attending reconnoitering must have been very great.

43. Q. Were not the riflemen, and other irregulars, employed by the enemy at out-posts and on scouts, an overmatch for the Indian or provincial troops that were with the army at that time?

A. They were.

44. Q. Was not General Fraser's corps continually at work during the interval above-mentioned, in securing their own posts, and opening the front to oppose the enemy?

A. They were.

45. Q. After General Fraser received his wound, on the 7th of October, on whom did the command of his corps devolve?

A. On me.

46. Q. Was you in a situation on that day, to observe the general disposition of the army, made by General Burgoyne, previous to the action?

A. I remember two redoubts having been erected on the left, to cover the boats and provisions to enable General Burgoyne to make a detachment from his army.

47. Q. Was you in a situation to observe the disposition made immediately before the attack by the enemy?

A. I only recollect the situation of the two battalions of the advanced corps.

Q. After

Q. After the retreat to the lines, were the lines attacked, and with what degree of vigour? 48.

A. The lines were attacked, and with as much fury as the fire of small arms can admit.

Q. Does your Lordship remember that part of the lines where you commanded, being visited by General Burgoyne during the attack? 49.

A. I don't recollect to have seen General Burgoyne.

Q. Was the cannon of great use in the repulse of the enemy in your post? 50.

A. Of very great use.

Q. Do you think that post would have been tenable next morning, the enemy having possession of Colonel Briemen's post? 51.

A. I do not think it would.

Q. Would the possession of the post by the enemy, together with the possession of Colonel Briemen's posts, have laid open the flank and rear of the camp of the line? 52.

A. It would.

L Q. Was the retreat in the night, and the new disposition of the whole army made in good order and without loss? 53.

A. It was.

Q. Did the army remain under arms, and in momentary expectation of battle, the whole of the day of the 8th? 54.

A. It did.

Q. Do you remember the confusion and difficulties attending the line of baggage in the retreat, in the night of the 8th? 55.

A. I do.

Q. Was not the retreat nevertheless made in good order by the troops, and without loss? 56.

A. It was.

Q. Does your Lordship remember the weather, the state of the roads, the state of the cattle, and the difficulty of passing the Fish Kill, in the retreat to Saratoga, in the day and night of the 9th? 57.

A. It rained incessantly, consequently the roads were bad; the cattle were nearly starved for want of forage, and the bridge over the Fish Kill had been destroyed by the enemy; the troops were obliged to ford the river.

Q. Had there been no enemy to oppose us, or no bridges or roads to repair, would it have been possible, from the state of the fatigue of the troops, to have continued the march farther immediately after the arrival at Saratoga? 58.

A. The troops were greatly fatigued, and the artillery had been left on the other side of the Fish Kill.

Q. Why were they left on the other side of the Fish Kill?

59.

A. The bridge had been destroyed by the enemy; it was exceeding dark, and I do not know whether the ford was passable for the artillery without being first examined.

Q. Do you remember the enemy opening a battery on the opposite side of Hudson's River, and the circumstances attending the opening that battery? 60.

A. The

A. The corps I commanded was at that time posted, and they fired on us at that time, but I do not know from what direction.

61. Q. Does your Lordship remember the shot from that battery going over the table when you and several officers were at dinner?

A. I did not dine with General Burgoyne that day—I recollect hearing a cannon shot had discomposed the company at the general's table.

62. Q. Consequently must not that battery have commanded the ford over the Hudson's River?

A. I believe I said, I did not recollect from what direction the shot came, but they had a battery which commanded that ford.

63. Q. Do you recollect on what day you was called, with other commanders of corps, to the first council of war?

A. On the 13th of October.

64. Q. Was there a spot in the whole position to be found for holding that council, which was not exposed to cannon or rifle-shot?

A. We were not so fortunate as to find one.

65. Q. Do you recollect that General Burgoyne, after stating to the council the difficulties of the situation, declare, that nothing should induce him to propose terms to the enemy without the general concurrence of the generals and field officers of the army, and that he was ready to take the lead in any measure that they should think for the honour of the British arms, or words to that effect?

A. I remember words to that effect.

66. Q. Was the concurrence unanimous for treating on honourable terms?

A. I hope I shall stand justified with the members of that council, when I have the honour to declare to this House, that our situation appeared to them so decided as not to admit of one dissenting voice.

67. Q. When Colonel Kingston brought back the first proposition, wherein it was specified by Major General Gates, that the army should lay down their arms in their entrenchments and surrender prisoners of war, does your Lordship remember, that General Burgoyne, when he read them to the council, declared, he would not set his hand to those conditions, or words to that effect?

A. I think the words of the proposal from General Gates were, That the British army should be ordered, by word of command from their adjutant general, to lay down their arms in the entrenchments. It was rejected with disdain by General Burgoyne, and the council concurred in his indignation.

68. Q. Were the counter proposals, penned by General Burgoyne, unanimously approved?

A. They were.

69. Q. When those proposals had been agreed to by General Gates, but copies not signed by either party, do you remember General Burgoyne informing the council of intelligence he had received from a spy in the night, and submitting to their consideration, whether it was consistent with public faith, and if so, expedient to suspend the execution of the treaty and trust to events?

A. I do remember it.

70. Q. Does your Lordship recollect what was the result of that consideration?

A. The determination of the council, on the question being put, was, that the public faith was *bona fide* plighted.

Q. Though that was the opinion of the majority, was there not a difference of opinion in the council? 71.

A. There was.

Q. Were the opinions of the several commanding officers asked respecting the condition of their respective corps, and what might be expected from them severally in desperate cases? 72.

A. It was.

Q. Was there not on that question also difference of opinion? 73.

A. There was.

Q. After the Convention took place, did your Lordship see the army of General Gates pass in review before General Burgoyne and General Phillips? 74.

A. I did.

Q. From the manner and silence of their march, the order observed in keeping their divisions, and an apparent attention to their officers, did that army appear disciplined? 75.

A. They marched in good order and were silent, and seemed to pay attention to their officers. These are essential points of discipline, but I saw nothing farther of it.

Q. From the general behaviour of the rebel troops in the different actions in which you was present in the course of the campaign, did you think them disciplined and respectable troops? 76.

A. When I answered the last question, I spoke to the manœuvre I saw upon the spot. At all times when I was opposed to the rebels, they fought with great courage and obstinacy.

Q. Judging by your eye, and the time the rebel army was marching in review, did you form any judgment of their number? 77.

A. It requires great experience to make a computation of numbers by seeing them pass: as far as I could judge on the occasion, they seemed to me to amount to thirteen or fourteen thousand rank and file under arms.

Q. Has your Lordship reason to know or believe, that the troops that passed in review were exclusive of those corps that had been posted on the other side of the Hudson's River? 78.

A. They were exclusive of those corps.

Examined by other Members of the Committee and by General Burgoyne occasionally.

Q. What was the general opinion of the army of General Burgoyne's behaviour in action and in difficulty? 79.

A. It appeared to me, that General Burgoyne always possessed himself in every situation of danger and difficulty, and, I may venture to say, it appeared so to the army.

Q. Had General Burgoyne the confidence of the army? 80.

A. He had.

Q. After the arrival of the troops at Cambridge, were the officers and soldiers of the 81.
F the

the army satisfied with the general's efforts to contribute to their comfort, and redress their grievances?

A. They were.

82. Q. Was the army satisfied with the general's behaviour at the court-martial held on Colonel Henley?

A. He carried on that prosecution in person, and as such they were satisfied with him.

83. Q. Did your Lordship ever hear any officer or soldier of that army express any dissatisfaction at the general's returning to England?

A. I did not.

84. Q. Does your Lordship think that the officers of that army wish to have their respective merits stated to their Sovereign, by the general in person who had the honour of commanding them?

A. It was the wish of that army that General Burgoyne should go to Europe, to justify not only his own conduct, but the conduct of the army he commanded.

85. Q. Does your Lordship apprehend, that the return of General Burgoyne to that army, under personal disgrace, and without any distribution of preferment among the distinguished officers of that army, would be any sort of consolation to the troops under captivity?

A. General Burgoyne, at all times, shared the dangers and afflictions of that army in common with every soldier; as such they looked on him as their friend, and certainly would have received him in person, or any accounts of him, with every mark of affection.

86. Q. Your Lordship having said that if the rebels had maintained their post, at the ascent from the Low Countries to the Pitch Pine Plains, in the march from Fort Anne to Fort Edward, artillery would have been of great use to dislodge them; will your Lordship say what kind of artillery, of what calibre, would have been necessary for that purpose?

A. Any of the artillery officers now under the order of the House can give a much more satisfactory answer to that question than I possibly can.

87. Q. Did you see that post?

A. I think I said I did see it.

88. Q. With what kind of work was that post fortified?

A. I spoke of it merely from its situation.

89. Q. Were there then any works or none?

A. I don't recollect there were any works.

90. Q. If the army, after taking Ticonderoga, had been embarked, and proceeded directly to South Bay, would there have been any occasion to have attacked the post at Pitch Pine Plains at all?

A. The army did proceed by South Bay, excepting a detachment of General Fraser's corps, and some Germans to support him; and the army assembled at Skenesborough on the 9th or 10th of July.

91. Q. Was it necessary to go to the post at Pitch Pine Plains, in order to go to South Bay?

A. They had no sort of connection with each other.

92. Q. Might not the army have proceeded to Fort Edward, and omitted the attack of that pass, supposing it had been meant to be defended?

A. There

A. There were two routes to Fort Edward. General Burgoyne might still go the same route without any necessity of attacking that post, as there might have been many different ways of dislodging the enemy from that post without attacking it.

Q. In how many instances do you remember the rebels defending their entrenchments after they had made them? 93.

A. We never got a view of any of their entrenchments but such as they had voluntarily abandoned.

Q. Is it then to be understood that they never defended any entrenchments? 94.

A. They never did.

Q. Did you ever hear General Frazer express his approbation of the passing of the Hudson's River? 95.

A. I never did.

Q. Did you ever hear General Frazer express his approbation of the Bennington expedition? 96.

A. That detachment was made, and the business concluded, before I ever heard of the project or execution.

L. Q. Have you occasion to know, when the first detachment was sent out under Colonel Baume, where they were ordered to rejoin General Burgoyne, after they had performed the service they were sent on? 97.

A. I don't know.

Q. Whether, in your Lordship's opinion, after the loss the rebels had sustained over night, in the action of the 19th of September, if they had been attacked briskly at break of day, the next day, there was a probability that they could have stood their ground? 98.

A. I have not hesitated to give an opinion upon supposed matters, which must have been attended with evident and demonstrable consequences; but I beg the indulgence of the House in declining to give any opinion upon any question relative to speculation or judgment. Had any general officer of that army under General Burgoyne been present in this country, I should have confined myself merely to the manoeuvres of the corps I commanded. As there is no general officer here, I wish to give this House every information consistent with my rank in the army.

Q. Had you any information that might indicate to you that the rebels were prepared to decamp after the action of the 19th of September? 99.

A. I was ignorant of any such intelligence being received.

Q. Had you any information of their baggage being packed up? 100.

A. I have already answered, that I had no information at all about it.

Q. In the action of the 7th of October, on which side did the rebels force our lines and make a lodgement? 101.

A. The lines to the right were stormed and carried.

Q. Were the lines attacked to the left? 102.

A. To the left of that post they were, but not to the left of the army.

Q. Did not the possession of Fort Edward, and the country thereabouts, cut off the retreat of any garrison that might have been in Fort George? 103.

A. It undoubtedly did.

Q. Had the army proceeded to Fort George by Ticonderoga and Lake George, might not the enemy have remained at Fort George till the trenches were opened, and have still had their retreat secure? 104.

A. That is a matter of opinion upon speculation.

105. Q. Do you not think that the British army, being well provided with artillery, was a probable reason for their not defending entrenchments?

A. The reason they did not defend their entrenchments was, that they always marched out of them and attacked us.

106. Q. Does your Lordship think it would have been adviseable, in point of prudence, or just to brave troops, who had suffered severe loss, to attack an enemy the morning after that loss, posted within entrenchments, which it was impossible to reconnoitre?

A. That attempt was tried on the 7th of October, and did not succeed.

107. Q. Were not the enemy reinforced between the 19th of September and the 7th of October?

A. I think it is likely they were.

108. Q. Were they likely to be in better spirits to repel an attack the day after they had been repulsed with great loss, or when they had been reinforced, and seen an army lie three weeks inactive in their camp?

A. I do not judge of the spirit of the enemy but when I was opposed to them myself.

109. Q. On the first day of the action, when the enemy was repulsed on the 19th of September, had not our army suffered very considerably?

A. They suffered very considerable loss.

110. Q. Was not the army recruited, and in better order, on the 7th of October, than they were on the 20th of September?

A. Numbers of the men who had been wounded and disabled in the action of the 19th, joined their corps on the 7th of October.

111. Q. Was the behaviour of the enemy, opposed to your Lordship, in the actions you have seen, such as to make them contemptible in the eye of a soldier?

A. I have already mentioned, that they fought at all times with courage and obstinacy.

112. Q. Whether the behaviour of the enemy was such as to make advantages obtained by them over his Majesty's troops more humiliating and disgraceful to the British arms than the same advantages obtained by an equal number of any other troops?

A. I myself felt more humiliation until I considered that those advantages proceeded from the nature of the country, and not from the want of zeal or bravery in the British troops.

113. Q. Whether the enemy's troops were such bad troops as to make it more disgraceful to have an advantage obtained by them over the King's troops than by the like number of any other enemy over a like number of his Majesty's troops in the same circumstances of country?

A. The advantages gained by the rebels over the British troops proceeded from their local situation, and not from the want of courage in the British troops. We were taught by experience that neither their attacks nor resistance was to be despised.

114. Q. Did you ever serve against any other troops?

A. I commenced my service in America.

Q. Whether

Q. Whether the army under General Burgoyne, in general, expected co-operation in their efforts to go to Albany, from the army under the command of Sir William Howe? 115.

A. General Burgoyne gave it out in general orders, that he had every reason to believe that powerful armies were acting in co-operation with the army he had the honour to command.

Q. Do you know at what time that order was given out? 116.

A. The adjutant general's books will shew it: I think it was about the 3d of October.

Q. Does your Lordship believe that if the army under General Howe had co-operated up the North River with the army under General Burgoyne, that the army under General Burgoyne would have been obliged to have made the convention it did? 117.

A. That is a matter of judgment. The army looked forward to that co-operation, which they were led to understand, by the orders General Burgoyne had given out, with pleasure.

Q. What was the general opinion of the officers of the army in which you served, on that subject of co-operation? 118.

A. I do not think my rank in the army entitles me to give my opinion on that subject; I shall still less presume to give that of others.

[Withdraw.

Then he was called in again, and several parts of the examination, particularly that which immediately follows the place where it is said that his Lordship was examined by other members of the Committee, were read, and then the last question which was put to his Lordship immediately before he withdrew, was repeated, with this addition, "To the best of your recollection and information."

A. I have already declined answering that question. 119.

Q. When did you first know that there was to be no co-operation from General Howe's army, and that Sir William Howe had carried his army to Chesapeake Bay? 120.

A. I did not know that we were to expect no co-operation, until after the convention was signed.

Q. When did you first hear that Sir William Howe was gone to the southward? 121.

A. It was reported so in the army about the beginning of the campaign, before we crossed the river.

Q. When was that report first confirmed so as to make it a matter of belief? 122.

A. I never knew it was confirmed at all.

Q. Whether you yourself was not surprised or disappointed, or both, when you first understood that there was not to be any co-operation from Sir William Howe, but that Sir William Howe's army was gone to Chesapeake Bay? 123.

[Withdraw.

Again

Again called in.

124. Q. Whether you yourself was surpris'd or disappointed, or both, when you first heard that Sir William Howe's army was gone to Chesapeak Bay?

A. I neither knew the object of the campaign nor its expectations, and therefore cannot speak to any manœuvre of which I could not know the tendency.

125. Q. Did the army in general express themselves pleas'd at the news of Sir William Howe's being gone to Chesapeak Bay?

A. The answer to the last question, as it relates to me in particular, relates to them in general.

126. Q. Whether your Lordship, as a matter of fact, in the consideration you had in the army, on the news of Sir William Howe's being gone to Chesapeak Bay, heard those you conversed with express themselves pleas'd, or talk of that expedition to Chesapeak, as a powerful co-operation with General Burgoyne?

A. I think that question is fully answer'd in the two preceding ones.

127. Q. Whether you did not think General Howe's fighting General Washington's grand army, at the battle of Brandywine, was a very capital co-operation with the army under General Burgoyne?

A. I was not at Brandywine.

128. Q. Whether you was not surpris'd when you return'd home to this country, to learn that the secretary of state for the American department, had information from General Howe, of his intentions of going to the southward, before General Burgoyne departed from this country, and never communicated that information to General Burgoyne before his departure for Canada?

A. I have the honour to stand before this House as a military man, and not as a politician, and cannot answer any question but those relative to my own profession.

129. Q. What was your Lordship's opinion of the spirit of your own corps?

A. The opinion I gave in the council of war, relative to the spirit of the corps I commanded was, that they were willing and zealous to undertake any enterprize that General Burgoyne would please to employ them upon.

130. Q. When advice was received that Sir Henry Clinton was coming up the North River, did you apprehend the treaty of convention had gone so far that it could not be broken?

A. My opinion was, with respect to that question, that all military negotiations were fair and justifiable, to make delays and to gain time; I therefore thought and declared my sentiments, that General Burgoyne was at full liberty to break off that treaty in the stage it then was; and I could not conceive that the public faith was engaged, until the treaty was actually signed and exchanged.

131. Q. Whether the opinion of General Burgoyne, of General Phillips, of Brigadier Hamilton, and several other officers, did not coincide with your opinion in all the matters compris'd in the last question?

A. As General Burgoyne seems desirous that I should answer that question, I declare his sentiments were the same with those I have now delivered. I hope that the

By General
Burgoyne.

the other members of that council, will soon be in a situation to stand forward and to declare the opinion they gave on that and every other question.

Q. When the question relative to the point of public faith was decided, by the majority of the council, was not the concurrence for signing the convention unanimous? 132.
By General Burgoyne.

A. It was.

Q. What day was it first known that Sir Henry Clinton had taken the highlands, and was coming up the North River? 133.

A. In the night of the 16th of October.

[Withdraw.

CAPTAIN MONEY called in and examined by General Burgoyne.

Q. WAS not you deputy quarter master general of the army under General Burgoyne, in 1777? 1.

A. I was.

Q. After Lieutenant Colonel Carleton returned to Canada, was you the superior officer in that department? 2.

A. I was.

Q. As such, did you make it your business from the beginning of the campaign to get a knowledge of the country? 3.

A. Whenever there was any occasion to obtain the knowledge of any particular part of the country, a party was always sent with me for that purpose, but the woods were so thick that it was impossible to go without a party.

Q. Was you well acquainted with the country between Skenesborough and Fort Edward? 4.

A. I was.

Q. How long was the army employed in making the roads practicable between Skenesborough and Fort Edward? 5.

A. About six or seven days in making the road between Skenesborough and Fort Anne, and between Fort Anne and Fort Edward. I do not believe the army was delayed an hour on that account; there was a very good road made by the rebels the year before, between Fort Anne and Fort Edward, in which road the rebels had cut down some few trees which took the provincials in our army some few hours to clear.

Q. Does not the possession of the country in the neighbourhood of Fort Edward, necessarily prevent the retreat of a garrison that might be in Fort George? 6.

A. It

A. It prevents the getting off any artillery or stores; but a garrison might get through the woods, in case we were in the possession of the ground in the neighbourhood of Fort Edward.

7. Q. Did not the garrison of Fort George evacuate the fort upon the approach of the King's troops toward Fort Edward?

A. I heard they did; I was not near enough to see.

8. Q. Had the army taken their route by South Bay, Ticonderoga, and Lake George, how many bateaux do you imagine it would have taken to carry the troops solely over Lake George, exclusive of provisions and stores?

A. I think between three and four hundred, which bateaux must have been carried up out of Lake Champlain to Lake George.

9. Q. What time would it have taken, as you imagine, to have drawn those bateaux over the land, between Lake Champlain and Lake George, with the horses then at Ticonderoga?

A. I suppose a fortnight—Four hundred bateaux.

10. Q. Though there were no troops passed over Lake George, how long did it take before the first transport of provisions arrived at Fort George?

A. I can't recollect precisely.

11. Q. Considering the length of time it took to transport the provisions, without the troops, over Lake George, was not the army forwarder in their way to Albany, in point of time, by the route they took, than they could have been by the route of Ticonderoga and Lake George?

A. I have already said, that it would take a fortnight to transport the 400 bateaux from Lake Champlain to Lake George; it therefore would have delayed the army a fortnight longer than they were delayed to have returned from Skeneborough by Ticonderoga, and gone across Lake George.

12. Q. Was you commissary of horse, as well as deputy quarter master general?

A. It was.

13. Q. What is the nature of that department?

A. It was to take charge of all the horses furnished by contract for General Burgoyne's army, by any letter of instructions from General Burgoyne. I am directed to give proper orders and directions to the drivers, furnished by that contract, for the purpose of transporting provisions and stores brought to Fort George, for the use of the army.

14. Q. Did you report from time to time to Major General Phillips, and take orders from him, as well as from General Burgoyne?

A. Yes.

15. Q. Were not the orders from both the generals invariable, precise, and pressing, for using all possible diligence in forwarding the transport of provisions?

A. They were. There was one order which I will read, as it will fully answer that question: it is dated August the 18th, Duer-Camp, and is in these words; "It having been a practice for officers to order to be taken from the provision train, in the service of the King for this army, the carts and horses, for the carrying baggage and other purposes, to avoid for the future the danger and inconveniences to the service, it is in the most positive manner ordered, that no cart or horse are to be used but for the public transport of the army; nor is any officer, "accidentally

“ accidentally coming to any particular post, to interfere with the provision train,
“ in any other manner than to give it every aid and assistance, which he is on all
“ occasions to do.”

Q. Was not the transport of merchandize, and even sutler's stores, as well 16.
as of officers' baggage, positively forbid till the transport of provision should be
over ?

A. There was such an order, and a seizure made of two barrels of Madeira,
and two barrels of rum, which were ordered to the hospital.

Q. Do you recollect General Burgoyne's expressing, at several times, particular 17.
anxiety on the subject of expediting the transport of provisions ?

A. I do remember once to have heard General Burgoyne express his concern at
our not being able to bring forward a greater quantity of provision to enable him
to proceed with the army.—I do recollect to have heard him say with very great
earnestness to General Phillips and Colonel Carleton, that one month's provision
at that particular time (it was about the latter end of August) would be worth
100,000*l.* to Great Britain.

Q. Do you think that the commissary of the waggons, and other carriages, 18.
was authorized to buy or hire ox-teams wherever they could be had, and that all
draught cattle taken, were appropriated to the transport ?

A. He received such directions.

Q. How many carts and ox-teams could be mustered at any one time ?

A. I think only 180 carts could at any one time be mustered ; the number of 19.
ox-carts I really forget, but I believe between 20 and 30.

Q. About how many days provision for the troops, and all other persons fed 20.
from the King's stores, could that number of carriages convey ?

A. There never was any trial made, but if I may presume to judge from the
proportion brought forward, over and above the daily consumption of the army,
should suppose all those carriages would not carry more than four days provisions at
most. I am speaking at random, as no trial was made.

Q. Did it not sometimes happen, from accidents of weather, and roads, and the 21.
tired state of the cattle, that not more than one day's provision could be brought
forward in a day ?

A. It did.

Q. How many hours did it take, one hour with another, to draw a bateau 22.
from Fort George to Fort Edward ?

A. In general about six.

Q. Was not the unloading the carts at Fort Edward, and embarking the contents 23.
in bateaux, unloading the bateaux at the upper falls of Fort Miller, and a second
time unloading them at the lower falls, dilatory as it was, a more expeditious method
than it would have been to have carried the provisions the whole way in carts ?

A. I do apprehend it was not possible, in the feeble state I found the horses fur-
nished by contract, to have brought forward the daily consumption of provisions for
that army down to Fort Miller. In the month of August, in the latter end of that
month, at which time I was appointed a commissary general of horse, I made, on

the first of September, a general muster, and found 30 horses unserviceable, from fatigue and hard labour.

24. Q. Was the transport of provisions at any time impeded by the bringing forward the artillery from Fort George?

A. The artillery had a separate contract for horses, with which they brought forward their own stores. I don't recollect that any part of the provision train were ever employed in bringing forward artillery or artillery stores.

25. Q. Was it possible, with the means we had, to collect a month's store of provisions sooner than it was collected?

A. I believe not, without the utter ruin of the horses furnished by contract for the purpose of transporting stores.

26. Q. Was you present in the action of the 19th of September?

A. I was.

27. Q. Did the enemy dispute the field that day with obstinacy?

A. They did, and the fire was much heavier than ever I saw it any where, unless at the affair of Fort Anne.

28. Q. Do you know how long the regiments of the British line were under that fire?

A. The three British regiments (the 20th, 21st, and 62d) were engaged from three o'clock in the afternoon till seven in the evening; and whilst I was a prisoner I heard the rebel quarter-master general say, they had nine different regiments in the field, opposed to the three British I have named.

29. Q. Do you know the loss the three British regiments sustained?

A. I can't say.

30. Q. Do you remember the strength of the 62d regiment when they came out of the action?

A. I can't speak to the particular strength of the regiment when they came out of action; but I heard that they were not 100 rank and file.

31. Q. How many officers were left in that regiment at the end of the action?

A. I can't answer that question.

32. Q. From the general state of the three British regiments, do you think that they would have been in a proper condition to have attacked the enemy the next morning?

A. Certainly not; nor to go on any service whatever.

33. Q. About what time of the day did the enemy finally give way?

A. They gave way very often; finally about seven in the evening.

34. Q. Was it practicable, at that time of the evening, and in that kind of country, to have pursued?

A. I should think not.

35. Q. Was you not often employed, between the day of that action and the action of the 7th of October, to reconnoitre?

A. I was.

36. Q. Was you able to obtain a view of the enemy's position?

A. I obtained a view of the position of the right of the rebel entrenchments.

37. Q. What was the nature of their position to the right, with regard to entrenchments?

A. They

A. They were posted on a hill that came very near the river. On the top of the hill was a strong breast-work, at the foot an abbatis.

Q. Did it appear to you that that wing of the enemy was attackable? 38.

A. It is a question that is scarcely in my line of service to answer; but as there are no general officers, nor older officers than myself, who served under General Burgoyne, I hope no military man will think me presuming to give my opinion on that subject. I do think that we could not have attacked the right wing of the rebel entrenchments without risking the loss of the whole army, and with little probability of success.

Q. Could you obtain a view of the left wing of the enemy? 39.

A. I never saw the left wing of the enemy's entrenchments till I was taken prisoner and conducted through their works.

Q. On the 7th of October was you in a situation to see the enemy advancing to the attack of your left? 40.

A. Yes.

Q. Did they advance under a well served fire of grape-shot from our artillery? 41.

A. I was in a situation that gave me an opportunity of seeing the directions of the rebels' columns; and I was very much astonished to hear the shot from the enemy fly so thick, after our cannonade had lasted a quarter of an hour.

Q. When the British grenadiers were forced last from their post, what ensued? 42.

A. I did not see the British grenadiers forced back. I saw them on their march, as I apprehended, taking a different position; at that time several of them broke their ranks, but on some aid du camps calling to them for shame, to continue their rank, they marched away to their station in good order. A battalion of Brunswickers that were on the left of the artillery quitted their ground as soon as the firing began, and, to the best of my recollection, I did not see they left a man behind them on the ground. I would add, that after some difficulty that battalion was brought to make a stand in the rear of the artillery, but in no order.

Q. Was not that battalion brought to that stand by the activity and exhortation of Major General Reidesel? 43.

A. I did not see General Reidesel endeavour to stop the battalion; but I saw an aid du camp of his and a brigade major, with their drawn swords, keeping them up. I did see General Reidesel immediately afterwards, on the right of the artillery, with the battalion perfectly formed, and in good order.

Q. Do you imagine that the giving way of the battalion you first described was the cause that the artillery on that spot was taken, and yourself and Major Williams being made prisoners? 44.

A. I believe it contributed, in some measure, towards the loss of the action on that day; but before Sir Francis Clarke died of his wounds, he told me that he received his wound in bringing orders for the artillery and the whole of the detachment to return to camp; and to the circumstance of Sir Francis Clarke's being wounded, I do attribute the loss of the artillery, if not the loss of the whole army?

Q. Had you an opportunity, after you was prisoner, to see the left of the enemy's entrenchments? 45.

A. I had.

46. Q. Was the ground within cannon shot of the left open and commanding it?
A. All the ground I saw was cleared and entrenched.
47. Q. Was there not ground within cannon shot that would have commanded that entrenchment on the left?
A. There was.
48. Q. Had we gained possession of that ground, and been able to erect batteries of our heaviest guns, would not the whole line of the enemy have been enfiladed?
A. The ground alluded to was entrenched, and commanded the whole of the rebel camp and lines. If the army had got possession of that ground, I do not believe the rebels would have staid one hour in their camp.
49. Q. Did you ever hear, in conversation with the rebel officers, that General Arnold, foreseeing that inconvenience, had marched out of his lines, and attacked, without orders from General Gates?
A. I did hear that General Arnold had marched out on the 7th of October, without orders from General Gates. I did also hear that he advised the going out to meet General Burgoyne on his march, and engaging him before he approached their lines; and the reason he gave was this: If General Burgoyne should ever come near enough their lines to be able to make use of his artillery, that he would certainly possess himself of their camp; that their troops in that case would never stand any where; but if, on the other hand, the rebels should be defeated in the woods, the troops would, after that, have confidence in their works, for which reason Arnold advised risking an action in the woods before General Burgoyne came near enough to see their works.

Examined by other Members of the Committee, and by General Burgoyne occasionally.

50. Q. Did not your situation, as deputy quarter master general, lead you to mix very much with the different officers of the army?
A. It did.
51. Q. What do you apprehend to have been the general opinion of the officers of General Burgoyne's conduct, as well in action as in the many trying occasions which have been stated by you at the bar?
A. They entertained a very high opinion of General Burgoyne's conduct.
52. Q. Had General Burgoyne the full confidence of the army under his command to the last moment?
A. He certainly had.
53. Q. What was the army's opinion of the rebels after their retreat from Ticonderoga?
A. The army in general did not think, after they had evacuated Ticonderoga, that they would make a stand any where.
54. Q. What was the reason given in your army for the expedition to Bennington?
A. I believe I cannot answer that question better than by reading an abstract of the General's orders the day after that action.

“ August

" August 17, Duer Camp.

" It was endeavoured, among other objects, by the expedition which marched to the left, to provide such a supply of cattle as would have enabled the army to proceed without waiting the arrival of the magazines. That attempt having failed of success, through the chances of war, the troops must necessarily halt some days for bringing forward the transports."

Q. Why did the army remain from the 16th of August to the 13th of September, 55. before they crossed the Hudson's River to engage the rebels at Stillwater?

Q. To bring forward a sufficient quantity of provisions and artillery, to enable the general to give up his communication.

Q. What was the opinion of the army on their crossing the Hudson's River? 56.

A. They did think it was their indispensable duty to proceed forward and fight the rebels, which we heard were then at Stillwater.

Q. Did you ever forage to the right of General Frazer's camp before the 7th of 57. August?

A. We never foraged to the right of the camp at Freeman's Farm, at any one time; on the 7th of October, while the troops were in the field, General Frazer ordered all the batmen and drivers, belonging to his brigade, to come and forage in the rear of the troops.

Q. Do you know what was General Frazer's opinion on your foraging to the 58. right?

A. I do know that General Frazer mentioned to me, on the 5th of October, that there was forage on the right of his camp; but at that time the ground on which that forage was to be met with was in possession of the rebels' advanced post.

Q. Do you think your army would have been lost, if even the expedition from 59. New York had taken place a few days sooner?

A. If the troops had arrived at New York soon enough to have enabled Sir Henry Clinton to have made his expedition up the North River a week sooner, I do conceive that our army would not have been lost.

Q. What was the opinion of the rebels on Sir William Howe's going to the 60. southward.

A. I was not acquainted enough with the rebel leaders, to hear their opinion on that question. I do not think that the peasants of the country were judges of the propriety of Sir William Howe's conduct.

Q. What was the opinion of the officers of General Burgoyne's army, after it 61. was lost, relative to the crossing Hudson's River.

A. They did think that the alternative of retreating with their army to Canada, or proceeding to Stillwater, under the necessity of giving up his communication, to be an unfortunate situation; but I never heard any officers say that they thought General Burgoyne had done wrong; many said, that if they had retreated without risking an action, at the time Sir Henry Clinton was coming up the North River, the army would never have forgiven him, nor would he ever have forgiven himself.

Q. Was you at New York after the loss of General Burgoyne's army? 62.

A. Yes.

A. Yes.

63. Q. What was the opinion or the language of the military at that place, relative to Sir William Howe's expedition to Pennsylvania?

A. Whatever opinion was formed of Sir William Howe's expedition to Pennsylvania, or is formed previous to this enquiry, such an opinion must have been ill-founded, as Sir William Howe's reasons were not known, nor his instructions communicated to the public.

64. Q. From your last answer, is the committee to understand that the opinions that were formed respecting Sir William Howe's expedition to Philadelphia, before this enquiry, were not in favour of that expedition?

Question objected to.

[*Withdrew.*]

Again called in.

65. Q. You have said that the army thought it their indispensable duty to pass over Hudson's River—Why did they think that that measure was particularly their indispensable duty?

A. If the Hudson's River had not been there, the army would have thought it their indispensable duty to have gone and risked an action before they returned to Canada. If I recollect right, I said, that if the army had returned to Canada, without fighting, that the army would never have forgiven the general, nor the general have forgiven himself.

66. Q. Do you know the nature of the country, between the place where we passed the Hudson's River and Albany, on the east side of the river?

A. Yes, I do.

67. Q. Could the army have taken that route, in order to pass the river opposite or near to Albany?

A. The army could not have taken that route, as part of the way was a swamp, and on the right of the rebel entrenchments was a mountain very rugged, and not passable nearer than two miles from the river.

68. Q. Was it not a necessary consequence then, that the boats must have been abandoned, if the army had taken that route?

A. I think I have said the army could not take that route; if the army had marched on the east of the Hudson's River, they could not have marched near enough to have covered their provision bateaux from the rebel force, on the west side of the river.

69. Q. Did the army under General Burgoyne, on their approach to Albany, expect a co-operation of the army under Sir William Howe, upon the North River?

A. They did; and this is the order of General Burgoyne, given October the 3d at Freeman's Farm:

“ There is reason to be assured, that other powerful armies are actually in co-
 “ operation with these troops; and although the present supply of provision is ample,
 “ it is highly desirable, to prepare for any continuance in the field that the King's
 “ service may require, without the delay of bringing forward further stores for
 “ those

"those purposes; the ration of bread or flour is, for the present, fixed at one pound."

Q. Are you acquainted with the North River, from New York to Albany?

A. I am not.

Q. How many days march from Fort Edward to Albany, if no interruption from an enemy?

A. I cannot answer that question, unless I am to suppose that a bridge was ready formed for the troops to pass over, on some part of Hudson's River, between Batten Kill and Fort Edward, or that there were vessels ready to transport the troops over Hudson's River.

Q. Is the distance so great between Fort Edward and Albany, that the army could not carry provisions with them to support them during the march?

A. Certainly Albany is not at so great a distance from Fort Edward, but that a corps of troops might certainly carry provisions sufficient for the march to Albany.

Q. Was it not understood, that if you had arrived at Albany, that the army would find plenty of provisions there?

A. It was generally believed, and I believe it myself firmly, that if the army had got to Albany, we should have found a number of loyal subjects, that would have joined and done every thing in their power to have established the army at that place.

Q. Must not the army, to march from Fort Edward to Albany, have necessarily carried a number of boats to form a bridge to pass the river?

A. There was no passing the river well without a bridge of boats, and there were not scows enough on that river, to make a bridge.

Q. Would not the necessary delay, arising from carrying forward those boats, and throwing a bridge, fit to pass an army, have consumed more time than it was possible for that army to subsist with such provision as they could carry with them?

A. I should think it would.

Q. You will give the committee what information you can, respecting a road from Fort Edward to Albany, on the left side of the river.

A. I have answered that fully.

Q. Whether by taking a pretty large circuit, the army would have reached Albany, and avoided the swamps you mentioned?

A. Certainly not on the east side of the river, because the enemy being on the opposite shore, would certainly have opposed General Burgoyne's army crossing the Hudson's River at Albany, the river being three times the width it is at Saratoga.

[Withdraw.

Martis

Martis 1^o die Junii, 1779.

Mr. F. Montagu in the Chair.

EARL OF HARRINGTON called in and examined by General Burgoyne.

1. Q. IN what capacity did your Lordship serve in America in the campaign 1777?
A. I was captain in the 29th regiment of foot, and went on the expedition with General Burgoyne, with the command of the grenadier company; I was afterwards appointed supernumerary aid du camp to the general.
2. Q. While acting as captain of the grenadier company, was you at the action of Huberton?
A. I was.
3. Q. What was the behaviour of the enemy on that day?
A. They behaved in the beginning of the action, with a great deal of spirit; but on the British troops rushing on them with their bayonets, they gave way in great confusion.
4. Q. From the nature of the country, was it practicable to pursue the enemy further than they were pursued on that occasion?
A. Certainly not.—I think we ran some risque even in pursuing them so far.
5. Q. At what time of the campaign was it that General Burgoyne requested your Lordship to act as his aid du camp?
A. I think about the 12th of July.
6. Q. Was you present a few days after that time, at a council held with the Indians of the remote nations, then just arrived, under the conduct of Major Campbell and Mr. St. Luc?
A. Yes.
7. Q. Was you present at a former council of the Indians held at Lake Champlain?
A. Yes.
8. Q. What was the tenor of General Burgoyne's speeches and injunctions at both those councils respecting the restraint of barbarities?
A. He absolutely forbid their scalping, except their dead prisoners, which they insisted on doing, and he held out rewards to them for bringing in prisoners, and enjoined them to treat them well.

Q. Do