

This reproduction from the American Antiquarian Society is for reference purposes only and may not be used in a publication without permission. Public copies obtained for reproduction and permission may be obtained from the American Antiquarian Society, 185 Salisbury Street, Worcester, MA 01609.

THE  
BATTLE OF LAKE ERIE,  
*N.S.W. Reschberger.*

OR

ANSWERS

TO

MESSRS. BURGESS, DUER, AND MACKENZIE.

BY J. FENIMORE COOPER.

COOPERSTOWN:

H. & E. PHINNEY.

1843.

PRICE 25 CENTS.

THE  
BATTLE OF LAKE ERIE:

OR  
ANSWERS

TO  
MESSRS. BURGESS, DUER, AND MACKENZIE.

BY J. FENIMORE COOPER.

COOPERSTOWN,  
H. & E. PHINNEY.  
1843.

Entered according to Act of Congress, in the year 1843, by  
J. FENIMORE COOPER,  
in the office of the Clerk of the District Court of the United States in  
and for the northern district of New York.

## PREFACE.

In his biography of Perry, Graham's Magazine, for May and June, 1843, the writer has given his theory of the Battle of Lake Erie, as connected with the controversy that has risen out of it. In the Naval history, that controversy was purposely avoided, as unnecessary to, and unfit for such a work. In this pamphlet, the intention is merely to answer Messrs. Burges, Duer and Mackenzie, all three of whom comment on, and the two last of whom have openly attacked the writer.

The writer has not sought this discussion. It has been forced on him by his assailants, who must now face the consequences. For years the writer has submitted in comparative silence to a gross injustice, in connection with this matter, not from any want of confidence in the justice of his case or any ability to defend himself, but, because he 'bided his time,' knowing, when that should arrive, he had truth to fall back upon. He

has seen his own work condemned, and, so far as the public authorities were concerned, excluded from the District School Libraries, and all on account of its supposed frauds in relation to the Battle of Lake Erie; while, on the other hand, he has heard Capt. Mackenzie's Biography of Perry lauded from one end of the Union to the other, and preferred to that place in the libraries mentioned, from which his own work has been excluded. The day of reckoning has come at length, and the judgment of men will infallibly follow. For the issue, the writer has no fears. Let intelligent men do him the justice to read, and honest men the justice to decide; this is all he asks, or desires.

J. FENIMORE COOPER.

*Cooperstown, May, 16th, 1843.*

## BATTLE OF LAKE ERIE.

SHORTLY after the appearance of the history of the Navy of the United States, bitter and combined attacks were made on it, principally in connection with the authenticity of its statements concerning the battle of Lake Erie. All of these attacks proceeded, so far as I have been able to ascertain, from the friends or connections of the late Com. Perry. It had suited that officer in 1818, to withdraw the eulogium he had bestowed on the conduct of Capt. Elliott, in his official account of 1813, and to substitute in its place, charges against his late second in command accusing him, in substance, of either cowardice or treachery, and asking for a court to investigate the facts. Although the government has never acted on these charges, it is matter of notoriety that they have given rise to several distinct controversies, of which it is to be hoped that the present will be the last. A brief narrative of the history of these controversies will assist the reader in better understanding the subject.

The battle of Lake Erie was remarkable for a feature that is almost, if not entirely, without example in the annals of naval combats. Although the Americans eventually captured every English vessel engaged against them, their own commanding ship struck her colors. This circumstance naturally gave rise to some feeling, and it is in proof that certain of the officers of this vessel were early engaged in looking up evidence to criminate Capt. Elliott, to whose conduct they ascribed their own disaster. Capt. Perry had brought with him from Rhode Island, several officers, natives of that state, or young men who had commenced their naval career under his immediate auspi-



ces, while in command of the flotilla on that coast. These gentlemen, without an exception I believe, took sides with their chief, in the subsequent dispute, and the earliest evidence I can find of any thing like a disposition to arraign Capt. Elliott, is connected with one of these officers. Dr. Usher Parsons, then a surgeon's mate on board the Lawrence, the vessel originally commanded by Capt. Perry, and which struck the enemy after he had left to go on board the Niagara, Capt. Elliott, went to the latter vessel "the second day after the action" to dress the wounds; her own surgeon Dr. Barton being too ill at the time to attend to the duty. On this occasion Dr. Parsons, agreeably to his own statement, questioned some of the wounded men as to the time when they were hurt—whether it were before, or after Capt. Perry reached their brig. As it has been alleged that Capt. Elliott betrayed a consciousness of guilt, by his moving so early in the matter, this circumstance becomes of some importance, since no act of Capt. Elliott's, in connection with the imputation on his conduct, is proved to have taken place at a date earlier than Sept. 17, or a week after the battle.

It is thus substantially shown that the enemies of Capt. Elliott, first took ground in this controversy; or, at least, it is not proved, as has been asserted, that Capt. Elliott did. On this occasion, several letters were written, by different officers, principally if not all of the Niagara, in justification of the conduct of Capt. Elliott, most of which appeared in the journals of the vicinity of Lake Erie. Capt. Perry took no part against his subordinate, but, on the contrary, in answer to an application from Capt. Elliott, he wrote that officer a letter of the date of Sept. 18th, the battle having been fought on the 10th, expressing his indignation that any rumors to his prejudice should have been in circulation. There is no reason to think that Capt. Perry, at that time, gave any other opinion in public. This may be termed the first controversy, though, on the part of the enemies of Capt. Elliott, little was openly promulgated to the world. In a short time, with the exception of a few on the spot, the matter was in a great degree forgotten.

In 1815, however, the papers of this country published the sentence of the Court Martial which had sat on Capt.

Barclay, his officers and crew, for the defeat. Owing to the carelessness with which statements are made in the journals of this country, some observations from a London print, that accompanied the finding of the court, were published as forming part of the sentence, which observations, among other errors and loose statements, asserted that the Niagara "had not been engaged," and "was making away," when Capt. Perry reached her. A Court of Inquiry was sitting in the Harbor of New York, when this supposed statement of the British court first appeared in America, and Capt. Elliott immediately asked that the facts might be investigated. This was done, such witnesses being made use of, as the vessels present at New York, a considerable force, could furnish. Seven witnesses were examined, two of the lieutenants of the Lawrence, and five officers of the Niagara; the result being an honorable acquittal of Capt. Elliott. The evidence before this court was conflicting, both as to distances and as to time, but all united in saying that the Niagara at no time was "making away."

From 1815 to 1818, nothing public appears to have occurred, in connection with this affair. In the latter year, however, Capt. Elliott wrote to Capt. Perry, stating that he had been informed that the latter had condemned his conduct on the 10th Sept. 1813, and requiring explanations. By the correspondence which ensued, it would seem that the gentlemen materially distrusted each others account of their respective behavior in the battle. In this correspondence Capt. Elliott challenged Capt. Perry, and was told, in answer, that the latter had prepared charges against him, requesting a court for his trial. These charges appear to have been sent, accompanied by a letter to the Secretary of the date of August 10th 1818. Along with the charges there appears, also, to have been forwarded affidavits, criminating Capt. Elliott, and signed by Messrs. Parsons, Breese, and Taylor, formerly of the Lawrence; Mr. Turner, commander of the Caledonia, Mr. Stevens, commander of the Trippe, Mr. Champlin, commander of the Scorpion, and Mr. Brownell of the Ariel; all of which were vessels engaged in the action. Of these witnesses, it may be well to say, that Messrs. Parsons, Breese, Tay-

lor, Champlin and Brownell, all appear to have been natives of Rhode Island, and to have accompanied Capt. Perry when he left that state; and Mr. Turner, though a native of New York, had been a resident of Rhode Island from childhood, and was almost identified with the family of Perry by long and intimate association. Mr. Stevens was a native of Carolina, and had no other connection with his commander than grew out of his ordinary service; though it is known that he quitted Capt. Elliott's brig a few days before the battle, on account of a misunderstanding, and that he subsequently believed that his own name was left out of the official account of the action, in consequence of the representations of the latter. Mr. Champlin, I am told, is a relation of Commodore Perry's widow.—These facts are not mentioned with a design to impute intentional mistatements to any of the witnesses, though every man in the least acquainted with human nature, must see that, in a question of opinions, circumstances of this sort may very well influence the mind, without the party himself being conscious by what his judgment is swayed. When it is seen, as I shall presently show, that one of the controversialists, Mr. Tristram Burges, modestly claims the Battle of Lake Erie "as a part of the maritime affairs of Rhode Island,"\* the fact obtains peculiar significance. One thing is certain; no officer out of the Lawrence, Mr. Stevens excepted, is found to give testimony against Capt. Elliott, unless a native, or a resident of that State, and more than usually connected with his commander.

The government did not act on Captain Perry's charges. Two stories are in circulation concerning their fate. According to one, the Secretary being absent, these charges were sent to the President, who immediately consulted Com. Decatur on the subject. Com. Decatur was an intimate friend of Capt. Perry's, and he is said to have deprecated the course of the latter, and to have begged the charges, in order to gain time to advise his friend to abandon a course which brought him so obviously in contradiction with himself. The request was granted, and the charges slumbered in Com. Decatur's keeping, until that officer's death. This statement is denied, on the other hand. It

\* See Burges's Lectures, Preface page 5.

is said that the charges never were withdrawn by any one, though it is admitted that nothing official was ever done with them. That Capt. Perry, on quitting the country in his last cruise, left copies of his charges, with the accompanying affidavits, in Com. Decatur's keeping, to repel any attack that might proceed from Capt. Elliott in his absence, and that these copies were in the hands of Com. Decatur, at his death. The difference is not very material, and it is quite possible that both statements may be true. It seems to be certain that Capt. Perry directed such copies to be transmitted to Com. Decatur for the purpose declared, and it is by no means improbable that Decatur may have thought it wisest to conceal his previous possession of the originals. Of the truth, I profess to know no more.

In the unfortunate meeting when Com. Decatur fell, Capt. Elliott acted as the friend of Com. Barron. This occurred in March, 1820. Perry had died in August, 1819. Among the papers of Decatur were found the original charges of Perry, against Capt. Elliott, or their copies, or both, as the case may have been, together with the affidavits. A few months later, when time had been given to examine the papers, these charges and affidavits were first laid before the world, by a private publication at Washington, in consequence of his connection with the recent duel, as is affirmed by Com. Elliott. Of this fact, I profess to know nothing, beyond the manner of the publication. This appeal to the public brought replies; new questions first appeared in the affidavits, and rebutting testimony was obtained by Capt. Elliott to meet the new charges. Nearly all the testimony which has appeared in the case, that had not been brought out in the discussion of 1813, or the court of 1815, seems to have been produced in 1820-21, either in the affidavits accompanying the charges, or in the letters or affidavits that succeeded their publication.

The subject attracted a good deal of attention in the naval circles, in 1821, but did not penetrate the public mind. It soon died away, and may be said to have lain dormant until it was revived, in 1834, in consequence of the affair of the figure head. The assault on Capt. Elliott, at that time, was a political attack, that was charac-

terized by the malignancy, disregard of principle, and of any thing else but the end in view, which are usual on such occasions. It dragged into notice all the testimony that could be collected against that gentleman, keeping out of sight, with sedulous care, every thing that had been advanced in his favor. It was an attack marked by profligacy, and in the main sustained by political hacks. With the historian, it ought not to weigh a feather. I am not aware, that any personal friend of the late Com. Perry had any agency in this rally of 1834. One of its effects, however, was to produce a biography of Com. Elliott, which made its appearance in 1835.

The biography of Com. Elliott is a work of considerable ingenuity, but I am far from subscribing to all its conclusions. It is the reasoning of a lawyer, rather than of a seaman, and is written too much in the feeling of partisanship not to be obnoxious to criticism. Still it is infinitely fairer in spirit, more logical, and every way more respectable, than either of the works to which it is my duty now to reply. It has one merit, that is altogether wanting to my adversaries; it puts both sides of the question fairly before the reader, giving the testimony of both sides, and leaving its own reasoning exposed to the just inferences of the hostile evidence. This simple and manly course is imitated by none of those who have assailed Capt. Elliott. The last have had the hardihood to suppose the public might be hoodwinked in an affair of this importance, and have in effect given the testimony of only their own side of the case.

My own work was published in the spring of 1839. The part which relates to the Battle of Lake Erie, was written after a long and critical examination of all the evidence I could obtain, and with a firm conviction that the controversy that had grown up out of it, was not in a fit state to pass into history. This was all I had to decide, and having made up my mind to this one fact, all I had to do was to follow the official account, and to give to the world those statements which I believed to be true, while I avoided touching on any that I thought would admit of doubt. This course was rigidly followed, and it is now my task to justify what I have done, while I expose the errors, to use a mild term, of those who have gainsayed it.

The first attack on the History was made by an article in the Commercial Advertiser, which ran through four numbers, and for which, as it contained gross personal imputations, I prosecuted the editor for a libel. It is now understood that this article was written by Mr. William A. Duer, late President of Columbia College.

A review in the North American followed, which assailed the account of the Battle of Lake Erie, making it a particular charge against the historian that he did not distinctly state that the English squadron was superior in force to the American, because the former carried 63 and the latter only 54 guns. As this article has been admitted to be the work of Capt. Slidell Mackenzie, of the Navy, it becomes identified, in a great degree, with the subsequent labors of the same gentleman, on this subject.

A lecture delivered before the Historical Society of Rhode Island, by Mr. Tristram Burges, followed up the blow. This lecture had been delivered some time previously, and of course contained no direct allusion to the History; but it was given to the world with loud announcements of the withering effect it was to produce on that History, and, when published, its logic, facts and diagrams were virtually proclaimed to be unanswerable; more especially by the New-York American, New-York Commercial Advertiser, and one or two others of characters too questionable, and of reasoning powers too feeble to require naming. It now remains to see how far these eulogiums were merited. Not satisfied with these attacks and replies, some of which had a specific gravity, that aided in producing their own fall, Capt. Mackenzie made a fresh assault, in a work called a Biography of Com. Perry. This book, he avows in the preface, was written at the request of some of Com. Perry's friends, as an answer to my attempts to lessen the fame of that distinguished officer. I greatly regret that such an answer to any such imaginary attempts on my part, should have been made, for it compels me to expose facts I would willingly suppress, and I entertain no doubt that the friends of Com. Perry will regret it still more, by the time the subject is finally disposed of.

It may be well, here, to inquire into the situations of the different individuals who have thus been the agents



of an attempt to bring me and my labors into disrepute with the nation. Mr. Burges is tolerably innocent as respects me, his lecture having been written pretty much to prove that the Battle of Lake Erie was "a part of the maritime affairs of Rhode Island." As my history has no such object in view, it is not surprising that our accounts conflict a little. This difference compels me to justify my own, by demonstrating the value of those of the other side. Personally, I know nothing to influence Mr. Burges but the circumstance that he was a Rhode Island man, and that he had given himself so difficult a task.

Mr. Duer is nearly a stranger to me. His article was written with peculiar malignancy, and is marked by statements, misquotations and general features, that will compel me to put such a brand on it, that the ex-president will not be desirous of claiming his offspring hereafter. Some persons may think it pertinent if I add that Mr. Duer is Mr. Mackenzie's uncle by marriage.

The agency of Capt. Mackenzie in this affair is probably to be imputed to his connection with the family of Perry, the present Com. M. C. Perry having married his sister. How far such a circumstance would be likely to influence this accurate and logical Historian, would depend on his character, as connected with his general sense of right; and I shall leave the reader to draw his own inferences, after the testimony which will bear on this gentleman's manner of dealing with facts, shall be laid fairly before him.

First, then, in reply to the lecture of Mr. Burges: It is to be presumed that the State of Rhode Island will not defend the literary merit of this very extraordinary production, of which the very first sentence is so peculiar, that it is welcome to appropriate it to itself also. "It is the purpose of the present lecture," commences Mr. Burges "to give a concise narrative of the fleet and battle on Lake Erie." What is meant by a "narrative of a fleet," I am unable to say, but, as large portions of the explanations of this lecture are utterly unintelligible, it is fair to suppose they refer to this particular branch of the subject. But passing over the poetry of the lecture, which is far from inconsiderable in quantity, and leaving the enigma to be

examined as they may arise, let us proceed at once to the material points. I object to Mr. Burges—

1st. That he assumes general facts in direct opposition to known truths;

2. That his witnesses, according to his own showing, contradict each other, on important points;

3d. That he sometimes contradicts his own witnesses.

4th. That his statements are often opposed to the known laws of nature; and that they involve gross physical impossibilities.

If all this be shown, it is fair to presume that the rest of the republic will be ready to inform the State of Rhode Island, that it is welcome to its Lecturer, whatever be the case as it respects its claims to the victory of Lake Erie.

In his opening remarks, Mr. Burges has the following statements, all of which are opposed to known truths:—

He says—"in the summer of 1812, Oliver Hazard Perry, of Rhode Island, a young man, Captain in the United States Navy, &c." Perry was not made a captain until after the battle of Lake Erie, his commission being dated Sept. 10th 1813, the day of his victory.

He says, "In the winter of 1812-13 he, (Perry) was ordered to Lake Erie, to take the command, and provide a fleet for that station." This is said in a connection which means that this order was given to Perry, previously to joining the Lake station, at all. It is an error; Com. Chauncey assigning the duty on which Perry was sent.

He says, "The enemy had then (when Perry was sent to Lake Erie) in those waters, two ships, two brigs, &c." It is well known that one of the ships, of a force equalling all the rest of the British vessels, was not ready, or launched, until a short time previously to the battle.

He says, "The British had, *by land*, as well as by water, the entire command of that lake, (Erie)" &c. This is notoriously untrue, the enemy never having command of the south shore of Lake Erie, with the exception of a temporary possession of a portion near the west end. If true, Perry equipped his squadron in what was virtually an enemy's country!

He says, "Every Yankee is an 'axe-man; and all the companions of Perry were of the full blood; and the most



of them the best of that blood, the Rhode Island stock.—These, (the Yankees who accompanied Perry from Newport) with a few more shipwrights, smiths, caulkers, riggers and sail-makers, built and equipped this fleet; and launched the whole into the harbor of Erie, rigged and ready to sail, in about ninety days after the first blow was struck." Mr. Burges might as well have said that his axemen built a cathedral in the woods. The vessels were constructed under a contract, by regular New-York shipwrights, sent to Erie for that purpose. The men that Perry took with him, were flotilla-men, better than common it is believed, but as little able to construct a ship, as any others of their class.

He says, "They (the Newport boys) built from the stump, six vessels; the Lawrence, of twenty guns—two long twelves, and eighteen twenty four pound carronades; the Niagara, of two long twelves, and eighteen twenty-four pound carronades; the Ariel, of four guns, 18 and 24 lbs; the Scorpion, of two guns, thirty-twos; the Porcupine, of one gun, a thirty-two; and the Tigress, of one gun, a thirty-two." Now, all of these armaments, with the exception of the two last, are wrong. The Lawrence and Niagara had each eighteen *thirty-two* pound carronades; the Ariel had four *twelves*; and the Scorpion had one *twenty-four*.

He says, "The British vessels were stout built, with thick bulwarks of solid oak; but the American were built in a hasty manner, and intended merely to carry guns and men; and bring them down along side of their adversary." This passage must have given great satisfaction to the learned members of the Society before whom the lecture was read.

He says, "The British fleet had a veteran commander, the American a young sailor. Barclay had conquered with Nelson, at Trafalgar; Perry had probably never seen the combined movement of ships, in a fleet, formed in line of battle." Capt. Barclay is understood to have been thirty-two, when he fought this battle; Perry was born in August, 21st, 1785, and consequently wanted just twenty days of being twenty-eight, on this occasion.

He says, "The vessels of the enemy were impervious to the shot of our carronades." If so, it is clear Perry him-

self, had little personal agency in capturing them, as he was on board of vessels armed with this species of gun. This militates a good deal against the claim of Rhode Island to the victory.

He says, "In the whole fleet (the British) were three captains, and the commanders. While in the American, there was (were) but two captains, Perry and Elliott; all the other vessels were commanded by lieutenants, sailing-masters, or midshipmen." There was no commodore, nor any captain on the lake, in either squadron. There were two commanders on the side of the English, Barclay and Finnis; and two on the side of the Americans, Perry and Elliott. The commodore of the English was Sir James Lucas Yeo; and of the Americans, Isaac Chauncey.

It would be easy to extend this list of the errors, made by Mr. Burges, in stating his case, but enough has been shown to prove the exceeding carelessness with which a lecture that professes to correct history, has been written. All the foregoing blunders are fairly stated, having nothing in the context to qualify them, and all may be found in the first ten or twelve pages of Mr. Burges's opening.

As my answer to Capt. Mackenzie will meet the more material allegations of Mr. Burges's facts, as they relate to the battle, I shall content myself with showing the truth of what has been said, in the four heads of objections. We will therefore proceed to the second:

His witnesses, according to his own showing, contradict each other on important points. "He (Perry)" says Mr. Burges, "ran down till every carronade and musket might reach its mark. Taylor (the sailing-master of Perry's brig) says within canister distance; Perry says, in his despatch and account of the battle, at half canister; and Yarnell, the 1st lieutenant who was ordered to note if the shot told, says at half musket shot; 50 yards, 150 feet; not quite so far as from where I stand to the foot of the bridge." Here we have three witnesses to the material fact of the distance at which Perry engaged the enemy, and each differing from the other! As if this were not sufficient, Mr. Burges gives what he says is an extract from the Lawrence's log-book, page 83, in which are the following

words—"In half an hour we (the Lawrence) came within musket-shot of the enemy's new ship Detroit." Here then, we get canister, half-canister, musket, and half-musket shot, as the distances of these four witnesses; each differing from all the others!

He sometimes contradicts his own witnesses. This Mr. Burges has done, in the instance just quoted. After giving "canister shot," "half-canister," "musket" and "half-musket," as the distances at which Perry engaged in the Lawrence, he very coolly sets down this distance, himself, as "150 feet!" Not satisfied with taking this great liberty with the testimony, he goes on to say, "In this position, at this slaughtering distance, the Lawrence encountered the Detroit, and there sustained the conflict with her, and the vessels which came to her aid, for two and one half hours," page 36. That is to say, the Lawrence fought the Detroit, Hunter, and Charlotte, in smooth water, two hours and a half, within 150 feet! Not satisfied with this *tour de force*, Mr. Burges, by necessary implication makes the Calcedonia, a brig totally without quarters, join in this *mêlée*, and actually *pass between the combatants*! I presume it is unnecessary to tell any man who has the slightest knowledge of gunnery, that such an occurrence is virtually impossible. This is just the distance at which two ninety-gun ships would go foul, to avoid each other's fire. Missing would be impossible, and of course, a protracted engagement impossible. When ships touch, the guns cannot be effectively trained; but, at 150 feet, shot, of all sizes, could be sent directly into the ports of the antagonist. Ten minutes would settle the fate of the Pennsylvania, under such circumstances. Capt. Mackenzie, a writer who is by no means diffident on the subject of assertions to effect his object, and who endeavors to place Perry in as perilous circumstances as possible, puts this distance at 350 yards. I believe, myself, that the Lawrence backed her top-sail when distant 500 yards from the Detroit; though, after she was crippled, she doubtless sagged nearer to the enemy.

Take another specimen of Mr. Burges's disrespect for his own testimony, "Engage your adversary, each as you come up, as before directed," he rightly says, was Perry's last order, as he went into action. "This," Mr. Burges

adds, "be it remembered, was, in close action at half cable's length," page 35. Now, in his appendix, Mr. Burges gives Perry's own account of his order of battle, in these words—"An order directing in what manner the line of battle should be formed; the several vessels to keep within half cable's length of each other, &c." page 99. Here then Mr. Burges coolly puts down the distance between the American ships, as the distance at which the enemy was to be fought, and in direct opposition to Perry's own account, this being every syllable that was said of half-cable's length in the orders! Half-cable's length is 360 feet, and Capt. Perry would not be apt to order vessels without quarters, carrying long thirty-twos, to engage at a distance that would just suit their enemy, and be of no advantage to themselves. Nothing is said of any distance, in Perry's orders, beyond the general command for close action, which means within effective range of the missiles relied on.—Capt. Mackenzie thinks Perry was in close action, at 350 yards; and, as this was considerably more than a whole cable's length, the commanding officer must have set a very bad example to his subordinates, if Mr. Burges's account of his orders were true. As Perry led, he would have been the first man to disobey his own orders.

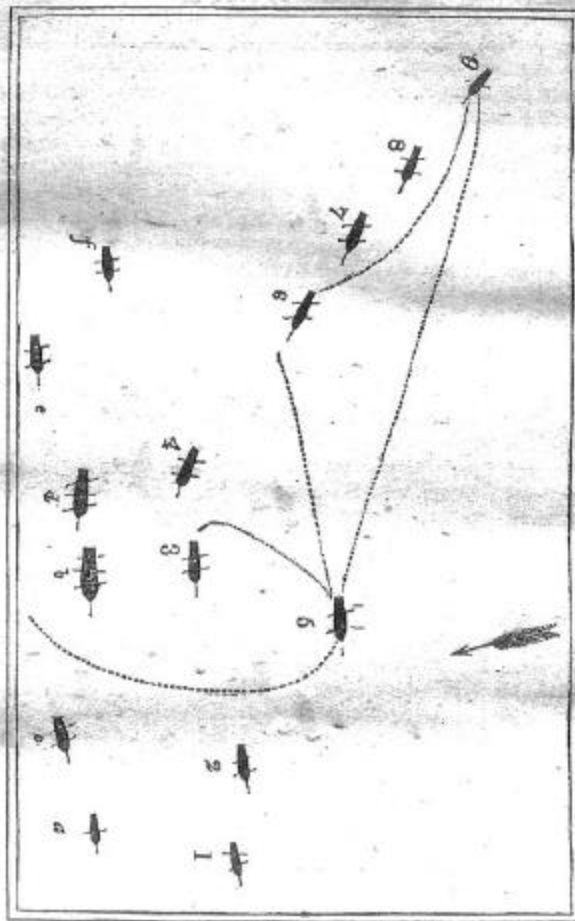
It would be easy to show other instances, in which Mr. Burges disregarded his witnesses, but I pass them by, to come at once to the weakest and most extravagant of all his assertions. His statements are often opposed to the known laws of nature, and they sometimes involve gross physical impossibilities!

In his account of the battle, Mr. Burges says, "that the Niagara still hugged the wind, and kept at a distance, freshened as the breeze was, by such a blaze from so many guns for two hours and a half," page 43. Here we have the novel proposition that a cannonading "freshens the wind," whereas seamen believe it "kills the wind" as they term it. As counteracting forces have a tendency to neutralize each other, we must think, to say nothing of some experience on the subject, that the sailors have the best of it.

But this is a trifle, compared to what is to follow. That the reader may better understand Mr. Burges' extraordi-

nary theories, we here give the second of the diagrams, with which he has adorned his book. At page 38, of the lecture the reader will find the following—"He (Captain Elliott) admits in that book (Life of Com. Elliott) that instead of making all sail, and running down upon his adversary, the Queen Charlotte, as he had been ordered to do, no less than three times, and engaging her at half cable's length, he threw his topsail to the mast and brailled up his jib, so as to keep his position on the water as nearly as practicable. Every nautical man will tell us that this position of the sails would hold his ship to the wind, and keep her in her then present place; so that all the ships engaged, would be sagging slowly ahead, and to the leeward; until the Caledonia and the Lawrence were directly between the Niagara and the Detroit and the Queen Charlotte." I take it nothing, as a proposition, in the English language, is more extraordinary than this. The diagram will help the reader in understanding it, though Mr. Burges's text, among other extravagances, contradicts this very diagram. Let us look at the diagram. The letters *d* & *b*, and the figures 4 & 3, are the ships engaged; *a*, being the Charlotte, *b*, the Detroit (English vessels) 4, the Caledonia, and 3 the Lawrence, (Americans.) These four vessels are "sagging slowly ahead, and to the leeward." Of course, their movement was from the point 6, the spot at which Mr. Burges says the Niagara threw her "topsail to the mast and brailled up her jib," and where all seamen agree in saying that she must have virtually remained—toward the lower angle of the diagram, or in a direct line away from the Niagara, until the Caledonia and Lawrence got, in consequence of their drift ahead and to leeward, in company with the Detroit and Charlotte, between her and the two latter vessels! Now, I respectfully submit, this could not be accomplished unless the four vessels engaged drifted round the whole earth, in a straight line, regardless of islands and continents, in the short space of two hours and a half, or during the battle. If the Niagara lay stationary at the point 6, and 3, 4, *d* & *b* sagged ahead and to leeward, until they brought 3 & 4, between 6, and *b* & *d*, it could only happen by this process. Absurd as all this is, Mr. Burges's proposition will admit of no other solution.

DIAGRAM, NO. 2.



DIAGRAM, NO. 3.



I know he did not *mean* this; but he *says* it, in effect. What he really *meant*, he probably did not know himself. His head was a jumble of accusations and charges against Com. Elliott, and backed up by the gallant little State of Rhode Island, he ventures on this mathematical prodigy.

One feels surprised that a man of talents, as Mr. Burges is said to be, (I know nothing of him personally) should presume to utter such trash to a Historical Society. Bad as it is, however, it was much applauded by the New York American, New York Commercial Advertiser, and other leading journals of that seat of virtue and intelligence, the great commercial emporium of this great commercial country, to say nothing of other papers, from which, as they are conducted by men equally without truth, education, or talents, nothing better was to be expected!

Let us, now, look at Mr. Burges's third diagram. The reader will find it on the opposite page. In this diagram, the author has placed a star, at the point where he says Capt. Perry found the Lawrence. A dotted line shows the course he steered in cutting the British line. A vessel numbered 3, represents the position occupied by the Lawrence, at this moment. Now, at pages 44, 54, 66, & 67, the reader will find Mr. Burges's text on the subject of the relative positions of these two vessels, when Perry went on board the Niagara. At page 66, he says: "The Lawrence was within half musket shot of the enemy when Perry left her, and the Niagara was out of cannon shot when he reached her." In a word, the whole of Mr. Burges's theory is to maintain that Capt. Elliott had the Niagara about a mile to windward of the Lawrence, at this moment. At page 54, he says that the Niagara was as far to windward of the Lawrence, at this instant, as eight men could pull a cutter, in smooth water, in ten minutes. "Some oarsmen tell me two," he adds, "some one and a half, but none less than one mile. So far from the Lawrence, and a little farther, half musket shot, from the enemy, was the Niagara when Perry reached her deck." The star, then, is intended to represent a point, at least, one mile to windward of the place where Perry left the Lawrence. But No. 3, represents the Lawrence to windward of the star, and, the last being an immovable point,



in the nature of things, it follows that Mr. Burges means, in this diagram, to represent the Lawrence, a crippled and unmanageable vessel, as having drifted more than a mile to windward, without the aid of a current, their being none on Lake Erie. A reference to the text will show that *this tour de force* must have been accomplished, too, in fifteen minutes. In this instance, Mr. Burges's words sustain his diagram! By referring to his explanations, it will be seen he gives this account of the matter—"No. 3, the Lawrence, which had drifted to windward, after Perry left her." If this were not "flat burglary," it was clearly MUTINY, against the laws of physics.

Mr. Burges has written about facts which he has derived from the information of partisans, and on a professional subject of which he is profoundly ignorant. I shall take my leave of him; by producing a single instance of his logic—not to say morality—in a matter where clear and just ideas might have been expected from a lawyer. This will be done with less hesitation, since every essential point connected with the few questions really in dispute between Capt. Perry and Elliott, and which has been broached by this writer, will be met in the answer to Capt. Mackenzie. The instance of logic alluded to, is as follows, viz:—

In his official account of the battle, Capt. Perry makes use of this language: "At half past two, the wind springing up, Capt Elliott was enabled to bring his vessel, the Niagara, gallantly into close action." The Perry fiction—for the combination of men, who have united to obscure, if not to falsify the truth, in this matter, deserve the epithet—The Perry fiction contend that Elliott did not bring the Niagara into close action, at all; some of them go so far, even, as to maintain she was out of reach of shot, until Perry got on board of her. This theory is maintained, like many others they advance, at the expense of a great deal of contradiction. Of course, it was necessary to get rid of this statement of Perry's, which could hardly be explained away by the pretence that his object was to shield Capt. Elliott, as is set up as an apology for his general eulogium on the conduct of this officer in the battle. This would be an untruth, with circumstance, and

far stronger than a simple untruth, which is all they wish to impute to Capt. Perry. Here is Mr. Burges's account of the matter.

"On the 13th Sept." he says "he (Perry) sent a second despatch to the secretary of the Navy, 'to give him some of the particulars of the battle.' Here he saved Elliott by a *benevolent ambiguity*. He says 'at half past two, the wind springing up, Capt Elliott was *ENABLED* to bring his vessel, the Niagara, gallantly into close action. He was *ENABLED*, he could say; he could *not* say he *DID* bring the Niagara into close action.' Some reasoning follows to show that Mr. Burges considers this a point in his case. The italics and capitals are his own.

If the Historical Society of Rhode Island learned nothing else from the lecture of Mr. Burges, it had an opportunity of ascertaining what one of the eminent citizens of that State is pleased to term a "benevolent ambiguity." In this section of the country, we have a good many of these "benevolent ambiguities" practiced by a certain caste of lawyers; more especially before the County Courts and Justices of the Peace. Among gentlemen, every where, the benevolence would meet with but little respect, while the "ambiguity" would excite disgust. As for Capt. Perry, for even Capt. Mackenzie adopts Mr. Burges's reasoning on this point, so far at least as I can understand him, I find myself placed in the singular position of being obliged to "save him from his friends." That officer had not so much forgotten what was due to his honorable profession, as to meditate any evasion as sneaking as that which is here attributed to him. This is fully proved by the context of his own letter, if proof, indeed, be necessary to vindicate Oliver Perry from an act altogether so unworthy of his reputation, and of the service of which he was a distinguished member.

The eulogiums Perry bestows on Capt. Elliot, in other parts of his official report of the battle, prove that he intended no equivocation in this particular sentence. More than enough was elsewhere said to shield that officer, if this were in truth the motive of the "benevolent ambiguity," without resorting to so miserable a subterfuge. But, Mr. Burges does not quote the whole sentence, the part omit-

ted conclusively answering his interpretation. Capt. Perry says, "At half past two, the wind springing up, Capt. Elliott was enabled to bring his vessel, the Niagara, gallantly into close action; *I immediately went on board of her*, when he anticipated my wish by volunteering to bring the schooners, which had been kept astern by the lightness of the wind, into close action." Here we see Capt. Perry expressly referring to this change of position, *this coming* into close action, where Mr. Burges boasts that Perry was himself, as giving him (Perry) an opportunity of making the change of vessel of which he speaks. The use of the word "immediately," too, shows this. It refers to time, of course; and to what time can Mr. Burges apply it, if it be not *immediately* after Capt. Elliott had got "into close action." Does he think Perry would have said "immediately after Capt. Elliott was enabled to get into close action, I went on board the Niagara?" This would have been a very complicated falsifying of the truth. Perry's language had no such object; it is simple, direct, and not to be misunderstood. His letter, moreover, furnishes proof for itself, how *he* understood this word "enabled." In speaking of the Ariel and Scorpion, two vessels, that even Mr. Burges admits got early into close action, Capt. Perry says—

"The Ariel, Lt. Packet, and Scorpion, Sailing Master Champlin, were enabled to get early into the action, and were of great service." Here "enabled" is unequivocally used in direct connection with *performance*, and without any "benevolent ambiguity."

I have not taken the pains to refute this interpretation of Messrs. Burges and Mackenzie, with the slightest idea that any man of ordinary honesty, or ordinary intellect could require it, but, because it furnishes a fair specimen of the means that have been employed in defending the other side of this question, and may give the reader some notion of the moral calibre of the men with whom I have had to contend.

I shall here take leave of Mr. Burges, after adverting to one other point, and this less with any view to my own justification, than to the justification of a gentleman who has keenly felt his imputations, as cruel and calumnious

insinuations against his own veracity. There were but three medical men in the American squadron on Lake Erie: viz. Messrs. Horsely and Barton, the surgeons of the Lawrence and Niagara, and Dr. Usher Parsons, of Rhode Island, the surgeon's mate of the latter vessel. All three of these gentlemen had taken the fever, but Dr. Parsons had recovered when the battle was fought. Dr. Barton, the gentleman to whom I allude, made an affidavit, in 1821, on the subject of the points in dispute. As the enemies of Capt. Elliott ~~then~~ contended, and have ever since contended, that the Niagara was hardly in action at all, until Perry took her there, and that she had but one or two men hurt, until after Perry got on board, Dr. Barton's testimony bore principally on these two points: As respects the wounded he was the best evidence of which the case admitted, a wounded man going to the surgeon, as a matter of course. In order to get rid of the testimony of Dr. Barton, then, Mr. Burges, and I may add Capt. Mackenzie and most who have written on that side of the controversy since 1821, maintain that this gentleman was in his berth, and could not know the facts concerning which he testifies. Now it happens, that Dr. Barton's testimony is far better, *as to manner*, than that given by most of the opposing witnesses. He is evidently a man who states with proper caution, and one who wishes to say no more than the occasion called for. The appearance of Mr. Burges's book greatly mortified this gentleman, who lives in Virginia a life so retired, that in his letters to Com. Elliott, which have been transmitted to me, he appeals to the testimony of many officers, to sustain his statements, most of whom have been dead from fifteen to twenty years. These letters, if published, would remove every doubt as to the ability of Dr. Barton to prove the facts to which he swears, but they are too long, nor have I authority to lay them before the world. Of the testimony, itself, I shall speak hereafter, it being my intention now merely to explain the circumstances under which Dr. Barton has testified.

Dr. Barton was ill previously to the action. When it was ascertained that a battle was to be fought, he did what any man would have done under the circumstances, who could do it; he summoned all his strength, prepared for the oc-

casion, and was at his post, from early in the morning, until late in the evening. The wounded of the Niagara came to him, and were attended to by him. At length, nature gave way, and his exertions produced a reaction which laid him up. In consequence of his exertions on the day of the battle, Dr. Parsons had to attend the wounded of the Niagara, *after the battle*; and in consequence of Dr. Parsons' attending the wounded *after the battle*, it has been asserted that Dr. Barton was in his berth, *during the battle*, and could not know the facts to which he testifies.

In answer to all this, I shall say, first—that Dr. Barton testifies to little that he might not have known *had* he been in his berth, the ward-room and steerage being used as a cockpit; second, that Dr. Barton unequivocally denies the statement that he was not on duty, and furnishes evidence to sustain him. Other officers of the Niagara corroborate this statement. Among other facts to which Dr. Barton testifies, he says in reference to the allegation that the Niagara was not within reach of shot before Capt. Perry reached her, "one man was mortally wounded on the berth-deck very early in the contest, by a shot which passed *through both sides of the vessel*; and it would seem from this that she was not entirely out of reach of the enemy." This is awkward testimony, since it disposes of the question of distance; men might be mistaken, from a variety of causes; but a cannon ball could not lie. It was necessary to get rid of this testimony, and, as Dr. Barton's character is too good to impeach him directly, he is stowed away in a berth, in order to give an air of hearsay or conjecture to the circumstances he relates. Now it happens that Dr. Barton, in one of his letters written as recently as since the appearance of Mr. Burges's lecture, *incidentally and naturally* alludes to this occurrence, for he does not appear to know that his account of this particular incident was questioned, except by placing him in his berth; rendering his testimony still more probable. His account is this. A wounded man had been lowered down the forward hatch, and he had gone forward to receive him. While passing along the berth-deck, the shot in question entered, mortally wounded a man who was already dying in his hammock, of the fever, and passed out

at the opposite side of the brig. This was Dr. Barton's first service, and he mentions all this, not as testimony, not in justification of what he had said previously, but in a paragraph in which he describes his own feelings to his old commander, in a very natural summary of the impressions that had been made on himself, on an occasion entirely novel. One such natural and incidental narrative, proceeding from a man of character, is worth a dozen affidavits drawn up by a lawyer, who has an end in view, and sworn to under dictation. It is proper to add, however, that all which Dr. Barton states in his letter of 1821, is sworn to.

Here I leave Mr. Burges, for the present. I say for the present, as many of his statements will be answered, in answering those of Capt. Mackenzie. I must correct myself—while writing this paragraph my eye has fallen on one of Mr. Burges's cool contradictions, of his own witness which is too glaring to overlook. At pages 91, & 92, he gives the finding of the Court of Inquiry, which sat on Capt. Elliott, in 1815. In it are these words: "The Court of Inquiry convened at the request of Capt. Jesse D. Elliott, having deliberately examined all the evidence produced before them, for the purpose of investigating his conduct in the glorious battle of Lake Erie, on the 10th Sept. 1813, in which he bore so conspicuous a part, sincerely regrets &c."—again—"The Court, however, feel convinced that the attempts to wrest from Capt. Elliott the laurels he gained in that splendid victory, ought in no wise to lessen him in the opinion of his fellow citizens, &c."

On the very page on which Mr. Burges publishes this finding of the Court, he says for himself—"This opinion merely negatives the allegation of the British Court Martial, viz:—That Elliott was "making away from the battle." Thus, according to Mr. Burges, when a Court speaks of the "conspicuous part" borne by an officer in a battle, and "of the laurels he had gained," it means merely that he did not run away! There is little of "benevolent ambiguity" in this.

The admission of Capt. Mackenzie that he is the author of the article in the North American Review, greatly simplifies my answer to that journal. As his authorities are



very much the same for this article and his *Life of Perry*, they will be met when I come to reply to that book. It may be well, however, to point out in passing, the manner in which public opinion is manufactured among us. Here are the *Commercial Advertiser*, the *North American Review*, and Capt. Mackenzie, of the U. S. Navy, a chivalrous and enlightened gentleman, forsooth, all agreeing to decry the *Naval History*, in its account of the *Battle of Lake Erie*, a certain sign that its author has been careless, or corrupt! When we get behind the curtain we find all three of these articles come from the same connection, and two from the same man. Corrupt! what motive could I have for not joining in the cry against Com. Elliott, beyond a wish to tell the truth? Is it politics? When and where have I ever sought political favor? It has been well known to my friends, that for years and years, I have uniformly declared no probable inducement could tempt me to hold office under the people or government of this country. I have never asked it, and no man has a right to say I wish it. But is Com. Elliott such a favorite that serving him in this matter would be likely to serve myself? Is it not matter of notoriety that the advantage all will admit I have gained in this controversy, has been gained right in the teeth of a most violent popular prejudice? Com. Elliott has been bitterly and blindly assailed by one party, while the other has never sustained him. The naked truth is, that corruption stalks so boldly through the land, that when a man acts under the influence of the simple right, his conduct is not appreciated, and that portion of the community which creates public opinion—if the ephemeral notions of the day merit so respectable an epithet—immediately busy themselves in hunting up for him the most plausible bit of baseness they can imagine, by way of a motive. The truth is not to be concealed—a man is much safer among us, by the frank avowal of a tolerably corrupt incentive, than by pretending to principle; there being a prevalent indisposition to believe in the existence of the latter.

As for the *North American*, I shall answer directly to only one of its charges, leaving the rest for that which is to come after. Capt. Mackenzie accuses me of having sup-

pressed the fact of the superiority of the British in force, because I have omitted to say that they had 63 guns, in the battle of Lake Erie, while Perry had but 54! Now does Capt. Mackenzie, will any sailor say that the number of the guns settles the question of the superiority of force? In the first place, owing to the manner in which his guns were mounted, Perry fought just as many in broadside as his enemy, at once destroying this seeming disparity. Then the weight of the guns and the size of the vessels were altogether in favor of the Americans. These facts are beyond controversy, though there is some little question as to a part of the English metal. I have never entertained a doubt that the Americans were superior to their enemy, in force, comparing whole numbers with whole numbers, on the 10th Sept.; though they fought under disadvantages which tended materially to neutralize this disparity. This much is substantially admitted in the *History*, though the precise calibres of the guns is not given, as some doubts were thrown over the point. I would not give the number of the English guns, when I could not give their calibres. It suited Capt. Mackenzie to parade the 54 against the 63, but it did not suit me. In order to prove that my forbearance was more just than his boasting of this apparent disparity, I now give the English official account of the metal of both parties.

#### English Squadron.

Detroit,	19	Guns,	2 long 24's; 1 long 18, on pivot; 6 long 12's; 8 long 9's; 1 24 lbs. carronade; 1 18 lbs. carronade.
Charlotte,	17	"	1 long 12, on pivot; 2 long 9's; 14 24 lbs. carronades.
Lady Prevost,	13	"	1 long 9, on pivot; 2 long 6's; 10 12 lbs. carronades.
Hunter,	10	"	4 long 6's; 2 long 4's; 2 long 2's; 2 12 lbs. carronades.
Little Belt,	3	"	1 long 12, on pivot; 2 long 6's.
Chippeway,	1	"	1 long 9.
Guns,	63		Metal, total—351. Average as to guns, 13 1-2 lbs. each gun



*American Squadron.*

Lawrence,	20	guns.	2 long 12's; 18 32 lbs. carronades.
Niagara,	20	"	2 long 12's; 18 32 lbs. carronades.
Caledonia,	3	"	2 long 24's; 1 32 lbs. carronade.
Ariel,	4	"	4 long 12's, on pivots.
Somers,	2	"	1 long 24; 1 32 lbs. carronade.
Porcupine,	1	"	1 long 32, pivot.
Tigress,	1	"	1 long 32, pivot.
Scorpion,	1	"	1 long 32, 1 24 lbs. carronade, on pivots.
Tripe,	1	"	1 long 24, pivot.

Guns, 54 Metal total—1480—Average as to guns 27 1-2 lbs. each gun; or about double that of the English.

Such is Capt. Barclay's account of the force. That he has not diminished his own is probable, as he has certainly not exaggerated the American. The Tripe had a long 32, instead of the 24 he has given her, while the Scorpion is believed to have had a long 24, and a 32 lb. carronade. The remainder of the American metal is thought to be correctly given. But, allowing some small inaccuracies to exist, who will pretend that the 63 English guns, *ceteris paribus*, are equal to the 54 American?

I do not think all this difference of force was fairly available to the Americans, under the circumstances in which the battle was actually fought, but I can entertain no doubt that by simply parading the fact before the reader, that the English had nine guns more than the Americans, I should not have given him an accurate idea of the relative physical means of the two parties, considered as a whole. Much of my minute information comes from the late Capt. Holdup Stevens, who was a witness *against* Capt. Elliott in the controversy, and this gentleman freely admitted to me the superiority of our squadron. Other officers employed on the 10th of Sept. have done the same. I know that Perry maintained that he was inferior, but I think he was wrong. In a biographical sketch of that officer, written by myself, the point is discussed at a little length, and I refer the reader to it for my side of the question. I do not believe there is a respectable man living, who has ever seen the two squadrons, who would deliberately swear, in a court of justice, that the English were superior to the Americans in physical means, without reference to the manner in which these means happened to be employed, on the 10th Sept.

An officer of great experience, one friendly to Perry, who had seen much service in battle, visited the squadrons on Lake Erie and Lake Champlain, before they were separated; and he told me that he thought the Lawrence and Niagara, could they have got within effective distance immediately, sufficient to have defeated all of Barclay's force united, especially with a stiff breeze; and on the other hand, that he thought the Confidence nearly, if not quite equal, to all McDonough's. I know this is not the doctrine to gain favor; but my aim is truth, and not personal popularity. Wherever I err, it is done ignorantly.

I come now to the criticism of Mr. William A. Duer, as it was published in the Commercial Advertiser. This gentleman is an uncle, by marriage, of Capt. Mackenzie, and his beautiful article may be taken as a part of the family picture. He probably did not anticipate, when he wrote it, all the consequences to himself that might flow from his occupation.

As this article was considered libellous, I sued the editor of the journal for the wrong he had done me. The case was referred to arbitrators, and the result was a decision in my favor; a *moral*, as well as a legal decision. This removes the necessity for dwelling on much that it might, otherwise, have been well to answer. As the argument and evidence are the same, with all the controversialists on that side, I shall defer my answers, to the reply to Capt. Mackenzie in this instance also; pointing out, now, a sufficient number of instances to put this pretended review before the world in its true colors.

I shall show that this article was written—1st, unfairly, as to its pretension and performance; 2d, that it is written in ignorance; 3d, that it is not sufficiently tenacious of the truth; 4th, that it lays down positions, which its own weaknesses contradict; 5th that it was written with a direct intention to deceive, or with a carelessness of facts that is but little less culpable, when it is remembered that character was connected with its statements. If I fail to establish every one of these positions, let the consequences be visited on myself: If I succeed in my undertaking, let the public do justice in the premises. I might here quote the decision of the arbitrators on the moral issue that was

laid before them, but I will rest my case on a few proofs and arguments, that I prefer to offer to the world, before any opinions, coming from what source the latter may.

The first sentence contains a falsehood in fact, as well as a false pretension, as to all the known objects of a reviewer. It is in these words, viz:

"Cooper's Naval History.—Although the same courtesy has not been extended to us in regard to this book, by its publishers, which we uniformly experienced on similar occasions, before we committed any criticism upon Mr. Cooper or his works—and which we have since continued to experience with respect to the works published by them of other authors—yet we felt so much interest in the subject as to induce us, notwithstanding this neglect—which, as we do not impute it to the worthy booksellers, is upon the whole rather flattering—to obtain this last work of Mr. Cooper's in spite of his prohibition, and to give it early, deliberate and candid perusal."

I have extracted this precious opening, simply as a specimen of editorial impudence, and recklessness of assertion. I say editorial, because Mr. Stone has admitted that he wrote it himself; prefixing it to Mr. Duer's pretended criticism. The reader is asked to examine it. "Committing criticism" upon Mr. Cooper and his works, in the first place, have induced his publishers, to deny Mr. Stone the courtesy of offering new copies of his different works. Mr. Stone has committed libels on Mr. Cooper, and he has smarted for it, and is very likely to smart for it again, if that is what he calls criticism. Notwithstanding this neglect—the neglect of offering the editor of a daily newspaper a book that sold for \$4.50!—Mr. Stone nobly resolved to obtain a copy—whether bought or begged he does not say—and to give it early, deliberate and candid perusal. All this he manfully resolved on performing, in spite of Mr. Cooper's prohibition to his publishers, about giving him a set gratuitously. This is one of the party, too, who has talked of levying black mail from the press, because I have dared to enforce the laws of the land against the tyrannical course of a portion of his corps. Comment is unnecessary; the facts speaking for themselves. The whole picture is complete, when I add that Messrs. Lea & Blanch-

and wrote to Mr. Stone to say that they never received any such prohibition from me, and that Mr. Stone subsequently explained away his allegation, by speaking of it as only a thing he had suggested as "probable."

The profession of "early, deliberate and candid perusal" will be made to appear in its true colors as I proceed. "We had hoped that on this occasion," continues my critic, "Mr. Cooper—to use a sea phrase, as he does, in a sense that a seaman never used it in—would 'go aloft' instead of remaining in the cockpit." I confess I was a little surprised at this, as it is asserting I am so ignorant as not to understand the use of the commonest sea terms. As Mr. Stone, on the face of the article, wrote this paragraph also, and he is no seaman, I presume he has detected my ignorance through the seamen he has consulted on this occasion. I can conjecture, but do not pretend to know who these are, but there is little doubt, if their criticism applies to the expression I understand it to mean, that they are just fit, as sailors, and as men familiar with the language of the finest sea in the world, to furnish facts to a reviewer of the Stone calibre. In the Naval History, the terms "go aloft," "went aloft," "gone aloft" &c., were applied to ships that had passed up the Mediterranean. This is using a term, as no sailor ever before used it in! Now, I unhesitatingly say that this is the common expression at the Rock, and that I had heard it probably a thousand times, before Mr. Stone ever saw even the Atlantic.

This article is written unfairly as to pretension and performance. The caption is "Cooper's Naval History;" and "this last work of Mr. Cooper" is to receive an "early, deliberate and candid perusal." After all this profession, what is this pretended review? Not a word is said of any event, fact, or narrative, with a solitary exception, beyond the Battle of Lake Erie. Like Jack's letter to his mother, the result of this 'deliberate and candid perusal' is an article that is all "pig-tail"—all, the Battle of Lake Erie. It came, like the Biography of Commodore Perry, from the same clique, and cannot travel out of the family! Oliver Perry was its burthen, and such men as M'Donough, Decatur, Paul Jones and fifty others, were as if they had never lived. Instead of assuming "Cooper's Naval History" for

his caption, the writer of this article, in order to bring his profession and practice in harmony, should have taken "Battle of Lake Erie," or some similar heading for his title. In a word, it is a high sounding profession of candor and fair critical decision, justified by an ex-parte discussion of one single event, which discussion is treated as if the writer were a special pleader instead of a judge.

Again—who ever heard an honest summing up of any question, in which the testimony of one side is substantially kept out of view. Such has been the case, however, in Mr. William A. Duer's upright criticism. While he parades *garbled* statements of the evidence against Capt. Elliott before the world, he entirely keeps the testimony in favor of that officer, out of view. Now there are not only more witnesses who testify in behalf of Capt. Elliott, than there are of those who testify against him, but there are *better* witnesses, and here is every word Mr. Duer has seen fit to say on the subject. After publishing certain affidavits that the friends of Com. Perry had previously given to the world, he adds:—

"In regard to the evidence adduced by Capt. Elliott which had been sufficiently neutralized or invalidated, it was stated that Lieutenants Smith and Edwards, and Purser Magrath, were deceased—that Lieutenant Conklin and Mr. S. Wardwell Adams were no longer in the navy, and that there was no officer in the American fleet bearing the name of W. Nicholls, one of the witnesses of Captain Elliott."

Here is every syllable Mr. Duer says of the rebutting testimony, unless where he uses these words, in stating his case in the preliminary explanations: "Capt. Elliott, however, asserted in a newspaper, that he had in his possession evidence enough to destroy the object of this attack (an attack on Capt. Elliott is meant,) and that he had prepared the materials to justify the rank which had been conferred on him, which he only held from publication, from motives of forbearance. Upon this, the brother of the commodore, the present Capt. M. C. Perry, publicly called on Capt. Elliott to exhibit the documents on which he relied for his justification against the charges of Com. Perry; which was consequently done, and these "evidences" were promptly

met and rebutted by the additional affidavits from which we extract the material facts."

Any thing can be proved by such means: It is true you have testimony, but it is completely put to shame by ours, and here is the latter to prove it! Had I said any thing about Capt. Elliott's testimony—had I said any thing about the points in controversy, there might have been some excuse for this course, did the article profess to be simply an answer to my account of the battle; but it professes to be a review of the *book*, in the first place, and my offence, when the other side was cornered, and compelled to enter on a justification, was reduced to one altogether of omission. Silence was my error. I ought, in their view of the matter, to have criminated Capt. Elliott, when I had more than serious doubts of his guilt, and when the facts were clearly in an unfit state to be received at all into the pages of history.

Here, then, we find two reviewers, Messrs. Mackenzie and Duer, furnishing the evidence of one side of a case before them, and suppressing that of the other. Let us see on what ground the latter justifies his proceeding. It is true, Mr. Duer does not say of himself, that this person is dead, and no longer in the navy, as a reason for not giving his testimony; but he presents the facts so as to offer them as a general excuse for not showing what these gentlemen had said. The idea is very extraordinary—quite as remarkable in its way, as the "ENABLED" of Mr. Burges—and, properly improved, might allow a crime to demonstrate that even Washington was a desperate adventurer and a man without morals. Of being all this, he was charged in some of the earlier English publications, and let the man who threw these vile aspersions on the Father of his country, outlive all who could deny them, and his single testimony would establish the fact. The notion that a man is no longer an available witness in this case, because he has left the navy, need only to be mentioned, to be laughed at.

But, how stands the fact? The following witnesses testify in favor of Capt. Elliott, viz:—

Lieutenant Smith,  
 " Edwards,  
 " Webster,  
 " Conklin,  
 Purser Magrath,  
 Surgeon Barton,  
 Master's-Mate Tatem,  
 Midshipman Cummings,  
 " Montgomery,  
 " Adams,  
 " Nichols,  
 " Page,  
 Boatswain Berry,  
 Captain in the army Brevoort.

Here then are fourteen witnesses, who speak more or less decidedly in favor of Capt. Elliott; most of them in the strongest terms of approbation. Of these fourteen, Mr. Duer mentions only six, at all; less than half, and two of these six, he excludes on the ground that they were no longer in the navy. One, he says, or makes his side say, the effect being the same, was a man of straw. Well, admit this shallow reasoning to be sound, why has he not given the testimony of the remaining eight? Among these eight alone, it is easy to find evidence, and the best the case allows, too, to refute some of the strongest facts on which the enemies of Capt. Elliott rely. Doctor Barton, as I have shown, is an all important witness; as are Lt. Webster, and Capt. Brevoort.

But is this excuse sincere? In the preceding sentence to that which I have quoted from Mr. Duer, that gentleman says, "There were many other documents in corroboration of the preceding (the evidence against Capt. Elliott, as given by Mr. Duer) within the control of the family of Com. Perry, but they chose to publish only the evidence of those officers who were living, and in the United States at the time, (the time of the controversy of 1821,) and in adherence to this determination, the evidence of Lts. Packett and Yarnell, who were both dead, was withheld."

Here the witnesses are put into a new category; those who were out of the United States, at the time, were to be excluded! Well, neither Dr. Barton, Capt. Brevoort, nor Mr. Cummings, nor several others were out of the United States, as is seen by their published affidavits.—Messrs. Brevoort, Nicholls, Page, Montgomery, Barton and Berry, were all at home, in 1821, and all alive.

What other evidence has the Perry family, that of Lt. Packett excepted, which has not been published? On this head, I can say that all the testimony, as I understood the matter, was sent to me, while the history was in progress, and I found nothing in the portions that had not been published, to influence an impartial man, while I did find strong proof to show that the statements of Messrs. Duer and Mackenzie are not accurate.

The reader will see the manner in which Mr. Packett's name has been introduced. At the proper moment, I will quote from this gentleman's testimony to show that it really contradicts the most serious of the charges against Capt. Elliott.

There was no such man in the fleet as "W. Nicholls, one of the witnesses of Capt. Elliott." Now it was notorious there was an officer of the name of Nicholls in the Somers, and the mistake was simply clerical. The name is D. C. Nicholls, and it was shown to the arbitrators that the two initial letters were written in a manner that might well mislead a printer, or a copyist. The man was there, he testified as stated beyond a doubt, and distinctly refuted one of the charges against Capt. Elliott—a charge, too, that no one seems disposed to father, as it is only given on rumor. To make a point of a mistake like this, argues in itself, a feeble case.

I have said that there is one exception to the devotedness of Mr. Duer to the Battle of Lake Erie. He does step aside, in a note, to say the following, viz:—"Alluding to the carrying of the Detroit and Caledonia the year before, by boarding from the shore—which was a military enterprise, projected and conducted by Capt. Towson, of the artillery—but as Lt. Elliott commanded one of the boats, he assumed the whole credit—and Mr. Cooper ratifies his claims." A more deliberate falsification of history, or a



more reckless substitution of irresponsible rumors for fact, cannot be found, than is contained in this paragraph. It is out of my power to say whether Mr. Duer did, or did not, examine the testimony that had been laid before the world, in connection with this affair; but I openly challenge him to produce a single published statement to justify his account. In reply to the most unanswerable proofs that Capt. Elliott both planned and conducted this expedition, including an admission of General Towson himself, who only claims to have done that which Mr. Duer ascribes to Capt. Elliott, or command one of the boats, Mr. Stone said that his correspondent (Mr. Duer) had doubtless been misled by statements in various newspapers. I then called on Mr. Stone, three several times, to name *one* of these various newspapers, which misled Mr. Duer. I cannot discover that the paper has ever been produced, and I now publicly repeat the call. Produce a single newspaper, Mr. W. A. Duer, or Mr. W. L. Stone, if you can, the New York Commercial Advertiser excepted, and those that have copied this vile calumny, and I will give you, one or both, credit for a sincerity that I now find it impossible to concede. A dispute certainly existed between Messrs. Elliott and Towson, in connection with this enterprise; but it arose solely from the question whether Gen. Towson did or did not act as a captain of artillery in the affair, or as a volunteer; not from any doubt as to the individual who planned and conducted the attack. In this controversy, Gen. Towson distinctly attributes the credit of having planned and commanded the expedition to Lt. Elliott, while he claims for himself that of having taken one of the vessels. As Mr. Stone has publicly confessed that his correspondent had been misled in this note, it is unnecessary to say more than to repeat the call for the proof that even this is true. For myself, I believe Mr. Duer stands alone in saying that Capt. Elliott did not, and that Gen. Towson did plan and conduct this enterprise. If he has any authority, however, he *can*, and probably *will* show it.

2d.—The article is written in ignorance. By this is meant, that Mr. Duer has not sufficient knowledge of ships and sea terms, and of the facts in the case, to write a respectable review, even if he possessed the disposition.

One instance will be sufficient to show this truth. The battle was fought with the wind at South East, the English line lying to, heading up about S. S. West, or S. W. and by South. The Americans were edging down with the wind abeam; or steering South West, a little off, perhaps. Now, in this state of facts, Mr. Duer asks this question, with an air of knowledge and pretension, as if he were a very Doctor Faustus, at the points of the compass.—“When ‘at this moment the Niagara passed to the westward, a short distance to windward of the Lawrence,’ might not the former have sooner reached ‘the head of the enemy’s line,’ by passing to eastward, as did the Caledonia, which, he tells us, ‘followed’ the Niagara to leeward.” After this exhibition of puerility and ignorance, Dr. Duer indulges in some plesantry, evidently much to his own satisfaction. “In order, it would seem, to gain the same point, viz. ‘the head of the enemy’s line,’ the Niagara kept to windward of the Lawrence, steering westerly,” he goes on to add, “and the Caledonia ‘followed’ by keeping to leeward, and steering easterly.” As Dr. Duer—I beg pardon for ever having called so learned a person a simple Mr.—uses the italics, himself, let him have all the credit of them.

To answer this logic, and mathematics so profound, it will be necessary to quote what the history *does* say. The three vessels, the Lawrence, Niagara and Caledonia, are in a line ahead, steering south west, or south west and by west; and the Niagara wishes to pass the leading vessel.—“At this moment,” says the history, “the Niagara passed to the westward, a short distance to windward of the Lawrence, steering for the head of the enemy’s line, and the Caledonia followed to leeward.” That is to say, both the Niagara and Caledonia went to the westward, or towards the head of the enemy’s line, which enemy was heading up about S. W. and by South, one going to windward of the Lawrence, and the other following her, but going to leeward of the Lawrence. Out of this statement Dr. Duer makes the following prodigies. He makes the Caledonia go to the eastward, and yet to leeward, with the wind at South East; and he makes her go towards the head of the enemy’s line, which was to the westward of her, and yet go precisely

the other way; or to the eastward! The history nowhere says the Caledonia headed easterly a single point that day, or at least, during the battle; nor could she have done so, without steering directly from her enemies, or running away. Now, as Dr. Duer justly applauds her gallant commander, and *does* attribute this exploit to him, it must be on his own authority; and the whole shows that his head was like "a no-man's land" on the subject of the manoeuvres of this battle. In point of fact, he knew nothing about them. It is charity to infer ignorance, as the alternative is a wilful perversion of facts.

3d.—The article is not sufficiently tenacious of the truth. As this is a grave charge, it shall be distinctly shown. I have given the history of the different controversies. In speaking of that which commenced with a pamphlet against Capt. Elliott, in 1821, Dr. Duer uses this language, viz: "When the late Commodore Perry" as his equally gallant and lamented friend the editor informs us, "was about to sail on the cruise which terminated his valuable life, he requested Com. Decatur to take charge of the following documents, &c." All this is Dr. Duer's, though part is quoted from the preface of the pamphlet. The effect is to lead the reader to believe that Com. Decatur, the gallant and lamented friend of Perry, edited the pamphlet, and no doubt such was the intention. As Decatur was killed in March 1820, it will be difficult to show he edited a pamphlet in 1821. In point of fact, he had nothing to do with the publication.

Again, Dr. Duer foully misquotes me. He gives the following note from the history, in a way to leave nothing but the part I have put in italics. "*Popular opinion, which is too apt to confound distinctions in such matters, usually attaches the idea of more gallantry to the mere act of passing in a boat from one vessel to another, during the action, than in fighting on a vessel's deck. This was the least of Perry's merits. Capt. Elliott was much longer in the same boat, and passed nearly through the whole line twice; and Mr. McGrath had left the Niagara, for one of the other vessels, in quest of shot, before Capt. Perry quit the Lawrence. A boat, also, passed twice, if not three times, from the Caledonia to the Trippe, in the height of*

the engagement, and others, quite likely, were sent from vessel to vessel. Capt. Perry's merit was an indomitable resolution not to be conquered, and the manner in which he sought new modes of victory, when the old ones failed him. The position taken by the Niagara at the close of the affair, the fact that he sought the best means of repairing his loss, and the motive with which he passed from vessel to vessel, constitute his claims to admiration. *There was no doubt a personal risk in all the boats, but there was personal risk every where on such an occasion.*"

Now, of the foregoing note, the portion in italics, is all that Dr. Duer gives. All that precedes the word "engagement" he gives as a continued and connected extract. — Let us examine this pretended extract, for its motive. It is certain that this garbling is accidental, or it has been done by design. Is it the first? He who reads the secrets of the heart alone can say, except through conjecture. When it is remembered, however, that the article was intended as an attack on the historian, is it reasonable to suppose any man in his senses would thus mutilate a passage accidentally? To me it seems to be intended as a summary of the note, rather than as a quotation, though given as the latter; and if so, there can be no question that the mutilation has been made understandingly. When, however, we come to see that the real design of the historian is given in the closing sentences of the note, and that these sentences are altogether omitted, can there be a doubt as to the intention? This, after all, is the best test we can apply. If an author be deliberately misquoted, as to meaning, it leaves a suspicion; and, having given the note in full, with Dr. Duer's mutilations, I leave the reader to judge for himself.

The next instance I shall cite leans still more strongly towards intentional deception. All the three writers I am now answering, or Messrs. Burges, Duer and Mackenzie, contend that Capt. Elliott did not bring the Niagara into close action at all, but that she was first carried into close action by Capt. Perry, when he got on board of her. I maintain that Capt. Elliott took the Niagara into as close action, or about as near, as Capt. Perry ever carried the Lawrence, though the latter subsequently carried the Ni-

agara much nearer, when he cut the line. Out of this last circumstance, I suppose all the *honest* misunderstanding on this point which has occurred, to have taken its rise. The facts shall be explained in their place; here, I propose only to substantiate my second charge against Dr. Duer. Speaking of the danger which existed at different points in the battle, this gentleman says that "two places were exempted from the ubiquity of danger, and both happened to be successively occupied by Capt. Elliott—first on board the boat, when he was passing up and down the line 'during the height of the engagement' in consequence of his having volunteered to bring the *distant* vessels into action; and second, *on board the Niagara*, until Capt. Perry boarded her, and brought her within reach of the enemy's guns."

I will ask the reader to observe that, in this extract, Dr. Duer comments on his own misquotations, applying the words "the height of the engagement," to Capt. Elliott, when, as written by me, they apply only to the boat which passed between the Caledonia and the Trippe. When it is remembered that the charge intended to be made out against me was a wish to glorify Capt. Elliott, at the expense of Capt. Perry, this false application of words plainly written, and as plainly printed, has a very unpleasant aspect. But this is not my point. In the extract, my reviewer distinctly asserts that the Niagara was not within reach of the enemy's guns, until Capt. Perry carried her there. This, be it remembered, is substantially the Burges-Mackenzie-Duer theory, although Capt. Mackenzie may happen to know too much to insist on it literally.—He would probably say she was at long shot.

Now, Mr. Duer, maintaining this theory, cites the present Commodore Turner, who commanded the Caledonia, as a witness. This gallant officer says in his affidavit—"The Niagara might have relieved the Lawrence from the Queen Charlotte, if she had made proper exertions to bring her to close action; but, by keeping her main-top-sail aback and her jib brailed up, she kept at too great a distance from the enemy to do him any material injury, and sustained scarcely any herself until the Commodore took command of her, who immediately bore up and passed through the enemy's line, firing both his broadsides

with such tremendous effect, as compelled him instantly to surrender.

"It was the general opinion of the American officers, and expressed with much indignation, that Capt. Elliott did not do his duty in the battle; inasmuch as he did not bring his vessel, AS SOON AS HE MIGHT HAVE DONE, into close action, which circumstance only, made the result of the battle for a short time doubtful. Soon after the victory, Capt. Elliott's conduct was spoken of, as well in Gen. Harrison's army as in the fleet, with great disapprobation and censure," &c. &c. &c.

The foregoing stands in the affidavit, as I have given it; the remainder being unnecessary for the point before us. Dr. Duer gives the substance of Mr. Turner's affidavit, until he reaches "She kept at too great a distance from the enemy &c." when he puts in marks of quotation, and professes to give his words. The quotation goes on much farther than I have given it above, with the exception that the sentence I give in italics is wholly omitted! Now this is done without any mark, or sign, to indicate the fact. The words "Soon after the victory" follow, in the next sentence, the words "instantly to surrender," precisely as if they had been so given by Mr. Turner. The paragraph which exists in the original is sunk, Dr. Duer giving the whole as belonging to one and the same paragraph. Let us search for a motive for all this.

Dr. Duer, it has been shown, maintains that the Niagara was not within range of shot, until Capt. Perry reached her. His object was clearly to criminate Capt. Elliott, and why should he drop this particular sentence, from his quotation? Every syllable of it, told in favor of his theory, but the words "*as soon as he might have done*," and they flatly contradict it. Without these awkward and tell-tale words, the passage would read "*inasmuch as he did not bring his vessel into close action*," which was precisely what Dr. Duer was contending for. But the words "*as soon as he might have done*" were there, and they completely alter the sense. To suppose that a sentence which commenced a paragraph was dropped accidentally, is highly unreasonable, and if we look at the passage, we see that Dr. Duer could not quote it, without showing that his own witness contradicts him. He chose, therefore, to avoid it.



One more instance on this point must suffice. The charge against Com. Elliott, as indeed may be seen by the extract just given from Mr. Turner's affidavit, is that he did not close and assist the *Lawrence*, at a period of the action when he lay astern of the *Caledonia*, with his main-top-sail to the mast, and his jib brailled. Unless explained, such a circumstance might justly criminate any man. But Com. Elliott says, and I shall presently show that he says it truly, that his senior officer, Capt. Perry, had given him a station in the line, astern of the *Caledonia*, that he enjoined it on him to keep that station, and it was for him who gave the order, to take the responsibility of changing his own line of battle, if circumstances required a change. This might have been done by signal, or by sending a boat, and, as Capt. Perry who was in the *Lawrence*, himself, knew how much she had suffered, a fact Capt. Elliott could not know, except by conjecture, it was precisely the duty a commander-in-chief was present to perform. Com. Elliott further affirms, that only one signal was made by Capt. Perry, while on board the *Lawrence*, which was the signal "to engage as you come up, every one against his opponent, in the line as before designated." This signal, then, confirmed the injunction to keep the line, and inasmuch, was an order to the *Niagara* not to pass the *Caledonia*.

Now the point before us relates to these signals. Capt. Perry might have made a second or a third signal, countermanding the effect of the first, and which would have obliged Capt. Elliott to pass the *Caledonia* much earlier than he actually did. On this head, Dr. Duer quotes—*re* affidavit of Dr. Usher Parsons, in the following language: "Complained (meaning the wounded officers of the *Lawrence*) that the *Niagara* did not come up to her station and close with the *Queen Charlotte*, although frequently ordered by signal, &c. &c." Here, then, Dr. Parsons was made to swear that the wounded officers complained that Capt. Elliott disregarded signals frequently made—reiterated orders in fact—to close. I knew no such signals had been made, and I confess, as little importance as I attach to the affidavit of Dr. Parsons, which shall be analyzed in

its place, I was not prepared to find him making a statement like this. Turning to the affidavit itself, I found he swears to nothing of the sort, the whole being merely one of Dr. Duer's quotations—a very different thing, as has been already shown, from the actual words pretended to be given. What Dr. Parsons really says is this—"Complained that the *Niagara* (commanded by Capt. Elliott) did not come up to her station and close with the *Queen Charlotte*, although he had been ordered by signal; and this complaint was frequently repeated by them, &c."

Here we see that the "frequently" applies to the complaints, and not to the signals. As to the signal actually given, I have quoted it *verbatim*, as sworn to in terms, by the Perry witnesses, and as, doubtless, it was given; and this ordered Capt. Elliott to keep the line, and not to break it. There is no doubt that this was the legitimate and obvious meaning of the only signal given.

Thus we find Dr. Duer again misquoting, in a new form. This one point, if Dr. Duer's quotation were accurate, would at once condemn Capt. Elliott, and justly place his life in jeopardy; but the quotation is inaccurate. Some persons may think this misplacing of the word "frequently" was accidental; it certainly may have been, but when a man sits down to attack others, as Dr. Duer has assailed both Com. Elliott and myself, there is a profound moral obligation to use at least ordinary care in such matters, and ordinary care would have prevented any such mistake. Besides, no mistake is made by either Dr. Duer, or Capt. Mackenzie, in my favor; whereas each will probably be glad, when I have done with him, to take refuge in the allegation of having made many mistakes against me! I pass to the next head.

4th. The article lays down positions which its own witnesses refute. Two instances have just been given. Dr. Duer contends Capt. Elliott did not bring the *Niagara* within reach of the enemy's shot. Capt. Turner says fault was found with him, because he did not come into close action, as soon as he might have done. No man in his senses would use those words concerning one who did not come into close action at all. Mr. Turner has other testimony to the same point, which I reserve for Captain

Mackenzie. Dr. Duer says Dr. Parsons swears that the wounded officers complained that Capt. Elliott disregarded signals *frequently* made; Dr. Parsons's own affidavit contradicts the statement. Other proof, and plenty of it too, might be adduced on this point, but it would make this pamphlet too long.

5th. It was written with a direct intention to deceive, or with a carelessness of facts that is but little less culpable, when it is remembered that character was connected with its statements. The truth of this charge has already been shown. Why was the closing part of the note about the boats omitted, if the intention was to deal fairly. Let us examine the question.

Capt. Perry passed from one vessel to another, in a boat, during the battle. Many persons—most persons perhaps—fancied this a heroic act, *per se*, without reference to the motive. To me it did not thus seem. I knew that boats were almost always in motion, in general actions at sea, and I believed, and still believe that Capt. Perry probably ran less personal risk, while in that boat, than he ran at any other period of the battle. The fire from the enemy had greatly lessened at the time, he was three hundred yards from their guns, even according to Capt. Mackenzie, and was crossing the range of their aim. It is scarcely probable a single gun was trained on the boat, more especially as Capt. Perry was dressed in a round-about, and could not be recognised. But, admitting that the act, *per se*, was what has been pretended—on what principle is Capt. Perry to be lauded more than others who did the same thing? Mr. Magrath had gone from the Niagara to the Lawrence in a boat, before Capt. Perry went from the Lawrence to the Niagara. Capt. Elliott pulled along the whole line, nearly twice, in the same boat, and the six men who composed the crew incurred the risks of *all* these movements; that of Capt. Perry's, and those of Capt. Elliott's. Other boats passed from vessel to vessel. It has been said that Capt. Elliott was not exposed in the boat, the same as Capt. Perry. The note in the history says nothing about this fact, for the object being merely to direct the public mind to the real merit of Perry's conduct, it was unnecessary; but, in point of fact, I believe Capt.

Elliott took the boat *inside* the Lawrence, while going astern, and *he* was in uniform. I believe this to be the fact, because Com. Elliott distinctly affirms it, and I have found his statements of the battle mainly corroborated by the testimony; because the late Capt. Stevens admitted to me personally, that Capt. Elliott pulled along side the Trippe, which was under the fire of grape at the time; and because the present Capt. Montgomery, and sailing master Tatem, both officers of the Niagara, say that from the relative positions of the two brigs, at the time, they think Capt. Elliott *must* have gone inside. Now if the claims of Perry be reduced to the mere gallantry of exposing his person in the boat, his friends cannot deny that others must share the credit with him. What is his exploit compared to Capt. Platt's on Lake Champlain, who pulled about under the fire of a ship like the *Confiance*, *early in the action*, and had a twenty-four pound shot actually pass through his boat. If this act is to make a hero, there are other heroes besides Perry; and better heroes, too, if quality is to be estimated by risks. But I give Perry high credit for this particular act, though it is altogether in connection with his *motive* for changing his vessel. It was a noble thing to fight on board one vessel until she was a wreck, and then to seek another to struggle on for victory—but it was a far inferior deed simply to pass from one vessel to another in a boat. Now, I give Perry full credit for the first in the note; it was in truth the *object* of the note, and I had a right to demand if my note were quoted at all, that it should be quoted in reference to this object, that the reader might judge for himself. Dr. Duer has not done me this simple justice; besides mutilating the part he *does* quote, making me impute acts to Capt. Elliott that I do not impute to him, he omits entirely the close of the note, thus misleading the reader as to its drift. If this were not a direct intention to deceive, what was it?—it was certainly a carelessness of facts, that, under the circumstances, was scarcely less culpable.

I put also the omission of the pointed part of Mr. Turner's affidavit, the insertion of the word "frequently" into that of Dr. Parsons, in a place where it was not used, thus essentially altering the sense, and all the other instances

of departure from facts that I have cited, most especially that where Dr. Duer affirms that Gen. Towson planned and conducted the enterprise in 1812, into this same category. I might increase the list, but enough has been shown to establish the point, which completes my case as against this critic. In this instance, however, as in that of Mr. Burges's, I shall answer most of his testimony and statements, in answering those of Capt. Mackenzie, to whose Biography of Perry I now come.

Capt. Mackenzie is, in some respects at least, an antagonist worthy of an old sailor, in a controversy of this sort. I am aware that Dr. Duer was once in the navy, but I doubt if he ever knew the names of the running gear of an Albany sloop. Capt. Mackenzie certainly knows too much of a ship to make the mistakes into which my other critics have fallen.

Against Capt. Mackenzie's Biography I make the following objections. 1st, It is not what a biography ought to be, but is an *ex parte* statement of facts, keeping the most and the best evidence out of view. 2d, It coolly accuses Capt. Elliott, whose name is so closely interwoven with the life of his subject, of acts, the unequivocal evidence of the falsehood of which accusations, was in the possession of Capt. Mackenzie when he brought them, and this in a form that renders it difficult to believe he did not see the whole case; 3d—he contradicts his own witnesses; 4th—he constantly contradicts the best evidence the case allows, on altogether insufficient grounds; 5th—he is grossly and absurdly illogical; 6th—he has manifested an indifference to justice, which is discreditable to any writer, and which approaches an indifference to truth.

I come now to the proofs of what I have said. The charges are serious, and should be clearly established. Of my ability to make them out, however, I entertain no more doubt, than I feel what must be the consequences to Capt. Mackenzie, in the minds of all clear headed and upright men. This controversy was not of my seeking; for years have I rested under the imputations that these persons have brought against me, and I now strike a blow in behalf of truth, not from any deference to a public opinion that, in my judgment, has not honesty enough to

feel much interest in the exposure of duplicity and artifice, but that my children may point to the facts, with just pride that they had a father who dared to stem popular prejudice, in order to write truth. A great clamor has been raised against Com. Elliott, under the influence of party feeling, and while one half the nation has been made to immolate him, without examination, the other has not shown a disposition to defend. I cannot see why others might not have detected the character of most of the evidence on which this has been done, as well as myself. It was accessible, vulnerable in all its parts, and there was a high moral necessity for examining previously to condemning. The mighty public of this great country, which is but another word for the republic, did not feel this necessity, and I do not hesitate to say it has decided without inquiry. The injury done Capt. Elliott is not easily measured. That he is now suffering under the effects of this precipitate judgment, in more ways than one, I hold to be evident; but he is fortunate that he has escaped so lightly. Let it be imagined, for a moment, that he had assumed the responsibility of executing three men without a trial, and then fancy the result! His life, justly or unjustly, would have been the forfeit. Such are the penalties of error; and every citizen should remember that while there is nothing which is more formidable, which more closely assimilates men to their Creator, than a just and virtuous public opinion, there is nothing more miserably contemptible, in a moral point of view at least, and which more closely assimilates them to the lowest beings of darkness, than when they join in supporting an unjust clamor, equally without examination, and without remorse. I say this with emphasis, for I believe Com. Elliott has been, in many respects at least, a greatly ill used man, and I never expect to receive the atonement for the wrong that has been done myself in connection with this affair. Calumny may be refuted and rebuked; but it is never wholly effaced.

No man has had a larger share in injuring both Com. Elliott and myself than Capt. Mackenzie, and I now propose to prove how loosely and falsely he has endeavored to rob us of our characters.

Capt. Mackenzie's principal charge against me was that



I had endeavored to build up the reputation of Com. Elliott, at the expense of that of Com. Perry. This charge of itself, would not amount to much, as justice *might*, and in some measure *does* require such a course, in this very discussion; though it did not in the history I have written; but Capt. Mackenzie leaves the impression that I have done this with dishonest views. So far as I am concerned, Capt. Mackenzie has respected appearances a little; but as regards Com. Elliott, he has thrown them aside altogether, and I have no hesitation in saying has written of that officer sundry as atrocious libels—I use the word understandingly, and mean untenable calumnies—as are easily to be found coming from any man who has claims to be deemed a gentleman. Com. Elliott is living, and might defend himself; but I can scarcely touch the subject at all, without vindicating that officer, as it might be incidentally, from some of the grossest of these aspersions.—As my aim will be to show how utterly worthless is this biography of Perry, so far as it relates to the battle of Lake Erie, any thing that proves its true character forms a legitimate part of my argument, whether it strictly applies to my own account of the events or not. In this way, then, I shall treat the subject. To come to the points:

1st. Capt. Mackenzie's book is not what a biography ought to be, but is an *ex parte* statement of facts, keeping the most and best evidence entirely out of view.

The only material accusation against Com. Elliott, in relation to the battle, was that he kept the Niagara too long astern of the Caledonia, and that he did not close early enough effectually to succour the Lawrence. Messrs. Burges, Duer and Mackenzie add to this, that Capt. Elliott did not bring the Niagara into close action at all; though neither Com. Perry, nor the best of his witnesses, took that ground. Now, in the nature of things, the officers of the Niagara were the *best* witnesses of Capt. Elliott's conduct, in such circumstances, that the case afforded. They surely knew *what* the vessel did; whether she were under fire or not; what injuries she received, and who was hurt, better than those who were enveloped in smoke at a distance. *Ceteris paribus*, they were, as a rule, the *best* witnesses of the facts. But other things were not equal; they were

essentially the best witnesses on the score of intelligence, and on the score of feeling. It was a fact that could not well escape one as familiar with the service by association, as myself, that, as a whole, the officers of the Niagara were the superiors of the officers of the Lawrence, in the way of intelligence. On this point, though it is entitled to consideration, I am not induced to lay much stress; still I hear from all quarters, that three of the officers of the Lawrence, who are among Capt. Perry's most prominent witnesses, are or were men of capacities so low, as to render their opinions of very little value. It is a fact more available as an argument, and one that I allowed to have its just influence, that the officers of the Lawrence had not the experience, of the officers of the Niagara. On board the latter, in addition to her lieutenants and master, were Messrs. Magrath and Brevoort, the purser, and a captain in the army acting as marine officer. Mr. Magrath had been a lieutenant in the navy, and had resigned only four years before, and would have been the senior of Perry, himself, had he retained his commission. This gentleman was a man of talents and a capital seaman. In the latter, or, indeed in the other capacity, he probably had no superior in that squadron. Capt. Brevoort, I believe had been a sailor in youth—at all events, whether actually accustomed to the sea, or not, he was accustomed to the lake. I saw him myself, in 1809, on Lake Erie, in command of the Adams, a brig belonging to the war department—the same that the British captured and called the Detroit—and I heard that he was several years employed in this duty, being, at the time, a lieutenant in the army. This gentleman was put in the squadron on account of his experience.

Now, were there merely the preponderance in favor of the officers of the Niagara, which the characters, and experience of these two gentlemen would give, it would be sufficient, and would be so adjudged by any court in christendom; but there are still other circumstances to turn the scales more in favor of their testimony.

The officers of the Lawrence—or some of them—contradict their commander, and of course each other, while those of the Niagara, in the main, agree. Then, on the

score of feeling, the circumstances are in favor of the officers of the Niagara. The Lawrence, after suffering very severely *struck*; and this in a battle, in which all the enemy were subsequently captured, and the Lawrence herself retaken. Whatever may have been the gallantry of her crew, and the circumstances which led to such a result, the 10th Sept. as regards the Lawrence, was a defeat. It is easy to see that men so circumstanced might not be rigidly just. On the other hand, the Niagara was the principal agent in turning the fortunes of the day. It mattered not, to her officers, whether this were done under Perry or Elliott; they were actively employed. The Niagara, too, met with a heavier comparative loss in this battle, than was sustained by any American vessel in that war, the Lawrence and Essex excepted. She had not been engaged in child's play, at all; and there was nothing particularly to disturb the feelings of her crew. As between them, and the crew of the Lawrence, the question of feeling was altogether in their favor. Though a dispute existed between them and the people of the other brig—this question was strictly between Perry and Elliott. Both had been their commanders in this very battle, and it is not easy to suppose, that, among all the brave men in the Niagara, men who were the near witnesses of that which passed, one could not be found to say so, if he fancied that Capt. Elliott had disgraced his brig, and Perry alone had saved them all from reproach.

In whatever way, then, we view this point, the officers of the Niagara were *better* witnesses, than those of the Lawrence. In addition to this, they materially outnumber them.

In the face of these facts, Capt. Mackenzie suppresses the testimony in favor of Capt. Elliott, while he lays before the world, as much of that against him as suited his own purposes. If this be not reducing history to an *ex parte* statement, it is not easy to say what it is. I shall not dwell further on this point, here, as its effects will be noticed as I proceed.

2d. It coolly accuses Capt. Elliott of acts, the unequivocal evidence of the untruth of which was in the possession of Capt. Mackenzie when he brought the accusations;

and this in a form that renders it difficult to believe he did not see the whole case. I am conscious this is a very grave charge; but it shall be clearly made out.

Capt. Mackenzie justly represents Com. Elliott as complaining of the official report of Capt. Perry. He certainly does insist that the Niagara ought to have been put in *close action*, at an hour earlier than  $\frac{1}{2}$  past 2, the time when Perry says she succeeded in closing. The fact is immaterial to the present point. It is admitted, however, that Com. Elliott *does and did* complain that injustice was done to his brig and himself, in this particular. In allusion to these complaints, and some efforts made by Capt. Elliott to get the report altered, Capt. Mackenzie says in a note, pages 20—21, Vol. 2d, Biog.—

"After such objections to the official report, and such efforts to procure it to be made more favorable to him, it is singular to find Capt. Elliott, before the Court of Inquiry into his conduct in 1815, when the British official account and the sentence of the court-martial on Commodore Barclay had made him appear so much more disadvantageously, *strenuously endeavoring to substantiate this very report*, AND MAKING A QUESTION AS TO ITS ACCURACY A LEADING ONE TO ALMOST EVERY WITNESS."

Let us look at the character of this charge. It distinctly accuses Capt. Elliott of seeking refuge, before the Court of Inquiry, against the supposed English accusations, in Capt. Perry's official report, *after he had decried that report, and denied its accuracy*. This charge embraces several varieties of moral turpitude. It is virtually accusing Capt. Elliott of deliberate falsifications of the truth, by seeking refuge in contradictory facts, as he found it convenient; it is a charge of a meanness so atrocious as to render him unworthy of the commission he holds, if true; and it leaves the inference that the British court put his conduct in a worse point of view than any American court, without mentioning the fact that even Capt. Perry's witnesses *exonerate Capt. Elliott from this imaginary imputation*.—The two first accusations, however, form the gist of the calumny.

So far from Capt. Elliott's having been guilty of the glaring deception and degrading meanness with which

Capt. Mackenzie has thus openly charged him, in a book deliberately written, and widely circulated, if not conscientiously prepared; there is the clearest evidence of its untruth, and evidence that was in Capt. Mackenzie's possession at the time he wrote; evidence that he *ought* to have consulted, and which he has given the public reason to suppose he *did* consult.

I write with an exemplified copy of the record of this Court before me. This record has been repeatedly published, and if Capt. Mackenzie does not refer to it, in this very note of his, to what evidence does he refer? It is the only proof in existence, of the questions put by Capt. Elliott, while it is complete on that head. I now extract from it, every question that this officer asked the witnesses, viz—

*Lt. Nelson Webster—April 24th, 1815.*

*By Capt. Elliott.*—"Did the Niagara at any time, during the action, attempt to make off from the British fleet?"

"What was the distance from the Lawrence to the Niagara, when the firing commenced from the enemy?"

"What was the situation of both fleets when the action commenced on our part? and what time did I order the Caledonia out of the line? and how soon afterwards did I place my vessel ahead of the Lawrence? and what appeared to be the situation of the British fleet?"

"Was not my helm up, and the Niagara standing directly for the enemy's fleet, when Capt. Perry came on board?"

"What was the situation of the gun-boats when I left the Niagara, and how were they disposed of when I reached the head of the enemy's line with them?"

"How did the Lawrence bear of the Niagara when Capt. Perry came on board, and what distance was she from the Niagara?"

*Lt. Yarnall—one of the Perry witnesses*

*By Capt. Elliott.*—"Did the Niagara, at any time during the action, attempt to make off from the British fleet?"

*Lt. Yarnall.* "No." (This was the strongest witness against Capt. Elliott.)

"What was the distance from the Lawrence to the Niagara, when the firing commenced from the enemy?"

"What was the situation of the gun-boats when I left the Niagara, and how were they disposed of when I reached the head of the enemy's line with them?"

"What was the established order of the battle, and is the sketch now shown you a correct one?"

"What were the observations of Lts. Turner and Holdup, when speaking to you of the action?"

"When I was passing the Lawrence in the boat did you not come to the gangway, and ask me to bring the boat along side, as you were sinking?"

"Did you not on the return of the fleet to Erie, discovering that there was an altercation between Capts. Perry and Elliott, meet Midshipman Page on the beach, and say to him that there was the deuce to pay about the action, but that as for your part, you had always given each of those officers an equal share of credit?"

"How was the wind from the beginning to the end of the action?"

*Lt. Webster—re-examined—April 25th, 1815.*

*By Capt. Elliott.*—"How far was the Caledonia from the Niagara, from the commencement of the enemy's fire, until I ordered her out of the line?"

"What was the distance from the Lawrence to the Niagara, from the commencement of the action until I ordered the Caledonia out of the line? and did not the enemy's shot take effect in a few minutes after the action began, upon the Niagara's spars and rigging?"

*Answer.*—"At no time during that period were they more than two hundred yards apart—the enemy's shot took effect very soon, and shot away one of the fore-topmast back-stays."

"Did not the enemy's fire appear to be directed at the Niagara's spars and rigging?"

"What distance was I from the Lawrence when I passed her gaining the head of the line?"

"Just before you were wounded, what was the relative positions of the Lawrence and Niagara?"

"What damage did the Niagara sustain in the action?"



"Was the Niagara at any time during the action, from half to three quarters of a mile on the weather bow of the Lawrence after I ordered the Caledonia out of the line?"

"Did you observe the enemy's ship Queen Charlotte bear up and run away from the Niagara, and if so, when?"

*Midshipman Montgomery,*

*By Capt. Elliott.*—"Did the Niagara, at any time during the action, attempt to make her escape from the British fleet?"

"What was the distance from the Lawrence to the Niagara, when the enemy's fire commenced? and what distance was the Lawrence, Caledonia and Niagara, from the enemy's fleet?"

"What was the distance from the Lawrence to the Niagara when we commenced our fire? and what distance was each of those vessels from the enemy's fleet?"

"What was the distance from the Lawrence to the Caledonia, and from the Caledonia to the Niagara? and what distance was each of those vessels from the enemy's fleet, when I ordered the Caledonia to bear up and let me pass her?"

"When I ordered the Caledonia to bear up, where did I place the Niagara, and where was she when Capt. Perry came on board?"

"When Capt Perry came on board the Niagara, did he not find her helm up, and that vessel standing direct for the enemy's ship Detroit?"

"What was the situation of the gun-boats when I left the Niagara? and how were they disposed of when brought to the head of the enemy's line?"

"When I hailed the gun-boats, did I not order them to make sail and keep close under my stern?"

"What was the established order of battle, and is the sketch now shown you a correct view of the situation of both fleets at the time stated?"

"When Capt. Perry came on board the Niagara, was she half a mile on the weather bow of the Lawrence?"

"Did the Lawrence and Caledonia, at any time in the action, bear up, and leave the Niagara with her main-top-sail aback, or leave her on a wind?"

"Did Capt. Elliott or Capt. Perry bring the Niagara into close action?"

*Answer.*—"The Niagara had closed with the enemy some time before Capt. Perry came on board?"

"Did not the wind die away almost to a calm when the action was pretty well on?"

"Did the enemy's ship, Queen Charlotte bear up to avoid the Niagara's fire, and if so, at what time?"

*Mr. Adams.*

*By Capt. Elliott.*—"Did the Lawrence and Caledonia, at any time during the action, run down within musket shot of the enemy, and leave the Niagara firing at the enemy's smaller vessels at a distance?"

*Mr. Tatem.*

*By Capt. Elliott.*—"What conversation passed between me and Capt. Perry when I returned on board the Niagara?"

"How near was Capt. Elliott to the Lawrence when passing her?"

"Was the Niagara three quarters of a mile on the bow of the Lawrence, when Capt. Perry came on board?"

"Was not the helm up, and the Niagara bearing down on the enemy when Capt. Perry came on board?"

"Had you been an officer on board the Lawrence, would you have supposed there was any deficiency in the conduct of Capt. Elliott in coming to the relief of the Lawrence?"

*Mr. Cummings—April 26th, 1815.*

No questions put by Capt. Elliott.

*Lt. Forrest, of Lawrence.*

No questions by Capt. Elliott.

This closes the record, every question put by Capt. Elliott, having been here given. Here, then, is unanswerable proof that Capt. Elliott has not been guilty of the falsehood and meanness ascribed to him by Capt. Mackenzie. So far from making the truth of Capt. Perry's report "a leading one (question) to almost every witness," he asks it of no witness at all. On the contrary, many of

his questions, most of those that refer to the distance, one or two of which I have put in italics, have a direct and obvious tendency to show that the part of the report of which Capt. Elliott complained, viz—that he did not get into close action until  $\frac{1}{2}$  past two, was inaccurate. Instead of falling back on Capt. Perry's report, then, to cover himself, Capt. Elliott, by implication, would seem rather to question its accuracy in these very interrogatories.

So much for Capt. Mackenzie's accuracy, in a grave matter materially affecting character. Did he mean to utter falsehood, to criminate Capt. Elliott without cause, with all the evidence in his own hands? A severe judge might hold him to this issue, and it would greatly embarrass this accusing gentleman to escape the consequences; but I have a little charity for him. I think Capt. Mackenzie's mind to be very singularly constituted, and that he did not mean all he has so clearly said. So many instances of this peculiarity of moral conformation have forced themselves on my notice, as to leave no doubt of its existence. Capt. Mackenzie can only see one side of a question. He is a man of prejudice and denunciation, and he accuses, less under evidence, than under convictions. Were he inspired, this last might do well enough; but, as he is only a man, and quite as often wrong as right, fearful consequences have followed from his mistakes.

I take it, when called on to defend this charge against Capt. Elliott, it will be done in this way. He considers the Court of 1815, a *white-washing court*—he even intimates this much, pretty plainly—and as the court does put the question he mentions, he ascribes it to Capt. Elliott, although the charge is purely personal, Capt. Elliott could not prevent the court from asking what questions it pleased; the question was very pertinent as asked by the court, and this court had Henry Wheaton for a Judge Advocate, and old Alexander Murray, the father of the service, and the late Captain Evans, and the late Com. George Rodgers for its members. In a word, I suppose Capt. Mackenzie's meaning was that the court were the tools of Capt. Elliott, and as *they* asked the questions, in a moral sense *he* asked the questions. If Capt. Mackenzie is not allowed the benefit of this apology, miserable and insuffi-

cient—nay puerile as it is—I see no other to give him. The accusation was affirmative, should rest on clear, affirmative evidence, and of this there is not a particle. I shall unanswerably show, as I proceed, that Capt. Mackenzie had the record before him when he made this charge.

Some may say I assume this apology, and this moral conformation of Mr. Mackenzie's mind. I certainly assume the apology, and I do it in charity; without it, he would be a bare-faced inventor of calumny of the grossest character; with it, his case has a little palliation. As to the moral peculiarity, I can give very many instances; I shall give some before I have done with Capt. Mackenzie. Take a striking one from the late investigation of the catastrophe of the Somers. Mr. Spencer is said to have told Mr. Wales that he had about twenty engaged in the mutiny. Upon this Capt. Mackenzie distinctly tells the Court of Inquiry he had reason to infer that *at least* twenty men and boys were engaged in the mutiny. Nine hundred and ninety-nine ordinary minds in a thousand, would have said "*at most*" for Capt. Mackenzie's "*at least*." Who ever heard of a conspirator's *underrating* his force to a recruit?—who, but Capt. Mackenzie? The affair of the mutiny is a series of similar blunders, as might be easily demonstrated. Look at the case of the Paul Jones's sword, as exposed by myself, in *Grubbs' Magazine*, article Dale. In that instance Capt. Mackenzie did not scruple to wound the feelings of an honorable family, on *ex parte* statements, and on preconceived opinions, when a letter sent to that family, might have put him in possession of facts that would have saved him the exposure of his gross ignorance of even public professional events. Had I room, instances, without stint, could be furnished of this one-sided propensity of Capt. Slidell Mackenzie, and this, in matters, too, that he has himself thrust upon the world!

I could furnish much more proof to establish charge 2d, but some of it will appear incidentally, in making out the other points.

3d. He contradicts his own witnesses. Capt. Mackenzie falls into this childish error, constantly; but I will cite two or three strong and simple instances, only, to support my point.

The question connected with the Lake Erie controversy was one purely of *distance*. No one pretends that Capt. Elliott showed personal fear, a silly and totally unsupported tale about his dodging a shot, and which is distinctly proved to relate to another transaction, excepted; but the charge is that he kept the Niagara at too great a *distance* from the enemy. This distance is disputed; Capt. Perry's witnesses making it greater, Capt. Elliott's less; though neither make it as great as my three assailants. Of course, Capt. Mackenzie wishes to have it thought he has testimony for what he says; and, in his appendix, he gives the evidence on which he relies; *saying nothing about that of the other side*, however. The following is the list of the witnesses of Capt. Mackenzie. viz:—

Messrs. Turner  
Parsons  
Stevens  
Forrest  
Champlin  
Breese  
Brownell  
&  
Taylor

The affidavits of all these gentlemen, Mr. Forrest excepted, are furnished. From Mr. Forrest a simple letter, unsworn to, is given. There was no distance so likely to be ascertained with accuracy, as that at which the action commenced, if we except that when the vessels got so near to each other as to render mistake next to impossible. At the commencement of the action, there was no smoke; all was attention and expectation; the distance was actually measured by shot, no bad guides, and distance was the one thing to be ascertained. Of the eight witnesses presented by Capt. Mackenzie, five speak of the distance at which the action commenced: viz—

Messrs. Turner  
Stevens  
Champlin  
Breese  
&  
Brownell

Mr. Turner says—"The action began when the two squadrons were about a mile apart."

Mr. Stevens says—"When the American squadron had approached the enemy within about a mile, and the enemy had commenced firing," &c.

Mr. Champlin says—"When we were within the distance of a mile from the enemy, and who had commenced firing," &c.

Mr. Breese says—"The action on Lake Erie commenced by a firing from the enemy's flag-ship on the Lawrence, at about the distance of a mile."

Mr. Brownell says—"When we were about a mile distant from the enemy he commenced firing."

After all this testimony from his own witnesses, what does the reader think Capt. Mackenzie says on the subject? Here are his words, page 231, vol. 1:—"Soon after, being a quarter before meridian, the enemy's flag-ship Detroit, then distant about a mile and a half, commenced the action by firing a single shot at the Lawrence, which did not take effect." Here, then, Capt. Mackenzie discredits every one of his own witnesses, adding no less than *ONE HALF* to their account, although it was a question of distance, and he relies altogether on the opinions of these very witnesses—treating the matter as if out of all question they *must* be right, in a matter of distance also, in the heat and smoke of a battle! Nor is this all; he believes these very discredited witnesses when they speak of the distance the Niagara was from the Lawrence, though they are not only contradicted by Elliott's witnesses, but they contradict each other—and they contradict Perry himself!

Again—Capt. Mackenzie says, page 228, vol. 1. "The line being formed, Perry now bore up for the enemy, distant about six miles." Then, in a note that refers to this sentence he adds,—"Mr. Cooper and Mr. Burges say nine miles. This cannot be correct. (Very Mackenzie-like this!) Our squadron was sailing at the rate of two, or, at the most, two and a half or three knots; and the action began a quarter before twelve, at the distance of a mile and a half. The British squadron, though hove-to, must have had a head-way and drift together of half a knot."

I take it this is a fair specimen of Capt. Mackenzie's



mind. His calculation is that of a sea-officer, as against two "know-nothings," and he is quite satisfied with it, and with himself. The authority for what the history says is Mr. Taylor, *the sailing master of the Lawrence*, the man whose duty it was to note this distance on the log, who, as Capt. Mackenzie shows himself, *for he is one of his most important witnesses*, says in his affidavit—"At 10, A. M., the enemy, despairing of gaining the wind, hove to in line, with their heads to the westward, at about three leagues distance." &c.

To me it seemed safer, as winds are variable, and had been particularly so that day, to trust to the sworn statements of those who were present, when there was nothing connected with the fact to warp their judgments, than to thrust in any theory of my own. Capt. Mackenzie is so fond of his own opinions, that he could not refrain from the practice of asserting them, even at the expense of again *contradicting his own witness!* It is proper to add, that I discover no evidence to show at what rate the American squadron was going at this time. During the action, it is known that the wind varied from something near, or quite, a calm, to a four or five knot breeze. Then I humbly submit, that ships, in smooth water, with their top-sails aback, do not have half a knot of drift and headway, in a two knot breeze.

One more instance of Capt. Mackenzie's contradicting his own witnesses, *out of many that offer*, must suffice.—Com. Turner is one of the best of his witnesses, on the score of rank and character. I shall now show, that Capt. Mackenzie has no more scruple in discrediting him, than in discrediting any one else. Capt. Mackenzie in a note, page 29, vol. 2, says—"The most 'judicious' position which the Niagara could have had, either for breaking the line or taking her due share in the battle, was the position assigned to her along side the Queen Charlotte, and at *close quarters*; a position which, be it understood, as involving the whole substance of the question, *she never occupied.*" Here Capt. Mackenzie asserts that the Niagara was not in close action—meaning until Capt. Perry got on board her. He repeatedly asserts the same thing elsewhere, but this is sufficient for our present position.

In the foregoing extract Capt. Mackenzie contradicts Capt. Perry in two material facts, and he contradicts Capt. Turner. He contradicts Capt. Perry who says distinctly that "At  $\frac{1}{2}$  past 2, the wind springing up, Capt. Elliott was enabled to bring his vessel, the Niagara, gallantly into *close action*"—and, as the Queen Charlotte und- Detroit, and all the English vessels were near each other, it was not possible to be in close action with the one, without being in close action, as to all. But Capt. Mackenzie will probably insist on the notion that Capt. Perry meant Capt. Elliott was "ENABLED" to go into close action; not that he *did it*. Let him have the benefit of this subtlety, for a few minutes, then. He contradicts Capt. Perry, when he says that Capt. Elliott's station was at close quarters with the Queen Charlotte, for Capt. Perry himself says, page 251, appendix, vol. 2, Biog. that he issued an "order directing in what manner the line was to be formed: the several vessels to keep within half a cable's length of each other, and enjoining it upon the commanders to *preserve their stations in the line*"—it being a necessary consequence, that though the Niagara was ordered to direct her fire at the Queen Charlotte, it could only be done from her station astern of the Caledonia, which station she occupied until she passed that vessel, on Capt. Elliott's own responsibility. It is true Capt. Perry afterwards makes it a charge against Capt. Elliott, that he did not attack the Queen Charlotte; but the proof is of the clearest nature that this could not be done, without violating the primary order to preserve the line.

He contradicts Capt. Turner, who says "several weeks after this, Capt. Perry told me that Capt. Elliott wished him to alter that part of his official report which stated that the Niagara did not, until a late period of the engagement, *GET into close action*; and asked me whether I thought that part of his report incorrect, as it had been agreed to leave the question to two commissioned officers of the fleet, (Lieutenant Edwards, who was present, and myself, being the officers selected). I answered, I thought that part of his official report was *entirely correct*, to which Lt. Edwards assented."

This is plain English. Capt. Turner shows how he

understood the "ENABLED;" that it meant performance, not mere *ability to perform*, and he also shows that he thought the statement of Capt. Perry *correct*. Couple this with Capt. Turner's complaint, already given, that Capt. Elliott did not bring his vessel, the Niagara, into close action, "*as soon as he might have done*," and no man can doubt Capt. Turner means that Capt. Elliott brought the Niagara into *close action*, though late. This Capt. Mackenzie controverts, and, in so doing he contradicts another of his own witnesses. It is time to proceed to the next point.

4th. He constantly contradicts the best evidence the case allows, on altogether insufficient grounds. A pretence has been set up that only one or two men were hurt on board the Niagara, until Capt. Perry carried her into close action. The fact has been taken as proof she was not in action. Most of Capt. Mackenzie's witnesses say that "It was a received opinion in the fleet, that, previous to Commodore Perry's going on board the Niagara, she had but one man wounded, &c." See Mr. Stevens's affidavit, page 267, vol. 2.

Capt. Mackenzie does not understand that a "received opinion" when wrong, tells against those who entertain it. The only evidence he gives for supporting this "received opinion," is where he says—"The Niagara had two killed and twenty-three wounded; all but two of the wounded having been struck after Capt. Perry took command of her, as stated by the Surgeon who attended them."

In the first place Capt. Mackenzie and the "received opinion" quoted, do not agree; one party saying *one*, and the other that *two* men were hurt before Capt. Perry reached the Niagara. If *out* of the action, as Messrs. Duer and Burges contend, even these are two too many. But the "Surgeon who attended them," says nothing of the sort. Dr. Parsons is meant, and here are his words:—"The second day after the action I attended the wounded of the Niagara (the Surgeon of that vessel having been sick,) and out of twenty cases, not more than one or two said they were wounded while Capt. Elliott was on board the ship." Now, Capt. Mackenzie, himself, admits that two men were killed, and it is to be presumed *they* did not tell Dr.

Parsons, "the second day after the action," when they "were struck." Then Dr. Parsons speaks of only twenty cases, and Capt. Mackenzie admits there were twenty-three wounded. By adding these three to the two dead men we take five, at once, out of Dr. Parsons's own category. Nor does Dr. Parsons say how many he questioned, which may have been after all merely the one or two who made the answers. *Why* did Dr. Parsons thus question these men? Clearly in the temper of a partisan, and the testimony would have been far more satisfactory had it come from a quarter that was free from the suspicion of wishing to put leading questions. Nor is Dr. Parsons's affidavit contradicted by even Perry himself. It says—"That the wounded, from the first of their coming down, complained that the Niagara (commanded by Capt. Elliott,) did not come up to her station and *close with the Charlotte*, although he had been ordered by signal; and this complaint was frequently repeated by them till the Lawrence struck, and repeatedly by Lieutenants Brooks, YARNALL and Claxton." Perry, in his official letter says—"Lieutenant Yarnall, first of the Lawrence, though several times wounded, REFUSED TO QUIT THE DECK." Here he flatly contradicts Dr. Parsons's affidavit. But, admitting Dr. Parsons's statement to be all that Capt. Mackenzie assumes it to be, it is contradicted, in its effect—I pretend not to say how often Jack may have hoaxed him, to flatter his obvious desire to make out a case against Com. Elliott—by witnesses enough to overwhelm him, and they the best witnesses of which the case admits.

Dr. Barton, the Surgeon of the Niagara, to whom the wounded presented themselves in the battle, itself, says—"The number of wounded on board the Niagara has been falsely estimated at twenty, and it has been stated that only one or two were wounded previous to Capt. Perry's coming on board. The exact number, including those dangerously or severely wounded was twenty-seven, (this takes four more out of Dr. Parsons's category) and the slight cases not reported, must have amounted to six or eight more." (Six or eight more out of the category.) Five were killed during the action, and a few died soon after; one man was mortally wounded on the berth-deck very early in the con-

test by a shot which passed through both sides of the vessel."—"The precise period of Capt. Perry's coming on board I do not know, but I firmly believe that more than half the above number were wounded before he boarded us. This I well recollect, that when Lt. Webster was brought below, the ward-room and steerage were crowded with wounded, and I have heard him say that at the time he was knocked down, the Commodore had not come on board."

We will now turn to Lt. Webster's testimony before the Court of Inquiry, in 1815. Capt. Elliott asked this officer—"Was not my helm up, and the Niagara standing directly for the enemy's fleet, when Capt. Perry came on board?" To which the answer was—"I was below and can not say." This being below refers to the time he was knocked down, and completely covers Dr. Barton's case. Mr. Webster makes a similar answer to another question which referred to the time when Capt. Perry came on board. Nor is this all. This gentleman says, in answer to a question about the injuries received by the Niagara, with other things, "There were two men killed from my division, before I went below, and a number of men wounded on board."

Now all this is natural and clear. Mr. Webster's answers had no reference to the report about the 'one man wounded,' for in 1815, this point had not got into the controversy. It first appears in 1818.

Capt. Montgomery, formerly of the Niagara, says—"I was much surprised, sir, to observe in an anonymous pamphlet recently published, a statement that not more than three or four were killed or wounded at the time of Com. Perry's coming on board the Niagara, as I am most firmly impressed with the belief that there could not have been more than that number injured subsequent to your leaving the Niagara," &c.

Peter Perry, Boatswain of the Niagara, swears—"I am firmly of belief that not more than four or five men were injured by the enemy's shot on board the Niagara after Com. Perry came on board."

Mr. Tatem, Master's-mate of the Niagara, has assured me personally, that he thinks quite half, if not more of the

wounded men received their injuries before Capt. Perry reached them.

If testimony can dispose of a question, this may be deemed disposed of. I have given all the evidence on the one side, viz: "rumors" among Capt. Perry's friends, and Dr. Parsons's statements; and the best evidence of which the case will admit, on the other!

Take another instance of the manner in which Captain Mackenzie offends, under charge Fourth.—He says, page 245, vol. I.—"At half past two, when Perry left the Lawrence, the Niagara was passing her weather or larboard beam, at the distance of nearly half a mile. The breeze had freshened; her main-top-sail was filled, and she was passing the British squadron rapidly." Such is Capt. Mackenzie's theory of the conduct of Capt. Elliott. His book has many assertions to the same effect, presented in different terms, all going to show that the Niagara was passing nearly half a mile to windward of the Lawrence, which vessel, according to his own showing, was three hundred and fifty yards to windward of the enemy. At page 235, vol. I, he says—"Capt. Elliott did not, however, follow in the Niagara, (that is, follow the Caledonia to leeward, when she bore up to let Capt. Elliott pass,) but sheered to windward, and by brailing up his jib and backing his main-top-sail, balanced the efforts of his sails so as to keep his vessel stationary, and prevent her approaching the enemy."

This is the substance of Capt. Elliott's delinquency, agreeably to Capt. Mackenzie. In order to understand the point the better, I will state what I conceive to be the facts.

The wind was light at south east. The English were lying-to, in a close line ahead, looking to the southward and westward. Perry formed his line astern and to windward, and bore down with the wind abeam. Two schooners, the Scorpion and Ariel, led the Americans, passing a little to windward of the route of the main line. Then came the Lawrence, Caledonia, and Niagara, with intervals of half a cable's length between them. The rest of the line is of no importance here.

The enemy had many long guns, and, as the Americans came within their reach, they opened, principally on the



Lawrence, the nearest of the large vessels. Finding he was approaching too slowly, and suffering heavily, Perry made sail in the Lawrence, to get the sooner within reach of his carronades. The witnesses who testify against Capt. Elliott, evidently think the latter ought to have imitated this manœuvre, as the wind would have carried the Niagara down as well and as fast as it did the Lawrence. They also appear to think that as Capt. Elliott was directed to engage the Charlotte, which ship shifted her berth a short distance further to the westward, within the first half hour, that it was his duty to follow her at all hazards.—They overlook the all important fact that Capt. Perry had formally laid down a line of battle, that he had "ENJOINED it upon the commanders to PRESERVE THEIR STATIONS IN THE LINE"; that the orders to engage different vessels meant to fire at those vessels *from* the line, and that the first object was to preserve the line, as given, which alone could give concentration and order to the attack. If Perry led ahead of his own order of battle, he was irresponsible, but others would not have been.

The Lawrence, sailing better, left the Caledonia astern, the latter being a merchant brig armed for the cruise.—This necessarily kept the Niagara astern also, which brig, following directly in the wake of the Caledonia, was obliged to brace her main-top-sail *sharp* aback, in order to prevent going into her. These were the *only* occasions, while Capt. Elliott was in her, that the Niagara had her top-sail aback and jib brailled. Capt. Perry was present, knew best how much he wanted assistance, and was bound, on every principle of military service, to take the responsibility of changing his own line of battle. If he was not there for such a purpose, when necessary, he was not there for the purposes of a commander-in-chief. It was clearly his *duty* to have ordered the Niagara to pass the Caledonia, if circumstances required it; and it was the *duty* of Capt. Elliott to remain where he had been placed, until circumstances induced him to think his commander could not control events. Any other course would have led to the grossest insubordination, and Capt. Elliott might have been ruined in the event of an accident. There is no principle more unjust, than to hold an officer to the respon-

sibility of obedience and disobedience, in the same breath.

After a time, Capt. Elliott determined to pass the Caledonia, on his own responsibility. He says he thought Perry must have been killed. He did pass, steering directly in the Lawrence's wake, and making sail; not throwing his top-sail aback, and luffing away to windward, as insisted on, by Capt. Mackenzie. But there was little or no wind, and time passed before the Niagara could close. At length the breeze freshened, when the Lawrence, a wreck, dropped astern and to leeward. The Niagara passed her to windward. The Caledonia, which vessel having pivot guns, and her enemy nearer to leeward, had kept more off, followed to leeward of the Lawrence. The English now began to draw ahead, also, and the Niagara made more sail, and steered for the head of the English line, where alone were to be found their two largest vessels. Perry now followed the Niagara in a boat, and reached her just as she was coming up abeam of the Detroit and Charlotte, distant from a thousand to fifteen hundred feet, or about as near as the Lawrence had ever got.

Nothing is easier than to show the general truth of this statement, by the best testimony the case will allow. Capt. Perry says Capt. Elliott came into close action at half past two, unless the "ENABLED" is to be taken as a miserable and disreputable subterfuge. Capt. Turner confirms it, unequivocally, in two distinct passages of his affidavit. Mr. Packett is a witness much vaunted by the other side, *though it has never seen fit to publish his statement*, on the plea that he is dead! Messrs. Yarnall, Forrest and Stevens are dead, and the statements of the two first have been often printed since their deaths, and those of the latter no doubt would be, if there was occasion. Whatever may have been the true motive for suppressing Mr. Packett's evidence, it flatly contradicts the theory of Mr. Mackenzie as to the course Capt. Elliott was steering, when Capt. Perry followed him in a boat. Mr. Packett says—"These doubts (as to the result of the day,) were increased when the boat with Capt. Perry left for the Niagara, who had at that time made sail, and was standing for the head of the line, (EVIDENTLY THE SCENE OF ACTION,) and to windward of the

Lawrence." The words in the parenthesis are Mr. Packett's, put in small capitals by me.

Who was Mr. Packett? A Virginian, equally independent of the two captains, who commanded the *Ariel*, one of the vessels stationed on the Lawrence's weather bow.—His position enabled him to see the course Capt. Elliott was steering, at that moment, and it is not within the bounds of moral probability that he would have used the language he did, had the *Niagara* been passing to windward of his own vessel. *Unless Capt. Elliott went to windward of the Ariel and Scorpion, he could not have passed half a mile or a quarter of a mile to windward of the Lawrence.* These two schooners were admitted to be in close action, the whole time. *No one pretends directly that the Niagara went to windward of these two schooners, a circumstance that is conclusive as to her position.* This fact would not have been overlooked, in so bitter a controversy, had it been so.

On the other hand the officers of the *Niagara*, the best witnesses as to the position of their own vessel, testify, in various forms, against Capt. Mackenzie's theory. Lt. Webster says, "We had got into pretty close action, before I went below." This was some time before Capt. Perry got on board. Again, in answer to a question from Capt. Elliott, whether "The *Niagara* was, at any time during the action, from half to three-quarters of a mile on the weather bow of the *Lawrence*, after I ordered the *Caledonia* out of the line?"—he says—"She was not. I wish also to correct my evidence of yesterday, by adding that the *Ariel* and *Scorpion* were on the weather bow of the *Lawrence*." Again, in answer to the question from Capt. Elliott, "What distance was I from the *Lawrence* when I passed her, gaining the head of the line?" he says—"It did not, in my opinion, exceed thirty yards." On this point, Mr. Montgomery says—"When Capt. Elliott left the *Niagara*, they (the gun boats,) were all astern of us.—We had passed the *Scorpion* and *Ariel*. When Captain Perry came on board they were all astern, except that I do not recollect whether the *Scorpion* and *Ariel* were to windward, or astern."

This is plain enough. The *Scorpion* and *Ariel* had been

ahead, and were passed, in pushing for the head of the English line, which was moving to the westward. Mr. Montgomery does not remember whether, at that precise moment, they had been passed, or were to windward:—proof that the *Niagara* went between them and the *Lawrence*. If she did this, Capt. Mackenzie's theory falls; or, these two schooners, which he affirms were in close action, were not in close action.

Mr. Tatem says—"He, (Capt. Elliott, in passing the *Lawrence*,) took very little more than room enough to pass to windward."

Mr. Cummings says on the same subject—"I was not looking at her, (the *Lawrence*,) but when I first saw her, after we passed her, she was not more than a quarter of a mile off."

This means *astern*, as in the previous answer he had said, in reference to the position of the *Niagara* about that time,—"I think we were nearer the enemy than the *Lawrence*."

Mr. Tatem, who was then acting as Master of the *Niagara*, says, distinctly, when asked, "Was not the helm up, and the *Niagara* bearing down on the enemy when Capt. Perry came on board?" "Yes."

Mr. Berry, the Boatswain, says—"When very near the British line, it was discovered Capt. Perry had left his vessel," &c.

Capt. Brevoort says—"Coming near the *Lawrence*, a boat was discovered," &c.

But, Mr. Magrath was probably the best witness of which the case admitted. He was a seaman, stood by Captain Elliott's side, and gives his testimony like a man of sense, with distinctness and moderation. He says—"From a few minutes after the commencement of the action, the enemy being formed very close in a line ahead, their shot came over us in every direction, and repeatedly killed us." It was one of these shots that passed through both sides, as mentioned by Dr. Barton. Again—"Our position was preserved as I believe the line was intended to be formed during the action; the *Caledonia* being so close ahead of us, that we were obliged frequently to keep the main yard braced sharp aback, to keep from going foul of her."

Every seaman knows that a ship must be off the wind, when a top-sail is braced *sharp* aback; when on a wind, it is braced *flat* aback. Again—"Capt. Elliott hailed the Caledonia, and ordered her helm put up, which was done, and the Niagara passed ahead by filling the main-top-sail and setting the jib and fore and aft mainsails. The Niagara then closed in the wake of the Lawrence," [Captain Mackenzie says she hove-to, sharp up]—"and continued the action with the usual vigor, until the Lawrence dropped astern, when it is well known that the Niagara almost instantly came abreast of the Detroit and Queen Charlotte, which could not have been the case had she been a long distance astern."

I look upon Mr. Magrath's as the true version of the battle. The Niagara was in her station, astern of the Caledonia, Capt. Perry omitting to call her out of it. At length, Capt. Elliott assumed the responsibility of breaking the line, and closed as mentioned.

In opposition to this, Capt. Mackenzie finds some confused and contradictory testimony of the other side. The officers of the Lawrence seem to think the order to engage the Charlotte in the line, was an order to follow her, let her go where she might. The man who reasons thus, is no tactician or disciplinarian. The object was to get command of the lake, and had half the British squadron wore round, and made off, it would have been Perry's duty to stay and capture the remainder—unless, indeed, he felt certain he was strong enough to seize all. Nothing is plainer than the fact, that the witnesses against Captain Elliott fancy the duty of that officer was to follow the Charlotte, though he broke the line. They have not understood the subject, having been young and inexperienced.

5th. He is grossly and absurdly illogical. The friends of Capt. Mackenzie—some of them at least,—admit that he cannot reason. They think him *honest*, but allow he is no logician. I say he is often absurd as a logician. Let us look for a few proofs.

In the first place he adopts Mr. Burges's theory of the "ENABLED." This is enough, of itself, to make any man a Master of Arts, in absurdity. At first, I felt a reluctance to believe that an officer in the Navy could suppose

Perry meditated any thing so unworthy; but, on a re-examination of Capt. Mackenzie's book, I find it must be conceded that there is, at least, *one*. Here is what he says, after quoting Perry's words—"He, (Perry,) leaves to Capt. Elliott the benefit of the inference that, more than two hours after the Lawrence had been in close action, he actually did what he was *ENABLED* to do; which, by the concurrent testimony of the officers of the squadron, except a few of those of the Niagara, he NEVER DID." Now this means one of two things—viz: either that Perry told a downright untruth, or that he meant the subtlety of the "ENABLED." I think, an examination will show it means the last. I shall not suppose any reader so weak as to make it necessary to go over this silly and unprincipled point again.

But, it may be well to say, Capt. Mackenzie is *not* justified in his assertion about the "concurrent testimony of the officers of the squadron, a few of the Niagara excepted." This is one of the many instances in which Captain Mackenzie assumes his facts. There is very little evidence, and that by no means clear and direct, to show that Capt. Elliott did not take the Niagara into close action; while there is a *great deal* to show he did. Of the eight witnesses, whose testimony is given by Capt. Mackenzie himself, Messrs. Champlin, Breese, and Brownell, say nothing to this point—or, if any thing is intended to be said, it leaves the inference that, late in the battle, the Niagara did close. Capt. Perry says he *did* get into close action,—barring the "ENABLED"; Mr. Turner clearly says it, as I have shown; Mr. Packett says it also; Mr. Conklin, of the *Tigress*, says—"When the signal was made for close action, that vessel, (the Niagara, in or near the position where Perry found her, and before he bore up to cut the line,) was near the enemy's ships Detroit and Queen Charlotte." Mr. Nichols, of the Somers, leaves the same inference. Here, then, are three of the Lawrence's officers who are silent on the point; one, *Perry himself*, who contradicts it, and four others who did not belong to the Niagara, virtually doing the same. "A few officers of the Niagara excepted!"—Messrs. Smith, Magrath, Edwards, Webster, and Brevoort, in a letter to the Secretary of the



Navy, say—"Capt. Elliott ordered the *Caledonia* to bear up and leave us room to close with the *Lawrence*, which was done, and the action carried on with great vigor and spirit on both sides." "We now ranged ahead, receiving the combined fires of the *Detroit*, *Queen Charlotte* and *Lady Prevost*," &c. Some of these gentlemen speak elsewhere to the same point, as Mr. Magrath in the instance already given. Messrs. Montgomery, Adams, Tatem, Cummings, and Berry, clearly testify to the same fact.—This makes ten officers of the *Niagara* who contradict Capt. Mackenzie, including every man of that vessel, Dr. Barton excepted, who testified at all. Dr. Barton is excepted, merely because he was below. But this is leading me from the absurdity. The case may be set down among those in which Capt. Mackenzie disregards the witnesses, to make facts of his own.

Speaking of the loss of the different vessels, Captain Mackenzie reasons thus, his object being to show that Capt. Elliott could not have seen much fighting on the 10th September;—the 'pig-tail' of his book, "Two of the schooners, the *Tigress* and *Poreupine*, had no casualties whatever; and, as the *Trippe* and *Somers* had each but two wounded, it shows that" "They were unable to take an important part in the battle until just before the enemy struck." Here, the fact that only two were wounded, is given as an argument why the vessel could not have been long engaged; and yet, Capt. Mackenzie, himself, puts the *Caledonia* into close fight from the first, and says, himself, she had but three wounded. This shows the virtue there is in a single man! The *Ariel* had but four hurt, though a gun burst; and the *Scorpion* but two, who were both killed. Yet the *Scorpion*, with her two hits, was in action the first vessel. She actually began the fight! Into this nonsense, Mr. Mackenzie falls in nearly every chapter.

Again, Mr. Mackenzie says, page 237, vol. 1.—"The Surgeon remarks that he could discern no perceptible difference in the rapidity of the firing of the guns over his head during the action; throughout, the actual firing seemed as rapid as in exercise before battle." It is to be presumed that Capt. Mackenzie did not allude to this statement of the Surgeon's—Dr. Parsons, the Surgeon's-

mate, is probably meant, but no matter who it was—with-  
out wishing his readers to believe it true. By way of proving, or *cleaving* this surprising fact, three sentences lower down, Capt. Mackenzie goes on to say—"One by one the guns were dismounted, until only one remained that could be fired." "Of one hundred well men who had gone into action, twenty-two were killed and sixty-one wounded."—Now, sixty-one added to twenty-two, make eighty-three; which number subtracted from one hundred, leaves seventeen. Corollary—ONE GUN, AND SEVENTEEN MEN, after fighting two hours and a half, as rapidly as if at exercise, kept up as brisk a fire, AS TEN GUNS AND ONE HUNDRED MEN! This statement, be it remembered, came from a sea-officer!

Let us try him again. Capt. Mackenzie, it will be remembered, contends that the *Niagara* was not in close action, until Capt. Perry got on board. It is proved that Lt. Webster was knocked down before Capt. Perry reached the brig. In a note, page 43, vol. 2, Capt. Mackenzie says—"Acting Sailing-master Webster, of the *Niagara*, testified, before a Court of Inquiry on Capt. Elliott in 1815, two men were killed from his division, and a number of men wounded on board before he went below. This took place before Capt. Perry boarded the *Niagara*, at which time Mr. Webster was below, though he signed the letter stating what Capt. Perry said at that time to Capt. Elliott. MR. WEBSTER WAS UNQUESTIONABLY MISTAKEN. Though he was himself carried below stunned by a hammock, wad, or falling rigging, though thoroughly stunned for the time, he recovered and returned to his duty; he was not even sufficiently injured to be borne on the list of the slightly wounded. There were but two killed in all on board the *Niagara* during the action; and the Surgeon who made out the list of killed and wounded, and attended to curing the latter, ascertained personally from them, that only two had been wounded before Capt. Perry took charge of the brig. As there were twenty-three out of five and twenty who were wounded after he came on board, while engaging the whole British squadron within pistol shot, the conclusion seems irresistible, that the only two killed throughout the action must have been killed after she came to

close quarters. The two known to be wounded at that time may have been supposed by Mr. Webster dead, and been the two concerning which he testified."

This is a precious paragraph! It is an epitome of the Mackenzie, as a historian, a logician, and a poet! In the first place he reasons on Mr. Webster's hurt, as if it might have come from a *wad*, (any thing but a shot,) while he insists that Capt. Elliott was not in close action! Then he throws out an insinuation that Mr. Webster signed a paper of which he could not know the contents to be true, as the event occurred on deck, and Mr. Webster was below, at the time. This is one of the 'points' on that side of the question. But, any thing may be made a point, if testimony is tortured to sustain it. The testimony in question was given in a letter to the Secretary of the Navy, and distinctly states that the officers who sign it, give their "combined observations, on the occurrences to which it relates."—"United" would have been a less pretending word, perhaps, but the meaning is clear enough. It simply says we put all our observations together for your information, one having seen or heard this, another that, and all some things. This is the simple, true and just answer to all these cavillings; cavillings which even find their way into Capt. Perry's charges. So obvious was the truth, in this matter, that the intelligent council employed against me in the Stone arbitration, disdained to resort to so shallow an argument. Next comes the proposition in arithmetic, that, as two only were wounded, while Capt. Elliott was on board, and twenty-three while Capt. Perry was on board, why the two slain must, by arithmetical inference, have been killed among the greater number wounded. As two wounded are to twenty-three, so are two dead men to Capt. Perry! Well, let this be so, and carry out the principle. The Porcupine, according to Capt. Mackenzie, himself, had two men killed, while *no one* is reported as wounded. Ah! but "this *must* be a mistake." Two dead men logically infer twenty-two wounded men; reasoning backward, therefore, and à la Mackenzie, the Scorpion's report *must* have its sting wanting. Then the two men Mr. Webster doubtless *thought* dead, since he *swears* they were dead, *may* have come to life again, and he know nothing

about it! They may not, also. As this was Mr. Webster's first battle, the men belonged to his own division, and the names of just two men killed in a ship would be very likely to be known, to plain men it seems rather more probable Mr. Webster would know whether his two dead men had been resuscitated, or not. Capt. Mackenzie is a regular resurrectionist!

Did ever human being concoct before such a paragraph, to meet the plain matter-of-fact oath of a respectable man, who *ought*, and probably *did* know what he was about! Did Capt. Mackenzie ever reason in this manner on a grave occasion?—If he did, no one need be surprised at what has happened.

6th. 'He has manifested an indifference to justice, which is discreditable to any writer, and which approaches an indifference to the truth.' One strong instance, must suffice for this head, though many might be given.

It has been said that Capt. Mackenzie gives the testimony of only one side. This, in a man who proposes to write history, is bad enough of itself, but Capt. Mackenzie has himself shown that his case is much worse. Among the witnesses whom he cites, is a Lt. Forrest of the Lawrence. At page 244, vol. 1, he especially comments on the testimony of Mr. Forrest. A conversation is given which is said to have taken place between Capt. Perry and Mr. Forrest, the drift of which was to show what was thought of Captain Elliott's conduct *during* the battle. This conversation assumes that Elliott was not in close action when Perry got into the boat. It contradicts Capt. Perry's official report, it contradicts Messrs. Turner, of the Caledonia, Packett, of the Ariel, Conklin, of the Tigress, and all the officers of the Niagara who have testified, Dr. Barton excepted, who, being below, could not know the positions of the brigs. Still Capt. Mackenzie quotes this conversation, as if it were gospel. It probably never occurred.

In a word, Mr. Forrest, in this letter, is one of the most decided of all the witnesses against Capt. Elliott. He says—"I was on deck from day-light till after the battle was over; and I believed at the time, and do still most solemnly believe, that Capt. Jesse D. Elliott was influenced either by cowardice, and fear prevented him from closing with

*the enemy, or that he wished to sacrifice the Lawrence, and then claim the victory for himself."*

Before I proceed farther; I will say here, that I do not believe Mr. Forrest ever wrote that sentence; though I presume he put his name to it. It has a grammatical precision that not one sailor in a thousand would have observed—scarcely one landsman. It is correct in a point of grammatical construction, on which even many good writers fail. Most men would have said "That either Capt. Jesse D. Elliott was influenced"—instead of "was influenced either by," &c. Mr. Forrest was not the man, in my judgment, to know or understand the distinction. Still, I admit, it is all conjecture, and, if true, merely shows he had a flapper to help him along.

But this is a trifle, whether true or not, as compared to what is to follow. Mr. Forrest says, in another part of his letter—"After the commencement of the action, Captain Elliott, in the Niagara, *instead of keeping on with us*, and engaging his opponent as directed, put his helm down and *sheered to windward of the Lawrence*, leaving the Lawrence exposed to the fire of the enemy's two largest vessels."—This testimony of Mr. Forrest's is given in a letter, *that is not sworn to*, and which is dated January 29th, 1821. The battle having been fought September 10th, 1813, it follows that this letter was written seven years, four months and nineteen days after the events to which it alludes. Now this same Mr. Forrest was a witness before the Court of Inquiry; so often mentioned. There he was *under oath*. His examination took place April 26th, 1815, or one year, seven months and sixteen days after the events. As between these two bits of evidence, then, no one can hesitate about saying which is entitled to be preferred; one was under oath, the other not—one is broadly contradicted by a great mass of testimony coming from the best witnesses the case affords, the other is much less so, though impugned; one is given more than seven years after the event, the other less than two.

Before the Court of Inquiry, the two following questions were put to Mr. Forrest, who returned the answers here given.

Question.—"Did he, (Capt. Elliott,) do every thing becoming a brave and meritorious officer in that action?"

Answer.—"*So far as I saw, I believe he did.*"

Question.—"Did the Caledonia and Lawrence, at any time during the action, bear up and run down on the enemy, leaving the Niagara standing on?"

Answer.—"*After the action commenced the Niagara was standing directly after us.*"

Now, here are two instances in which Mr. Forrest flatly contradicts himself. In the letter, he says Capt. Elliott was a traitor or a coward, in the sworn testimony he believes he behaved like a "brave and meritorious officer."—In the letter he says that Capt. Elliott, instead of keeping on with the Lawrence, put his helm down and "sheered to windward;" in the sworn testimony he says just the contrary!

Mr. Forrest, I understand, was a man of very feeble capacity, as was Mr. Yarnall, the other Lieutenant of the Niagara, and it may be some excuse for him, that he did not thoroughly comprehend what he was about. But this does not excuse Capt. Mackenzie. This gentleman parades before the world the letter of Mr. Forrest, while he suppresses the testimony before the Court of Inquiry.—This is far worse, than merely publishing the testimony of one side—it is presenting that point of the testimony of a particular witness, which serves his, Capt. Mackenzie's purpose, and suppressing that which flatly contradicts it, dwelling on the imperfect evidence, and concealing the perfect; and all coming from the same witness!

But, Capt. Mackenzie, those who have been singing his praises for the last six months, will probably say, may not have known of the testimony of Mr. Forrest before the Court of Inquiry. This is possible, though far from probable. If ignorant, this would remove the taint which would otherwise rest on him! Certainly. Let us look into the facts.

Capt. Mackenzie is not a reserved writer. His book is full of truths, or atrocious calumnies on Capt. Elliott, nor is it very guarded as to its censures on me. That Capt. Elliott is, in some instances calumniated, I have proved; I think he is in others, about which I have said nothing:



it is highly probable he is, in most of Capt. Mackenzie's accusations, if not in all. When a man writes accusations he is bound to use a proper degree of caution. Now, the record of the Court of Inquiry has been often printed—it is to be found at the Navy Department, also, whence I obtained a certified copy. A biography of Capt. Elliott has been published, which Capt. Mackenzie must have read, as he speaks of it *often*. He calls it an auto-biography, as if Capt. Elliott had prepared it himself. Well, in the appendix to this biography of Elliott is to be found nearly all the testimony in the different controversies; that *against*, as well as that *for* Com. Elliott. In this particular, at least, the book is honest. The evidence is not only given, but, so far as I can discover, fairly given. In his appendix, Capt. Mackenzie gives the testimony of only his own side, filling the space, that might better have been filled with the evidence of Com. Elliott, *with a copy of the charges under which Com. Elliott was tried in 1840; twenty-two years after Perry's death, and on matters no wise connected with Perry.*

Among other things alleged against me, Capt. Mackenzie, page 42, vol. 2, in speaking of the Biography of Com. Elliott, says—"Such is a specimen of a work, put forth, like some lewd jest book, or collection of indecent songs, without the name of author, publisher, or even printer; a work which has nevertheless been freely used by Mr. Cooper in constructing the Naval History of the United States." Shortly after the appearance of the life of Perry, I addressed a letter to the Evening Post, pointing out some of the weak spots in the work, *en attendant*, and in reference to this particular passage I tell Capt. Mackenzie that he is mistaken; that I took nothing from the text of that work. It was true, I used the work on account of the appendix, which contained all the testimony as mentioned, and I found it convenient as a book of reference. I regretted to add, that, had Capt. Mackenzie's book earlier appeared, I should have referred to its pages, in vain, with the same object, inasmuch as it contains the evidence of only one side. I then distinctly showed the effect of this one-sided evidence, by citing as an instance the case of Mr. Forrest. Still I did not accuse Capt. Mackenzie of having

deliberately suppressed Mr. Forrest's testimony before the Court of Inquiry. On this head, I said: "Mr. Mackenzie has not laid before the world the latter testimony (the evidence before the Court of Inquiry.) Whether he ever saw it or not, I shall not pretend to say; and this merely because I do not *know*. Had he observed the same reserve as respects me, his work, I cannot but think, would have been written in better taste, and I am certain it would have been far more accurate."

This letter extracted an answer from Capt. Mackenzie, which appeared in the Evening Post of April 7th, 1841, my letter having appeared March 26th, of the same year. In answer to what I said about the Forrest testimony, Mr. Mackenzie replies—"Mr. Cooper charges me, in conclusion, with having published in the appendix of my work, only the documents on one side, in the controversy between Perry and Capt. Elliott. In the body of the work I stated and commented on the material evidence on the other side, INCLUDING WHAT WAS ADDUCED BEFORE THE COURT OF INQUIRY. I published in the appendix the justificatory pieces upon which I had founded my account of the Battle of Lake Erie. I might have added others bearing materially on the question—such as the reports of Capt. Barclay and his first lieutenant, and the finding of the Court martial on the British officers, (it never found anything of the sort meant,) but I believed that I had already published enough, even making deduction, as I now do, for the discrepant statement of one of the witnesses pointed out by Mr. Cooper, to justify all my statements, and carry conviction to every unprejudiced mind." &c. &c.

Here, then, is Capt. Mackenzie's plea to my declaration, in the case of Mr. Forrest. It will be seen he does not plead the ignorance, for which I had left an opening in my letter. On the contrary, he had commented on the testimony before the Court of Inquiry, in the body of the work, though he is now willing to withdraw Mr. Forrest, as a witness; that is, when he is exposed, and is no longer tenable. Among lawyers the omission to plead ignorance, would be taken as an admission that he knew of the existence of the suppressed testimony.

Let us sum up the facts, and come to a judgment. Capt.

Mackenzie professes to write history. In this history he strongly criminales an officer, who was an actor in a particular battle. He furnishes the evidence by which he justifies his history, and his criminalations. Not satisfied with suppressing the evidence of one whole side, he even suppresses the evidence of one of his own witnesses, when it makes against himself; producing that portion only which sustains his theory, though less entitled to respect than that he suppressed. He is told of this fault, by one who allows it may have proceeded from ignorance; he does not plead ignorance in his defence, but thinks the point is disposed of because he *had commented on the suppressed testimony in the body of his work.*

Now what sort of commentary in the body of the work, would be a justification for publishing the letter of Mr. Forrest, and suppressing the testimony before the Court of Inquiry? Clearly none but such as would altogether explain away the last, leaving to the first its complete authority. When Capt. Mackenzie tells the public, in answer to a statement as distinct as that I had made in the Evening Post, *that he had commented on the testimony before the Court of Inquiry*, the public had a right to suppose that these comments justified his using the letter, and suppressing the sworn evidence. It remains, therefore, to ascertain how far this is true, or untrue.

Capt. Mackenzie incidentally mentions the court of 1815, in two or three places in his book, without touching on the character of the evidence, however. The last is done, *only*, at page 159, vol. 2d, where the following passage is to be found; viz.—

"In April, 1815, soon after the date of this letter, a Court of Inquiry, consisting of three members, was held in New York for the purpose of investigating the losses of the President, Frolic and Rattlesnake. Capt. Elliott, being at the time in New York, in command of the sloop Ontario, applied to the Navy Department to instruct this court to inquire into the conduct of the Niagara while under his command in the battle on Lake Erie, and whether the Niagara attempted to "make away," as stated in the finding of the British court-martial on Com. Barclay. The Secretary immediately instructed the court, that it having

been stated to him that, by the proceedings of a Court of Inquiry in Great Britain, the conduct of Capt. Elliott had been "misrepresented," justice to the reputation of Capt. Elliott and to the navy of the United States required that a true statement of the facts in relation to his conduct on that occasion should be exhibited to the world. The court was therefore directed to inquire into the same, ascertain the part he had sustained during the action, and report to the Department. The court immediately proceeded to the examination of seven witnesses, five of whom belonged to the Niagara, while two of the Lawrence's officers were introduced *to give a color of impartiality to the transactions.* THE EVIDENCE OF THE MINORITY WAS, OF COURSE BORNE DOWN, and the court came to the *highly patriotic conclusion that, INSTEAD OF THE NIAGARA MAKING AWAY FROM THE QUEEN CHARLOTTE, the Queen Charlotte bore off from the fire of the Niagara.* It gave no reason, however, why the Niagara did not follow her. The court was begun and ended with the utmost celerity. In the investigation of the case, neither the commanding officer on the occasion, nor any of the commanders of the small vessels, were summoned to give their evidence."

This is all Capt. Mackenzie says of the Court of Inquiry. These are his comments! First, then, as to Mr. Forrest. Do the comments tell the reader that, Mr. Forrest, before this court, swore directly contrary to the most material part of that evidence of his which Capt. Mackenzie has paraded before the world, in his book! So far from this, it leaves the reader to suppose that the evidence of the two officers of the Lawrence, of whom Mr. Forrest was one, was altogether in favor of his theory, *but was borne down by the evidence of the five witnesses of the Niagara.* I hope those persons who are ready to canonize Capt. Mackenzie as a saint, without waiting the customary century, will bear this whole matter in mind. To me, I confess it fully sustains the charges I have given as the 5th.

But, bad as Capt. Mackenzie has left this matter, on its face, it is much worse when we come to look further into it. By this statement the court instead of finding "*that the Niagara was making away from the Queen Charlotte,*" found quite the contrary. Capt. Mackenzie gives the

reader to suppose that had not the testimony of the two, been 'borne down' by that of the five, *the result would have been different*. The whole sentence means this, or it means nothing. Now, what do these *two* officers, themselves, say, on this subject? Mr. Forrest was asked as follows, and answered as follows:

Question.—"Did the Niagara attempt to make off from the British fleet, at any time during the action?"

Answer.—"No."

To Mr. Yarnall the same question was put, and the same answer given.

Question.—"Did the Niagara, at any time during the action, attempt to make off from the British fleet?"

Answer.—"No."

In the name of common honesty, is not this sufficient to characterize Capt. Mackenzie's book? Then, he comments "on the material evidence on the other side," exclusively of that before the Court of Inquiry! Does he?—Where?—When?—How? As a general and just comment on the objection of having substantially suppressed the evidence against his theory, I am constrained to say, that the fact is otherwise. Capt. Mackenzie's book contains no allusion, whatever, to most and the best evidence against him, although he occasionally introduces a little of the testimony, usually, if not invariably, to *insinuate* its worthlessness, rather than to *prove* it. He even suppresses Capt. Perry's official report of the battle, quoting from it in scraps, as it suited his own purposes. He says, page 280, vol. 1, "*The opinion was general in the squadron that Capt. Elliott had either been actuated by cowardice, or by a treacherous desire to see the Lawrence overpowered and her commander slain, and that he might take his station, and by winning the victory, become the hero of the day.*" In a note, he refers the reader to the affidavits at the end of the work, to prove this cool assertion. It is true this is stated in six of these eight affidavits, but the effect is only to lessen the respect for the testimony, as the rebutting evidence triumphantly disproves the fact. About this there can be no dispute. When more witnesses testify in favor of a man, than testify against him, it is an absurdity to say he is "generally condemned." This is a vulgar failing

of "cliques" who think they compose the whole earth. But, why does Capt. Mackenzie suppress the rebutting testimony, on this single point, and of which Mr. Forrest's EXAMINATION COMPOSES A PART?

Take a single specimen of the manner in which Capt. Mackenzie "comments" on the testimony of the other side. Capt. Elliott publishes affidavits from Capt. Brevoort and Mr. Berry, the boatswain of the Niagara, to prove a conversation that occurred between him and Capt. Perry, when the latter came on board the Niagara. This conversation is also alluded to in the joint letter of the ward-room officers of the Niagara to the Secretary of the Navy, Capt. Brevoort, and the boatswain who attended the side, to receive Capt. Perry, swear distinctly to what passed, and they substantially agree; but Capt. Mackenzie disposes of the point as follows: "The enemy were on the starboard side; the starboard guns were necessarily manned, and it is not likely that a single officer was present at the larboard gangway, by which Capt. Perry came on board, except only Capt. Elliott, who came there to receive him. From Capt. Elliott, then, probably proceeded the statement of this extraordinary conversation; the real nature of it, which is so different, we have seen in the text as related by Capt. Perry to Mr. Hambleton immediately after his return to the Lawrence, and set down by him at the time, when no one supposed it would be the subject of such absurd misrepresentations."

This is commenting on evidence, forsooth! Mr. Hambleton's unsworn account, if indeed it be his account, of *Capt. Perry's declaration*, is to be conclusive as against the sworn testimony of indifferent parties! Next comes the parade about starboard and larboard sides, as if every officer must be stuck close in with the guns, at quarters; or, as if a human voice could not be heard across the deck of a vessel of any size, especially when the speaker was a little excited. This last reasoning, might be put in the category of the absurdities.

On the next page, Capt. Mackenzie says—"These five officers join in giving the words uttered respectively by Capt. Perry and Capt. Elliott when the former came on board the Niagara. It is *apropos* of this, that he goes on



to reason about the larboard and starboard sides, &c. Now the five officers in question did no such thing, as I have already shown by a quotation from their letter. They gave their "combined observations," meaning, that what was seen or heard by them all, should be presented to the Secretary in a single letter. This is commenting on the testimony!

But I must conclude. Only one more instance shall be furnished to prove Capt Mackenzie's indifference to the truth. At page 42, vol. 2, he says—"He (Mr. Cooper) has attempted to show that, if there was any merit in this act, (the act of Perry, in passing from the Lawrence to the Niagara,) Capt. Elliott exhibited it in a greater degree."—This is as coolly stated, as if it were true. The note, in which my remarks are made, flatly contradicts it. Speaking of the mere act of passing in the boat, it says—"But this was the least of Perry's merits." It adds a little lower down—"Capt. Perry's merit was an indomitable resolution not to be conquered, and the manner in which he sought new modes of victory, when the old ones failed him. The position taken by the Niagara, at the close of the affair, (when Elliott had left her,) the fact, that he sought the best means of repairing his loss, and the motive with which he passed from vessel to vessel, constitute his claims to admiration." Capt. Mackenzie's untrue and garbled statement, on this head, compels me to tell him he has not acted like a man of good faith, in this particular. It is so impossible for any man to read my note, and not see what it "attempts" to show, that I am almost induced to believe Capt. Mackenzie has only read Dr. Duer's pretended extract from it.

I could write pages on pages more to show the utter worthlessness of this book, in all that relates to the battle of Lake Erie. It does not give the force correctly, and it is faulty throughout. By assuming that Capt. Elliott did not come into close action at all, it goes far beyond the majority of even the Perry witnesses, and contradicts Perry himself. Capt. Mackenzie relies for the evidence of this fact on Messrs. Yarnall, Forrest and Taylor, of the Lawrence, who agree in saying, that when Capt. Perry left the Niagara, the Niagara was from a quarter to half a mile

on their weather beam, or bow. From this list Mr. Forrest is clearly to be struck, though he says, himself, *he is not certain* of this fact. After reading all the testimony, I have little doubt that this difficulty can be got over in the following way. The Lawrence was unmanagable; the wind had increased, and she got a stern drift. At this moment all the vessels were in motion, and by canting the head of the Lawrence to leeward a little, the Niagara might very well seem to have been on her weather bow, when in truth she was ahead, as regards the original position. Some of the officers of the Lawrence are said not to have been particularly sagacious, and wounded, and situated as they were, it is not surprising that they should fall into a mistake on this point. The world itself turns round, without millions knowing any thing about it. At any rate, if Capt. Mackenzie be disposed to insist on his evidence for this one fact—and he has made it the distinctive fact in his history—where will he find himself? He will have Messrs. Yarnall and Taylor to sustain him, as opposed to Messrs. Perry, Turner, Packett, Conklin, neither of the Niagara, and Messrs. Smith, Magrath, Edwards, Webster, Brevoort, Cummings, Montgomery, Tatem, Adams and Berry, every one of whom contradict, in some form or other, this particular fact, and several in various ways, directly, incidentally, or by unavoidable implication. Even some of the witnesses that Capt. Mackenzie quotes, and who are silent on the point, contradict his fact by implication. Thus, Mr. Champlin, where he speaks of the Niagara's passing the Lawrence, uses these words—"A short time before Com. Perry's going on board of her (the Niagara) she ranged ahead of the Lawrence, (where Mr. Champlin was himself, in command of the Scorpion,) and to windward of her, bringing the Commodore's ship between her and the enemy, when she might have passed to leeward and relieved her from their destructive fire." This is not language likely to be used of a vessel that was half a mile to windward! Had such been the fact, it strikes me Mr. Champlin would have been willing enough to say it. He wishes to criminate, Capt. Elliott, and it would have been a much more serious charge to have said 'you were away off half a mile to windward,' in lieu of merely saying 'you ought



to have passed inside, instead of outside the Lawrence. Nor would Mr. Champlin have forgotten to have told the fact, had Capt. Elliott passed to windward of his own vessel the Scorpion, which Capt. Mackenzie admits was in close action from the beginning. Unless the Scorpion were a good deal more than half a mile to windward of the Lawrence, the Niagara could not have been, without going outside of her. Mr. Brownell, of the Ariel, the other vessel ahead, or to windward of the Lawrence, gives substantially the same evidence as Mr. Champlin, on this point. It is, indeed, verbatim, as far as Mr. Champlin goes. Mr. Packett, who commanded the Ariel, says distinctly that the Niagara was "steering for the head of the line (evidently the scene of action) to windward of the Lawrence," but not to windward of himself. There is something very presuming in a writer's insisting on a fact that is sustained by only two witnesses, and which is denied by fourteen, besides being disproved by circumstances. But Capt. Mackenzie has a trick of seeing things his own way.

Capt. Mackenzie has one passage, that, coming from a seaman, or one who ought to be a seaman, deserves commemoration. He says—vol. 1, page 250—"Perry's first order on board the Niagara was to back the main-top-sail, and stop her from running out of the action. (It seems by this, she was in the action, at all events;) his next, to brail up the main-try-sail, put the helm up, and bear down before the wind," &c. This was to cut the line. On the next page he adds—"The helm had been put up on board the Niagara, sail made, and the signal for close action hoisted at forty-five minutes after two, THE INSTANT PERRY HAD BOARDED HER."

Now, I do not suppose Capt. Mackenzie is so ignorant of the hornbook of his profession, as to believe any man, who instantly intended to bear up, would begin by backing his main-top-sail; but I do suppose he is of such a frame of mind, that when he wishes to see any particular thing, he loses sight of all others. The simple facts are, that Capt. Elliott was abeam of the weight of the English force, within musket shot; (a fact which I had forgotten to mention, is proved by a circumstance concerning which there can be no mistake; Mr. Cummings having been wounded by

a musket ball, in the main-top, too, about this time) the brig had fair way on her, and was drawing ahead while the two captains were conversing; as soon as Perry found himself alone, he perceived the fact, and backed his top-sail, to keep square with his enemies; looking about at the scene, he made the signal for closer action; waited a few minutes, as the schooners were closing fast; then up helm, and went through the enemy's line. Whether this last manoeuvre was determined by the attempt of the English to ware, and their getting foul of each other, I have not been able to ascertain. If so, it accounts at once for the time of the movement. Capt. Mackenzie's own account of the time contradicts his other statements. At 30 minutes past two, Perry got into the boat. He had a man-of-war's cutter and six men. Under the circumstances, the boat would have gone the pretended half mile of Capt. Mackenzie, certainly in five minutes, and as the Niagara bore up at 45 minutes past 2, it leaves ten for Perry to be on board, before he ordered the change. I understand the boat did pull quite a quarter of a mile to reach the Niagara, though it was ahead, instead of to-windward.

Then Capt. Mackenzie, assuming somewhat too much of the *de haut en bas* tone, for a nautical critic who backs his main-top-sail to ware-ship, sneers at my calling the position of the Niagara, one or two cable's lengths to windward of the enemy's heaviest vessels "commanding;" another touch of seamanship of which I will not complain. The following circumstance, however, in connection with this point, may be worth mentioning. Shortly after the arbitration of last year, I was addressed in the City Hall, by an utter stranger, who told me his name was Webster, and that he regretted ill health had prevented his hearing our discussion, as he knew something of the case. Mr. Webster then went on to make his statement. He had paid a visit to Perry, shortly after the battle, and had heard his account of all its details, over and over again, the object of the visit being to get these very details to make an engraving. Now, one of Perry's statements, according to Mr. Webster, was that he had found the Niagara in an excellent position. Mr. Webster has, I believe, since published this account, under his own signature.

It is an evidence of the peculiar mind of Capt. Mackenzie, that he should cavil about the position given the Niagara being a "commanding one," as he has done at length, both in his book and in his letter in the Post, when the advantage was such that a powder-monkey could understand it. He might have disputed the *fact*, without denying the *inference*. But he disputes the inference, admitting the fact.

As a mere biography, Capt. Mackenzie's book is sufficiently weak. No doubt it has many facts that were not known to the public, but, the instant the writer attempts to reason, he breaks down. I shall not travel out of the record to prove this, though I shall cite one instance, because it will show that even Perry was too much under the influence of feeling to be altogether just and discriminating in his statements.

The battle was fought on the 10th Sept. It has been seen that Dr. Parsons broke ground, by questioning some of the wounded of the Niagara, as early as the 12th.—Soon after a brother of Capt. Elliott's arrived, and stated that reports unfavorable to him, were in circulation among Harrison's troops. It is probable this is the first direct intimation Capt. Elliott received of what was passing.

He now wrote a letter to Capt. Perry, which was dated Sept. 19th, and which has been given in his own biography, and in several other and earlier publications, in the following words: viz—

*U. S. Brig Niagara, Put-in-Bay, }  
Sept. 17th, 1813. }*

Sir: I am informed a report has been circulated by some malicious persons, prejudicial to my vessel when engaged with the enemy's fleet. I will thank you, if you will, with candor, state to me the conduct of myself, officers and crew.

Respectfully your Ob. Ser.

JESSE D. ELLIOTT.

Capt. Perry.

Captain Mackenzie makes it a serious charge against Capt. Elliott, that this letter has not been correctly given. He even puts this language into the mouth of Perry con-

cerning it; "The note addressed to me, (meaning the above note,) IS ALTOGETHER UNLIKE THE ORIGINAL," &c. Capt. Mackenzie gives the note from the original found among Com. Perry's papers; and it, no doubt correctly, is couched in these words, viz:—

*U. S. ship Niagara, Sept. 19th, 1813.*

Dear Sir: My brother, who has this evening arrived from the interior of the country, has mentioned to me a report that appeared to be in general circulation, that, in the late action with the British fleet, my vessel betrayed a want of conduct in bringing into action, and that your vessel was sacrificed in consequence of a want of exertion on my part individually. I will thank you, if immediately you will, with candor, name to me my exertions and that of my officers and crew.

Yours, respectfully.

JESSE D. ELLIOTT.

"Capt. O. H. Perry, Erie."

Now this last note is NOT ALTOGETHER UNLIKE the first. It is *substantially the same*. There is no difference but what very well and very honestly may have happened in endeavoring to give a transcript from memory. Captain Elliott says he kept no copy, and when it was necessary to publish, he was obliged to give what he rightly supposed to be the substance of his own note. He has done so, as to all essentials. Hear what Capt. Mackenzie says about these notes. "On a comparison of the real, original letter written by Capt. Elliott, as given in the text, with this letter, published in the Erie Sentinel, a month and a half afterwards, and re-produced in the Life of Com. Elliott, the reader will perceive that the whole *tone* of the letter is changed, from an *urgent friendly appeal* to a *PEREMPTORY DEMAND*." Now, I confess, I am surprised that even Capt. Mackenzie should not scruple to assert this, with the two letters printed on the same page! (See note, page 284, vol. 1, Life of Perry.) The first sentence, in each letter, is simply explanatory, and the substance of these preambles is the same. If there be any difference in *tone*, in these preambles, it is *against* Capt. Mackenzie's view, as, by making the allusion to the Lawrence's having been

sacrificed by Elliott's conduct, a distorted imagination might possibly see something personal, as between the two captains. If this allusion can be made out, it is in Capt. Elliott's favor, inasmuch as it is to be found in the letter actually sent, and not in the letter published. The same is true as to the "demand," which after all, contains the substance of the charge. The letters are substantially identical, as to this sentence, with the exception of the use of the word "immediately," which word alone can, by possibility, be tortured into any thing "peremptory." But this "immediately" is to be found in the letter sent, and not in the letter published! The difference in the dates Capt. Mackenzie, himself, thinks immaterial, and accidental. Now for the answers, in which Capt. Mackenzie alleges a difference also to exist.

Captain Elliott's Biography gives this answer, in the following words, viz:—

*U. S. schooner Ariel, Put-in-Bay, }  
Sept. 18th, 1813.*

My Dear Sir: I received your note last evening, after I had turned in, or I should have answered it immediately. I am indignant that any report should be circulated prejudicial to your character as respects the action of the 10th instant. It affords me just pleasure that I have it in my power to assure you, that the conduct of yourself, officers and crew, was such as to merit my warmest approbation; and I consider the circumstance of your volunteering to bring the small vessels into close action, as contributing largely to our victory. I shall ever believe it a premeditated plan to destroy our commanding vessel. I have no doubt, had not the Queen Charlotte have ran away from the Niagara, from the superior order I observed her in, you would have taken her in twenty minutes.

With sentiments of esteem, I am, dear sir,  
Your friend and obedient servant,

O. H. PERRY.

Captain Elliott.

Here follows Capt. Mackenzie's version of the same letter, taken, as he says, from a copy found among Perry's papers, viz:—

*U. S. schooner Ariel, Put-in-Bay, }  
Sept. 19th, 1813.*

Dear Sir: I received your note last evening after I had turned in, or I should have answered it immediately. I am indignant that any report should be in circulation prejudicial to your character, as respects the action of the 10th instant. It affords me pleasure that I have it in my power to assure you, that the conduct of yourself, officers and crew was such as to meet my warmest approbation. And I consider the circumstance of your volunteering, and bringing the small vessels to close action as contributing largely to our victory. I shall ever believe it a premeditated plan of the enemy to disable our commanding vessel, by bringing all their force to bear on her; and I am satisfied, had they not pursued this course, the engagement would not have lasted thirty minutes. I have no doubt, if the Charlotte had not made sail and engaged the Lawrence, the Niagara would have taken her in twenty minutes.

Respectfully, &c.

O. H. PERRY.

Capt. Jesse D. Elliott, }  
U. S. ship Niagara.

This is the answer which Capt. Mackenzie admits Perry sent to Capt. Elliott. Capt. Mackenzie says, that Perry, in writing such a letter, "committed a great fault, cannot be denied." It is a little odd that, reasoning on his own premises, or believing that Elliott did not deserve such a letter, Capt. Mackenzie is the only human being who would probably ever think of denying this, his own proposition. Deny it he does, however, in effect, at page 132, of vol. 2d, where he says that the affair of Capt. Heath was the "single serious fault" of Perry's Life. But a mind of so much subtlety may see a distinction between a *serious* fault, and a *great* fault—it evidently sees a crime in Capt. Elliott's version of the letters.

Now, supposing both of the letters as given by Captain Mackenzie to be correctly given, which alterations does the reader fancy that gentleman treats as the most grave? Those in Capt. Elliott's note! Such is the waywardness of high intellect! Ordinary men would see a substantial alter-



ation in the assertion that the Queen Charlotte ran away from the Niagara, but Mr. Mackenzie does not, while he thinks the substitution of "Sir" for "Dear sir" a very serious matter; as he does in Perry's letter the substitution of "My dear sir," for "Dear sir."

In the first place, Capt. Perry, while he does complain of the alteration in Capt. Elliott's note, affirming it was "altogether unlike" what he had actually written, which any man may see it is not, *does not* complain of any alteration in his own. Now, where there was so strong a disposition to take exceptions—so strong as to cause Captain Perry to write to a friend that the two Elliott notes were "altogether unlike," it is hardly probable the changes in his own letter would have passed unnoticed, did they actually exist. If Capt. Perry copied his own letter a little carelessly, or from memory, he did the very thing that Captain Elliott is accused of having done, and must be put in the same category, with this essential difference, that the alterations made by himself are much the most material. I profess to know no more of the matter, though I have seen a copy of Capt. Perry's letter, certified to as corresponding to the original, which agrees with the letter given in the Biography of Elliott. That Capt. Perry's copy is not scrupulously exact, I infer from this fact. It ends abruptly "Respectfully, &c.," which is not the termination a man would be apt to use, who felt so much indignation in behalf of an injured friend—"My dear sir" even seems more natural than "Dear sir," though that may depend on habit. I have had in my possession six or eight notes written from Capt. Perry to Capt. Elliott, about this time, and all but one terminates "Yours truly."—The exception terminates "Yours very truly." This was after the note of the 19th September, and it does not seem likely to me, that a man who wrote "Yours truly" on ordinary occasions, would be apt to cut off a letter like that given by Captain Mackenzie with a cold "Respectfully, &c."

I attach very little importance to all this—the opinion of Elliott's conduct, given by Capt. Perry nine days after the battle excepted—but as Capt. Mackenzie attaches a great deal, especially to the "Sir," and "Dear sir," I have answered him. There is one point, in his objections, how-

ever, which I have reserved for the last. He thinks the suppression of the fact that injurious reports to the prejudice of Capt. Elliott, prevailed in Gen. Harrison's army, was of grave import, and was intentionally done in the published note by Capt. Elliott. If Capt. Elliott reasoned thus, why did he put it into the note at all? His question could have been put as well without, as with it. Then, by what ingenuity, even of the Mackenzie school, can this circumstance be tortured into a wish to give the note more the air of a peremptory demand?

The dullest minds and the lowest moral feelings ever attach the most importance to vulgar "report." Captain Mackenzie lays stress on these "reports," more especially if they have the salt of calumny. The man of the world knows that the rarest thing in it, is pure, unadulterated truth. So rare is it, indeed, that half mankind cannot recognize it, when they see it. "Reports," forsooth! Why, it was a current report not long since, that Capt. Mackenzie himself, in a hand-to-hand conflict, suppressed a furious mutiny on board the U. S. brig Somers. How many persons have believed Capt. Mackenzie's own report touching the meanness of Capt. Elliott, in taking refuge in Capt. Perry's official letter, before the Court of Inquiry, of 1815? This "report in the army," like "the rumor" that only two men were wounded on board the Niagara before the arrival of Capt. Perry, has ever been a strong point on that side of the question, but wisdom tells us the value of such arguments. Sad experience may teach Capt. Mackenzie that it is miserable testimony to *hear* it said "That the d-d fool is on the larboard arm-chest, and the d-d rascal on starboard"—That there is really such a thing as "evidence" in this world, and that wise men seek it, and intelligent and just men like to get it on *both* sides before they make up a judgment. A lie, of the comparative interest of this 'report' about Capt. Elliott, would have entered one wing of Napoleon's largest force, and travelled through all the *corps d'armes*, in a week. There is a rumor, now very prevalent in this country, that Capt. Mackenzie proved himself a coward, in the affair of the post-boy who was assassinated in Spain, and it has grown out of the supposed qualities that he manifested on board the Somers. I do not



mention this, because I think Capt. Mackenzie merits either accusation, for, in this, I honestly think gross injustice is done him; but to give him tangible proof of the value of 'rumor.' I make no doubt he was right, in taking the course he did in Spain, nor do I think he was influenced by fear, in its abject sense, in the affair of the Somers. I have pleasure in saying this, because he wears the Navy button, though I think him otherwise, as wrong in that affair, as a man well could be. It is beneath the character of a historian to lay any stress on 'reports' of such a nature, unless sustained by sufficient proof.

I can give Capt. Mackenzie a case, in the service, very analogous in some of its features, not only to the rumors in Gen. Harrison's army, but to the popular opinion concerning Com. Elliott's supposed delinquency in the battle of Lake Erie. It touched, at one time, the reputation of one of the best officers in the Navy—Com. Biddle—and I know that nothing but the high character he won in the war of 1812, prevented its breaking out against him, with strength. Had he been the object of unprincipled attacks, in connection with party politics, no one can doubt that the whole country would have rung with it. About the year 1820, Capt. Biddle, in the Congress frigate, suffered himself to be warned off the port of Cadiz, by a French blockading squadron, going into Gibraltar with his ship. This was compromising the honor of the flag, to all appearances; it being the established privilege of a man-of-war to pass a blockade. Again, Capt. Biddle went to the Havana, in the Macedonian, and got the yellow fever in his ship, suffering severely, and greatly to the prejudice of his own reputation, at the time, for discretion. In both instances the complaints were so deep as to reach my ear, though then unconnected with the service, except by old friendships and feeling. Any man may have disliked the affairs, and glad was I to learn, years afterwards, that Com. Biddle acted, in both cases, under precise orders from the Department. He had the dignity of mind to forbear until a fitting opportunity arrived, and then in asserting his rights as a man-of-war's man, with proper spirit, on the Brazil station, he incidentally mentioned the Cadiz transaction, as a case not to be cited as a precedent, inasmuch as the commander of the

Congress acted under orders from his government. How is it with Com. Elliott? He was astern, with his top-sail to the mast, while the Lawrence was suffering, and the cry is he ought to have made sail and closed. Viewed in this naked manner, it is no wonder a parcel of western militia volunteers cried out against him. But what a different case is offered when we find that the top-sail was aback to prevent going into a vessel, astern of which he was ordered to keep one hundred and twenty yards; that this station was not only given to him, but "ENJOINED" upon him; that the superior who had given the injunction was there to recall it, if he deemed it necessary, and that he was in the best situation to judge of that necessity!

Capt. Mackenzie thinks a 'report' in Gen. Harrison's army so very conclusive against Capt. Elliott, when, on its face, that army could only know what it heard. He himself believed a 'report,' and had the indiscretion to print it, too, when he was told that Paul Jones' sword passed from Com. Barry, through two or three other senior officers of the navy, down to Com. Dale; when the facts show that Com. Barry bequeathed this sword directly to Com. Dale, that it never passed down through any senior officer, that Com. Dale *never was senior officer of the Navy*, and that *HE WAS NOT IN THE NAVY AT ALL, WHEN HE RECEIVED THIS SWORD!* So much for "reports."

Another instance of the value of 'reports' is directly connected with Capt. Elliott, himself. Nothing could have been better than the conduct of this officer in cutting out the two brigs from under Fort Erie, and yet a 'report' has widely prevailed in the navy, that one of these vessels at least, was given up to him by treachery—a 'report' to which Perry, himself, alludes in the letter accompanying his charges. Now, this 'report' is vindicated only by 'report'—*rumor sustaining rumor*, without a particle of any thing approaching evidence, while the proof of the falsity of this 'report' is direct, complete, overwhelming—as full as belongs to any case in the history of the country!

Away then with these unjust puerilities, and let the men of America, meet a question of fact like men, and not as so many village crones gossiping around a tea-pot! What sort of notions would the public obtain, what would be the

character of the 'reports,' from diagrams like those of Mr. Burges's, criticism like that of Dr. Duer's, facts and documentary evidence like these of Capt. Mackenzie's!

In the foregoing statements, I have not attempted to dissect a tithe of the blunders, inaccuracies, and false reasoning of Capt. Mackenzie. What I have said, I trust has been plainly said. As a rule, I dislike the *argumentum ad hominem*, but Mr. Mackenzie is a writer who provokes this species of retort, by his own fondness for it. He applies it to me, on various occasions, and he will now discover, perhaps, that he is not altogether invulnerable, himself.

The reader will have perceived that Capt. Mackenzie deprives himself of all excuse of ignorance, by admitting in terms that he had all the evidence before him, and thinks he commented on it, in the body of his book! Thus, when he accuses Capt. Elliott of the meanness of falling back on Perry's official account of the battle, before the Court of Inquiry of 1815, a charge that I have proved unanswerably by the record of that court is not true, *he had that very record before him*, and commented on the testimony, *by his own showing*. That he had the record before him, might be proved from divers admissions in his work itself, but his own direct declaration supersedes the necessity of producing further evidence.

As for Capt. Mackenzie's pretended comments on the testimony in favor of Capt. Elliott, they would appear ridiculous to any discreet man who should take the trouble to examine the documents. He has selected one or two points, generally of a very immaterial character, and has reasoned on them in his own peculiar manner, leaving the great mass of the evidence untouched! The 'peculiar manner' is this—"It is not likely," he says "that a single officer was present at the larboard gangway" to receive Perry, when he reached the Niagara. Upon this "it is not likely" he infers that the oaths of those who *swear distinctly to what they heard*, were untrue! This is comically that every officer of the quarter-deck, who was not otherwise engaged, should go forward to receive Perry. Capt. Brerboort was acting as a marine officer, and it was

the most natural thing in the world that *he* should be there, and, as for the Boatswain he was ordered there. Then Capt. Mackenzie puts the brig at long shot, *substantially out of the action*, and this increases the difficulties of his case. What particular reason was there, if the *Niagara* were at long shot from the enemy, why an officer who commanded small-arm's men, and who was stationed on, or near the quarter deck of a ship of five hundred tons, should not approach the gangway, to receive a commander coming on board under the known circumstances of this case? One has only to examine most of Capt. Mackenzie's distinctive facts, in this manner, to appreciate them at their true value. The fact of Perry's coming on board their brig at all, would be likely to attract the attention of all the officers, who were aware of that fact, even had the *Niagara* been in close action; but, putting her at long shot, where Capt. Mackenzie places her, it was the most natural thing, in the world, that the division officers should get as near the gangway as they could, without absolutely quitting their quarters, which might have brought them all quite within reach of Perry's "clarion voice." I state this merely to show the value of Mr. Mackenzie's reasoning—taking the facts as he states them—and not at all because I deem it necessary to the justification of the *Niagara's* officers. These last gentlemen meet the objection, as I have already shown, in the letter, itself, in which Perry and his biographer think they err, giving their statement simply as the results of their united observations; some having seen one thing, some another. It is necessary to remember, however, that when they speak of the position of their brig, *all* these gentlemen, but Dr. Barton, testify; for those on deck could not be ignorant of that circumstance, the governing point of this controversy.

But Capt. Mackenzie has not been content to limit his case to these rumors, vague and unfounded as they were. He has assumed far more than even Perry, under the angry feelings of 1818, and in his feeble charges, saw fit to allege against Capt. Elliott. This it is which has compelled him to appear as supporting a subtlety as miserable as that of the "ENABLED," and has led him into so many contradictions and fallacies. In his own book, Capt. Mackenzie

gives, himself, abundant proof that Perry never dreamed of denying that Capt. Elliott brought the Niagara into close action. He has done it at page 287, vol. 1, where he makes Perry say—"It was a matter of great doubt, when I began to reflect upon Capt. Elliott's conduct, to what to attribute his keeping so long out of the action." Here is an implied admission that he got into action, though late; and that it is intended for *close action*, is obvious from the fact that all Perry's complaints, charges, &c., admit that the Niagara was in distant action, from a period very soon after the Lawrence herself was engaged.

A striking fault of Mr. Mackenzie's is, the disposition to defer to every thing that Capt. Perry has seen fit to advance, with the exception of those instances in which he has spoken well of Capt. Elliott. The latter he considers sufficiently answered by the circumstance that it was the pleasure of Capt. Perry to recall them! This will prove to be better logic with the Perry connection, I apprehend, than with the rest of the human family. Capt. Perry, himself, has told us in his letter accompanying the charges, that an issue had been made up between his character and that of Capt. Elliott's, else he should have remained silent; and, by his own showing, he is incapacitated to be a witness. He has told different stories, and no man, after this, can stand before the world, and say I was wrong in all I said in his favor, and am now right in all I say against him.—In addition to this safe principle, we have the most unanswerable proofs that Capt. Perry was wrong in much—I may say in *most*—of that which he has advanced against Capt. Elliott.

He affirms (in his charges) that only two men were hurt before he reached the Niagara; and all, on Dr. Parsons's testimony and the "received opinions" of the fleet; for there is no other evidence. I have shown what both are worth. His first specification, under his first charge, is an elaborate declaration that Capt. Elliott had been guilty of fraud in procuring certain officers to certify that he had held the conversation which has been mentioned, on coming on board the Niagara, when most of those officers were in a situation which must have prevented them from hearing it. Now all this proceeds from reading the letter with a

hostile feeling, its own explanation of the contents being the result of the "combined observations" of these officers, unanswerably proving the meaning, and of course fully meeting the charge. Besides, not a particle of evidence is produced to show that Capt. Elliott had any thing to do with the letter, and, as for the conversation, it is fully proved! As I have pointed out the little value of these charges, one of which involves a physical impossibility, or contradiction, in my own biographical sketch of Perry, it is unnecessary to go over the points here. There is one circumstance, however, to which I will allude, as justice demands it, and it will throw much light on the state of Perry's judgment. The circumstance is this:—

Perry, while excusing his previous commendations of Capt. Elliott, says in his letter accompanying the charges—"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 Capt. Elliott had, could possibly be guilty of cowardice, or treachery." The allusion is to a malicious calumny that was got up about this time, in the effort to crush Capt. Elliott, which affirmed that his half-brother commanded the Detroit, and the vessel was given up to him by collusion. This idle tale had a good deal of circulation in the naval circles, and my attention was drawn to it, while preparing the History. The examination I then went into resulted in the conviction that the whole story arose from the following facts. Capt. Elliott has, or had a half-brother living in Canada, who had once been in our army, but who marrying in the British territory, resigned, and established himself there. This gentleman, Capt. Elliott assures me was almost a stranger to him: A provincial naval officer, of the name of Roulette, married a sister of this Mr. Elliott's wife. He was an officer in the Detroit, (one of her lieutenants I believe) and when his brig was taken, he made himself known to his captor, with a view to reap the benefit of the connection—if connection it can be called—in the way of treatment. The same officer was exchanged, and again captured on the 10th Sept. On this unfounded calumny, Perry has suffered his feelings so far to warp his sense of right, as to



make the allusion I have quoted, without one particle of testimony, for none can be produced. There is no evidence to be found in support of this tale, while, on the other hand, the affair of the capture of the two brigs has been thoroughly examined, and the proofs of Capt. Elliott's spirit, activity, promptitude and zeal on the occasion, are of the most conclusive nature.

Perry is not guiltless of disingenuousness, on another point. He went down in the Lawrence, Capt. Mackenzie says within three hundred and fifty yards of the enemy, backed his top-sail, and engaged. Here he lay, according to his own account, about two hours. I suppose he backed his top-sail about five hundred yards from the English line, where he lay, as mentioned. At all events, it is easy to demonstrate from the affidavit of the Lawrence's sailing-master, that *he* had some such distance as the last in his mind, or his affidavit is worthless. It is possible the brig may have set down materially, after she was crippled, and while the wind stood. It is in proof that Elliott was about as near the enemy as the Lawrence had ever got, by drift or otherwise, when Perry came on board. This fact is denied by Messrs. Yarnall, Taylor, and Forrest, it is true, but their testimony is borne down by numbers, and by better witnesses, including Perry himself.

The point, under this state of facts, is this. Perry, in his specifications, speaks of his bearing up, &c. &c., to bring the Niagara into close action, because he took her much nearer to the enemy than he found her; actually passing through their line. This fact is denied by no one; and Capt. Elliott took the Somers much nearer than he had taken the Niagara, in the *finale* of the piece, when all closed upon the English vessels. But it is disingenuous to make a naked statement to this effect, and yet suppress the fact that Capt. Perry found the Niagara as near the enemy as he had then been, himself, that day. The bold allegation that "Perry bore down in the Niagara, and why did not Elliott do the same," is often made, but is easily answered. No one can say what Capt. Elliott might have done had there been time, and he did, allowing for the difference in time in closing, all that Perry had done, up to the moment when he left his brig—that is to say, he had

got as near, or about as near to the enemy, as the Lawrence ever got. I say "about as near"—for some swear *nearer*, and others *about as near*; and I choose the safer expression.

It is by confounding the accusations against, and the acts of, Capt. Elliott, in this manner, that I conceive so strong and wide-spread a prejudice has been created against him. To tell about a man's lying astern, with his top-sail aback, in an engagement, while others are in warm conflict, is a very *ad captandum* sort of argument; but, it falls to the ground if it be explained that the supposed delinquent was in his station. It sounds ominous to bandy "received opinions" and "reports" in an army, but what are they, in this case, in the eyes of reason and justice?—In a word, insinuations are not proof, and, though Capt. Mackenzie may attach importance to wise aphorisms about "this or that arm-chest," coming from the mouth of a quarter-master, or quarter-gunner, or carpenter, he will excuse me, if I look for the best evidence of which the case will admit.

The charge against my history was, that it was written—meaning the part connected with Lake Erie—to glorify Capt. Elliott and to lessen Capt. Perry in the public estimation. The answer was, that the points I have here discussed were controversial, and not necessary to, or fit for history. I chose, then, to follow the facts which belonged properly to such a narrative, and which I conceived to be sufficiently established. The arbitrators justified this course. One of those gentleman, however, dissented on the point that, having mentioned the fact that Capt. Perry commended Capt. Elliott, in his official report, I ought to have mentioned his withdrawal of that commendation, in his charges of 1818. This dissent strikes me as unfortunate, in more than one sense. In the first place, *it was in proof* that the charges of 1818 had been withdrawn, and of course were cancelled. Then, they had never been acted on, and charges are not proof. That Capt. Perry *did* commend, or "enlarge" his "second in command," is out of all question, and there I contend the historian had a right, and it was a duty, to look for his facts, until some public act, properly consummated and adjudged, authorized



him to look elsewhere. But, among the other absurdities into which the accusers of Capt. Elliott have fallen, is one of their charges against me, in connection with this circumstance. They say that, "Perry accused Elliott, in 1818, and you were bound to let the world know it." Now, these very geatry excuse Perry's report of 1813, on the ground that the truth would have destroyed Capt. Elliott, and that he acted from a "benevolent ambiguity." He, Perry, who was persuaded of Elliott's delinquency, might do this, and remain a saint; while I, who, to say the very least, believe that Elliott's delinquency admitted of many doubts, might not do the same thing, without being a sinner! How was I to state this simple fact, and not leave a deep historical taint on the reputation of Capt. Elliott?—Did they expect me to go into the subject at length? Well, if I had, it would have been somewhat in the mode it has been treated here; would that have satisfied them? These moralists maintain, in substance, that Capt. Perry, with all the responsibility of a judge, and of high public duties, might suppress a grave fact for the purposes of a "benevolent ambiguity," but that the historian was bound to relate another fact, of doubtful truth, which existed in no recognized or authentic form, and which even if it had, was nothing but accusation, and stood unproved, merely because the influence of the "benevolent ambiguity" had ceased to act on Oliver Perry's benevolent feelings! They may make themselves the historical cats-paws of Com. Perry, if they please; but they must excuse me from imitating their example.

Again—these persons say that Capt. Perry omitted to mention the four commanders of the schooners astern, because Capt. Elliott had reported ill of them. Here, then, they blindly represent Capt. Perry as a man so weak, or so wicked, as first to believe Capt. Elliott to have behaved so ill as to require a "benevolent ambiguity" to cover his conduct, and, yet, to condemn others on his testimony!

It is time to close. I could fill a volume more, in exposing the fallacies, contradictions, absurdities and falsehoods of my opponents, but, if the public mind will receive truth, at all, on this subject, enough has already been shown. I have had no pleasure in exposing the parties who have

assailed me. This is seen in the delay that has been permitted to occur. My feelings, so far as I had any, when I sat down to write the history were on the Perry side of the question. Examination has changed my opinion, and I hope it is not in my nature to become the instrument of circulating error, in deference to popular clamor however loud. Great and irreparable injustice has been done me, in connection with this matter; but infinitely greater, I firmly believe, has been done to Com. Elliott. I am far from subscribing to all the friends and advocates of this gentleman, even, have advanced in his behalf; but I think him a deeply injured man. That Capt. Perry substantially used the language imputed to him, when he reached the Niagara, I entertain no doubt, for it is proved by sufficient cumulative evidence; but I do not attach the meaning to it, that has been done by some. In my communications with Com. Elliott, the utmost frankness has been used. I have told him that I do not appear as his defender, but as my own; and it is owing to the circumstance that his cause runs so much and so closely parallel to the truth, that he may derive some benefit from my course. The great mistake of the other side, has been a false appreciation of the power of truth, and an exaggerated notion of the deference of the common mind to persons and names.—The last is great, I will allow; but it is not so strong as to veil the light from the eyes of the discerning and upright. The principles which the Great Power of the universe has established as from himself and of himself, will exist although Mr. Tristram Burges believes the Battle of Lake Erie to be a "part of the maritime affairs of Rhode Island;" Dr. Duer fancies a little school boy latin will wrap up fallacies, misquotations and professional ignorance from the vulgar ken; or Capt. Mackenzie is led away by the notion that all mankind are to view his hero, and his acts, with the same subservient senses and judgment as he submits to himself.

J. FENIMORE COOPER.

## APPENDIX.

CERTAIN of our readers may wish to possess clearer notions of the leading incidents of the Battle of Lake Erie, as well as of the testimony given on the opposing sides of the controversy that has grown out of it, than can be obtained from the answers given in the body of this publication. To aid them in their inquiries, the writer adds a few pages in the way of postscript.

All the testimony that has been published, will be found, either in the body of the *Life of Elliott*, or in its appendix. If any other evidence has been given to the world, the writer cannot, at this moment, recall it. As, however, he has alluded to the evidence of a Lt. Packett, which does not appear in this appendix, it may be well to mention that it exists in manuscript, of which he possesses a copy, made by another person, for the sake of certifying to it, if necessary. Those who wish to get the testimony, will find that the following persons appear as witnesses, in one shape or another: viz.—

*Against Com. Elliott.*

Commodore Perry,  
Lieutenants Yarnall,  
Forrest,  
Stevens,  
Turner,  
Sailing Masters Taylor,  
Champlin,  
Master's Mate Brownell,  
Surgeon's Mate Parsons,  
Capt's. Clerk Breese.

*For Com. Elliott.*

Lieutenants Smith,  
Edwards,  
Conklin,  
Purser Magrath,  
Sail. Master Webster,  
Capt. Brevoort,  
Midshipmen Nichols,  
Page,  
Adams,  
Cummings,  
Montgomery,  
Surgeon Barton,  
Master's-Mate Tatam,  
Boatswain Berry.

To these lists must be added the name of Lt. Packett, whose testimony fully corroborates the account of the battle as given by the writer. From the list of witnesses *against*

Capt Elliott must be struck the names of Com. Perry and Lt. Forrest; the first, because he admits himself, that an issue had been made up affecting *his own character*, and because he also admits that so long as this issue was not made up, he had been content to give a different account of the matter; the last because he flatly contradicts his adverse testimony, under oath. The testimony of Com. Turner, too, will be found to sustain the writer, and to contradict Capt. Mackenzie, as he substantially avers that Com. Elliott, came into close action, though in his judgment, too late. The first is a *fact*; the last, an *opinion*. Of the *opinion*, the reader may judge by reading Perry's own account of his order of battle, and his injunction on his commanders to keep the line, as well as the tenor of the only signal he made from the Lawrence, during the engagement, as quoted from the signal book, by his own witnesses.

The reader will discover a great deal of contradiction in the testimony. Some of it cannot be accounted for unless it be by mistaken opinion. A good deal of it, however, may be explained. Thus Mr. Brownell says:—"The Lawrence went gallantly into close action, but the Niagara continued to keep at a much greater distance astern than when the action commenced." At the first blush, this is contradictory, *per se*, and it leaves the clear inference that the Niagara must have turned round, and receded from the enemy. It is, however, fair to presume that Mr. Brownell meant neither the contradiction nor the charge that the Niagara ran away. "*Continuing to keep at a much greater distance*" is so palpable a contradiction, as to render it probable that something was meant, that was not expressed. The writer supposes Mr. Brownell meant to say that the Niagara continued, for some period in his own mind, at a greater distance from the Lawrence, than she was when the firing commenced. This fact is true; and it is accounted for by the circumstance that the Lawrence left the Caledonia, and that the Niagara was ordered to remain astern of the Caledonia.

Again:—Mr. Champlin has a seeming contradiction, also. It has been seen that this witness, while he says Capt. Elliott went to windward of the Lawrence, leaving

the latter exposed to the enemy's fire, does not say *he went to windward of his own schooner*, leaving the just inference that he went to leeward of the *Scorpion*, and was, of course, nearer to the enemy than his own schooner, which all admit *was* in close action. In another part of his affidavit, he says:—"It was the opinion of the officers and men of the squadron, (clearly a mistake, by the way, as more testify in Capt. Elliott's favor, than testify against him!)—that Capt. Elliott did not do his duty in the action on that day, and that had his conduct been that of a brave man, there is no possible reason can be given why his vessel should not have been brought into close action with the British squadron, *before Com. Perry went on board her.*" The words italicised would give reason to suppose that Mr. Champlin means that the *Niagara* was not in close action when Perry reached her; or as near to the enemy as he was himself; which would be substantially contradicting Perry himself, contradicting Mr. Turner unequivocally, directly contradicting nearly every witness belonging to the *Niagara*, and contradicting the just inferences that are to be drawn from the other part of his own testimony mentioned. It is probable that by the close action alluded to, in this sentence, the witness meant the close action into which Perry carried the *Niagara*, after Capt. Elliott left her, which was certainly much nearer to the enemy than she was when he got on board her; but which was also much nearer, than he got, himself, in the *Lawrence*.

The testimony may be fairly explained, in this way, in a great many places. Thus Mr. Montgomery, one of Capt. Elliott's witnesses, and a man of character, says, in answer to a question before the Court of Inquiry:—"Yes; before the *Lawrence* was disabled, she (the *Charlotte* is meant) bore up and ran foul of the *Detroit*, on that ship's lee quarter." As the *Charlotte* *did* run foul of the *Detroit* at a later period of the action, and did *not* before the *Lawrence* was disabled, this answer has been cited as a proof of defective memory, and consequently of defective testimony on the part of this witness. But the matter is easily explained. When the *Charlotte* left her station in the line and closed with the *Detroit*, she fell to leeward of her consort, and being quite close to the *Detroit*, she appeared to

many in the American vessels to be foul of the latter ship.

These instances are named, to put the reader on his guard, as much that appears contradictory, or untrue, in the testimony, may be very fairly cleared up, on an intelligent and impartial investigation. Still there are direct contradictions that will admit of explanation on no other ground than errors of judgment, opinions warped by much discussion and prejudice, or positive perjury. Of the first, there is a great deal connected with the manner in which Perry's order of battle should be construed; of the second, there is even more, as is evident from the tenor of many of the affidavits of those who testify against Capt. Elliott, the witnesses going out of their way to relate rumors, and immaterial facts that they think will tell, thus lessening their own credibility rather than injuring the party they assail; of the last, the writer sees no reason for suspecting any.

An attempt was made before the arbitrators, in 1842, to elevate the personal characters of the Perry witnesses, at the expense of the Elliott witnesses. Nothing is more certain than the fact that the testimony of one honest and intelligent man, is worth more than the testimony of a dozen fools or knaves, but there is no reason to believe there was any superiority of character or intelligence, in favor of the witnesses who testify against Com. Elliott. Judging from the testimony, on its face, most clear headed persons would think, the writer is persuaded, that the Elliott testimony, as a whole, comes from the clearest minds and the least prejudiced intentions. As for professional character, a point that was much insisted on, the writer is not aware of any particular advantage enjoyed by the side of Com. Perry. It is true, that three of his witnesses, Messrs. Turner, Stevens, and Taylor have risen to be post captains, and the first now wears a broad pennant; but this is entirely owing to accident, their equals in rank, on the other side of the question, having died, with good characters, as lieutenants. Had Messrs. Smith, Edwards, Webster, &c. lived a few years longer, they would have been captains too.—The late Capt. Stevens was a good officer, beyond a doubt, and he proved himself a brave man on other occasions; but so did several of the Elliott witnesses. Com. Turner is a good officer, and a respectable and highly honorable



and honest man; but *he* contradicts, in effect, Capt. Mackenzie and all that *clique*. His condemnation of Com. Elliott, as connected with the battle, is purely a matter of *opinion*. He evidently thinks Elliott ought to have put a different construction on the order of battle, wherein the writer thinks he is manifestly wrong.

It is a failing of the other side to extol all their 'geese as swans.' While the history was in progress, various attempts were made to convince the writer of the superiority of the Perry witnesses, and of their greater claims to credibility. One of them, in particular, was paraded before him as a man of singular claims to respect. The testimony of this witness was far from telling in his favor, and the writer took the trouble to enquire into his character, of different impartial persons—of officers, indeed, who are unfriendly to Com. Elliott—and the answer was uniform—the witness was believed to be one of the weakest men in the navy!

As respects the witnesses, the writer has treated them all as entitled to credit, except when they are incapacitated by their own showing. He knows that Com. Elliott's witnesses are the best, on legal principles; and he believes they are much the best as a whole, on the score of intelligence and impartiality. To analyze all the testimony, however, and to prove this, would require a book of several hundred pages.

The entire theory of the battle, is as follows:—The two squadrons were formed, as is exhibited in the diagram on the opposite page. This diagram shows the Lawrence, No. 3, leaving the Caledonia, No. 4, and the Niagara, No. 5, in her station astern of the latter. The writer conceives that the witnesses against Capt. Elliott think that officer ought to have passed the Caledonia, immediately, without regard to the injunction to keep the line, inasmuch as the Lawrence was leading ahead, and was likely to be exposed to a combined fire, only partially assisted. The answer to this opinion is this: The order to preserve the line was peremptory; the injuries received by the Lawrence were received gradually, and were better known to her own commander, than to the commander of the Niagara, while the former had the authority to call the latter to his relief, a course the latter could not take without disobeying

DIAGRAM NO. I.



In this diagram, the English are heading about S. S. W., a little off, lying to, the Americans about S. W., or with the wind abeam. The distance cannot well be represented here, but the reader will imagine the leading American vessel to be about a mile from the enemy, and the sternmost more than two. The Lawrence having made sail is leaving the Caledonia. The witnesses who testify against Capt. Elliott evidently think to ought to have passed the Caledonia, in this stage of the battle, without orders."



orders; it was as much the duty of Perry to change his own order of battle, if circumstances required, as it was of Elliott to respect it, until circumstances imperiously demanded an exercise of his own judgment. When this contingency occurred Capt. Elliott *did* assume the responsibility of disobeying the order of battle, and passed his second ahead, as is seen in diagram No. 2.

In this diagram, the Niagara has passed the Caledonia, without orders, and is closing in the wake of the Lawrence. The reader will find this fact authenticated by the joint letter of the ward-room officers of the Niagara, page 124, Life of Elliott; by Mr. Magrath in a letter written by himself, shortly after the battle, page 128; by Messrs. Webster, Montgomery, Adams, Tatem, Cummings, Nichols, Brevoort and Berry; and, it agrees with the facts given by Messrs. Packett, and Turner, while it is directly contradicted, the writer believes, by no body.

It is true that a few of Capt. Perry's witnesses speak of the Caledonia's going down with the Lawrence, while they say that the Niagara was a long distance astern, which would seem to contradict the circumstance that the Niagara was close to the Caledonia, until she passed her. This, then, is a question of fact, to be settled by the weight of testimony.

Of the Perry witnesses, Messrs. Stevens, Champlin, Breese, and Taylor say, in one form or another, that the Caledonia went down with the Lawrence, leaving the Niagara astern and to windward; while Messrs. Turner, Yarnall, Forrest and Brownell say nothing on the point, at all. On the other hand, Messrs. Smith, Edwards, Webster, Magrath, Brevoort, Adams, Cummings, Tatem, Montgomery, and Nichols, in some form or other, contradict them altogether. Now, the officers of the Niagara and the Caledonia were the best witnesses as to the relative positions of their two brigs—they certainly knew best, whether they were, or were not, near each other, and while all the officers of the former, who were on deck, agree in saying they *were*, until the Niagara passed, none of the officers of the Caledonia deny it! But we have conclusive proof that the Niagara *must* have been near the Caledonia, and, *were the latter near the Lawrence*, the former must have

DIAGRAM NO. II.



In this diagram the Lawrence is lying abreast of the English ships, hence to No. 5, the Niagara, has passed No. 4, the Caledonia, and the vessels astern are endeavoring to get down. The diagram is not accurate on account of the small space on which the diagram is drawn, but the intention is to represent the Lawrence at about a quarter of a mile from the enemy, and the Niagara nearly as far astern of her. The Niagara, Caledonia, &c. are all placed a little too far to leeward in this diagram. The four stoutest American vessels, at this period of the action, were probably a mile and a half from the enemy, but making the shot of their long heavy guns tell. At this period of the action it must have been nearly, or quite calm.



after the two English ships had got foul of each other, and thus permitted him to rake them both, at the same time.—There is no question that Perry's movement, at this period of the action, was prompt, gallant, and officer-like; but it is singularly unfair to charge another with not having done the same thing, when the contingency which produced it, had not occurred, while it was in his power to execute the same manœuvre.

All the misconception of the public in this matter, has proceeded from mystifications, which, in their turn, have arisen from mistaken views, on the part of the witnesses, and narrow prejudices. The facts that the Niagara was astern, while the Lawrence was suffering, and that Capt. Perry went closer with that brig, when he got on board of her, than she had been taken by Capt. Elliott, were very liable to misconception. They are explained, however, when it is known that Elliott was in a station *he was enjoined to keep*, while astern, and that he went as near, after passing the Lawrence, as Perry, himself, had gone in his own brig. New circumstances occurred in the close of the affair, that called for new manœuvres. These circumstances Perry nobly improved; but Capt. Elliott was not idle at the same time, coming much nearer in the Somers, than Perry had come in the Lawrence.

The reader who will examine the evidence, will find that these views are accurate. He must, however, reject "reports," "received opinions of the fleet" that are contradicted by the weight of testimony, and "rumors" about two men wounded. When a witness, of character, like Lt. Webster, *swears* that two men were *killed* in his division, he must not discredit him, on the ground that Capt. Mackenzie has one of his extraordinary theories, which shows that the witness *must* be mistaken; or on "*rumor*" arising not from any contradictions of a natural law, or unavoidable inference from premises fairly stated, but because "*rumor*" itself tells a different story!

It is often urged to the writer that most of the officers of the navy are of opinions against Com. Elliott's conduct in the Battle of Lake Erie. This is probably true; it certainly is among the writer's acquaintances. But what is an opinion worth, when the party is ignorant of facts?—

Clamor and assertion have been the substitutes of evidence in this case, and the writer has never yet met with five officers in the navy, let them be of what rank they might—those who were in the battle excepted—who appeared to him to have ever read more than the evidence on one side. Besides, the writer, as a historian, is responsible only for his own opinions. He knows how difficult it is to obtain truth, and never has pretended that his work does not contain mistakes—all histories do—but he feels confident that, in his views of the Battle of Lake Erie, the weight of evidence, the true nautical view of the question, and the facts, make out a case far more in favor of Com. Elliott, than in favor of his assailants.

THE END.



# ERRATA.

This pamphlet having been printed under somewhat unfavorable circumstances, more errors of the press are to be found in it, than is usual. The typographical errors will be left to the intelligence of the reader, except in cases where they affect the sense, but it is necessary to note most of the mistakes in words.

Page 7, 5th line from bottom, "appears" should read "appear."  
 " 12, 10th line from top, for "circumstance" read "circumstances."

" 14. It was intended, by saying that "the Scorpion had one twenty-four," merely to point out the error of Mr. Burges, who says she had *two* thirty-twos. She had one twenty-four, and a thirty-two pound carronade, according to the writer's information.

" 15, 6th line, for "commanders," read "commodore."

" 18, 25th line, for the "a" read "d."

" 21, 19th line, for "Lawrence," read "Niagara."

" 29, 18th line, for "calibres of the guns is," read "are."

" 32, 25th line, for "have," read "has."

" 42, 6th line, for "second," read "third."

" 55, 2d line from bottom, for "positions," read "position."

" 56, 13th line, for "was," read "were."

" 57, 18th line, for "when," read "in."

" 67, 6th line, in part of the edition, "Barton's" is printed for "Parsons."

" 16, 8th line from bottom, for "Porcupine," read "Scorpion."

In saying that his History has been excluded from the public school libraries, so far as rested with those who possessed the power of recommendation, while Capt. Mackenzie's Biography of Perry has been admitted, the writer had no intention to refer to any now in authority, in the State Government, or to any acts since the decision of the arbitration in his favor, in the spring of 1842.

In speaking of the loss of the Niagara, it is said it was comparatively greater than that of any other vessel in the war of 1812, the Lawrence and Essex excepted. Perhaps to these two last ships, the Saratoga ought to be added. Two accounts of the loss of the Niagara have been given; that of the official report, and that of her own surgeon. On the part of Com. Elliott, it is affirmed that the returns on which Perry reported were given in by Dr. Parsons, and that he endeavored to lessen the loss of this brig, under the influence of the feeling he so early manifested. Dr. Barton affirms that *five* men were killed, whereas the official report puts this number at *two*. The following circumstances render it probable that Dr. Barton was right. This gentleman speaks of a man who was mortally wounded in a hammock before his own eyes. Add this man to the two, *mentioned* by Mr. Webster, as killed in his division before Capt. Perry reached the Niagara, and we get more than are contained in the official report. Dr. Barton, moreover, the permanent medical officer of the Niagara, would be more apt to get the facts, from a scattered crew, in the long run, than Dr. Parsons, whose account, even supposing him uninfluenced by feeling, as he clearly was not by his own showing, was made out in time for a report written three days after the action.