

**DOCUMENTS IN RELATION TO
THE DIFFERENCES WHICH
SUBSISTED BETWEEN THE LATE
COMMODORE O. H. PERRY AND
CAPTAIN J. D. ELLIOT**

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O. H. PERRY & J. D. ELLIOTT

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DOCUMENTS

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RELATION TO THE DIFFERENCES

WHICH SUBSISTED BETWEEN THE

LATE COMMODORE O. H. PERRY

AND

CAPTAIN J. D. ELLIOTT.

WASHINGTON:

1831.

BOSTON:

1834.

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PREFACE.

When the late Commodore Perry was about to sail on the cruise which terminated his valuable life, he requested Commodore Decatur to take charge of the following documents to keep Captain Elliott in check during his absence; and, if any accident happened to him while on his cruise, that they might be published, as the most effectual means which would then be left, of guarding his character against the baseness and falsehood of Captain Elliott.

The original documents of which these are copies, had all been transmitted to the Navy Department by Commodore Perry, some time before; but, in consequence of a great proportion of the necessary witnesses being on the Mediterranean station, a court-martial could not be convened prior to his sailing.

The Hon. BENJAMIN W. CROWNINGSHIELD,
Secretary of the Navy Department.

SIR: I have the honor to lay before you copies of a letter lately received by me from Captain Jesse D. Elliott of the Navy, and of certain certificates enclosed therein, with copies also of my letter in reply, and of the affidavits of Lieutenants Turner, Stevens, and Champlin, and Dr. Parsons.

The conduct of Captain Elliott, partially presented to view in these papers, and still more clearly marked by other acts of that officer within my knowledge, and fully susceptible of proof, imposes on me the duty of preferring against him the charges which accompany this letter; and I now accordingly do prefer said charges against Captain Elliott, and request that a court-martial may be ordered for his trial thereupon.

The facts upon which some of these charges are founded (particularly those relating to the behaviour of that officer during the engagement on Lake Erie,) having been long in my possession, you will expect me to account for my not having sooner made them known to the government, and for having mentioned favorably, in my official report of that action, an officer whose conduct had been so reprehensible.

At the moment of writing that report, I did in my own mind avoid coming to any conclusion to what cause the conduct of Captain Elliott was to be imputed; nor was I then fully acquainted with all the circumstances relating to it. Having previously to the engagement given all the orders which I thought necessary to enable every officer to do his duty, and feeling confidence in them all, I was, after it commenced, necessarily too much engaged in the actual scene before me to reflect deliberately upon the cause which could induce Captain Elliott to keep his vessel so distant both from me and the enemy. And after the battle was won, I felt no disposition rigidly to examine into the conduct of any of the officers of the fleet; and, strange as the behaviour of Captain Elliott had been, yet I would not allow myself to come to a decided opinion, that an officer who had so handsomely conducted himself on a former occasion, (as I then in common with the public had been led to suppose Captain Elliott had) could possibly be guilty of cowardice or treachery. The subsequent conduct also of Captain Elliott; the readiness with which he undertook the most minute services; the unfortunate situation in which he now stood, which he lamented to me, and his marked endeavors to conciliate protection—were all well calculated to have their effect. But still more than all, I was actuated by a strong desire that in the

fleet I then had the honor to command, there should be nothing but harmony after the victory they had gained, and that nothing should transpire which would bring reproach upon any part of it, or convert into crimination the praises to which they were entitled, and which I wished them all to share and enjoy. The difficulties produced in my mind by these considerations, were, at the time, fully expressed to an officer of the fleet in whom I had great confidence. If I omitted to name Captain Elliott, or named him without credit, I might not only ruin that officer, but, at the same time, give occasion to animadversions which, at that period, I thought would be little to the honor or advantage of the service. If my official report of that transaction is reverted to, these embarrassments with respect to Captain Elliott, under which I labored in drawing it, will, I believe, be apparent. That report was very different from what had been expected by the officers of the fleet; but, having adopted the course which I thought most prudent to pursue with regard to Captain Elliott, I entreated them to acquiesce in it, and made every exertion in my power to prevent any further remarks on his conduct—and even furnished him with a favorable letter or certificate for the same purpose, of which he has since made a very unjustifiable use.

These, sir, are the reasons which induced me at the time not to bring on an inquiry into his conduct. The cause and propriety of my now doing so will, I trust, require but few explanations. I would willingly, for my own sake as well as his, (after the course I had pursued for the purpose of shielding him,) have still remained silent; but this, Captain Elliott will not allow me to do. He has acted upon the idea, that by assailing my character he shall repair his own.

After he was left in the command on Lake Erie, I was soon informed of the intrigues he was there practising, some of which are detailed in these charges. These I should not have regarded as long as they were private; but I then determined and declared to many of my friends in the navy, that should Captain Elliott ever give publicity to his misrepresentations, I would then demand an investigation of the whole of his conduct. This necessity is now forced upon me.

Believing my hands to be bound, and even braving me with the very certificate afforded to him in charity, this officer at last addresses directly to myself, and claims my acquiescence in the grossest misrepresentations—not only of his own conduct on Lake Erie, but of conduct and declarations which he imputes to me.

Thus has Captain Elliott himself brought his own conduct on Lake Erie again into view, and, by involving with it imputations upon mine, has compelled me to call for this inquiry.

He can make no complaint, therefore, of delay in bringing forward any of these charges. Those which regard his conduct on Lake Erie, and his justification, (if he has any,) are besides as perfectly susceptible of proof now as at any earlier period. Whatever the character of that behaviour was, it was witnessed by such numbers as to leave nothing in it equivocal or unexplained. Some of the officers who were with him may still be called upon, and although two or three others are deceased, yet so were they when Captain Elliott himself called for a Court of Inquiry. Certificates also were obtained from those officers by Captain Elliott while living, the originals of which are in the Department, and it may be seen by them that those officers, if present, would have no testimony to give which could at all militate with these charges. There are as many officers deceased from whose testimony Captain Elliott would have much more to fear, than he would have to hope from that of the officers above alluded to. A Court of Inquiry consisting of three officers was once called at the request of Captain Elliott, in consequence (if I recollect rightly) of some allusions to the conduct of the Niagara, supposed to be contained in the British Commodore Barclay's report; and though that inquiry (of which no notice to attend as witnesses was given to any of the commanders of vessels on Lake Erie) could only be a very limited one, and could involve no actual trial upon Captain Elliott's conduct, yet he undoubtedly had before that Court all such witnesses as could testify in his favor, and the record of that testimony (if any of those witnesses are deceased) will avail him. Captain Elliott, therefore, can suffer nothing from the lapse of time, and it would indeed be a strong pretension in him to claim protection from inquiry into his conduct, at the same time that he is giving notoriety to his own representations of it, and that too to the prejudice of others.

I am, sir, fully sensible how troublesome the frequent examinations into the conduct of officers has been to the government, and how disagreeable they must have become. I am aware, also, that the public are justly dissatisfied with them, and that reproach has brought upon the service by means of them. I have, therefore, avoided asking for this investigation as long as I possibly could do so with any justice to the service, or to my own character.

I have the honor to be,

Sir,

Your most obedient servant,

O. H. PERRY.

CHARGES

Preferred by Captain Oliver H. Perry against Captain Jesse D. Elliott, of the United States Navy.

FIRST CHARGE.

That the said Captain Elliott having, on the 10th September, 1813, during the engagement on Lake Erie, between the American and British fleets, before the eyes of the enemy, conducted himself in his command of the United States brig Niagara, in such a manner as to incur the reproaches of the American fleet, and of the American army, then stationed in the neighborhood under the command of Major General Harrison, and of the citizens of the surrounding country; and having, in this unfortunate situation, experienced from his commanding officer all the relief, and the most friendly countenance and support, which, (without absolute inconsistency with truth,) it was in the power of that officer to afford him, was, as soon as left in the command on that Lake, and after the departure of his said commanding officer, guilty of conduct unbecoming an officer and a gentleman, by immediately entering upon and pursuing a series of intrigues, designed to repair his own reputation at the expense and sacrifice of his said commanding officer.

Specification first.

Because the said Captain Elliott, on or about the month of November, 1813, procured a certificate from Lieutenant Smith, whom the said Elliott had attempted to dishonor, by representing him as guilty of misconduct during said engagement; which certificate was intended to reflect on the said Captain Perry; insidiously to misrepresent his conduct during said engagement, and to impeach the truth of his official report thereof. And because, at or near the same time, the said Captain Elliott procured a certificate to be signed by Lieutenant Edwards, Purser Magrath, Dr. Parsons, and acting Sailing Master Webster, having the same import and design, and containing a perverted statement of the conduct and language of the said Captain Perry, when he came on board of the Niagara during said battle, although the said Elliott well knew that neither of the said officers were then present; that the said Edwards was on the forecastle, that the said Magrath was at the time absent from that vessel, and the said doctor and Sailing Master were in the cockpit, or elsewhere below, and could neither of

them have had any personal knowledge of the pretended facts stated, which they could only have taken from the representations of the said Captain Elliott himself; which certificates, in such manner obtained, were, by the said Captain Elliott, without notifying the said Captain Perry, procured to be transmitted to the Secretary of the Navy, for the purpose of injuring the reputation of the said Captain Perry in the opinion of the government.

Specification second.

Because the said Captain Elliott, at Baltimore, in or about the month of January, 1815, in presence of Captain Charles Ridgely, of the United States Navy, did falsely, and with malice, represent the conduct of his said commanding officer in said engagement on the 10th September, 1813; insinuating that, when the said commanding officer came on board of the Niagara during said battle, he was in despair, and ready, to all appearance, to surrender the fleet; but the said commanding officer, finding no reason to believe that he, the said Captain Elliott, would consent to such a measure, the fight was renewed, and he, the said Captain Elliott, cheered and reanimated his said commanding officer. And, at Lake Erie, on or about the month of January, 1814, in the presence of Lieutenant Concklin, did make the same, or similar, false imputations upon the conduct of his said commanding officer.

Specification third.

That he, the said Captain Elliott, during the months of October and November, 1813, repeatedly stated to Doctor Wallace, of Erie, and to others, that his said commanding officer had, under the influence of fear or despair, thrown overboard *his flag*, called the *motto-flag*, which had been prepared by Captain Perry to excite and encourage his men—containing the dying words of Lawrence, after whom this ship was named, “don’t give up the ship,” and the said flag had been picked up by another officer; which said assertions, said Elliott knew to be false, and that said flag was still flying on board of the Lawrence when Captain Perry left that vessel and was never lost or thrown overboard by any one.

Specification fourth.

That the said Elliott, about the month of September, 1813, made, or procured to be made and exhibited to some of the officers, a false drawing or sketch of the battle of the 10th of Sep-