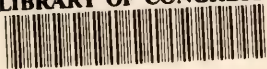


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MANIFEST

OF THE

CHARGES PREFERRED

TO THE

NAVY DEPARTMENT

AND SUBSEQUENTLY TO CONGRESS,

AGAINST

JESSE DUNCAN ELLIOTT, Esq.,

A. Captain in the Navy of the United States, for unlawful conduct while Commodore of the late Mediterranean Squadron;

AND

A REFUTATION

OF THE

RECRIMINATION RAISED BY THAT OFFICER.

BY CHARLES CRILLON BARTON,

OF THE UNITED STATES NAVY.



Philadelphia

1839.

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ERRATA AND OMISSIONS.

- Page 13, after the word trial!!! at the end of the 15th line, from the top, insert and read, "a convincing proof that he knew a court to be unrequi- site."
- „ 14, after the word "allegation," toward the end of the 3d line, from top, insert and read, "*prove of any* avail."
- „ 15, for "care," first word of 2nd line, from bottom, read "cure."

TO THE PUBLIC.

FOR a trespass on your attention, I trust a sufficient apology will be found in the documents of this publication. Yet a few explanatory remarks may be respectful and proper. More than three years ago, I had suffered from the unlawful conduct of an officer of high grade in the navy, while serving in his squadron. I had, however, full confidence in the justness and adequacy of the laws for the government of the Navy, for my redress. These pointed out a lawful mode by which to seek redress; and I certainly hoped to have obtained it by adopting that mode. Hence I determined, in my own mind, at the very juncture when I was made to feel cruelty to the heart's core, that if I lived, I would, when I should have returned, prefer charges. I have been guilty of no haste, no importunity, no attempt at uniting any extraneous influence to bring it about, resting simply on the intrinsic justness of the cause. I was in a kind of abeyance for justice, contingent to a vague perception of some opposing obstacle to the realization of my lawful expectation of redress. Yet I thought that whatever held me in this abeyance, would, in reasonable time be removed. Having awaited in this state of expectation patiently for eighteen months, until the published report of the vicinal approach of the Mediterranean squadron; I then, within a few weeks of its expected arrival, officially charged the officer with his misdeeds, virtually asking his arrest and trial. This inceptive step toward redress having been made, lawfully and discreetly, it was not impugned as being either unlawful or indiscreetly exhibited, but my complaint was respectfully acknowledged, and I was informed in that acknowledgment, that it had been put on file. Soon thereafter a development of further unjust conduct, emanating from the same officer, induced me to reiterate my charges to the successor of the retired authority first appealed to, with the additional complaint this recent development gave me reason to prefer. This new appeal was also respectfully received, and the additional charge had also been placed on file. Still cherishing confidence that my lawful complaint, urged in a manner at which no exception had been taken, would, as soon as more important business left leisure to attend to mine, receive due attention, I again awaited patiently the result. Propriety and respect caused this course—nor did a single act of importunity, verbally or in writing, emanate from me to abstract from the integrity of the course named, or lessen its claim to strict fairness. Nearly two years previous to the presentation of my charges, a dispassionate communication, fraught with similar tenor as that which mine exhibited, had been addressed, also to the proper authority, by one who had the right in my absence to make an inceptive charge. This, too, was respectfully acknowledged and filed, and information conveyed in that acknowledgment, that the wishes expressed in it on a point that admitted of speedy action, had been virtually anticipated. From that source, neither, did there emanate any further urgency, much less importunity. The whole course of that part of the government which had control of these matters, was characterized, after my return to this country, by so much manifest consideration and official sympathy for my situation, past and then present, that any other course than silence was held by me as improper and unofficer-like, and as savouring of a want of confidence without having any reason to give for it. Delay still continued. Though inaction

on my charges surprised me, it did not call forth any further request from me or any one interested in me, until the assertion reached a public press, that that press had reason to know—that the officer in question would not be brought to trial. Still I doubted this, until repeated declarations, afterwards made public, evidently emanating from the officer himself, reached me, that the annunciation of the press was not premature. This publication directed me to the only other appeal left—that to congress. I applied to the Honourable Charles Naylor, our able and eminent representative. The issue of that appeal revealed that I had, during all this time, been secretly accused of official misdemeanors, if not crimes; to which were added allegations of personal demeanor highly injurious, as misrepresented, to my standing in the estimation of the head of that Department to which I belonged. In a word, from being the *accuser*, I was detrued by those accusations and allegations and misrepresentations into the character of the *accused*: my own charges having in consequence been set aside! All this too had become a matter of record in the printed and published annals of the nation—the proceedings of congress. In these, my character as there depicted, was to be transmitted injuriously to a future time, which might be coeval with my rise in the Navy to the rank of the officer I had accused, but in whom the mutation into my accuser had now occurred. There was no alternative but to submit to this injustice, or meet the accusations, as an honourable officer when accused will ever meet them, openly, fully, fearlessly, and by proofs substantiating his innocence. To do this simply with the head of the Department, would not satisfy any officer holding, and claiming to deserve, an honourable standing in the Navy. True, such course, if satisfactory in itself, would have exonerated me with the director of the Navy, and of course would have left my character unsullied in the service,—and had the affair been confined to that department and the navy, no further attempt at vindication would have been conceived or adopted. But I have been held up to the nation, or as large a portion of it as might choose to read the proceedings of congress, as one attainted—and therefore a publicity has been given to my refutation, commensurate with the charges so unjustly preferred and so secretly. No further apology will be required, by the public, than this exposition, for intruding on its notice, this *Brochure*. As an aspersed officer in the service of a favourite arm of our national protection, I respectfully ask of that public, a patient perusal of this publication, and am entirely willing to abide its decision on my character. I ask the public whether tyranny is approved by it—whether it is not a word which speaks volumes of evils and mischief to a free people—and whether the unalienable rights it violates, are not as dear to a naval officer as to any other citizen? And whether it is not a singular result, that one who only strove in a lawful manner to preserve to himself those imprescriptible rights so dear to us, by seeking redress for the undue exercise of power—has been forced to rest with odium on him, thus tacitly acquiescing in its justness, or appear before it with a full exposé and exculpation.

I seize this occasion as a fit one, and the only public opportunity I may ever have, to express my grateful thanks for the extreme kindness, attention and essential services I received from Captain Tompkinson, commander of [then] his Britannic Majesty's corvette Tribune, to Surgeons Oliver Evans and Patrick Martyn of the British Navy, to Captain Ford of the Austrian Navy, and to the other British and foreign officers in Smyrna, and, though last, not the least deserving of thanks, my disinterested, generous-hearted and skilful attending surgeon, Dr. Marpurgo, now of Paris.

I am the Public's very respectful and obedient humble servant,

CHARLES CRILLON BARTON.

Philadelphia, March 16, 1839.

PHILADELPHIA, *March 16, 1839.*

SIR:—

From the documents (now printed,) sent by you to Congress on the 12th ult. relating to my charges against Captain Jesse D. Elliott, and my solicitation for a court martial on his conduct to me, I learned, *for the first time*, the SECRET IMPUTATIONS against me which he had lodged with the Navy Department a long time ago, (his letters communicating them to Mr. Dickerson, are dated Dec. 3, 1835, April 20, 1836, and Feb. 14, 1837.) These appear to have accomplished his object, by creating in the department an impression which seems hitherto to have determined you, as Secretary of the Navy (and I presume determined also your predecessor, Mr. Dickerson,) to deny me the arrest and trial of Captain Elliott. This I infer, and allow me, sir, to say, the members of congress and the public infer the same—from your letter to the Hon. James K. Polk, speaker of the house of representatives of the U. S., giving reasons why you have not hitherto brought Captain Jesse D. Elliott to trial on my charges. In this you observe “the facts disclosed in those papers furnish the sole ground on which the Department has hitherto declined acting on the charges of Midshipman Barton, and are in themselves the only reason why Commodore Elliott has not been brought to a trial on those charges.” If I and the public be wrong, sir, in the inference stated, I respectfully beg to remark, that it is the only conclusion which appears to follow, logically, the premises—and I will be glad to be set right, if in error in this. Captain Elliott, sir, assails me in the documents referred to, with the characteristic falsehood of all his representations in this affair. Wherever he has attempted to create impressions concerning it, he has done so by an indulgence in this fabulous propensity. He makes several offensive allegations: amongst which is that of “desertion from my station,” which could have sprung from no other commander in the navy. Sir, there is no officer in the service but Captain Jesse D. Elliott, into whose mind such an imputation, under the circumstances, could have entered for an instant—none of such unholy contempt equally for truth and righteous justice, as to pollute the lips with the utterance of, and envenom the pen with the malice of inditing—such a monstrous and consummate slander. All his allegations against me are, in the gist they present, positively and unconditionally FALSE. This is not the worst of it—he knew them, and knows them now, full well, to be false. Thus Captain Elliott has heaped further injury on me, sir, and I now formally charge him to you with this additional injury, as an additional specification of the charge already made to

your predecessor, Mr. Dickerson, and also to you, "of conduct unbecoming an officer and a gentleman."

First, by the false tenor of his own letters, dated as above mentioned, in the printed documents.

Secondly, by the statement *preposterously* presented with Dennett's *mark* as an *official document*, which it never can be properly considered, wanting as it does an officer's attestation. It wants this, though the ship was full of officers at the time it purports to be taken *at sea*, as Dennett's statement: and notwithstanding Captain Elliott well knows it is the universal custom in the navy, and even was in his own ship, (except in this instance,) to have all documents whatever requiring a witness, witnessed and attested by an officer and not by a man; even a forward officer is never selected—always a midshipman, a passed midshipman, or a lieutenant of the ship. Thus does the statement carry informality with it *on its very face*. Besides this, it admits of no denial, that the statement, such as it is, is not a deposition at all. It is not for me to inform you, sir, that a deposition is an averment or document made or subscribed *on oath* before competent authority to administer an oath and "in the language of technical phraseology to take a deposition;" and in such case, the attestation is required of him before whom the statement was made and subscribed and sworn to.

Thirdly, by the informal statement signed by Boatswain Whittaker, a man not remembered to have been seen by Mr. Sagee as present; nor have I, sir, and I aver it *on honour*, the faintest recollection of his vicinity or presence, although all the circumstances of the transaction are vivid in my remembrance.

The result of the whole is, *first*, that I have been secretly accused by Captain Elliott of being a *quarrelsome person*: as evidence of which he informs the Navy Department that I "struck his clerk, and mutilated his face," and leads the Department to suppose this was done *without cause or provocation*.

Secondly, he has secretly alleged, that I also, "for some trivial cause," consequently without provocation, stabbed Dennett, who you were led to think, mildly remonstrated with me, and supplicated to be taken to the officer of the deck for punishment, if he had done wrong, but that I preferred stabbing him! Can any act of a reasoning mind refuse to receive this as the import and effect of the representations of Captain Elliott against me: and these secret until now? In all this Captain Elliott has practiced, or attempted to practice, the mean absurdity of palming off a defence for cruelty toward me, involving a simultaneous unofficer-like and undutiful disregard of fleet surgeon Boyd's remonstrance against his inhumanity, by RECRIMINATION!!! Thus much for my additional charge against Captain Elliott. But, sir, this is not the most heinous of his representations against me, as you will admit, when you advert to that charging me with "*desertion from my station, and a direct disobedience of the express orders to me.*" Did I not defend myself from that foul accusation, you would despise me as wanting the honourable spirit of an officer; the nation would de-

spise me, for it is on record in the annals of the nation—I should despise myself.

I approach you, sir, boldly in self-defence; I say boldly, because—to the official character of a secretary of the navy, whose province it is as such, to listen to, and adjust complaints from those under his guardianship and control,—you unite a character and reputation for literature, which, as it is part of your country's property, I claim the right at any time to speak of. I allude to it here, and at this time, because it assures me that the mind and the education and the tone of moral feeling producing that character and reputation, will be awakened by a proper touch, to the sight of the lustrous beauty of a jewel I am sure you value and appreciate: that jewel, which, by a proverb, is symbolic of two homely words of our language, when in *juستا position*, though the *play* on the ear of each, apart, is *fair* English. The *beauty of justice*, however, is embodied in the two monosyllables alluded to: hence they will by this allusion occur at once to your mind. But to recapitulate before I begin my *Defence*. It is revealed to Congress by your documents that I have been secretly assailed, by Captain Elliott, with being a “quarrelsome person,” and one who had in the heat of passion, been guilty, without cause or provocation, of striking and mutilating the face of his clerk, now a purser in the navy; and stabbing an unoffending man, both enormities achieved in downright and demoniac forgetfulness of my station; in a word, in wicked mischief.

Before entering on the details of this recrimination, allow me to meet it for but one moment in gravity, *as* recrimination of cruelty set up as AN OFFSET FOR CRUELTY—and in all due seriousness point out *wherein* I have the advantage over my antagonist in strife of cruelty. This to be sure is a most extraordinary agonism—disgrace and odium being the guerdon. But it is one nailed to the defiance post at the entrance of the tilting ring by Captain Elliott—not by me. The challenge is put upon *me*. I only meet it. I trust I shall show that *he* wears the stronger agonistic weapon, and I the weaker shield, in this encounter. *Therein* consists my advantage. “*Palnam ferat qui meruit.*”

Admit, for argument's sake, that I was guilty of cruelty it stabbing my inferior when I was in power. Sir, Lieutenant, now Commander Boerum's letter, printed in the documents of Congress, shows that a certain duty had been neglected by the inferior which it was *my especial duty* to see executed.

In an attempt to perform my duty faithfully, I met perverse and stubborn disobedience to my lawful commands, with threatening of personal violence endangering my life, had the instrument raised to effect it been forcibly applied. The inferior had the physical strength; I was the weaker one of the two in strife, and in this epoch of time, *I perpetrated the heinous act of self-defence!* This was *my* act of cruelty.

Now notice, sir, the other—the act of cruelty of him who strove with me for the palm of cruelty. I was, in the case of cruelty against

which mine just noticed is recriminated, the inferior. But how different in reference to Captain Elliott was my physical condition, from the superiority of strength to mine in my inferior! I was prostrate. My condition supplicating, though my lips and my indignation scorned to ask, mercy and forbearance. I could not then have harmed Captain Elliott—he *knew that well*, and the thought forces itself, how he would have acted if he had believed I could have personally harmed him! In this prostrate and aching hour, with my cot tremulous from the thrill of muscular pain and that agony which shoots through the marrow of the bones,—in this hour he, just after the superadded pain of a surgical operation,—as if the thought struck him, “now is my time to avenge myself on this haughty middy, for his disdainful refusal to paint pictures for me of my heroic deeds, in this hour, sir—he practiced *his cruelty on me!!!*”

Is there a *parity* between our acts of cruelty, sir? or is there a moral chasm separating them as wide as the natural separation of virtue from vice? of *cowardice* from *courage*? So much for Captain Elliott’s Recrimination, supposing I had been guilty of cruelty; but I hope, sir, in this communication to give you evidence that his Recrimination of cruelty, extraordinary as it is, is not the only unjust and *malignant* part of his course with you, to debar my right of a trial of him by a court martial on my charges. This very recrimination is grounded on a false, disingenuous, and foisted representation of an affair, which occurred as I have already said, in the discharge of my duty, with a foretopman named George Dennett, nearly a month previous to the precise time on which, by a communication made when I returned to the United States, I charged him (Captain Elliott,) to the Navy Department with a dereliction from his duty as commander in relation to Surgeon Boyd, and with monstrous barbarity to me. Besides this, it is worthy of notice, that this statement bears date *fifteen months* after the occurrence which it claims to relate! Why this? why, if necessary to report this stabbing at all to the Naval Department,—why, sir, did not Captain Elliott report it *at the time*? That was undeniably his duty, if ever it was to be reported. The reason is as obvious as the pretext is shallow.

It is thus evident that, in addition to the *public manifestation* of tyranny and unfeeling, uncharitable disregard of my sufferings, he has placed the superincumbent injury of an occult attempt, apparently but too successful, to injure me with the Navy Department by foisting a false statement of the affair in question—predicating it on an informal and by no means satisfactory statement by Dennett, which, instead of being attested by an *officer* as witness, is *attested by one of the men!* (Conway.) Sometime in the winter of 1837, James Conway and a man by the name of Dougherty, formerly captain of the *Constitution’s* maintop, came to my residence and urged my signature to an article to appear in the public prints against Captain Elliott, in relation to a certain service of plate; and at the same time offered their services to me as important witnesses in the case of his (Captain J. D. Elliott’s,) treatment of me at Smyrna.

To the overtures of these men, I turned a deaf ear. Conway's character and the credibility of his attestation, may be gathered from this conduct. But to recur to the fact just noticed—the absence of an officer's attestation.

May I ask your attention to this fact!!! Why did not Captain Elliott send for one of the officers of his ship, or two of them, and take this statement in their presence, and have it ratified by their signatures as witnesses?

It is dated at sea, and it is plain therefore that any one, and indeed all his officers were within five minutes call.

Why at least was the statement not taken in the cabin in presence of the executive officer of the ship, the first lieutenant?

It was clearly in the opinion of Captain Elliott no trifling matter, for he thought it worth while to trump it up fifteen months after the occurrence. In this aspect of the business, Captain Elliott's mind being gravid with the important document, of which he was to become parturient very shortly, with a destination of his nursling to your department—it does really seem marvellous that so adroit a criminator should have lost his forethought, and sent to you a bantling to deprive me of my fair standing in your department, and to grow up between me and my just claims on you for redress—perfectly denuded of all the decent clothing usually investing such productions. How, sir, in law, in equity, as a *morceau* of testimony to be presented to a court martial, would this suspicious document appear in the eyes and to the understanding of any persons accustomed to look for—and determine in a feeling of justice to have—an authentic evidence, not only of explicit truth and formality, but of entire absence of the faintest shade of collusion? Would, sir, such a document be received at all? would it not in courts of law and courts martial, and in the assemblies of private life, wherever discussions are held on the delicate points of character and conduct—would not, in all these, such a document be set aside? Assuredly.

I take leave most respectfully, sir, now that I have pointed out the insufficiency of Dennett's statement, to say, that I indulge the hope it will no longer be entertained in the Department against me, as one of the "facts disclosed in the documents which constitute the sole ground why Captain Elliott has not been brought to trial on those charges."

I cannot therefore but object also to the document printed in the series of February 12th, purporting to be signed by "Whittaker," Boatswain of the Constitution. There is no legal or *credible evidence* in this document, that it was made on oath. Pray, sir, before whom was it sworn? The names of several men are given in it "*who are willing to attest*" to the statement of Whittaker. Why, if it was of sufficient importance fifteen months after the occurrence for a commander to call on these two persons, viz. Dennett and Whittaker, to obtain testimony of an act of mine by which he wished to prejudice the Department and the public mind—why, I ask, was

IT NOT DONE PROPERLY AND LEGALLY; and why were not the several other men called on to testify legally?

For all the foregoing reasons, facts and just exceptions to documents aimed at my fair standing in your department, but exhibiting inherent evidence of informality, not to use a harsher term, I hereby *solemnly* PROTEST, both against the document purporting to have Dennett's mark and that bearing Whittaker's name.

I feel fully assured that on this point you will not, after a perusal of Mr. Sagee's deposition annexed, any longer withhold from me my just claim on you for the arrest and trial of Captain Elliott—and I cannot but hope and believe, that inasmuch as this link of the chain of his secret *espionage* (for I knew nothing of these communications to the Department from Captain Elliott,) is thus opened, and not only weakened, but altogether removed by the deposition of Mr. Sagee, that Captain Elliott will no longer have the hardihood, in despite of heaven-born charity's frowns—the frowns of honour, the frowns of duty, and the rife discontent of the whole union—to boast that “*not one of the allegations preferred against him is deemed by the Executive worthy of notice.*” There is one aspect of this false representation presented by Captain Elliott of the dirking affair, that, in justice to myself, I cannot pretermit—it is the extraordinary oversight by Captain Elliott, when he was about to take evidence of this affair, of Mr. Sagee! He was at the time of taking those statements actually on board of the Constitution—holding a responsible trust as a warrant officer, and held in good estimation by Captain Elliott.

Will it be said Captain Elliott did not know he had been present? How easy, supposing this to be the case, would it have been for him to have directed his first lieutenant to “pass the word,” in ship phraseology, for all to appear in the cabin who had witnessed this monstrous crime. Then Mr. Sagee would have appeared, and then related, if asked, and on oath too, the same unvarnished statement of truth he has now given in his deposition. Sir, the obliquity of the mode practised by Captain Elliott of procuring and transmitting secretly to the Department the false and garbled statements of the transaction in question, must strike the mind as wilful intention to injure me, whom he had already deeply injured.

Moreover, it is a subject of great doubt in my mind, and requires further proof than Boatswain Whittaker's own statement, whether he was actually himself present at the time, or witnessed the transaction. I have no recollection of his vicinity to me at the time, and Mr. Sagee has no remembrance of his being present: and yet it would seem natural that the presence of the boatswain of the ship, at such an occurrence, would have occurred to Mr. Sagee. The well known habits of Boatswain Whittaker must not be lost sight of. What are they, and how far may they attenuate his testimony? It would be easy for you to ascertain the first, and decide in your own mind on the latter thought.

I ask, further, what had *my* charge of cruelty against Captain Elliott under circumstances which made care and kindness his

duty, to do with an act of mine, right or wrong as it may have been—committed nearly a month before the cruelty complained of? An act for which too I had been punished legally by *suspension*? For it would have been transcending his right and his power for Captain Elliott to punish me in any other way, than *by suspension*, or calling a court, which he did not do and had no *right* to pass over, if my conduct deserved one. It is a sorry defence indeed. I pronounce Captain Elliott's statement in relation to the affair positively erroneous—I pronounce Captain Elliott's mode of presenting to you what he calls testimony in this affair, uncatholic. I pronounce the pretended statement of Dennett, and also that of Whitaker, false in every essential, except that I did, (in *self-defence*,) punish him, (Dennett,) and did so to avoid a deadly blow by a heavy hickory broom uplifted by a desperate and determined man in a state of mutinous insubordination to me, while in the due discharge of my duty, and while making an attempt to control and arrest this man, he being under my immediate command at the time.

All this conduct of Captain Elliott renders it necessary for me to remove his sinister representations by a *full declaration of the TRUTH*, made by a warrant officer in the the navy, Mr. Francis Sagee, carpenter, whom you must know to be a warrant officer of justly high standing and unimpeachable rectitude. He is too a man of intelligence and propriety, and is so esteemed in the navy.

I respectfully request that his deposition appended hereto, be placed on file in the Department, *as the only document yet in your possession bearing the stamp of requisite legality*, and containing the truth and nothing but the truth.

I ask this in *justice* as a junior officer assailed by the secret *espionage* of a superior. I now further declare *on honour* that Dennett's conduct was mutinous and threatening of personal violence to me—that I firmly believed then, and do now conscientiously believe, that *but for the summary punishment* I inflicted, and which was given in no passion at all, but, though irritated at the contumacy of the man, proceeded, with my wits about me, from cool deliberation—*but for this* my skull would have probably been fractured by a blow from the man with a heavy hickory ship's broom, with which he threatened me by uplifting it in a mutinous and resentful manner, in a manner well remembered by Mr. Sagee. I am above the meanness, sir, of saying that I regret the act which, under the circumstances of the case, was one emanating from an impulsive feeling of self-defence. But I do most sincerely regret that the conduct of any man, *while it was my especial duty to keep him at his*, should have rendered it on my part necessary.

Dirks are prescribed by rules emanating from the Navy Department, and by *custom* authorized to be worn by officers on ship board. If they are not to be used in self-defence, perhaps to preserve life, in cases of mutinous insubordination by contumacious subjects, I know not why they should be worn.

I have been, sir, more than fourteen years in the navy, and much at sea—yet never before nor since, stabbed any one. This

you will receive as a proof that I am not in the habit of being free with my side-arms. But, sir, you will admit, that mutinous disobedience, even without a contemporaneous offer of personal violence, is a serious offence. Had Dennett been guilty only of the first, I should, as in duty bound, have reported him to the first lieutenant for punishment; but the aggravation of an overt act of personal violence threatening danger to me on the spot—left me no time for parley, but imperatively called on that celerity of thought and decision of action, which alone could meet, protectively of myself, the exigency and impending harm. In my thought, an officer in the navy will prove himself unapt for an intrepid deed when his country's service shall present an opportunity of achieving one—who vacillates between the conception and executive result of it, on any point of danger, and timidly shrinks from the bold execution of a deed rendered fit by circumstances. Would I not rightly have been held in contempt, sir, by this very Dennett and the lookers on of the crew—had *fear* prevented me from quelling such mutinous behaviour as called for instantaneous punishment? What, sir, is mutiny? "To rise against lawful authority in military and naval service—to commit, or attempt to commit some act which tends to bring the authority of military or naval officers into contempt, or in any way to promote insubordination." Hence, if the character I have adjectively given to Dennett's disobedience to my lawful commands, has not a just reference to this definition, I do not understand the English tongue. I think, sir, you will agree with me, in a sentiment held by all military, but especially by naval officers, because of the greater danger from mutinous conduct on ship-board than elsewhere—that irresolution and consequent inaction at the precise juncture when mutinous behaviour is perceived, is indicative of cowardice, and in the language of Dryden,

"Cowardice alone is loss of fame."

The commander of a ship whose "sword" will not "leap from its scabbard" to punish the first threatenings of mutiny, will be adjudged by his officers "a craven knight"—and with a reciprocity of opinion on this point, a *gallant* commander would view with the same intense contempt, a want of decision in one of his officers, however young, who should be guilty of similar military misprision.

Captain Elliott has in his letter to the Department of the 14th February, 1837, written: "A few words will explain the matter in reference to the 'drawings' and the 'requisitions,' which I made on the 'graphic talents' of Mr. Barton. This young gentleman had previously sent me in, *unasked*, specimens of his drawings; wishing to procure a particular one to send to the Navy Department, I requested its execution before his being restricted from shore, and, pending its continuance, he returned for answer, by my secretary, *to know if he was in quarantine*. Declining to mix official with private business, I held no further communication with him on these matters." In reply to all this, sir, I must respectfully invite your attention to the extreme selfishness of his conduct, as he him-

self explains it—and to the very fact of his having in his mind and conduct done the very thing he says he did not wish to do—viz: mixed “official with private business.” But, sir, I must further occupy your time, in self-defence, by dilating somewhat on this affair. I had painted a good deal for him. One of the drawings I made for him which I distinctly remember, was to represent the cutting out of the Caledonia and Detroit at Black Rock—it was painted as an emanuensis writes, from dictation. The hero, Lieutenant Elliott, was made such by his direction, (and I do not impugn his claim to have been so in this instance.) It was a gaudy performance, of no merit, and I should now be heartily ashamed of it, as red, green, and yellow paint, were untastefully displayed in it. Yet when exhibited to Captain Elliott as it seemed to please him and meet his nice appreciation of the beauty of such emblazonry of heroism—I could not, in self-love, find fault with it. In this said picture, I am sorry to say I did injustice by my poor pencil, in the position I gave him, to that *real hero*, General (then Captain) Towson. Should Captain Elliott ever have this painting lithographed or engraved as the only one extant of an artist pliant enough to draw from dictation as to the disposition of the details, I hope General Towson will forgive me for my rude boyish injustice. While the subject of “the drawings,” which Captain Elliott has dragged so strangely before the navy department, as if conscious that the cord was touched (by the mention of it in the public prints to which in his official letter he alludes,) which struck in unison with the tone of *Truth*: while this subject is touched, a part of my defence being involved in it, it becomes necessary for me, in justice to myself, to say something more than has yet been said.

In doing this I most honestly declare, I am chagrined to be obliged thus to become egotistic; for so heartily do I despise both *egotism* and *egoism*, from a revolting example of both, vivid in my mind, that I feel as near self-disesteem for being guilty of it, in a public document, as I can feel when I bear in mind, that I never brought the subject of the “drawings” before you, sir, nor have I the blame therefore of bringing it before congress. Captain Elliott did this in his official letter of the 14th February, 1837.

First, I solemnly deny that I “sent him little specimens of my drawings UNASKED.” Sir, “mark how a plain tale will put him down.” I had sailed with Captain Elliott long before this as an officer of his ship in a distinct cruise, that to France and England to bring home Mr. Livingston. At the expiration of that cruise, most of his officers applied to the navy department to leave his ship. That is a matter of record amongst your archives. So rife was this propensity to procure leave, that I believe Captain Elliott then issued a circular to the remainder, to ask who more intended to leave, and to give their reasons. Sir, I was amongst the very few who were willing to remain—this, however, *en passant*. My object in referring to that cruise is to say: that during its continuance, Captain Elliott became acquainted with whatever of an artist’s talents I possessed. And at Cherbourg he received some specimens

of this kind, (by his order,) being objects worthy of notice in the dock yard of that place. These trifles he *then* commended, and either at Cherbourg or on our voyage home, he consulted me about the talent of painting in reference to his son, then quite a lad,—desired to know if he possessed the talent, &c. All which is now mentioned to show you that Captain Elliott's statement in his letter to your predecessor, Mr. Dickerson, of the date just named, a considerable time after, in which he says "this young gentleman sent me in *un-asked* little specimens of his painting," is positively erroneous. To conclude on this point of the "drawings," I aver conscientiously that if I possess the power of reasoning from facts, and drawing inferences of men's motives and the spring of their deeds, from close scrutiny of their conduct, I am borne out by such reasoning in declaring, that Captain Elliott's treatment of me arose from *private pique*, because I refused any longer (for reasons good in my own bosom, and not creditable to Captain Elliott if they were fully divulged,) to paint for him. That this umbrage existed, may indeed be inferred from the tenor of his own official letter already referred to, in which he says he did not choose to mix private matters with public ones. His secretary, Jesse E. Dow, now a clerk in the patent office at Washington, came to me while I was under quarantine for striking clerk Holland, to convey Captain Elliott's desire (conveyed in an offensive manner as a command,) for me to finish an incipient drawing for him. I refused peremptorily, chiefly because Captain Elliott had induced me to believe those I had made for him were for the navy department; which I discovered was not so. The said Mr. Dow told me that I ought to consider it "*an honour* to paint for the commodore," or words of similar import. From that moment the evidence of Captain Elliott's displeasure was betrayed in numerous little petty vexatious ways. He finally ordered me to the Shark, as one of these annoyances. It was for many reasons an annoyance to me. First, I was at variance, and this was well known, with the gentleman on board the Shark, with whom my subsequent meeting took place. Secondly, I had in all my sea-service, served, with the exception of one year in the Hudson frigate, in sloops of war and schooners: and one of the grounds of my application in December, 1834, to the Department, for orders to the Constitution, was based on this inexperience in large vessels.

I believe and shall always believe, that Captain Elliott's cruel treatment of me when afterward I was hurt, was a link of the same galling chain of oppression which he had been gradually forging around my liberty, my peace, and my just rights.

As the object of this communication is two-fold: first, self-defence, and secondly, to obliterate from your mind, sir, all wrong impressions not borne out by facts, but proceeding and naturally imbibed, from the vain attempt even at sophistry in Captain Elliott's reasoning, and in his statements, it becomes proper, in conformity with this duplex object to notice what he has written in his letters to the department, (of 20th of April, 1836, and of 14th of February, 1837,) and is pleased to call "an unnecessary consequence given to

the affair at Smyrna," and concerning, what he terms, "a portion of the libel (republished in the Army and Naval Chronicle,) in reference to the stated causes of my removal from the Constitution to the Shark." Permit me to quote his remarks, and respectfully to direct your attention to the insinuations against me, which they convey. "One day, on the quarter-deck, a man came up and requested permission to speak to me, which I readily granted; he then asked, 'were the young gentlemen allowed to stick their dirks in them with impunity?'" (In whom? I am at a loss, sir, to know whether "*them*" has reference to "the young gentlemen" themselves, which would imply an attempt at the crime of *felo-de-se*; or to whom it does relate. It certainly, in the present construction of the sentence, cannot relate to the interrogator, who accosted Captain Elliott on the quarter deck. I arrive at the belief that it must be a misprint from the original, and that Dennett must be referred to by the plural relative pronoun, "them." After this passing remark on the obscurity of the sentence, not the only one which Captain Elliott's letters exhibit, I proceed with the residue of the quotation.) "I immediately inquired into the matter, and found that Mr. Barton had, for some trivial cause, in the heat of passion, dirked the man. To avoid a court martial, I ordered him to the Shark, with strict injunctions to his commander not to allow him to visit the shore without my further permission, (there had been none yet given,) apprehensive that some difficulty might arise with the other young gentlemen of this ship." Here, sir, permit me to notice the insinuation of quarrelsomeness. I had sailed one distinct cruise before this with Captain Elliott in this same ship, the Constitution, for which ship I had been an applicant, with a sailor's predilection in her favour, long before Captain Elliott had been appointed to her—and when some friends, from a mistaken but good motive towards me, had, without my knowledge, procured a relief order—such was my attachment to "old iron sides," famed for her Hull, that I instantly wrote and solicited Dr. Barton to write, which he did, letters of request to the Secretary of the Navy, to have the relief order rescinded, which was promptly done. How and for what cause I was first ordered out of my appointment in her, given after long application amongst the first appointed; and how and in what manner and from what motive, I was a second time turned out of her, as a rabid dog would be spurned, second-handed, without seeing or looking at him, from one's mansion, you and the public already know. To the longest day I live will I never forget the bodily agony and mental anguish of that cruel deed. But, sir, proceeding after this digression to recur to the first cruise with Captain Elliott—as I had had no quarrel during it with any one, and not during the second cruise until the quarrel with his clerk, what right had Captain Elliott to write to the Department and insinuate that I was combative, and declare officially as he has done in the preceding paragraph just quoted, that he restricted me on that account from the liberty of the shore from the Shark, to which vessel he tells the Department he ordered me to avoid a court martial

in the affair of Dennett? What right had he to injure or attempt to injure me, by giving as a reason of restricted liberty that he "was apprehensive that some difficulty might arise with the other young gentlemen of the ship?" Is this a rational sequence from Dennett's affair? Sir, was this fore-top sweeper, one of the "other young gentlemen of the ship?" This epithet, you know, sir, is borrowed from the British service; and by it midshipmen are designated, but not passed midshipmen, the latter being generally designated simply as officers of the launch, mates of the gun deck, &c., &c. Sir, the illative result of his motives in writing as he did, in the words quoted is, that he designed to give an impression to the Department, that I was "a quarrelsome person," as he had in his first letter of the 3d of December, 1835, declared—and again reiterated in his letter of the 14th of February, 1837, in which he writes, "while we lay in Mahon in October, 1835, Passed Midshipman Barton struck my clerk, and mutilated his face; in consequence of which the former was restricted from shore, and a promise obtained from the latter that he would not call Barton out, which I was informed it was his intention to do, with my threat, that if he did, I would dismiss him (my clerk,) from the squadron."

As regards the personal affair between me and the clerk, (now pursur J. C. Holland, U. S. N.) which Captain Elliott has dragged before the Department, and which now is, in consequence, embodied in one of the public documents of congress, I am bound to defend myself with the expression of sincere regret, sir, to be obliged, even in self-defence against the sinister insinuations of Captain Elliott, to trouble you. The tale is short, and briefly I will tell it. The facts are these: I was grossly insulted by this clerk, and I resented the insult on the spot. But I was willing to incur and expected to incur the personal responsibility that resentment involved. It was never asked of me, *directly* nor *indirectly*. I refer to all the officers acquainted with the affair, for the *truth* of my averment on this point. Lieutenant Watson well knows, and others know, I never was called out; nor had Captain Elliott any just ground to infer that I would be. He *quarantined* me *on honour* for this offence, and sent for me and assistant surgeon Woodworth of the Constitution to repair to his cabin. There he first *urged* me to apologise to clerk Holland, which I decorously but firmly declined. Captain Elliott knew me, and therefore knew it was no part of my character to blench or to waver. Still he impertuned me on this point, as I then thought and now think, unhandsonely, since he must have perceived I attached meanness and pusillanimity to the course he suggested on my part. He conversed some time on the subject with an evident intention to cause me to adopt his suggestion, by something that savoured so much of intimidation, that I then *refused in every way and manner* to humiliate myself. Still I was respectful to Captain Elliott. As Dr. Woodworth was present during all this interview and heard all the conversation, I appeal to him for the entire truth of my statement, in its tangible and essential bearing, though of course he could not know what was passing in my bosom on the matter.

I protest against the statement of Captain Elliott that I was sent by him to the Shark to prevent a meeting. Nor was I sent there to be screened from a court martial for stabbing Dennett. I was not afraid of the sentence of a court, had one been instituted to try me for that act. The fair investigation *at the time*, would have resulted in acquittal, on the ground of proof which could *then* readily have been given, by others besides Mr. Sagee, that it was done *in self-defence*.

It was Captain Elliott's *duty* to have had me tried by a court, if he thought I was guilty of reckless infliction of punishment. His not having had me tried, if he *then* believed the *truth* to have been *what he since represented it* (fifteen or seventeen months after the transaction had died away,) to have been, is, especially with an officer so ready for courts-martial *on others*, that he says he intended to have had me "brought in with others in a court for trial!!!" Sir, it is strange, but yet quite evident, from Captain Elliott's own remarks, that he *wished, earnestly wished*, to have had me tried—for what? in his own words, "contending for a point of honour." He tells the Department, (April 20, 1835,) "he is the last officer in the navy that would have one of the young gentlemen yield a point of honour, and would go further, even assist them in contending for it." How far his course to induce me to yield *that point of honour*, by apologising to clerk Holland, under the contingency of his otherwise "calling me out," tallies with this declaration, I leave for the true cavaliers of the navy, and others out of it, to determine.

That he would have had the temerity to institute a court of honourable officers to try me on this *foisted* charge, I do not credit.

As evidence of his propensity to bring officers to trial, I may here not inopportunately observe, that he has in an official letter to the Navy Department, published by himself in the Carlisle Herald and Expositor newspaper of the 22nd of February, of the present year, betrayed an overweening anxiety that even Surgeon Boyd of the navy should be brought to a court. This is his language, "I cannot help remarking that Dr. Boyd has assumed an attitude in the matter pertaining to Passed Midshipman Barton and myself which seems to call for the investigation of government." Sir, for what? *For doing his duty!* He discharged that, it is true, independently, feelingly, conscientiously, uprightly, manfully. He did no more than his duty in this affair—but he deserves and possesses unbounded gratitude from me, for the humane and resolute manner in which he attempted to ward off a dangerous blow from my hurt limb, which limb Captain Elliott himself informs the Department by date of letter Dec. 3, 1835, with a degree of *sang froid* truly amazing, for it is unaccompanied even by the every-day word, 'regret,' imposed by the formalities of civilized life, even when there is heartlessness in the bosom—I say he himself first informed the Department that I was hurt "to such an extent as to render the loss of my leg not improbable." For striving to save this shattered limb from additional peril, Dr. Boyd ought to have his conduct investigated! Or is it, sir, for the *preposterous charge* embodied in

the same letter. Sir, the viper that gnawed the file, would as easily have harmed the steel, as Captain Elliott's attempt at injuring Dr. Boyd on such a frivolous and unmerited allegation. Sir, it becomes not me to defend Dr. Boyd from this insinuation of meddling in what concerned him not—he is well able to defend himself—were defence needed in the opinion of the Department, or that of the navy and the community. There is no occasion for this, however. Captain Elliott's allegation made not the least impression on the late Secretary of the Navy against Dr. Boyd—it was not known to be there by any noise it made, for it made none, having fallen still-born and unnoticed.

This may not be an unfit place to notice a sentiment and official opinion proceeding from Captain Elliott, by the force and practical realization of which, I have suffered so much and been so deeply injured. In the Carlisle newspaper already referred to, and in the same letter from which his notice of Dr. Boyd has been quoted, I quote the following: "I consider that if necessary or expedient, that the fleet surgeon is bound to advise with me on medical and surgical matters, and that where the good of the service requires, and its discipline is at stake, the fleet surgeon must yield in all cases to the opinions and decisions of the commander-in-chief!!!" Sir, this is the expression of an opinion vital to the safety of every man or officer who may become sick. Sir, it is official heresy in a commander—and it is so because it is an untenable and unsound opinion or doctrine, held by no other commander in the service. If there be a singleness of sentiment pervading all officers of whatever grade in the navy, but especially of the rank of commanders as such—it is one in diametric opposition to this novel declaration. As far as my experience and observation go in the navy, the most distinguished and elevated of the officers who command, are remarkable for their co-operation with the medical officers, in accomplishing every thing which can promote the ease, comfort, and cure of the sick. I appeal to the naval officers *en masse* for a verification of this position. But, sir, there are laws enacted by Congress on this subject, and rules for navy government, and customs which cannot be impugned, all tending to the point of opposition to Captain Elliott's opinion. Allow me to quote the following—noticing, that as circumstances *did admit*, in my case, my continuance on board the Constitution, the provisional portion of Article 2nd of the duty of a fleet surgeon as designated by Congress—was not tenable, and consequently Dr. Boyd's remonstrance was unlawfully set aside.

FROM ACTS OF CONGRESS.

Duty of Fleet Surgeon.

ART. 2. "He is to propose to the Captain every thing which he may think likely to be of service to the sick, to increase their comforts, or to accelerate their cure; and as far as circumstances may admit, the Captain is to comply with his proposals.

Commanders of Fleets or Squadrons.

ART. 25. "The Commander of the fleet or squadron shall direct frequent examinations to be made into the hospital establishments, and sick quarters under his command, and cause every attention to be paid to the comfort of the sick.

Rules and Regulations of the Navy. (Laws approved 1800.)

Commander.

"He shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed with their hammocks, &c., when the surgeon shall so advise."

To conclude this portion of the canvass I deemed right, of the extraordinary and novel opinions of Captain Elliott, justifying himself thereby, in his treatment of me—I have only to say, that not being a medical man I cannot enter into it as fully as its importance clearly merits. There are, however, views concerning it embodied in your series sent to congress, proceeding from one whose profession girds him with the proper knowledge on the subject. The perspicacity of the medical corps of the navy will quickly recognise the tendency of such heresy to laws and usages in the navy, in rendering their best professional efforts for the good of the sick, entirely futile and useless. If, indeed, such doctrine as that which common sense at once judges to be mischievous and tyrannical, were to be generally embraced in the navy, it would be high time that other and more protective laws for the sick and hurt, should emanate from congress. But, sir, there is too much humanity and good sense in the navy to lead to any apprehension that such heterodox notions will, by their general pervadence in the rank of commanders, render such enactments necessary. Whether the elevated rank of the officer giving them voluntarily in a public newspaper to the world, will cause their universal adoption, is to be proved. In my thought such a result is not likely to occur.

I have another remark to make; evidencing how relentlessly Captain Elliott annoyed me, even by distressing me when ill, and scarcely able to bear up, with all the fortitude I could muster, against the numerous ills I had to encounter. It is in reference to his stating that I had been tried for the affair at Smyrna, and *sentenced to six months suspension*. It is not the fact—my name was in this aspect, never before the court. I appeal to the members of that court, Lieutenants Pearson, Harwood, Neville, Colhoun, Watson, Brent, &c. for Captain Elliott's unfounded statement.

I refer you to my correspondence with Mr. Offley of the dates of 28th and 29th August, and Sept. 1836, now annexed for file in the Navy Department, for evidence that he had communicated this unfounded intelligence to Mr. Offley. That it renewed my vexations and created a feverish impatience injurious to my comfort and care, you cannot doubt.

His boast that he "sent his largest and best boat, so that I could

be carried comfortably," (from the Shark,) is singular. I never complained, sir, of the size of the boat in which he directed me at my medical attendant's request to be taken out of the Shark—nor of the size or goodness of the one he employed to carry me thither when he turned me out of the frigate—nor of being taken to the shore. His vaunting of this, sir, forcibly reminds me of the boast made by Queen Elizabeth to those of her lords-ministers who dared to tell her of her cruelty in having, from private pique and offended self-love, incarcerated the Earl of Essex. "Have I not sent him to the best prison in my dominions? He ought to be content." The prison to which Captain Elliott first sent me when he turned me out of the frigate, was a steerage 16 feet beam 7 feet 3 inches fore and aft and $4\frac{1}{2}$ feet between foot deck and over head beams. (These are the exact dimensions of the schooner *Dolphin*, from an authentic source; but the schooner Shark is a smaller vessel, and therefore the steerage of the latter is within these dimensions.) In this there messed and slept *five* officers, amongst whom was my late antagonist! A fit place truly for an extensive wound.

But, sir, Captain Elliott makes another boast of his care and protection, and his "bright look out" for my comfort and cure. He informs the Department in lucid and elegant language of the important fact: "I sent a man from the schooner to attend him," (who however rejoined the schooner when she sailed, and for eight months I had no man from the schooner to attend me.) "I knew, from the nature of the wound, that a long and tedious confinement was unavoidable, and entirely unfit," (what this word 'unfit' refers to, the wound or the confinement, I am uncertain,) "to be kept in a ship of war." "I directed every article belonging to the surgical department of the schooner, that was required for his use, to be left; and *the vessel was therefore destitute, AND EVEN WENT TO SEA WITHOUT THEM.*" Sir, here is an array of articles called to your mind of such value, that to promote my comfort, the utter destitution of the medical department of the schooner Shark, was the result of this abstraction of these important articles for my use. In order to give full force to the evidence of humane consideration for my situation implied by the liberal draught on the schooner Shark's dispensary, Captain Elliott applied to Lieutenant Commandant Boerum, then commanding the Shark as successor and relief of Lieutenant Commanding Ridgeway, for a certificate corroborative of his statement, and Lieutenant (now Commander) Boerum, writes in his letter of the 14th February, 1837, thus: "after I relieved Lieutenant Ridgeway in command of the Shark, and we were about to sail from Smyrna, Dr. Egbert told me there were some articles belonging to the hospital department that would be required for Mr. Barton's use; and that they could not be procured in Smyrna, and that we had but one set on board. I applied to you, and you ordered the Shark's to be left." (This precaution was proper else, peradventure, Captain Boerum might have been blamed by Captain Elliott for leaving these articles for my use, without his, the Commodore's permission.)

Now, sir, only mark the magnified importance and value (by Capt. E.) of these articles, by reference to Surgeon Egbert's letter to me of the date of March 3d, 1839, annexed. They were five in number and could not be worth more than six dollars! There are generally not only duplicates but eight or ten duplicates of three of these articles on board of a frigate; the gum elastic cloth could only be necessary in case of a suppurating wound. Commander Boerum is too intelligent and correct an officer to attach the least importance to this procedure; but of course could not refuse to attest it when asked by Captain Elliott to endorse *so large an expenditure*. Doctor Egbert merely did his duty, as a correct officer, in mentioning the circumstance of these articles being required by my situation, to account for their absence, if wanted thereafter. He attached no value, or but little to them, or consequence to the leaving of them. It is curious that Capt. Elliott should have attached any at the time—stranger that he should even recollect such trifles—and absolutely amazing that he should think it necessary not only to report the fact to the Department, (which could scarcely be done in the giving away of a spare spar or cable or kedge-anchor to a ship in distress,) but it is passing all this, that he should have condescended to solicit and transmit the corroborative testimony of Commander Boerum, substantiating his frivolous report on this point. But, sir, you will observe Captain Elliott forgot to report to you that he withdrew the "man he sent from the schooner, to attend me," as soon as the Shark was to depart. Thus was I left even without a claim on any human being, but my kind hearted surgeon, Dr. Marpurgo, for relief.

The far famed, oft repeated, "bill of credit," which Captain Elliott also reported, not only to the Department, but caused Lieutenant Bullus to give publicity to in the Times newspaper of New York, deserves a passing notice. Sir, it is *untrue* that he left me "with a letter of credit on the schooner:" but in denying this, I would by no means be understood as rudely contradicting Commander Boerum's statement, "that he ordered two months pay, (advance,) and a letter of credit on the schooner Shark to be left." That gentleman himself does not sustain Captain Elliott where Captain Elliott says, "*I left him two months' advance, with a letter of credit on the schooner, and under the charge of an old and valued friend of mine, Mr. Offley, United States Consul,*" by saying he "*ordered*" this. First, sir, permit me to remind you, that a purser and he only and alone is responsible in a pecuniary point of view, for any and every advance he may make to any officer under any circumstances. It is not within the power of any commander in the service, but by a course *he did not pursue*,* to "*order*" a purser to make an officer any advances, with the sequence of exonerating that purser from pecuniary accountability to the 4th Auditor of the Treasury Department, for any over payment which death, dismissal from the service, or other cause

* See Regulations of Department January 6, 1838.

may exhibit against such officer's name. Had I died, Captain Elliott would not have been accountable for my advance of two months pay, but Purser Fauntleroy would have been responsible. It would not have been discretionary with the 4th Auditor, without the ratification of the Secretary of the Navy, to have exonerated Mr. Fauntleroy. This is no matter of assertion. It has been repeatedly tried by issues such as that hypothetically suggested, and the pursers always had to pay back the money. Who then, sir, deserves the credit of this common place act of a short advance, in this case—an act of mere necessity, often performed for officers by liberal-hearted pursers when starting on a travel of pleasure to a distance from the ship? Not Captain Elliott, sir, but that excellent gentleman Purser Fauntleroy. Besides, sir, *he and not Captain Elliott* gave me a letter of credit on the schooner and directed to Mr. Offley. It was not in Captain Elliott's power to order it, with the effect of releasing Mr. F. from accountability and assuming it himself. He did not even *countersign it*. For substantiation of all which, I refer you to Consul Offley's letter to me of the date *Sept. 2, 1836*. But, with the best intentions on the part of the purser mentioned, *his* "letter of credit on the schooner," procured no credit for me. Mr. Offley declares, "I have no other bill of credit than a note from Mr. Fauntleroy which states, "Mr. Barton of this schooner has been left in this city," (Smyrna,) "and his pay has been given him by me to the 1st of April next, if after that period he should still remain ill, or detained in this city, his bills on me for his pay after the above date, I bind myself to accept and pay at the rate of \$750 per annum. D. Fauntleroy, Purser U. S. Navy."

"This note is directed (continues Mr. Offley,) to me." Here, sir, is the truth and the whole truth exhibited to you, of the "bill of credit," which Captain Elliott reported to you and published in the *Times* newspaper and lately in the *Carlisle Herald and Expositor* of the 22nd February, he had given me: and which an honourable member in congress, from the representations of Captain Elliott, made directly to him, called, in debate in the House, "a letter of credit to any amount given me by Captain Elliott, which very letter of credit, I had used too!!!" Again, said Mr. McClure, "Captain Elliott gave him a letter of credit to any amount of money which might be found requisite to provide for my recovery and comfort!!!!" Sir, the small sums I obtained from Consul Offley were extorted from him in my extremity of need, by urgent notes, such as those of May 2nd and June 2nd, 1836, (annexed,) from me, appealing to him as United States Consul, as "a distressed Anterican sailor." They were borrowed monies to a small amount returned through the late Griffin Stith, Esq. Even in the following quotation from Captain Elliott's letter to the Navy Department of February 14, 1837, Mr. Offley himself speaks of "lending" me funds. "I shall have to lend Mr. Barton \$200, (which he did not do,) he will owe his doctor's bill, and I believe about \$90 to Stith; for all of which he will give a bill on the Navy Department."

Whatever I borrowed of Mr. Offley, (the sum total was \$135,) I returned through Mr. Stith, and that no official responsibility of Capt. Elliott, or Purser Fauntleroy, or Mr. Offley as consul, was ever assumed in the necessary transactions, I beg to quote from the 4th Auditor's letter to me of the 28th Feb. 1839, in reply to my application for information on that point, the following paragraph: "The records of this office do not show that Mr. Offley has ever presented any claim for monies advanced to you while at Smyrna. Your draft in favour of Mr. Stith was presented and paid at this office on the 24th of Nov. 1836." Signed, A. O. Drayton. In addition to this, I have to say, that you will find, by reference to a letter to me from J. C. Pickett, Esq., late 4th Auditor, bearing date Dec. 29, 1836, that when I returned to the United States from Smyrna, I had \$559 06 due me, (my pay was \$750 per annum,) after deducting an over payment of \$4 21 by Purser Fauntleroy on and to the 31st March, 1836." In a word, that I had not received one solitary farthing on account of the much vaunted "bill of credit," "letter of credit," &c., which I have already shown emanated altogether from Purser Fauntleroy, involving his responsibility only, and given in full belief that I should on it be able to draw funds for my necessities. It was virtually protested by Mr. Offley. Out of the above mentioned sum of \$559 06, my draft in favour of Mr. Stith, a portion for himself and the residue to repay borrowed money from Mr. Offley, was duly honoured by Mr. Pickett. The result is evident, that I had borrowed of Mr. Offley \$10 above two months pay, and for all the residue of the time I was ill in Smyrna, I had no funds whatever. The truth is Mr. Offley refused to advance me a dollar, until Mr. Stith became to him *responsible* for the repayment, which that noble-hearted man, by no means affluent, readily engaged to do, and did do. Surely, sir, these pecuniary troubles were sufficient to depress me, and quite adequate, in my diseased condition, to consummate my misery. Yet they did not crush me, for at length came, with the perception of my utter destitution, the balm and solace of female tenderness and care. In the bosom of Mr. Stith's family, now returned to the United States and residing in Baltimore, I was nursed and cherished like a son and a brother—and gratitude inexpressible warms me.

A link of the chain of my troubles was formed out of the fact, well known in the squadron, that Capt. Elliott would be the means of throwing me into the field with a gentleman of my own grade, but my senior, then on board of the Shark—if he ordered me to that vessel. He did so order me notwithstanding he was informed of the certain issue by the captain of that vessel, Lieut. Com. Ridgeway, who, however, seems to "have no recollection of ever having verbally communicated any thing to that effect." Lieutenant Ridgeway further observes, "I am certain I never wrote to you upon the subject." Sir, no one ever charged Lieutenant Ridgeway with having brought this more than probable issue to the notice of Captain Elliott, in writing. He is quite right, for all I know on this point, and it is the only portion of his remarks on this subject in

which he is positive. Respecting the verbal communication on the matter, it is clear he is not so positive—he does not “recollect” it, he is “disposed to think there is an error in the account published in the Chronicle.” Sir, he does not declare categorically, and with emphasis, as a man would declare if positive—if quite assured—“I never, sir, intimated any thing like this, or of the meaning of this intimation, charged as emanating from me, and I hereby most positively and emphatically deny it.” Sir, I repeat Lieutenant Ridgeway *does not* say this. I can only account for the want of recollection of this remarkable circumstance, taking the issue into view, by allowing that this officer has a most fallacious and unretentive memory. Sir, it is recollected—it is remembered, which is a stronger term, by many others, that Lieutenant Ridgeway *did say* he had told Captain Elliott of his well grounded apprehension. Sir, I boast a good memory, and I do hereby declare *on honour*, that Lieutenant Commanding Ebenezer Ridgeway, did state to me in the presence of the late Mr. Stith, at Madame Marichenis’ Greek boarding-house, where I lay ill, that he had told Captain Elliott of the difficulty existing between the late Mr. Wood* and me, previous to our meeting. Of this, he was at the time willing, and offered, to give me a declaration in writing, also in the presence of Mr. Stith. Sick and miserable, and unused to seek for documents lest gentlemen should have slippery memories, I did not take him at his word. This I need not, however, regret, since there are other persons now ready to attest, on their oaths before a court, that they know of

* The mention of this gentleman’s name calls up various reminiscences. We had been, at Brazil, intimates and associates, and, I can truly say, I was then his friend; (his hurting me inspired not a particle of animosity, for it was the chance of fair issue.) Our old relations, after our return from that country, were unhappily disturbed by causes which are long since given to the winds of heaven to dissipate into airy nothings. I neither desire to recollect, nor will I recollect them. As his shade and the peace of his family have been disturbed by a recent public procedure, emanating from no authority, but being in fact an intrusion upon its archives, without the remotest pretext of necessity or use to any one living, I feel called upon by ancient amity with Mr. Wood, and out of respect for his family and their feelings, and because I had many opportunities of knowing him well in the bright day of his jocund spirits, to record his virtues—and they were strong virtues. Possessing, as an inheritance, talents of high order: and great vivacity of mind and wit—he was endowed, signally, with requisites for a naval officer of high standing. An excellent early education had sharpened his mind to a wholesome tone of culture, while his reading made him a desirable companion. He was an excellent sailor, and was characterized by a sailor’s foible—he was generous to a fault, freely sharing his last copper with his messmates and friends. He possessed a spirit which, had any occasion for his country’s service called it out, would have doubtless led to some intrepid deed. In a word, he was gallant and brave. True, he had been lately my foe—but he was a *bold and open one*, and for that I respected him—*nothing despising and detesting more, than occult, insidious enmity*. He has left a wife and children who should not, and could not, honourably in the agent, have the sanctity of their retirement invaded, and their feelings harrowed by uselessly unveiling foibles and faults—for who is there who has them not! As I never bore him malice while living, notwithstanding, in the event of my recovery, a second meeting would have taken place, I lean to the recollection of his virtues only: and sorrow for our feud now that he is no more. Peace be to his ashes.

Lieutenant Ridgeway's having made similar declarations on this point. The fact is stated in Mr. Ringgold's letter, on file in the Navy Department, and is most amply and satisfactorily established by Surgeon Egbert's letter of the 8th March (inst.) to Dr. Barton, hereto annexed.

I come now, sir, to notice the consummation of Captain Elliott's ungenerous course, seemingly so well devised to accomplish his purpose in holding me up to the Department in the light of a factious and insubordinate officer, whose complaints against him ought not to be "deemed worthy of notice." Not content with heaping cruelty and injury on me, as I have charged him officially, he, it appears, has *dared* to impute to me desertion, in despite of his, Capt. Elliott's positive orders. To malign me, against whom, from the first day of my appointment as an acting midshipman in 1824, until the hour his letter of the 14th February, 1837, had been received at the Department—not the shadow of any charge of unofficer-like conduct had been seen there, to darken even by its passing shade for one moment, the fair standing I held there—to malign me thus, and secretly too—by the most odious accusation a commander can make against an officer under his orders, passeth, I confess, my comprehension how it ever can be considered consistent with honour. A bold *day-light* accusation by Captain Elliott of any misdemeanour, however innocent I might have been of it, with a simultaneous, or at least timely annunciation of his having accused me, could have been made without a forfeit of whatever respect may have been with me at the time. But if this covert allegation to injure me, without even a request that I should be informed of it, does not savour of moral assassination, I know not what it savours of.

In making these observations, sir, I have confined myself to the course and motives for it of Captain Elliott—for I believe him to have failed entirely in his object with the Navy Department on this subject. But although he certainly was balked in his expectations with the Secretary of the Navy, it does not follow that the public may not be influenced against me by his allegations, so boldly made.

I am sure the late Secretary of the Navy, Mr. Dickerson, never for one moment entertained the impressions Capt. Elliott was so overweeningly at work to make; on the contrary, with a degree of feeling and kindness, highly honourable to that gentleman, and belonging by universal consent to his character, he immediately extended to me the evidence of his sympathy unattended by the slightest token of his displeasure at my return. He received, officially, my report of arrival at New York, granted immediately the only request I then made, by directing Commodore Ridgely to receive me into the naval hospital at New York; and also, at my request, subsequently directed Commodore Barron to admit me into the Schuylkill naval asylum, and authorized the 4th auditor to pay my passage money; (and other expenses abroad, according to usage;) and finally placed funds in the hands of Messrs.

Baring, Brothers & Co. of London, for the liquidation of my surgeon's bill, and apprised him, then in Paris, in April last.

All this is evidence that the Honourable Mahlon Dickerson, in despite of Captain Elliott's charge secretly lodged with him, of "desertion from my station," "absconding from my station," a charge, as if to invite urgently, attention to it, which is thrice repeated in different parts of the same letter, (14th February, 1837,) I say, sir, the kind course pursued by Mr. Dickerson towards me, for which I shall ever feel grateful, was evidence, tacit indeed, so far as words go, (though happily aiding in my cure,) but, if tacit, as strong evidence as from his official attitude he could give, that he approved of my return. But this was not the only disappointment Captain Elliott met with in reference to me. I had not suffered enough by a penniless purse and a wasted frame, and one hundred and eighteen days confinement to my bed! "It was his intention in a court-martial to have brought me in, in connection with the other parties," (whom the court did nothing with, except in one instance,) "whom he had tried, but going home prevented it." (Letter Feb. 14, 1837.)

Here, sir, is an acknowledgement! Here you have evidence strong as "proofs of holy writ," of the high-mindedness, magnanimity, generous charity, and benevolence of Captain Jesse D. Elliott. There was something in my observation of that officer's character, sir, and something in my bosom, sir, which prophetically placed me on my guard. I confess such a course as that he has declared, officially, he had intended taking, had I not got out of his way, did not enter my thoughts—indeed I had reason from Mr. Offley's letter of the 2nd of September, 1836, to think I had been under the ban of his severity, and received in an *ex parte* trial, my sentence of six months suspension, (which was untrue)—but I did prophetically argue of his future course toward me, by ratiocination on the past. Hence I came from Smyrna, where he had never enquired after nor wrote to me, for nine months, fully prepared by the documents already referred to, and which are now on file in the Navy Department, against any sinister course he might in the future be disposed to institute. My discretion and forethought in this, while it shows I would not have left Smyrna, but with sufficient cause—shows also, that it was well that neither penury, pain, and a forlorn condition of mind and body, involved any remissness in my duty to the Navy Department, in taking the step I did—nor produced any loss of presence of mind as to the individual I had, strange to say, to encounter as a moral antagonist. It is time, sir, I should come to the charge, as such: "*The young gentleman absconded from his station*"—"by accounts since received, it appears that he has deserted his station, and returned to the United States"—"*I merely add, again, that this movement on the part of Mr. Barton, is a desertion of his station, and a direct disobedience of the express orders to him.*"

Sir, these are his quoted words, and they are false words. He never saw me for a moment after I was hurt, (but it can be proved

by Passed Midshipman James W. Cooke, that he *refused* to see me when asked to do so). He never wrote a line or a word to me, nor was a word, nor a line, nor a scrape of his pen in reference to me and my movements ever shown to me, or sent to me by any one, except the extract from Consul Offley's letter annexed in copy.

This is all the order Captain Elliott pretends to have given me! Is that, sir, an express order, or is it an order at all? Mr. Offley designates it "an intimation," and to him, and not to me, was it directed; as if I had not been worthy of a direct communication. It is a *permission*, which I was, by the language itself, to avail myself of conditionally and discretionarily. Why was I not favoured when a wide sea separated me from Captain Elliott, with a formal order? None such was ever sent me—nothing indeed of any kind from Captain Elliott, but the above conditional permission, for it is no more. I am quite sure, sir, in admitting as I do, that it is a permission—you, who know what an express order is, will coincide with my view of it. The wide sea separated me from the writer of this intimation in a private letter to his "old and valued friend"—yet when the Shark lay within mooring distance from us, and he intended me to go there, he gave me a written order—this is it.

U. S. SHIP CONSTITUTION, *Smyrna November 23, 1835.*

SIR: You will repair on Board the U. S. schooner Shark, and report to Lieutenant Commandant Ridgeway for duty.

I am, sir, respectfully, your obedient servant,

J. D. ELLIOTT,

Com'g U. S. naval forces in the Mediterranean.

Passed Midshipman C. C. BARTON,

U. S. Navy, Present.

Therefore are his words noticed *false words*, as I have pronounced them. But, sir, had I wished ever so much to re-join the squadron I could not have done so, wanting both means and conveyance, as is already on proof in the archives of the navy department (see documents transmitted to the Dept. along with my letter reporting my arrival from New York, bearing date Nov. 18th, 1836.) But, sir, I need not mince matters—I did not want to place myself again under his command; nor did I believe I would by my best friend at home, be left to the jeopardy of such a contingent durance and destruction of my peace of mind. Notwithstanding this repugnance I would not have committed a breach of discipline, had a positive and regular order been given me, if I had possessed the means and the chance of a passage, of obeying it.

Dr. Barton had already, without my knowledge or request, represented to Mr. Dickerson his wishes that I should not be left another moment under the command of an officer who could treat me as I had been by him treated—and the documents (July 20th, and July 29th, 1836,) will show you, that immediately on

the receipt of his letter, Captain Elliott was ordered to send me home in the first public vessel returning to the United States.

Captain Elliott reckoned without his host, when he supposed I would be allowed to pine, wither, starve or die under his control. On this point of desertion, I have only to repel it indignantly, sir, by the proofs already in the department.

By some operation in Captain Elliott's mind, which I cannot undertake to point out, the probability or possibility even of an OFFICER'S *desertion from his station* may be familiar to *him*, but I cannot admit the possibility of an officer's desertion unless he be a base poltroon and a disgrace to his grade. Amongst the catalogue of monstrous injuries I have received at the hands of Captain Elliott, sir, not the least amongst them in enormity, is that of his attempting to put this *foul blot* on me, who, a cripple and diseased on the *very eve* of my leaving Smyrna, which he would call my station, and which he would charge me secretly to the Department with having "deserted from," on this eve of leaving a place where I had many months been without a cent, living on the hospitality and support of the late Griffin Stith, Esq. I volunteered my services to demand an explanation of the French Admiral in regard to the detention of the American brig Banian of Boston: although I attach no consequence to this, it shows I was ready to do what I could, being the only American officer in port.

Whenever it shall occur to me, sir, while in the service to be guilty of desertion of my station, "whether that station be in battle on the high seas; with any of my country's foes in steam bulwarks; or on rivers; or *on any lake* where battles may occur with the British nation's subjects, be assured, sir, I will with my left *sever my right hand*, by a common axe, (for it would not deserve the kindly cut of a surgeon's knife,) and deposit it where the navy department can know it rests, as a trophy of my base mind in contest with and over my baser body; and furthermore request as a favour, first, that members of congress be called on by the natural indignation of chivalric men, to hold me up to the nation in scorn and derision, and to move that my "sword be cut from my side, my epaulet, if I may then wear one," trampled in the dust, "and that my spurs be hacked from my heels, my shield reversed for a recreant knight and a craven coward." But I will not be content with all these high minded and chivalric anathemas proceeding from the indignation of *Americans* sitting and debating in national conclave on my misdeeds. I will, in addition to all this, and in addition to the scorn and contempt and the despication of my countrymen, from Dan to Beersheba—I will ask further the favour, proceeding from any authority under heaven's sun, to meet a derelict and coward sailor's death, by being hung (shooting would be too honourable a death for me,) from the yard arm of a ship of war. These remarks are made, sir, to give you, and to let Captain Elliott see, *my* sentiments on "desertion from my station." They may strike him as being severe on myself, should I ever be JUSTLY *attainted* with the abhorrent crime and contemptible misdeed he imputes to me; they

may strike him as badly expressed, but as I do not pretend to write as well as he does, nor as true to the grammar of our tongue, the coarseness of my phraseology must be passed by. I have endeavoured to help myself out by quotations from eloquent men's speeches on the abstract point, as such,—the chivalry of an officer. Sir, I have said a good deal on this imputation, but, sir, I *cannot* say too much. I have been carefully educated in every way; but most especially have I been educated since twelve years of age, when I received my midshipman's appointment, by one well able to direct me in the ennobling sentiments of the school of chivalry, and the precepts of that school could not exist with me and I be guilty of such act.

Sir, if we divide an officer's life into 1000 integrants of time, there will be 999 of these aggregately, during which it would be unbecoming in him to be egotistic, and a remaining integrant during which many conspiring circumstances would render egotism not only expedient but imperative and right. Justice to himself, a desire to disabuse the public of false impressions raised up against him by malevolence in power, a respect for his brother officers and a cupidity after their good opinion, and though last not least in force, a sense of duty to his family, if he have one, or his relatives and friends—will all strike you as prominent amongst these urgent motives to egotism. Young as I am, sir, it has been my unlucky fate, that this juncture has arrived when the decimal integrant of time presents itself to my mind as imperiously justifying egotism. This is my excuse for it. Having offered it, permit me, sir, abused as my character and reputation as a naval officer is, by Captain Elliott, in the public annals of Congress, by which that abuse runs riot on the wide world, I claim the privilege not only of the neutralization I have in the preceding pages applied to his malign effervescence, but also of a further manifestation of the undeservedness on my part, of so much injustice in return for my simple and lawful complaint against Captain Elliott. Here, sir, this at manifestation in a contrast between my good and evil deeds during the *ultra* fourteen years I have been in the Navy. I have been so unlucky as to have been engaged in two duels, in one only having given the invitation. I have been guilty of "striking Capt. Elliott's clerk and mutilating his face," because he put an insult on me that no proper spirit could have borne an instant unavenged. I have stabbed a mutinous man about to commit violence on me, in order by getting in advance of the execution of his intention, I might defend myself—and this mutinous man rebelling against me while in the performance of my duty—and not being a parasite, I have disdainfully refused to be the pliant painter of pictures to emblazon heroism, which the development of my mind and reflection had convinced me was a chimera, and the hero a phantasmagoria. This is the whole of my offence in the navy—"The very head and front of my offending, hath this extent—no more;" and all but one of these acts accrued within one month. During the remaining fourteen years and two months of my naval career, I have served under the immediate command

of twelve officers. Every individual of them, excepting Captain Elliott, has given me *in writings*, which are on file in the Navy Department,—a character which I cherish, because conscious I deserved it: and a character I shall aspire to preserve and enhance. Even Captain Elliott, sir, *it can be proved*, has repeatedly spoken of me to his officers, before I refused to paint pictures for him, in terms not at variance in pith with those the other commanders have used—and had he not held me in favourable estimation, he indubitably would not, after knowing me in the first cruise with him in the Constitution, have taken me in the second. Thus, sir, the account is balanced—and whether the preponderance of good, over bad, with something of impetnosity and contempt for gasconade where I saw it,—is not conspicuous, is left for you to determine.

I have mentioned already, that I was amongst the few officers who were willing to remain on board the Constitution after her first cruise. At one time my private concerns, of an important nature to me, induced me to desire a detachment, and I wrote to the Secretary of the Navy to procure one. This letter I enclosed, as it was respectful to do, to Capt. Elliott: he transmitted it. The Secretary's letter of reply I duly received through Captain Elliott, but this letter not being at hand this moment, I give the words of Mr. Dickerson's reply from my notes, referring you to the archives of the Department for the fact, and the answer itself: these are the words "as the commander of the frigate is opposed to the measure," (my leaving the Constitution) "the Department could not grant my request." Sir, does not this speak as much as a whole page of commendation from Captain Elliott? Had I been the quarrelsome, factious officer he represented me in several public letters, months afterwards, would he have paid me the compliment of desiring me to remain with him, and even by an official letter to the Department,—of interfering to prevent my obtaining a detachment? This course, all susceptible of proof by documents in your own Department, needs no comment!

Sir, I have passed from the grade of an *eleve* and the boyhood which belongs to that grade—I have, four years past, entered into that which with more responsibility implies maturer years of manhood—and I have done so with a fair reputation, save from the crimination of Captain Elliott: I have also assumed those responsibilities in private life, which beget a serious desire to incur no reproach with the world and reciprocally inspire confidence from the community in the motive which is the root of that desire—in a word, sir, I have a wife and offspring, with a sole dependence on my fair fame in the service and my rise in it now that I am on the verge of a Lieutenancy, and hence I have sought to exculpate myself in your eyes, in those of congress and in the eyes of the community—for its eyes may fall and indeed have fallen on the published delinquency attributed to me. For this reason I most respectfully and for justice, solicit your tacit acquiescence in meeting the assailment by a publicity of this defence, and other requisite public documents for sustaining it, as wide as the charges against which

they are directed may render just to myself and those dear to me. **THEY** are linked with my reputation for good or for evil, not only during my life, but, should duty call me sooner or later where my blood might flow in my country's service, *they* will inherit all the effects of that reputation, of whatever stamp it may partake.

I have the honour to be, sir,

Very respectfully,

Your obedient servant,

CHARLES CRILLON BARTON.

Passed Midshipman, U. S. N.

HON. JAMES K. PAULDING,
Secretary of the Navy.

Extracts from Regulations for the Government of Commanders and Purser of the vessels of the United States, and Recruiting Officers, from J. C. Pickett, Esq. 4th Auditor, and Albion K. Paris, 2nd Comptroller of the Treasury. Approved, and ordered to be strictly conformed to, by Mahlon Dickerson, Secretary of the Navy, January 6, 1838.

“For all payments in advance of the amount of pay then due, as authorized by the Regulations of the Navy, the *written order* of the commander of the vessel, or *his* superior in command, must be produced.”

“For payments in advance, or for any other object, when not specially authorized by law, or the Regulations of the Navy, the written order of the commander of the vessel, or *his* superior, a copy of the letter of the Purser to the officer giving the order, respectfully calling his attention to such want of authority, and a reiteration in writing of the order must be proved. The Purser will then be exonerated, and the commanding officer held accountable for his order.”

[The following designates the kind of witness for payments of money by Purser—the *usage*, immemorially, is for the same kind of witnesses for all transactions requiring attestation.]

“The final receipts for the payments of the balances due and paid by the Purser, at the time the Pay Roll is made up, should be taken in a Receipt Roll, which will contain the appropriate columns for the names, numbers, rank, or rating, and balances due, *which must be filled up in words at length*: one for the signatures of the persons paid, and another for the signature of the witness to the final payments; who must always be either a commissioned or warrant officer, one of whom must be always present at the Pay Table while paying off.”

(Deposition of Francis Sagee.)

[Document A.]

PHILADELPHIA, 25th February, 1839.

I hereby voluntarily state, that a short time before Mr. Charles Crillon Barton, a passed midshipman in the navy, left the frigate Constitution to join the schooner Shark, the following occurrence took place between Mr. Barton and a man whose name I believe was George Dennett, (who was shortly after drowned in the harbour of port Mahon,) who was, at the time alluded to, a sweeper of the gun deck, of which deck Mr. Barton was master's mate, viz: Mr. Barton came on the fore-castle, and I heard him order the man below, that is to the gun-deck. The man *refused to go peremptorily*—when Mr. Barton took hold of his collar or sleeve, or shoulder, and turned him towards the hatch; that is, turned him round towards the hatchway, reiterating his order to go below. The man resisted, and told him "*he would not go.*" He had a broom in his hand, or picked one up, I cannot recollect precisely which. In a threatening manner he refused to obey Mr. Barton's second order to go below, who, in my opinion, had the right of ordering him below. His gestures were threatening to Mr. Barton, and Mr. B. drew a pocket dirk from the inside of his coat pocket, and stabbed the said Dennett in the thigh. The man, I believe, walked away. The said Dennett had plenty of time to walk or run away from Mr. Barton, for it took some time for him to take his dirk out of his pocket, and Dennett certainly knew Mr. Barton was about to draw a weapon of some kind, for he, Mr. Barton, said hastily, two or three times after his, (Dennett's,) refusal to obey his order to go below, "you won't, won't you; you won't, won't you?" or words to the effect of these. I think gunner Riley was standing by, but of this I am not certain. Mr. Barton was not, by any means, in what is called a passion, but was evidently irritated at the man's disobeying his order, and several times refusing so to obey. *The gestures of the man being threatening*, I considered also tended to produce this irritation. Of all this, I was an eye witness and ear witness, and have stated what I saw and heard clearly and distinctly; because I was so situated in relation to the parties, that I could distinctly see and hear. I heard nothing whatever of the man's remonstrating with Mr. Barton, by saying, "if I have done wrong take me to the officer of the deck, to be punished," or any words like or to the effect of these, nor indeed did I see or hear any thing but *obstinate and refractory disobedience, with threatening gestures accompanying it*. I know nothing further of the affair, except that for this act, Mr. Barton was suspended, which I consider the pu-

nishment for dirking in this case. Given under my proper hand the date before written.

The words "*I believe*," being interlined in the twenty-fifth line on the 1st page.

(Signed,)

FRANCIS SAGEE,
Carpenter, U. S. Navy.

City of Philadelphia, ss.

I Samuel Badger one of the Aldermen of the city of Philadelphia, do certify that on the 26th day of February, 1839, appeared personally before me Francis Sagee, carpenter in the service of the United States, and made solemn oath on the Holy Evangelists of Almighty God, to the truth of the foregoing statements by him subscribed. Witness my hand and seal this 26th February, 1839.

(Signed,)

S. BADGER, Alderman.

City of Philadelphia, ss.

Be it known, that I, Edward Hurst, of said city, Notary Public, do hereby certify and attest, that the foregoing instrument of writing is a true and correct duly compared copy of the original deposition (of which it purports to be a copy,) of Francis Sagee, carpenter United States navy, dated the twenty-sixth day of February, A. D., 1839, taken before and attested by Samuel Badger, Esq., one of the Aldermen of the city of Philadelphia, whose signature is to me well known.

In testimony whereof I have hereunto set my hand and affixed my notarial seal, this twenty-seventh day of February, A. D. 1839.

EDWARD HURST, Notary Public.

[Document B.]

[It would be needless for information of the Navy Department to present any testimonials of the standing of Mr. Sagee, but as the public is not presumed to know any thing of him, and as his testimony is at direct variance with that presented by Captain Elliott to inculpate me, it has been deemed just to myself to add the following:]

NEW HAVEN, 8th March, 1839.

DEAR SIR: Your letter of the 4th instant, requesting to know what character Francis Sagee, carpenter, bore on board the Constitution, has just been received.

The character of Mr. Sagee, so far as it ever came to my knowledge, was good in every respect; and I consider him a very superior man in the station he filled.

I am, in haste, your obedient servant,

(Signed,)

W. BOERUM, U. S. Navy.

To CHARLES C. BARTON, Esq. U. S. Navy,

Testimonials similar to the above, and equally strong, are in my possession from Mr. Charles G. Fleming, Mr. James W. Cook, Mr. Edward C. Anderson, William S. Ringgold, &c. all of the

C. C. B.

[Document C.]

U. S. SHIP WARREN, *Norfolk, Va., March 3, 1839.*

SIR: In answer to your letter, I have to inform you that the articles furnished you from the Hospital Department of the U. S. schooner Shark, and left for your use at Smyrna, according to my recollection, were the following to wit: one bed pan, one pewter urinal, an India-rubber sheet, a few yards of coarse muslin for bandages, and a tourniquet.

These articles, I presume, could have been furnished from the Hospital Department of the United States frigate Constitution, but as they were of but little value, I preferred purchasing others for the use of the schooner.

As I discover my name has been brought before the public in your affair with Commodore Elliott, I deem it necessary in justice to yourself, to express my unqualified disapprobation of the *manner* in which you were thrust out of the Constitution, smarting under a dangerous and complicated wound, aggravated by outraged feelings, and in jeopardy of life—and that too into a place scarcely tolerable to the robust and healthy.

This was done likewise in violation of the rules observed towards the sick when in charge of the surgeon—rules, by which only, they can be protected, when helpless and in misery.

In haste, yours, &c.

(Signed,)

DANIEL EGBERT, M. D.

Surgeon U. S. Navy.

To CHARLES CRILLON BARTON,
Passed Midshipman, U. S. Navy.

[Document D.]

U. S. SHIP WARREN, *Norfolk, Va., March 8th, 1839.*

DEAR SIR: In answer to your letter of the 6th instant, calling on me for certain information respecting the affair between Commodore Elliott and Passed Midshipman Charles C. Barton, I have to state—that Lieut. Com. Ridgeway, commanding the U. S. schooner Shark at Smyrna, stated on the quarter-deck of the schooner, immediately after coming from the Constitution, that he had informed Commodore Elliott that there was “ill-blood,” or a quarrel between Passed Midshipman Barton and Passed Midshipman Wood; and that if Mr. Barton should be transferred to the Shark, it would probably result in a duel, (or words to that effect.) But he (Lieut. R.) said it would do no good, for the old commodore was determined to send him, (or words to that effect.) Lieutenant Brent recollects the remarks of Mr. Ridgeway, and I think Lieut. Totten. I was present and *heard* them. Lieut. Com. Ridgeway was at that time labouring under a disease which manifestly impaired his memory; and as his letter to Commodore Elliott, mentioning this subject, was written more than one year after, I am not surprised that he committed an error in relation to it. In regard to the letter received from me and published by Commodore Elliott, I have to

remark, that I had Commodore Elliott's assurance that it was not for publication, and as some naval officers, and perhaps others, have viewed it as *ex parte*, because it does not contain all the facts in the transaction, I must state in self-justification, that it contains nearly all those that came immediately under my observation. Although I abhor the act of Com. Elliott in sending Mr. Barton from the *Constitution* to the *Shark* in the manner in which it was done, or in *any* manner whatever, as much as any one, (except Mr. Barton himself, who verily was made to feel in every sense of the word,) yet that transaction took place while I was at Smyrna, and before I saw Mr. Barton after being wounded.

One word as to my opinions expressed in that letter. They do not justify, in any sense of the word, his (Mr. Barton's) removal from the *Constitution* to the schooner *Shark*; but mean, if rightly construed, if the proper time had been selected, under the direction of the surgeon, he *might* have been removed from the *Constitution* to *Smyrna* without most of the evils consequent to such removals. I do not know what Dr. Boyd's opinions are on this subject, as no such removal took place. But I will take this opportunity to remark, that I have a high opinion of his professional opinions, and the highest esteem for him as an officer and a gentleman. As to what transpired in this affair after we left Smyrna, (January 5, 1836,) I have no knowledge.

I am, sir, yours, very truly,
 (Signed,) DANIEL EGBERT,
 Surgeon U. S. ship Warren.

To Dr. WM. P. C. BARTON,
 U. S. Navy, Philadelphia.

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 [Document E.]

[This document was missing from the series sent to congress, and a copy of the notarial copy was sent to the Honourable Charles Naylor, chairman of the committee of investigation, at his request.]

U. S. SHIP CONSTITUTION, *Gibraltar Bay*, January 31, 1836.

DEAR SIR: I promised Midshipman Barton to inform you by the first opportunity of his condition. We left him at Smyrna on the 5th inst. doing well in every respect. The ball wound had healed, the counter opening which was made for the extraction of the ball, was still discharging. The only obstacle to a speedy recovery was a fragment of the tibia, which was exfoliating, but not sufficiently detached to be removed by incision. This fragment had been put in its place at the first dressings, and I believe would have united as did the others, had not Mr. Barton been subjected, against my urgent remonstrance, to two removals. The ball traversed the tibia in its upper third, fracturing it transversely, and splintering it longitudinally, and lodged posteriorly to it in the gastrocnemii. The entrance of the ball being on the front could not give vent to the discharge, and I therefore cut down to the ball, removed it and dressed the incision, so as to heal it by the first intention if nature

should consolidate the bone without producing any suppuration in the soft parts, or to serve as an outlet against any accumulation that might form in the inflammatory stage. The sloughs were thrown off favourably, no accidents occurred. The tibia had consolidated with the exception of the above mentioned fragments. The surgeon under whose charge I left him, perceived the necessity of removing it by incision as soon as a slight sore throat which Mr. Barton laboured under, subsided. After the treatment Mr. Barton received from Commodore Elliott, I could not urge his coming on board this ship, and I insisted on his not being sent to the Shark. To leave him in Smyrna was his own request.

I am, with great respect, your obedient servant,
THOMAS J. BOYD.

Dr. W. M. P. C. BARTON,
Surgeon United States Navy.

City of Philadelphia, ss.

Be it known that I, Edward Hurst, Notary Public for the Commonwealth of Pennsylvania, duly commissioned and sworn, residing in the city of Philadelphia, do hereby certify and attest, that the above and foregoing instruments of writing hereto annexed, are true and correct copies of two original letters (to me produced,) addressed to Dr. William P. C. Barton, U. S. Navy, Philadelphia, one from Thomas J. Boyd, dated U. S. ship Constitution, Gibraltar Bay, January 31, 1836, and the other from William S. Ringgold, dated Smyrna, December 5, 1835; the said copies having been by me compared with the originals, and found to be correct.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal, this nineteenth day of March, A. D., eighteen hundred and thirty-six.

EDWARD HURST, Notary Public.

[Document F.]

[Reply to Surgeon William P. C. Barton's letter to the Honourable the Secretary of the Navy of the date of March 20th, 1836, which letter is printed in the documents of the House of Representatives of the United States of the 12th of February, 1839.]

NAVY DEPARTMENT, 22nd March, 1836.

SIR: In answer to your letter of the 20th instant, I have to state that on receiving information from Commodore Elliott, that he had caused Passed Midshipman Barton and others concerned in the duel between him and Midshipman Wood to be arrested and that they would continue under arrest until the pleasure of this Department was known, I immediately, by letter of the 27th of February last, wrote to Commodore Elliott in these terms: "In the case of the duel between Passed Midshipmen Wood and Barton, no action

of this Department is necessary, as you possess full power to dispose of the case.”

If he keeps these young gentlemen under arrest longer than it may be necessary for the purposes of justice, and a fair investigation of the case, it must be on his own responsibility. He will, I doubt not, immediately dispose of the case on receiving my letter.

I am, with great respect, your obedient servant,
(Signed,)

M. DICKERSON.

To Dr. Wm. P. C. BARTON,
United States Navy.

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(Document G.)

NAVY DEPARTMENT, *July 29, 1836.*

SIR: Your letter of the 22nd instant was duly received.

On the 20th of the present month a letter was addressed to your son, Passed Midshipman Barton, of which I have now the pleasure of enclosing you a copy for your information.

On the 25th instant, on the receipt of your favour of the 22nd, Commodore Elliott was directed to transfer your son to the first public vessel returning to the United States.

I am, respectfully, your obedient servant.

(Signed,)

JOHN BOYLE,
Acting Secretary of the Navy.

To Dr. Wm. P. C. BARTON,
Surgeon U. S. Navy, Philadelphia.

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(Document H.)

NAVY DEPARTMENT, *July 20, 1836.*

SIR: Your letter of the 8th April last has been received. In reply I have to inform you that the squadron to which you are attached is not recalled. The leave of absence you desire may not therefore be necessary, and besides Commodore Elliott, the commander of our naval force in the Mediterranean, has full power to do in your case whatever your situation requires.

I am, respectfully yours,

(Signed,)

JOHN BOYLE,
Acting Secretary of the Navy.

Passed Mid. CHAS. C. BARTON.

U. S. Navy, Smyrna, care of Commodore Elliott,
Commanding Mediterranean Squadron.

—
Report to the Navy Department.

[Document I.]

NEW YORK, *November 18, 1836.*

SIR: I have the honour to inform you of my arrival at this port

in the schooner *Hero* of New Orleans, 52 days from Smyrna. From illness, I have been detained in that city since the 5th of January last, at which period Commodore Elliott left for Gibraltar. At the time of his departure, no orders were issued in the event of my recovery, and until the 28th of August last, I never heard a word of the squadron. It was through a letter from Mr. Offley, our consul at Smyrna, dated August 28th, (and which is enclosed, marked No. 1,) that I received a message from Commodore Elliott, saying, that if I were "in a state to join my vessel I could meet her at Malta early in October. Commodore Elliott does not, however, give me an order to proceed to Malta, but leaves it, as you will perceive, in a degree optional with myself. The severe and protracted suffering which I have undergone, has considerably impaired my constitution and rendered me heretofore incapable of joining either the squadron or my country, and I hope, sir, that the following reasons will at once be sufficient to justify my return with you.

First. The three surgeons who attended me thought it imprudent to wander from place to place, the cavity in my leg being nearly one inch deep, and the new bone formed, extremely tender. They recommended for my recovery the climate I was most accustomed to; and pronounced me incapable for duty for twelve months hence. In support of which allow me to refer you to the enclosed opinion of the Surgeons of H. B. M. ships *Tribune* and *Favourite*, marked No. 2, as well as that of my constant Surgeon V. L. Murgu, of Smyrna, marked No. 3.

Secondly. There had been no opportunity for some months prior to the receipt of Mr. Offley's communication, and was none at the time of my sailing, 25 days after, nor was any expected shortly to occur, so that it would have been an impossibility for me to reach Malta, and ride out the quarantine of 21 days by the time mentioned in Mr. Offley's letter. In support of which I refer you to the enclosed certificate from Mr. Offley, marked No. 4.

Thirdly. I did not possess the means of reaching Malta, even had an opportunity offered, Commodore Elliott having left no "bill of credit," or sent any order for pay since the 31st of last March, from which time I have been without one cent, in a foreign country, with a broken and shattered limb, entirely destitute of friends and acquaintances, save those I made while there. In support of which, sir, I refer you to the enclosed certificate from Griffin Stith, Esq. merchant of Baltimore, at Smyrna, marked No. 5.

Subsisting as I was on the generosity of a single countryman—daily incurring debts, which the unhappy state of my leg rendered necessary, and which I was unable to pay, and would have been unable to pay till the arrival of the squadron next year, together with the certificates and opinions enclosed, will, I trust, sir, obliterate any blame you might impute to me for leaving Smyrna. I wrote Commodore Elliott my intention. Allow me, therefore, respect-

fully, to solicit permission to enter the Naval Hospital at this place until my leg be cured.

I am, sir, respectfully, your obedient servant,

CHARLES CRILLON BARTON.

Hon. MAHLON DICKERSON,
Secretary of the Navy, Washington.

(No. 1.)

U. S. CONSULATE, *Smyrna*, 28th August, 1836.

DEAR SIR: I have received a letter from Commodore Elliott, dated August 21, in which he mentions that the schooner Shark will be at Malta early in October, and adds "should Mr. Barton be in a state to join his vessel, he can meet her there."

Yours, respectfully,

(Signed,)

DAVID OFFLEY, U. S. Consul.

C. C. BARTON, Esq., U. S. Navy.

(No. 2.)

(Certificate of unfitness for service for twelve months at least, from Surgeons Evans and Martyn, of the British Navy.)

We have been in attendance on Mr. Charles C. Barton, passed midshipman of the United States Navy, for several months; he received a gun shot wound in the upper part of the right leg, causing a comminuted fracture of the tibia, and very considerable exfoliations of the bone. After long protracted suffering, and with much difficulty, the limb has been preserved. The wound is not yet healed—another exfoliation is now coming away, and we consider him in such a state as to incapacitate him, at least for a year, for service.

(Signed,)

OLIVER EVANS,

Surgeon H. B. M. ship Tribune.

PATRICK MARTYN,

Surgeon H. B. M. ship Favourite.

Smyrna, Sept. 13, 1836.

[No. 3.]

(Copy of Dr. Marpurgo's certificate.)

I, the undersigned, declare that I attended Mr. Barton, officer in the United States Navy, on account of a wound received from a ball in the right leg, from the 5th day of January, 1836, to the 17th September. His wound not only endangered his leg but also his life, and the *tibia* having been fractured in several parts, and various fragments of the bone having been separated therefrom, I was obliged to make several incisions in order to extract them. He may

consider the leg as saved, and may even count upon the use of it; but as it had suffered much, and the consolidation of the fractures being still in a tender state, so that the action thereof is not yet quite free, and as there is still a diseased portion of the bone to be separated, I recommend Mr. Barton to remain wholly quiet for the present, and I do believe he will not be in a state to enter on the duties of his profession before another twelve months.

(Signed,)

V. L. MARPURGO, M. D.

Smyrna, September 17th, 1836.

I, David Offley, vice consul of the United States, do hereby certify that the foregoing declaration is signed with the proper signature of V. L. Marpurgo, well known to me as an eminent physician of this city.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Smyrna, this nineteenth day of September, 1836.

(Signed,)

DAVID W. OFFLEY.

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(Certificate No. 4.)

U. S. CONSULATE, *Smyrna*, 16th Sept. 1836.

At the request of Mr. C. C. Barton of the United States Navy, I do hereby certify, that since the reception of the letter addressed me by Commodore J. D. Elliott, dated 21st August last, there has not been to my knowledge or belief any direct opportunity from this to the island of Malta—and upon inquiry I do not learn that any is expected shortly to occur.

(Signed,)

DAVID OFFLEY, Consul.

—
(Mr. Stith's certificate. No. 5.)

At the request of Passed Midshipman C. C. Barton of the U. S. Navy, I state that he has been living in my house for the last six months, and to my knowledge does not possess the means of proceeding to Malta in time to meet the U. S. schooner Shark.

(Signed,) GRIFFIN STITH, of the house of

J. S. SAVIRDENS, STITH & Co. of Smyrna,
Smyrna, 16th September, 1836.

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[Document K.]

BOUJAH, *Asia Minor*, August 29, 1836.

DEAR SIR: Yours of the 28th instant is received. Please inform me, if you possess such information, what punishment has been given me? whose decision? Whether there is any stoppage or difference in pay, and return me the bill of credit left in your hands by Purser

Fauntleroy. I will be glad to receive your advice as to my future movements.

Respectfully, your obedient servant,
(Signed,) CHARLES CRILLON BARTON,
United States Navy.

To DAVID OFFLEY, Esq.
United States Consul, Smyrna.

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SMYRNA, *September 2, 1836.*

DEAR SIR: The only information I have relative to the subject of your inquiry is, that you had been suspended for six months. You request me to return you the "bill of credit" left in my hands by Purser Fauntleroy. I have no other bill of credit than a note from Mr. F., which states, "Mr. Barton of this schooner has been left in this city, and his pay has been given him by me to the 1st of April next; if after that period he should still remain ill, or detained in this city, his bills on me for his pay after the above date I bind myself to accept and pay at the rate of \$750 per annum.

D. FAUNTLEROY,
Purser United States Navy.

This note was directed to me. The intimation from Commodore Elliott that the Shark will be at Malta early in October, when you could join her if your health permits, points out, in my opinion, what would be best for you to do; and that you might have such opinion of Commodore Elliott, for your government, induced me to write you the letter of the 28th, as explained to Mr. Stith.

Yours, respectfully,

(Signed,) DAVID OFFLEY.
CHARLES CRILLON BARTON, Esq.

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[Document L.]

BOUJAH, *Sept. 3d, 1836.*

DEAR SIR: My health is sufficiently recovered to proceed to the United States, and it will be well for me to do so as soon as possible, particularly as I have received no positive order from Commodore Elliott to join the Shark—moreover my expenses are daily increasing, and the improbability of a letter reaching the squadron is becoming more serious. I have no other recourse left me, sir, but that of applying again to you, and urging the necessity of your accepting that "note" or bill of credit, and I am sure to all intents and purposes it is a bill of credit, binding a purser in the navy to accept and pay my drafts on him at the rate of \$750 per annum.

Purser Fauntleroy in directing this "note" or bill of credit to you, sir, felt positive by doing so, I should experience no difficulty in procuring the needful as it became due. Your official capacity no doubt induced him to act thus, and had you intended to refuse me

pay, or in a word protest his note, it appears to me you should have told him so, in order that I might have been supplied elsewhere. You have already been kind, sir, and I assure you, had I the most distant hope of aid from others, or the ability of working my passage home, I should not importune you. If you refuse this "note," or my drafts for pay up to the 1st of this month, deducting \$135 already received, you can imagine my situation, and one more truly embarrassing no man can well be in. You will oblige me by a final answer. Plane sailing—yes or no.

Yours, respectfully,

(Signed,) CHARLES CRILLON BARTON,
Passed Midshipman U. S. Navy.

To DAVID OFFLEY, Esq.
United States Consul, Smyrna.

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[Document M.]

(This letter was left in the care, and was by Mr. Stith duly forwarded.)

SMYRNA, *September 17, 1836.*

SIR: I have received a letter from Mr. Offley, dated August 28th, in which he mentions the receipt of a communication from you, stating that the U. S. schooner Shark will be at Malta early in October, and "should Mr. Barton be in a state to join his vessel he can meet her there." I am "not in a state to join my vessel," nor have I the means to do so, as you must be aware of. I therefore inform you that I shall proceed to the United States, having been pronounced unfit for duty for one year to come by Dr. Marpurgo, of Smyrna, and the surgeons of H. B. M. ships Tribune and Favourite.

I am, respectfully, sir, your obedient servant,

(Signed,) CHARLES CRILLON BARTON,
Passed Midshipman U. S. schooner Shark.

Com. J. D. ELLIOTT,
Com'g U. S. Naval forces in the Mediterranean.

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[Document N.]

NAVY DEPARTMENT, *23d June, 1838.*

SIR: I have to inform you in answer to your letter of the 21st instant, that Dr. Marpurgo, who attended Passed Midshipman Barton during his illness at Smyrna, had authority under date of 30th April last, to draw on Messrs. Baring, Brothers & Co. of London, for one hundred dollars, which was the amount claimed by the Dr. for his services, as appears from his letter to this Department, dated at Paris, 22nd of March last.

I am, very respectfully, your obedient servant,

(Signed,) M. DICKERSON.
Dr. WM. P. C. BARTON,
Surgeon U. S. Navy Yard, Philadelphia.

SMYRNA, *Asia Minor*, 19th Sept. 1836.

SIR: At sight please pay to the order of Mr. Griffin Stith, two hundred and eighty-five dollars for value received, and charge the same to account of pay due me from 31st March last to 16th ult.

Since the 31st March, I have not received any pay.

\$285 (Signed,) CHARLES CRILLON BARTON,
Passed Mid. U. S. schooner Shark.

To JAMES C. PICKETT, Esq.
4th Auditor Treas. Dept. Washington, D. C.

DEAR SIR: The month having again gone round, I am under the necessity of requesting you to give Mr. Stith, \$35. In my last note I mentioned something about the rate of pay, &c. which was intended only to show you, as you are unacquainted with my means at home, that I was not getting money from you which it was out of my power to return. I hope, sir, that the air of Bournabat has entirely restored you to health.

I am, sir, very respectfully, your obedient servant,
CHARLES CRILLON BARTON.

DAVID OFFLEY, Esq. U. S. Consul.
June 2nd, 1836.

DEAR SIR: I must again trespass on your kindness, by requesting the month of April's pay, according to the rate Purser Fauntleroy mentioned, viz: \$750 per annum, deducting the \$19 which you have already been so kind as to advance me. Young Mr. Stith will deliver this, and await the answer.

Your obedient servant,
(Signed,) CHARLES CRILLON BARTON.
DAVID OFFLEY, Esq. U. S. Consul.
Monday morning, May 2, 1836.

NAVY DEPARTMENT, 31st November, 1836.

SIR: Commodore Ridgely is hereby authorized to admit you into the Hospital at New York, as requested in your communication of the 18th instant.

I am, very respectfully,
(Signed,) M. DICKERSON.
Passed Midshipman C. C. BARTON,
U. S. Navy, New York.

NAVY DEPARTMENT, 24th November, 1836.

SIR: You will be pleased to admit Passed Midshipman Barton into the Asylum at Philadelphia until you shall receive further orders on the subject from this Department.

I am, very respectfully,
(Signed,) M. DICKERSON.
To Commodore JAMES BARRON,
Commanding Navy Yard Station, Philad.

[Document O.]

NAVY DEPARTMENT, *June 29, 1838.*

SIR: Your letter of the 25th instant, in relation to the charges which you are disposed to prefer against Commodore Elliott, is received and placed on file.

I am, respectfully, yours,

(Signed,)

M. DICKERSON.

Passed Midshipman CHAS. C. BARTON.

U. S. schooner *Experiment*, New Haven, Connecticut.

[Document P. Comprising 15 Testimonials.]

(From Captain Gallagher of the Navy, then commander of the sloop of war *Vandalia*.)

U. S. SHIP *VANDALIA*, *Rio Janeiro*, *Sept. 2nd, 1830.*

SIR: As I am about to return to the United States as a witness in the trial of Commodore Creighton, it affords me some pleasure on such occasion to state, that since you have been under my command on board of this ship, your conduct and attention to duty have been to me satisfactory. Your moral character is good so far as has come to my knowledge. Wishing that you may rise in your profession,

I am, with esteem and regard, your obedient servant,

(Signed,)

JOHN GALLAGHER,

Mid. CHARLES CRILLON BARTON, Present.

(From Captain A. Claxton of the Navy, then late commander of the sloop of war *Hornet*, 18 guns—now Commodore of the Pacific squadron.)

BALTIMORE, *Sept. 24, 1831.*

GENTLEMEN: Midshipman Charles C. Barton served under my command on board of the *Hornet* for the space of one year. His conduct, at that early period of his life, was so exemplary that I applied for and obtained his warrant; and I find great satisfaction in learning from various sources, that my anticipation of his usefulness has been more than realized.

I am, sirs, your most obedient servant,

(Signed,)

ALEXANDER CLAXTON.

To the Board of Examination of Midshipmen.

(From Captain Cassin of the Navy, then late commodore of the Brazil squadron, Flag-ship frigate *Hudson*, 64 guns.)

GEORGETOWN, *Sept. 28, 1831.*

GENTLEMEN: Midshipman Charles C. Barton is an amiable and

intelligent gentleman, and has the necessary abilities for making an able officer. He was about twelve months aboard the Hudson, during which time his conduct met my approbation.

Very respectfully,

(Signed,)

S. CASSIN.

To the Naval Board of Examiners.

(From Captain Gallagher of the Navy, then commander of the sloop of war Vandalia, 24 guns.

NEW YORK NAVY YARD, *October 3, 1831.*

GENTLEMEN: I feel it my duty, and it affords me great pleasure, in testifying to the good conduct of Midshipman Charles C. Barton; he served under my command on board the sloop Vandalia on the coast of Brazil nearly two years, (from which ship he was removed to the frigate Hudson,)—he conducted himself in the most gentlemanly manner. His morals are unexceptionable, and he was trustworthy in the discharge of his duty; in all respects I consider him a young officer of great promise.

Respectfully, I am, gentlemen, your obedient servant,

(Signed,)

JOHN GALLAGHER.

To the Board of Examiners for Midshipmen.

(From Mr. Roche, now Professor of Mathematics in the Navy.)

Mr. Charles C. Barton, Midshipman in the United States Navy, has studied navigation of me with singular assiduity and success. I have much pleasure in stating, not only that he is now a well finished navigator, but further that he possesses a very superior knowledge of the most difficult parts of the science. It is but justice for me to add, that his conduct as a gentleman during the period of his study, does him a vast deal of credit.

(Signed,)

MARTIN ROCHE,

Teacher of Mathematics,

S. W. corner of 5th and Walnut sts.

Philadelphia, 27th Feb., 1832.

(From Mr. Robinson, Teacher of Mathematics on board the sloop of war Peacock.)

U. S. SHIP PEACOCK, *Boston Harbour, March 1, 1832.*

I herein certify that Charles C. Barton, Midshipman U. S. Navy, was under my private instruction in Mathematics, shortly after his return from sea in the Hudson frigate. I take pleasure in stating, that while he was under my professional care, his progress was gratifying to me and creditable to himself. I found him not wanting in ability, regular in his attention to study, assiduous and ambi-

tious, and I may further add his manner and moral deportment wholly unexceptionable.

(Signed,)

HORATIO N. ROBINSON,

Teacher of Mathematics on board the Peacock.

To the Hon. Board of Examination of Midshipmen of the U. S. Navy, to be convened at Baltimore, 1832.

(From Commodore Barron, then commanding Navy Yard, Philadelphia.)

NAVY YARD, *Philadelphia, March 2, 1833.*

GENTLEMEN: I take great pleasure in informing you that Midshipman Charles C. Barton has been under my command for the last six months, during which he has been assiduous in pursuing his studies preparatory to his examination. His conduct from the best information of officers, has always been that of a gentleman; and from my own observation, I have no hesitation in stating that he is a very accomplished young gentleman, and well acquainted with his profession.

I am, gentlemen, with great respect, your obedient servant,

(Signed,)

JAMES BARRON.

To the President of the Board of Examiners, Balt., Md.

(From [now] Commander Mervine of the Navy.)

U. S. SCHOONER EXPERIMENT, *Norfolk, May 3d, 1833.*

SIR: In answer to your letter of the 15th instant, I take great pleasure in testifying to your good conduct and gentlemanly deportment whilst under my command, and recommend you to the Board of Examiners as one who, for strict moral habits, attention to duty and respectful compliance with orders, has no superior.

Respectfully your obedient servant,

(Signed,)

WM. MERVINE,

Lieutenant Commanding.

Mid. CHAS. C. BARTON.

(From Lieut. Commanding McCluney, then commanding Flag ship receiving vessel, Franklin 74.)

U. S. FLAG SHIP FRANKLIN, *New York, May 13, 1833.*

DEAR SIR: In reply to your letter asking my opinion of the character, conduct and moral habits of Midshipman Barton, while under my command, I have to inform you that he only messed on board the Franklin, and not under my command. I had frequent opportunities, however, of seeing Midshipman Barton and observing his conduct, and it affords me pleasure to say that it has been uniformly correct, as far as my knowledge of him extends. His

moral character I believe is excellent, and I am informed that he attended strictly to his duties at the Naval School on this station.

Very respectfully, your obedient servant,
 (Signed,) WM. P. M'CLUNEY,
 Lieutenant Commanding.

To DR. BARTON, U. S. Navy.

(From Commodore Chauncey of the Navy, then commander of the New York Navy Yard, now President of the Board of Navy Commissioners.)

U. S. NAVY YARD, *New York, May 13, 1833.*

SIR: At the request of Dr. Barton, I state that during the short period that his son, Midshipman Charles C. Barton was at the Naval School on this station, his conduct (so far as came to my knowledge,) was correct and proper, and I believe that his moral habits are good.

I have the honour to be, very respectfully, sir, your obedient servant,

(Signed,) I. CHAUNCEY.
 Commodore JACOB JONES,
 President of the Board for Examination of Midshipmen, Balt.

(From Edward C. Ward, Professor of Mathematics in the Navy, and then Teacher of the New York Naval School.)

This is to certify, that Midshipman Charles C. Barton was a student at the Naval School on this station from the 16th of November, 1832, to the 18th April, 1833, and that during this time his conduct was good; and from my own observation, as well as from report, his moral habits and character were irreproachable.

EDWARD C. WARD.

U. S. Navy Yard, New York, May 20, 1833.

(From Captain Henley of the schooner Experiment, then late Commodore of the West India squadron, Flag-ship the Vandalia.)

U. S. SCHOONER EXPERIMENT, *off Pensacola Navy Yard, Jan. 18, 1834.*

SIR: It affords me great gratification to be able to say, that your conduct while on board the Flag-ship Vandalia has been such as to meet my entire approbation. As you are about leaving my command for your examination, I beg to tender you my best wishes that you may succeed in passing the ordeal you are about to meet with honour and credit to yourself.

Respectfully,
 (Signed,) J. D. HENLEY.
 CHAS. C. BARTON,
 Midshipman, U. S. Navy.

(From [now] Commander Mervine, then commanding the schooner Experiment.)

U. S. SCHOONER EXPERIMENT, *Norfolk, May 6, 1833.*

SIR: In reply to your letter of the 1st instant, I would inform you, that previous to the receipt of yours, I addressed Midshipman Barton a letter at Baltimore by the steamboat, which I presume will be satisfactory to him. So far as the short time Mr. Barton was under my command would enable me to judge of his merits, I consider him the most promising young gentleman that has ever been under my command, and I have therefore given him such a letter as will be of service to him.

Respectfully, sir, your obedient servant,

(Signed,)

WM. MERVINE.

WM. P. C. BARTON, M. D.,
United States Navy.

(From Commander Webb of the navy, then commanding sloop of war Vandalia, 24 guns, now commanding rendezvous at Norfolk.)

U. S. SHIP VANDALIA, *Pensacola, 21st January, 1834.*

DEAR SIR: In tendering to you my sincere acknowledgements for the prompt and officer-like manner with which you have performed the several duties assigned you during the time we have been associated together in the service of our country, permit me to express my sincere regret at our separation, and to hope that it may operate for your preferment and advantage. Being assured of these sentiments from me, I cannot convey to you in stronger terms my entire approbation of your conduct, and the hope that we may have the pleasure of again serving together. Wishing you a successful issue to your studies, and a happy meeting with your friends, I have the honour to subscribe myself

Your friend and obedient servant,

(Signed,)

THOS. WEBB.

Midshipman CHAS. C. BARTON,
United States Navy.

(From Commander Smoot of the Navy, then commanding schooner Grampus, 12 guns.)

U. S. SCHOONER GRAMPUS, *Norfolk, Va., March 20, 1834.*

SIR: In compliance with your request, I take pleasure in stating that the short time you were under my command your correct deportment as an officer met with my entire approbation.

Respectfully your obedient servant,

(Signed,)

J. SMOOT,

Lieutenant Commanding.

To CHAS. C. BARTON, U. S. Navy.

(From Lieut. Commanding Blake, of the Coast Survey service.)

WORCESTER, 11th March, 1839.

MY DEAR SIR: Your favour of the 8th reached me last evening, and I lose no time in replying. Passed Midshipman Barton served under my command in the Coast Survey service from April until November, 1838, and I have recently asked that he may be re-attached to it. So far as I had an opportunity of judging in the above mentioned short period, I should consider his professional qualifications highly respectable; and take great pleasure in saying, that his conduct in every respect, met my most unqualified approbation.

I remain, with great respect and regard, yours,

GEO. S. BLAKE.

DR. WM. P. C. BARTON, U. S. Navy, Philad.

NEW HAVEN, March 19th, 1839.

DEAR SIR: I have received your letter of the 11th instant, with the deposition of Mr. Sagee in relation to the affair between Passed Midshipman Barton and George Dennett, on board the Constitution.

I was not present at the transaction, and it certainly would not have occurred had I been there. What I stated in my reply to Commodore Elliott's letter was, as near as I remember, the result of my inquiries made at the time. The Boatswain (Whittaker,) was among those on the fore-castle of whom I made the inquiries, and the only difference in their statement was with respect to the broom. Some said he had it in his hand before—others, that he picked it up when pushed by Mr. Barton towards the hatchway. I did not know that Mr. Sagee was present, or I should have questioned him and placed greater confidence in what he said. Mr. Barton served with me on board the Constitution, when I was first lieutenant, between three and four months, and his general deportment and attention to the duties required, was such, that I certainly did place great confidence in him as an officer and a gentleman. When he was mate of the gun-deck, he kept it in very superior order, and with the exception of the affair with Dennett, I do not remember to have had cause, while we were together on board the Constitution, to find any fault with him, either as an officer or a gentleman.

I am, with great respect, dear sir, your obedient servant,

W. BOERUM, Commander, U. S. N.

WM. P. C. BARTON, Philad.

APPENDIX.

[Document No. 191.]

25th Congress, 3d Session.—House of Representatives.

CHARGES PREFERRED BY MIDSHIPMAN BARTON AGAINST COMMODORE ELLIOTT.

LETTER FROM THE SECRETARY OF THE NAVY,

Transmitting copies of the charges preferred by Charles C. Barton, a passed midshipman of the United States navy, against Captain Jesse D. Elliott, while in command of the Mediterranean squadron, together with all the communications in relation to said charges on the files of the Navy Department.

February 14, 1839.

Resolved, That the report be printed, and that a select committee of seven members be appointed, to inquire into the official conduct of Captain Jesse D. Elliott, of the United States navy, while in command of the squadron in the Mediterranean, in the years 1837 and 1838, and particularly into the allegations of tyranny and oppression towards the officers under his command; and that the said committee have power to send for persons and papers, and have leave of absence from the service of the House, while engaged in the inquiries committed to them by this resolution.

NAVY DEPARTMENT, *February 12, 1839.*

SIR: In obedience to a resolution of the House of Representatives of the 1st instant, I have the honour to transmit copies of the charges preferred by Charles C. Barton, a passed midshipman of the United States navy, against Captain Jesse D. Elliott, while in command of the Mediterranean squadron, together with all communications in relation to said charges on file in this department.

The facts disclosed in those papers furnish the sole ground on which the department has hitherto declined acting on the charges of Midshipman Barton, and are in themselves the only reasons why Commodore Elliott has not been brought to a trial on said charges.

I have the honour to be, very respectfully, your obedient servant,

J. K. PAULDING.

Hon. JAMES K. POLK, Speaker of the House of Representatives.

Extract from a letter to the Secretary of the Navy, from Commodore J. D. Elliott, dated

U. S. SHIP CONSTITUTION, Smyrna, December 3, 1835.

SIR: The health of both vessels continues to be good, and harmony has prevailed on board until the 1st instant, when a personal affair occurred between passed midshipmen Wood and Barton, of the United States schooner Shark, which ended in the latter person's receiving a ball near the knee, which fractured the bone to such an extent as to render the loss of his leg not improbable, as I now understand.

I immediately suspended the parties concerned, including their friends, passed midshipmen J. T. McDonough and William S. Ringgold; and the enclosed copies of communications which have passed between Lieutenant Commandant Ridgeway and myself will explain the subject, and express my views of the same, as far as it is practicable for me to do so.

From what I can learn, both parties are quarrelsome persons. The one who was wounded (Mr. Barton,) was forbidden by me to visit the shore previous to his leaving the Constitution for the Shark; and it appears that on the morning of the affair he exchanged duties with the officer of the launch, going after water; that he left the men under his charge, and fought his antagonist, by previous arrangement, near the watering place, in sight of the launch's crew. I think that it is high time that such meetings, upon slight grounds, should be stopped. I enclose you an extract from my confidential instructions to the commanders of each ship in the squadron, by which you will perceive that I have left nothing wanting, on my part, to prevent the occurrence of such personal affairs. The whole matter is now laid before you for a decision, and both principals and seconds will continue suspended until your answer is received.

I have the honour to be, very respectfully, your most obedient servant,

J. D. ELLIOTT,

Com'g U. S. naval forces in the Mediterranean.

Hon. MAHLON DICKERSON, Secretary of the Navy, Washington.

U. S. SHIP CONSTITUTION, Smyrna, December 1, 1835.

SIR: The unpleasant occurrence of yesterday makes it incumbent upon me to state that I have sought for information sufficient to institute proceedings against the parties concerned in it, but I have not been able to obtain it as yet, although ample grounds may exist.

You will therefore communicate to all concerned, under your command, that they are to continue under suspension; and that, in the mean time, as the slightest punishment which can be inflicted, I shall write to the navy department, and recommend that their promotions shall be stopped; and at the same time bring the

subject to the notice of the executive of the United States, who will, doubtless, take harsher steps in the case.

Situated as we are, in the midst of three squadrons, where the quarrels of our officers only serve to cause severe reflections upon the discipline and character of the service, I had hoped that that part of my general instructions to you, in relation to such meetings, would have prevented their occurring; but I regret to say I have been disappointed.

Should there have been any breach of discipline in any thing connected with the meeting, or any circumstances which would be likely to produce injury to the service, you will report the same to me.

I shall order an officer to report to you for duty, temporarily, until the case of those gentlemen shall have been disposed of by the honourable Secretary of the Navy.

Very respectfully, &c.

J. D. ELLIOTT,

Com'g U. S. naval forces in the Mediterranean.

Lieut. Com'd't E. RIDGEWAY,

Com'g U. S. schooner Shark, Smyrna.

P. S. Should I before hearing from you obtain information which will be sufficient to sustain charges against the parties concerned, I shall bring them all to a court martial.

U. S. SCHOONER SHARK, *Smyrna Roads, December 3, 1835.*

SIR: Your communication of the 1st inst. was duly received, and the order respecting those officers concerned in the late duel immediately made known to them. I have inquired among my officers if there was any breach of discipline by those gentlemen who were engaged in this unfortunate affair, but do not find there has been any, unless Mr. Barton's exchanging duty with Mr. Bacon (who is launch officer,) be considered as such; this, however, is frequently done, and no objection made to it.

I enclose you my first lieutenant's statement to me of all he and the other officers know of this affair.

I have the honour to be, very respectfully, sir, your most obedient servant,

EBEN'R RIDGEWAY,

Lieut. Com'g U. S. schooner Shark.

Com. JESSE D. ELLIOTT,

Com'g U. S. naval forces in the Mediterranean.

Extract from general and confidential instructions to commanders of vessels attached to the Mediterranean squadron, issued October 26, 1835.

No person in the navy shall quarrel with any other person in the navy, nor use provoking or reproachful words, gestures, or menaces, on pain of such punishment as a court martial shall adjudge. The

above article seems to be sufficiently explicit to make further provisions on this head unnecessary. I have, therefore, to require that it be strictly enforced, as from such small beginnings serious consequences ensue; heat of passion occasions a meeting under a false pride, which leads to results destructive of discipline and subordination.

Let it be distinctly understood that any officer, who shall be engaged in personal altercation, shall, if he cannot be disposed of in the fleet, be arrested and sent home to the United States for the severest reprimand and punishment which the law authorizes.

J. D. ELLIOTT,

Com'g U. S. naval forces in the Mediterranean.

U. S. SCHOONER SHARK, *Smyrna Bay, December 1, 1835.*

SIR: It becomes my duty to report to you that passed midshipmen Barton and Wood, of the Shark, have this morning been engaged in a duel, on which occasion the former received his antagonist's ball in the right leg, just below the knee, which has fractured the bone. Passed Midshipman Barton was taken in a shore boat on board of the Constitution, and Wood returned to this vessel. I have thought proper to suspend the latter until further orders from you.

Passed Midshipmen Ringgold and McDonough acted as friends or seconds to the principals in this affair.

I have the honour to be, very respectfully, sir, your obedient servant,

EBEN'R RIDGEWAY.

Com. JESSE D. ELLIOTT,

Com'g U. S. naval forces in the Mediterranean.

U. S. SCHOONER SHARK, *Smyrna, December 3, 1835.*

SIR: In reply to your inquiry whether there was any breach of discipline in the transaction between Passed Midshipmen H. P. T. Wood and C. C. Barton, I have only to state that Messrs. Wood and McDonough had permission from me to go ashore, on liberty. Mr. Barton had the day's duty, and I had ordered him to send the launch for a load of water. Sometime after the launch had left the vessel, I found that Mr. Barton had been relieved by Midshipman Bacon, in charge of the deck, and had gone himself in the launch. I thought no more of it, as officers occasionally exchange duties; nor did I dream, for a moment, that any meeting was to take place, or that Messrs. Wood and Barton would come together ashore.

I did not regard it as a breach of discipline, nor do I know of any other breach of discipline in the transaction.

I am, respectfully, your obedient servant,

BENJ'N JAS. TOTTEN,

First Lieutenant U. S. schooner Shark.

Lt. Com'd't EBENEZER RIDGEWAY,

Commanding U. S. schooner Shark.

SMYRNA, *December 5, 1835.*

DEAR SIR: I regret to inform you your son was, a few days since, severely wounded in a duel with Mr. Wood, passed midshipman, in the leg. The quarrel, I believe, is one of an old standing, brought to this unhappy termination by his being ordered to the schooner Shark, where Mr. Wood was, who refused to mess with him; and I regret to say the rest of the mess followed his example. This, together with other insults, left him no other resource but to call him out; when, after receiving two fires, his pistol missing fire both times, he had his leg fractured by the second shot. I am, indeed, happy to say, sir, that your son's conduct on the field evinced that coolness and determination which always emanate from a good cause; and every person acquainted with the circumstances is of the opinion of myself, that the course he pursued could not be avoided without dishonour. I and the surgeon who attended deemed it necessary for him to be brought on board of this vessel, to have the ball extracted, rather than the schooner; he was accordingly brought on board, and the ball extracted with no difficulty. During this time, Commodore Elliott was absent from the ship; and, as soon as he returned, the thing was, of course, reported by the first lieutenant. You cannot judge of our surprise to hear the order given that Mr. Barton should be immediately taken on board of the Shark. This order being issued, without knowing what the consequences might be, Dr. Boyd, the surgeon of the ship, immediately waited upon him, and protested, in the strongest terms, against this inhuman order; but he would not be heard by the commodore, who said he must go, and he would bear the responsibility. He was therefore hoisted over the side, and sent back to the schooner. You, sir, as a medical gentleman, can imagine what his sufferings must have been, labouring under excitement from opium and such inhuman treatment. Through Dr. Boyd's intercession, he was removed on shore yesterday, where he will receive all the attention and care which he requires in his present condition. Before your son was ordered on board the schooner, her captain, knowing the difference between them, told the commodore he was afraid that this would be the result of their being together. All the parties are now suspended, and the commodore has threatened to report them to the Secretary of the Navy.

I am, very respectfully, your obedient servant,

WM. S. RINGGOLD.

Dr. WM. P. C. BARTON,
Surgeon United States Navy.

PHILADELPHIA, *March 20, 1836.*

SIR: I enclose, herewith, two letters, one from the Mediterranean fleet surgeon, Dr. Boyd, the other from Passed Midshipman Ringgold, who was second to Passed Midshipman Barton in the duel at Smyrna, which has subjected principals and accessories to

arrest by Commodore Elliott, (at least I have learned so by the public prints,) until your pleasure should be known. The natural and deep interest I feel in the persecuted sufferer in this unfortunate affair, which leads to an earnest desire that you will see cause to remove this arrest from Mr. Barton and his friend Mr. Ringgold,—is the chief, but not the only motive for this communication. Another arises from a wish to place fully and correctly before you, by the letter of Dr. Boyd, the excessive inclemency visited upon Mr. Barton by Commodore Elliott, during his critical and dangerous situation, after being wounded in such a way as to cause a comminuted fracture, and immediately after a painful operation for extracting the ball—suffering severely from both, and requiring, in the opinion of the fleet surgeon, quiescence and commiseration; in a condition, certainly, not calling for any inhuman aggravation of bodily and mental suffering, nor for any course which might jeopard his limb or life. The course pursued, it is plain from Dr. Boyd's letter, subjected him to aggravation of physical pain as well as to injurious mental irritation, by the indignation it must have created in the sufferer; and retarded the cure up to the period of the date of that letter. The newspapers throughout the United States now teem with reprobation of this course, and stigmatise it in language of no measured terms, as one of unjustifiable, unparagoned inclemency, and indefensible inhumanity. Public sentiment is therefore against it, and querulous towards its achiever in consequence. I also appeal to the unanimous expressions against it by officers of the navy, here and elsewhere, and conveyed in the numerous letters from the squadron in which the treatment of Mr. Barton occurred,—for evidence of an irrepressible burst of reprobatory disgust. The sensation created in the squadron, by reckless infliction of pain, discomfiture, harassment, and hazard, on this disabled officer, (necessarily a passive victim of any usage he might receive, since the opinion and protestation against the act given by the fleet surgeon was repudiated and contemned,) is represented in numerous private letters from the squadron as vituperative of the treatment inflicted by Commodore Elliott, without reserve or dissent. I am therefore borne out by facts, by public and private opinion, by the sentiments of the navy, which is injured by such conduct, and by my own medical opinion, in imputing inhumanity to the extraordinary, unparalleled course pursued by Commodore Elliott; and I am further sustained, by the sentiments of the medical officers of the corps I have the honour of belonging to, in saying—that his disregard of the *protest of the fleet surgeon*, who alone had the right, as he had the capability, of judging of the danger of the course that protest was designed to avert,—impinged the rights and lawful immunities of the medical officer, and so far marred his efforts and his duty. If such a course in a commander be permitted or ratified, the sanative operations of the medical corps will be paralyzed, its respectability be compromised, and its independence for good, subverted: because subservient to the control and dictation, in the performance of its

duties, of caprice, private pique, and inhumanity. No possible or conceivable general good, could have grown out of private wrong in this instance. No one of any sense or of any knowledge of the sentiments and conduct of officers who justify the practice of duelling, could, for a moment, suppose—that any repressive effect of this code of honour, in those who abide by its laws, could be derived from an unfeeling evidence of disregard for the safety, comfort, and cure, of an officer disabled and forlorn, thrown in the aching hour of bodily disaster, on the commiserative leniency of his commander. Any one who risks his life in a duel, will risk the chance—rare, indeed—of inhuman treatment, should he be wounded. An officer wounded and disabled in a duel is still an officer; and he is indeed more, *then*—he is a suffering fellow mortal, whose very condition asks sympathy and succour. In the intensity of his pain and his jeopardy is found, in the generous bosom, a charitable forgetfulness of the cause. As the course pursued towards Mr. Barton finds no support in any rational idea that a check could be given to duelling by it, so it finds every thing condemnatory of it, in the best and really generous feelings of the heart; and every thing at variance with it in the charities of life. I am happy to say the course finds no parallel in the annals of our navy; nor do I know a parity of treatment existing in the history of any military service. The positive wrong of inhumanity towards a stricken officer, claiming by his condition and his sufferings, and by the opinion of his medical attendant, at least common-place forbearance, and a decent regard to the sympathy of fellow officers, added to the defensible wrong among military men of resort to single combat, can, aggregately, never make a right. The first wrong is *unique*, impinges the rights of the medical officer, and injures the navy in foreign eyes; the second, if a wrong at all among militant bodies, is a postulate wrong, defensible and defended in all such bodies by immemorial custom; and, it is not to be denied, also accredited and defended, as necessary, by the declarations *in print*, of Commodore Elliott himself—declarations sustained by the fact of his having been the *second* in a duel. If duelling be an evil, (and this admits of no disputation,) which Commodore Elliott thought it incumbent on himself to set his face against in his squadron, a time but recently elapsed when the example of his encouraging the idea of its propriety, might well have been withheld from the public prints, and from the conversations with officers who visited his ship in New York on the eve of her sailing. He would then have been without the reproach consistency now imposes on him, in public estimation, of being unable to reconcile the anomaly in ethics, of assuming the same course as venial and praiseworthy in his own person, which he wishes to be considered penal in another individual of the same body, bound by the same laws, amenable to the same judicature for misdemeanours, and the same punishments for an infraction of those laws. The force of example is so contagious in bodies of men, that our navy regulations wisely insist upon commanders “*setting a good example, in their*

own persons," of all the ethical proprieties of the service. In this view of the subject, Commodore Elliott stands in the awkward predicament of being *unsustained by himself* in the evidence he has given, under such distressing circumstances to one individual—of his disapprobation of duelling. If this disapproval, therefore, was intended to be developed by *showing no quarter*, when disability, despair, and suffering, and a responsible and eminent medical officer for his patient asked it,—the futile effort came with a very bad grace indeed from one who might have prevented the duel, and whose implied precept was at diametric opposition to his avowed readiness for practice. Discipline, wholesome, and, (by implication,) judicious discipline—is one thing; impinging the rights of the sick and disabled, by an unnecessary and culpable irruption on the sympathies of the whole navy—is another. I feel confidence in believing the Department over which you preside, never intended to encourage or to justify, the tightening of the well-tuned cord of discipline to a degree of tension which should cause it, when touched, to send forth sounds discordant to the ears and feelings of humanity. The commutation of misrule for harmonious discipline rests for its corrective with you, whenever it may be perceived.

With respect to Mr. Barton, I have to say, that if ever a challenge to a duel was necessary, it was so in this instance. I do not approve of duelling; but if it is of questionable propriety it is still an evil that can only be viewed as an evil irremediable in military service. Yet, had Mr. Barton not gone into the field, forced as he was there, by an order from Commodore Elliott which he was apprised would have the effect of creating a duel,—I should have conceived he had disgraced the name he bears, and compromitted the honour of an officer. I therefore respectfully and earnestly solicit the remission of his arrest, and that of Mr. Ringgold, should they be arrested: and also propitiate your lenity for any medical attendant who may be implicated, by having gone with them to do good, when he could not prevent harm.

I am, sir, very respectfully, your obedient servant,

WILLIAM P. C. BARTON.

HON. M. DICKERSON, &c.

U. S. SHIP CONSTITUTION, *Gibraltar Bay, April 20, 1836.*

SIR: By some accounts from the United States that I have just received, I find that unnecessary consequence has been given to that affair of Passed Midshipman Barton's, at Smyrna, and I therefore deem it proper that you should have a full statement of the facts.

One day, on the quarter deck, a man came up and requested permission to speak to me, which I readily granted; he then asked, were the young gentlemen allowed to stick their dirks in them with impunity? I immediately inquired into the matter, and found that Mr. Barton had, for some trivial cause, in the heat of passion, dirked the man.

To avoid a court-martial, I ordered him to the Shark, with strict injunctions to his commander not to allow him to visit the shore without my further permission, apprehensive that some difficulty might arise with the other young gentlemen of this ship; however, through some management of his with the launch officer, he got ashore, and the meeting between him and Wood took place, the particulars of which you have been apprised of.

By the advice of his surgeon, he was brought alongside of this ship, and Lieutenant Boerum objected to his coming on board; but, upon the urgent solicitation of the surgeon, he was admitted.

On my return to the ship, some two hours after, it was reported to me by the first lieutenant, and I immediately ordered him to be carried to his own vessel, determined not to countenance any of those meetings on slight grounds. Upon the approach of the fleet surgeon to the cabin, I told him that I would hear nothing about his remaining on board the flag ship; that if he could not be comfortable in his own vessel, to carry him on shore. He was accordingly taken to his own vessel. The next day his surgeon told me that he was uncomfortable where he was, and I then directed him to be carried on shore, which was done. I sent my largest and best boat, so that he could be carried comfortably, and a man from the schooner to attend him; also directed that the fleet surgeon should visit him as long as the ship remained in port; I knew, from the nature of the wound, that a long and tedious confinement was unavoidable, and entirely unfit to be kept in a ship of war; and we were momentarily expecting to leave there. I directed every article belonging to the surgical department of the schooner, that was required for his use, to be left; and the vessel was therefore destitute, and even went to sea without them.

When I left, I had every thing done for his comfort. I left him two months' advance, with a letter of credit on the schooner, and under the charge of an old and valued friend of mine, Mr. Offley, United States consul, with an excellent surgeon to attend him, until the schooner returns and takes him on board.

I am fully determined not to countenance these meetings, for they often occur upon slight and insufficient causes; and, therefore, considering myself the guardian of the morals of the young gentlemen under my command, I feel in duty bound to do every thing in my power to prevent them, (rarely does a case occur that is not productive of regret to themselves for the previous transaction,) and that our friends may know what unnecessary trouble is given to commanders, from the want of proper disciplined schools and institutions, at home, to train them for coming abroad.

Still, I am the last officer in the navy that would have one of them yield a point of honour, and would go further, even assist them in contending for it.

I am, very respectfully, your most obedient servant.

J. D. ELLIOTT,

Com'g U. S. naval forces in the Mediterranean.

Hon. M. DICKERSON, Washington.

MAHON, *February 13, 1837.*

SIR: Your communication of yesterday, enclosing me a copy of your letter to the Hon. Secretary of the Navy, dated at Gibraltar, the 20th of April last, in relation to the affair between you and Passed Midshipman Barton, as also a Naval Chronicle containing some reflections upon the course you had pursued in reference to that officer, has been duly received. I have attentively read your letter to the Hon. Secretary, and have no hesitation to say that, as far as I have any knowledge of that affair, every thing you have stated is correct in all the material points. I am disposed, however, to think there is an error in the account published in the Chronicle. It is there stated you were informed by the commander of the Shark that ill blood existed between these officers, and that the almost certain result would be a duel; for I have no recollection of ever having verbally communicated to you any thing to that effect; I am certain I never wrote to you upon the subject. I believe every attention was paid to Mr. B. while on shore, and that all possible comforts were afforded him. Whether the falsehoods you complain of in the Chronicle were premeditated or not, while Mr. Barton was confined on shore, I am not prepared to say.

I have the honour to be, very respectfully, your obedient servant,
EBEN'R RIDGEWAY,
 Lieutenant United States Navy.

Com. J. D. ELLIOTT,
 Com'g U. S. Naval forces in the Mediterranean.

[EXTRACT.]

U. S. SHIP CONSTITUTION, *Port Mahon, February 14, 1837.*

SIR: In this communication I have respectfully to call your attention to some further considerations in the case of Passed Midshipman Barton, the particulars of which I had the honour to transmit to you from Gibraltar Bay, April 20, 1836.

In consequence of a libellous statement of these proceedings republished in the Army and Navy Chronicle of September last, herewith appended, and the libel complained of having an extensive circulation among the officers generally, I feel myself called on to put you in possession of the documents corroborative of the facts, and contradictory of the statement referred to, all of which would have been contained in the record of proceedings, had not the young gentleman absconded from his station. I would add, that the testimonies were taken from parties who were present during the existence of the matters referred to.

I would call your attention to one portion of the libel, in reference to the stated causes of removal of Mr. Barton from the Constitution to the Shark. While we lay in Mahon, in October of 1835, Passed Midshipman Barton struck my clerk, and mutilated his face; in consequence of which, the former was restricted from shore, and a promise obtained from the latter that he would not call Barton out, which I was informed it was his intention to do,

with my threat, that if he did, I would dismiss him (my clerk) from the squadron. A few words will explain the matter in reference to the "drawings," and the "requisitions" which I made on the "graphic talents" of Mr. Barton. This young gentleman had previously sent me in, *unasked*, little specimens of his drawings; and wishing to procure a particular one to send the Navy Department, I requested its execution before his being restricted from shore, and, pending its continuance, he returned for answer, by my secretary, to *know if he was in quarantine*. Declining to mix official with private business, I held no further communication with him on these matters. It was my intention to have gone to Smyrna; learning at Athens that the plague was in the neighbourhood, prevented. It will be perceived by the subjoined extract from a letter to our consul at Smyrna, in whose charge this young gentleman was left, that I directed him, if able, to repair to Malta, and join his vessel at that place, which was there in expectation of receiving him. By a passage in the consul's reply, it will be seen that he had no intention of obeying the order; and, by accounts since received, it appears that he has deserted his station, and returned to the United States. It was my intention, in a court-martial, to have brought in Mr. Barton, in connexion with the other parties, whom I had tried, but his going home prevented me.

Extract of a letter to David Offley, Esq., United States consul at Smyrna, dated at Athens, August 21, 1836. "The schooner Shark will be there (Malta) early in October. If Mr. Barton is in a state to join his vessel, he can meet her there at that time."

Extract of a letter in reply to the same, from David Offley, Esq., dated at Smyrna, September 17, 1836. "Midshipman Barton is still here, and has informed me of his intention to leave for the United States per the first vessel. I shall have to lend Mr. B. about \$200; he will owe his doctor's bill, and I believe about \$90 to Stith; for all of which he will give a bill on the Navy Department." I merely add, again, that this movement, on the part of Mr. Barton, is a desertion of his station, and a direct disobedience of the express orders to him.

You will perceive, by the accompanying testimonials, that every sentence of the letter which I previously addressed you on the subject is correct.

Very respectfully, your obedient servant,

J. D. ELLIOTT,

Com'g U. S. naval forces in the Mediterranean.

Hon. M. DICKERSON, Secretary of the Navy, Washington.

AT SEA.

Deposition of Robert Whittaker, boatswain United States frigate Constitution, February 10, 1837.

On the morning alluded to, some time between the 1st and the 8th day of November, one thousand eight hundred and thirty-five, I was sent (by the officer of the deck) down on the gundeck, to

send all hands belonging to the watch on deck, to make sail; George Dennett, seaman, was at the time foretop sweeper; he went on deck, carrying his broom along with him, and went to the forelift jigger on the starboard side; that Passed Midshipman Barton came up the starboard foreladder and called out for George Dennett, who immediately answered him; he (Mr. Barton) asked him what he was doing on deck; to which he answered, that he was sent on deck by me, to make sail; that Mr. Barton then said, damn your eyes, go down below, and don't come on deck again without an order from me; he (George Dennett) turned round to go below, when Mr. Barton took the broom out of his (Dennett's) hand, and commenced pushing against his legs with it. He (Dennett) then told him that if he had done wrong, to take him to the officer of the deck, and have him punished; that Mr. Barton then raised the broom to strike him, and he (Dennett) seized it and took it from Mr. Barton, and hove it down on deck, and then turned around the foremast, to go down the larboard foreladder; that Mr. Barton pulled out a dirk from his inside (jacket or coat) pocket, and plunged it into his (George Dennett's) ham or thigh, and said, there, I'll let you know whether you will attempt to strike an officer or not.

During this time I was standing on the forecastle netting, forward of the swifter. There were also several men looking on at the time, viz: Allen Conant, Jesse Gay, John Cooper and William Atkins, who are willing to attest to this.

ROBERT WHITTAKER.

Boatswain U. S. ship Constitution.

Deposition of George Dennett, seaman United States ship Constitution, February 10, 1837.

That some time between the 1st and the 8th day of November, 1835, I was gundeck sweeper, foretop; that Robert Whittaker, boatswain, came on the gundeck, and ordered all the watch on deck, sweepers included; that, in accordance thereto, I went on deck with my broom in my hand, and I proceeded to the starboard forelift jigger; that, whilst there, Passed Midshipman Barton, master's mate of the gundeck, came up the starboard foreladder and called out for me, and I immediately answered him; he then asked me what I was doing on deck; I told him that I was sent up by the boatswain to make sail; he said, damn your eyes, go down below, and don't come on deck without an order from me; upon which, I turned to go down below, when he took the broom out of my hand, and commenced pushing me in the legs with it; I turned round and told him that if I had done wrong to take me to the officer of the deck and let him punish me, or something to that purpose; that he then raised the broom to strike me, when I seized it and took it from him, and then threw it on deck, and turned to go around the foremast, to go down the larboard foreladder, when

I immediately felt a sharp instrument enter my thigh, which proved to be a dirk thrust by Passed Midshipman Barton.

GEORGE DENNETT, his X mark.

Witness: JAMES CONWAY.

U. S. SHIP CONSTITUTION, *Mahon*, February 14, 1837.

SIR: In answer to your request in relation to the affair between Passed Midshipman Barton and yourself, I give you such particulars as I now remember. Mr. Barton was on board the ship when I joined her, a few days previous to her sailing from New York, in August, 1835, for this station. Some time after our arrival at Mahon, a difficulty occurred between Mr. Barton and your clerk, during which your clerk received a blow from Mr. B.; the particulars I do not now remember; but the result of the investigation was, that the parties were not allowed to go on shore for some time.

The circumstance of Mr. Barton's running his dirk in the man, as near as I can remember the case, is this: Mr. B. was mate of the gundeck, and this George Dennett was one of the sweepers, and had been set at some work on the deck by Mr. Barton; the duty was neglected, and the man was absent; he was found on the forecastle, and ordered below by Mr. Barton; he refused to go, and either had in his hand or picked up at the time a broom, by which Mr. B. supposed he intended to defy him; Mr. B. forced him to the hatchway, where the man making some resistance, Mr. B., in the heat of passion, ran a dirk in his thigh; Mr. B. was suspended in consequence.

At Smyrna, you mentioned to me that Lieutenant Ridgeway, commanding the Shark, had several times applied for a passed midshipman; and, to avoid a court martial, you would order Mr. Barton there.

I know nothing as to the cause of the duel; but when Mr. Barton was brought alongside, I consulted Dr. Boyd as to the necessity of his coming on board; he said it was necessary, and I admitted him. When you came on board, I reported the circumstance, and you ordered him sent on board the Shark. Dr. Boyd remonstrated, but you renewed the order, and he was sent on board the Shark. His removal from the Shark to the shore I know nothing more of than I was ordered by you to hoist out the first cutter for that purpose.

After I relieved Lieutenant Ridgeway in command of the Shark, and we were about to sail from Smyrna, Dr. Egbert told me there were some articles belonging to the hospital department that would be required for Mr. Barton's use; that they could not be procured at Smyrna, and that we had but one set on board. I applied to you; you ordered the Shark's to be left; you also ordered two months' pay and a letter of credit on the schooner Shark to be left.

I have the honour to be, very respectfully, your obedient servant,
W. BOERUM.

Com. J. D. ELLIOTT,

Com'g U. S. naval forces in the Mediterranean.

U. S. SCHOONER EXPERIMENT, *New Haven Harbour, June 25, 1838.*

SIR: Understanding that Commodore Elliott is on his way to the United States with his ship, I deem this a fit time to prefer charges against that officer, of cruelty, oppression, inhumanity, and persecution, of which I was the subject, when badly hurt, and while on board his ship, in jeopardy of my life; and of conduct unbecoming an officer and a gentleman, by his repudiating the just interposition of my medical attendant, Dr. Boyd; and, also, not only by the acts from which I suffered, but the mode in which they were inflicted. All the necessary witnesses to these charges are, either now, or will be, in the United States by the arrival of the Constitution and Shark. As an injured officer of the service, I claim the protection of the Department, knowing it to be no part of your intention that even the most humble of the officers of the navy shall be treated unjustly, inhumanly, or cruelly; and knowing, also, that it is neither consistent with the nature of the government of the naval service, nor the design of the Secretary of the Navy, that injuries like those I now complain of shall go unnoticed and uninvestigated.

Being unacquainted with the precise technical phraseology necessary to be employed in preferring charges and specifications, I throw myself on your just protection, with a respectful request that you will cause the charges to be presented in due form, as soon after Commodore Elliott shall arrive in the United States as may suit your convenience.

At your order, I shall present you a list of witnesses.

I am, sir, very respectfully, your obedient servant,

CHARLES CRILLON BARTON,

Passed Midshipman.

To the Hon. MAHLON DICKERSON,
Secretary of the Navy, Washington.

PHILADELPHIA, *November 24, 1838.*

SIR: On the eve of the expected arrival of the frigate Constitution from the Mediterranean, I addressed a letter to the honourable the Secretary of the Navy, (your predecessor,) preferring a complaint, in the manner pointed out by law, against Commodore Jesse D. Elliott, for certain inhuman, unofficer-like and illegal conduct to me, (jeoparding my life, and, at least, hazarding the loss of a hurt limb.) Being under his command and control at the time, I was necessarily, from my condition, the passive victim of such treatment. The result of this course, on the part of the said Commodore Jesse D. Elliott, was intense agony at the time, and much and long suffering after; as well as being left in a foreign country for nine months, wholly without pay or subsistence, or the means of paying for medical or surgical attendance; and completely dependent on the succour, support and sympathy of utter strangers. Without the good fortune of having met with an American family who, (in all honour to all feelings and conduct honour-

able to human nature) for a long period, extended to me, untiring and without abatement, this succour, support and sympathy, and furnished me the means of returning to my country, what my condition would have been is easily imagined.

The complaint to which I have just alluded was made to the Department, with the settled aim and object of obtaining such redress as a court martial should give me, by awarding due and legal punishment for the offence complained of. Though of humble rank in the service, I felt, and still feel, a well-grounded confidence that, on this account, I would not be debarred from my rights and immunities as an officer and an American citizen—rights and immunities dear to freemen in themselves, and guaranteed to even the youngest and most humble officer in the navy, as well as to those above him in grade and importance, by the acts of Congress for the government of the navy, and by the usages and immemorial customs of our naval service. Since the return of the frigate *Constitution*, I have to add to my former complaint of injuries received from Commodore Jesse D. Elliott (now reiterated to you, as successor to the honourable the Secretary of the Navy to whom they were made) an additional one, for support of which I desire to cite Lieutenant Oscar Bullus as witness, viz: That the said Commodore Jesse D. Elliott did falsely represent to said Lieutenant Bullus the occurrences of the affair in question, giving him a perverted and garbled statement of these incidents which could not be denied;—and did declare falsehoods, knowing them to be such, to Lieutenant Bullus, concerning myself, and his (Commodore Jesse D. Elliott's) own conduct; and did propitiate Lieutenant Bullus, either by express request, or by a course tantamount to this, to publish in the "Times" daily paper of New York, of July 26th, 1836, an entirely false statement of the affair, and of my own conduct, highly injurious to my character and honour; and also to give his (Lieutenant Bullus's) name to the editor of said paper as authority; and that, in consequence of such authority, further injurious editorial remarks concerning me were made in the same daily paper of August 20th, 1836; all of which Lieutenant Bullus has, by dates August 23d and September 10th, 1838, acknowledged to be erroneous. I therefore charge Commodore Jesse D. Elliott, in addition to my complaint lodged with the Department on the 25th day of June, 1838, with the following specification, bearing on the charge of "conduct unbecoming an officer and a gentleman," viz: That he did, by false representations made (knowing them to be so) to an officer under his command in his ship, on his *pledge* of honour to their *truth*, implied or declared, cause or induce Lieutenant Bullus to publish, with his name given as authority, injurious statements, implicating my honour and standing, in the daily paper of New York, the "Times," of July 26th and August 20th, 1836, severally.

I beg leave, therefore, to seize this time most respectfully and earnestly to solicit for the several communications heretofore and now made to the Navy Department, your present attention. As

guardian of the rights and immunities of the officers of the navy, and as the legitimate channel through which to seek redress for my grievances, I now address you; and, in the fullest confidence, express the hope that you will see cause to order a court martial to investigate and decide upon them.

I further respectfully ask that you will, from the several communications made to the Department on this subject, cause to be drawn up, in legal manner, such charges and specifications as those several statements set forth, to the end that I may not be deprived of redress by reason of any informality which inadvertence or unacquaintance with the requisite legal mode might beget. By the arrival of the frigate *United States*, all the witnesses necessary to establish my complaint are now returned. I shall therefore be much obliged if you will inform me in what way I am to proceed in bringing their names before you.

I have the honour to be, sir, very respectfully, your obedient servant,

CHARLES CRILLON BARTON,
Passed Midshipman.

To the HON. JAMES K. PAULDING,
Secretary of the Navy, Washington.

P. S. Annexed I transmit copies of a correspondence with Lieutenant Bullus, and the publication alluded to, as well as the papers themselves; also, an extract of a letter from Passed Midshipman Stellwagen.

C. C. B.

[*From the New York Times of July 26, 1836.*]

The explanation given in this paper, a day or two ago, of the affair between Midshipmen Barton and Wood, at Smyrna, and of the proceedings of the Commodore in relation to it, which have been blamed as harsh and improper, was probably sufficient to satisfy every fair observer of the injustice of that censure. We should, therefore, not advert to the subject again, but that we have received some express testimony relating to it, with a request that it should be given to the public. It is contained in a letter from an officer of high standing and character, who joined the squadron since the occurrence in question, who is well known and universally respected in this city, and whose name, though we do not insert it here, is at the service of any who choose to inquire for it. It will be seen that the conduct of the Commodore, so far from being "cruel, tyrannical, brutal," &c., as the *Courier* has described it, was particularly kind and generous; and we trust that that paper, having made such imputations, will satisfy itself of the authenticity of the following vindication, and lay it before its readers. It is proper to state, in addition to what is given below, which we do on other authority, that the request of the fleet surgeon to have Mr. Barton on board the flag ship, was made in order that he might attend him the more conveniently. It could not have been from any danger in which the patient stood, as gunshot

wounds in the lower part of the leg are not very serious, though they may be long in healing.

“ * * * * * Both before and since leaving the United States, I have seen strictures in the newspapers upon Commodore Elliott, in relation to the affair between Passed Midshipmen Barton and Wood. I was determined that, whenever I joined the Constitution, I would inquire into the truth of the story, in order to satisfy my own mind, and find the result as follows:

“I hope, my dear sir, that a love for candour and truth will induce you to correct the aspersions which have recently been published, and have given an undue consequence to the transaction. * * * * * By some management with a launch officer, the parties got on shore; the meeting took place, and Mr. Barton, as you know, was wounded. By the advice of his attending surgeon, he was brought alongside the flag ship, and admitted at the doctor’s solicitation, although *at first refused by the first lieutenant*. On the commodore’s return on board, the affair was reported to him, when he ordered Mr. Barton to return to his own vessel, being determined to discountenance those proceedings among his young officers, particularly upon slight and trivial grounds. The fleet surgeon was informed that it was impossible Mr. Barton could remain on board the flag ship, but that, if he could not be comfortable on board his own vessel, he might be taken on shore; which was accordingly done, using for that purpose the largest and best boat belonging to this ship, in order that he might suffer no inconvenience from the removal. A man from the schooner was sent ashore to attend him, and the fleet surgeon requested to visit him as long as the ship remained in port. The commodore thought, from the nature of the wound, that a long and tedious confinement was unavoidable, and a ship of war was no fit place for a sick man; the vessel, too, being under the momentary expectation of going to sea. Every article belonging to the surgical department of the schooner, that was required for his use, was sent him, and in fact every attention paid him that could in any manner relieve his situation. Two months’ pay, in advance, was left him, with a letter of credit upon the schooner; and he was placed under the care of Mr. Offley, the American consul—a personal and valued friend of the commodore—with an excellent surgeon to attend him until the schooner should return and take him on board. As I said before, the commodore is determined to discountenance duels in the squadron, particularly among the midshipmen, whose guardian he looks upon himself to be, having the care of their morals, and feeling a deep interest in their future welfare; and although he discountenances duels among ourselves, originating in trivial causes, he is the last man, in my opinion, that would wish an officer to yield a point of honour, but would rather assist him in maintaining it. As you will perceive, the charge of harsh treatment towards Mr. Barton is not nor cannot be sustained. In no ship or squadron that I have seen or heard

of, have I known more indulgence extended to the officers, giving them every opportunity to visit foreign places, and travelling, and, if they choose, to improve their minds by study. There are at this moment four of our officers travelling in France and Spain, but expected to join us in a few days, by the Shark, daily expected from Marseilles, viz: Dr. Woodworth, Passed Midshipman Drayton, Midshipmen Middleton and Jenkins. Although the officers are allowed all proper indulgences, the commodore is sensitive to all infringements of duty or discipline. There never was a ship, probably, in better order or discipline than the Constitution, and the other vessels composing the squadron are all in excellent order. This seems to be universally admitted wherever we go. Make use of the information I give you as you please; although I would not like my name to figure in print, exactly, yet *I hold myself responsible for its truth.*"

[From the *New York Times* of August 20, 1836.]

The Philadelphia Gazette thinks that a court of inquiry should be held as to Commodore Elliott's conduct to Midshipman Barton. We can assure that paper that no one would more anxiously deprecate any such measure than that young gentleman himself, or his friends, after he has conversed with them. If his treatment was marked by any fault whatever, it will be found by investigation to have been that of extreme leniency. The circumstance which led to his being transferred to the Shark, was quite as imperative against his being returned to the Constitution, had there been no other objections on the score of discipline and propriety; and it will be judicious to avoid the removal of the veil drawn over it—an event that must result from the zealous efforts made to gratify causeless and unprovoked spite against the most slandered and persecuted officer ever in our service.

Our knowledge of the subject is derived from a lieutenant in the navy, a gentleman of the highest character, who wrote expressly to disabuse the public mind. We published only that part of his letter which bore directly upon the duel and its consequences, but even that was passed unnoticed by the honest and candid journals which had inculcated the accusations; not one of them, so far as we have seen, published the vindication, and they are now renewing the persecution. The public will judge of them and their motives.

U. S. SCHOONER EXPERIMENT, *Branford Harbour, (Conn.) August 8, 1838.*

SIR: I have just heard of the Constitution's arrival. Some time since, you will remember, a letter was published in the *New York Times*, greatly to my disadvantage. Your name was given as the author. I request an explanation of the same.

I am, sir, your obedient servant,

CHARLES CRILLON BARTON,
Passed Midshipman.

Lieut. OSCAR BULLUS, U. S. Frigate Constitution, Norfolk.

SETAUKET, LONG ISLAND, *August 23, 1838.*

SIR: I have but this moment received your letter of the 8th instant, calling upon me for an explanation of a letter written by me and published in the Times. I have no other explanation to make, than simply to say that I was misinformed as to facts, and which I became aware of a short time after. It has always been my intention to see you, and say to you what I now say, and said at the time I discovered my error, that I most sincerely regretted having done so. I recollect that there were comments appended to that letter in the *paper*; these, I hope, it is not necessary for me to say I had nothing to do with, and so I stated to Mr. Ringgold and other of your friends. Towards yourself I have never entertained other than kind feelings; and whatever I may have written, I disclaim all intention of injuring you.

I am, sir, very respectfully, yours,
OS. BULLUS.

Mr. C. C. BARTON.

U. S. SCHOONER EXPERIMENT, *Sachem's Head, August 31, 1838.*

MY DEAR SIR: Yours of the 23d instant is received, and the explanation contained therein satisfactory. The sense of honour which has thus actuated you to acknowledge an error will, I feel convinced, induce you to say who was the author of those comments alluded to; editorial remarks, of course, I do not mean. At the same time, permit me to ask whether a public use of your letter, in the event of necessity, would be offensive to your feelings.

I am, dear sir, very respectfully, your obedient servant,
CHARLES CRILLON BARTON,
Passed Midshipman.

Lieut. OSCAR BULLUS,
U. S. Navy, Setauket, Long Island.

Please direct to Guilford, Connecticut.

SETAUKET, *September 10, 1838.*

MY DEAR SIR: A few days' absence from this place prevented the receipt of your letter of the 31st August until yesterday. I am gratified that the explanation contained in my last was satisfactory to you. Should we ever meet, I will endeavour still further to excuse myself in your estimation, and to this end would be glad to hear, whenever you contemplate being in the city. You ask me to say who was the author of the comments alluded to in my last; and you also add that you do not mean the "editorial remarks." These remarks are what I called the comments, which I declared I had had nothing to do with; and if the editor himself, or some one in his employ, did not write them, I am sure I do not know who did. I saw, myself, no remarks or comments, but what I presumed were editorial. One thing you may rely upon: I have had no subsequent

correspondence or knowledge of that affair. With Dr. Holland himself I have but a slight acquaintance, and, with the exception of the letter in question, never wrote a line to him in my life. You ask me whether a public use of my letter to you would be offensive to my feelings. I will not disguise my perfect abhorrence of having any thing to do with the public prints, and shall be happy if you will do me the favour to keep this matter, as far as relates to myself, out of the papers; but any other use you wish to make of my correspondence with you I am perfectly willing. Moreover, I am desirous that you should show it to as many of your friends as you choose; and especially to the officers late of the Constitution. Most of them were aware of my sentiments and intentions towards you in relation to this unhappy affair—a truly unhappy affair to me—as it was the means of creating coolness and suspicion between myself and honourable men, whose opinion I valued, with some of whom I had been intimate for years, who were ignorant of the circumstances and motives which induced me to write the letter I did.

I remain, very truly, your friend and servant,

OS. BULLUS.

MR. CHAS. C. BARTON.

P. S. I do not know the situation you now fill; you must excuse me if my address is not correct.

Extract of Passed Midshipman Stellwagen's letter.

U. S. FRIGATE UNITED STATES, *Smyrna, January 20, 1837.*

* * * * * paragraphs in newspapers received from the United States. I saw one just before leaving Mahon, grossly flattering the commodore, professed to be written by an officer arrived on the station since your affair. It was on the authority of Lieutenant Os. Bullus, who, on being asked for an explanation of it, said it was dictated by the commodore on *honour*, and at his request he had forwarded it for publication; and being under particular obligations to him, and his honour pledged, he had copied the commodore's statement without hesitation.

H. S. STELLWAGEN.

Passed Mid. CHAS. C. BARTON.

PHILADELPHIA, *December 26, 1838.*

SIR: Mr. Charles Crillon Barton, a passed midshipman in the navy of the United States, has applied to me in relation to a course of cruel and barbarous treatment to which he was subjected by Captain Jesse D. Elliott, while in the Mediterranean, in the service of his country, in the recent cruise of the United States frigate Constitution.

I understand from Mr. Barton that he has already written to the Navy Department, respectfully requesting, as an act of justice towards him, that a naval court martial may be appointed, for the

purpose of deciding upon the charges preferred against Commodore Elliott. In this application Mr. Barton has no personal feelings to gratify; but he deems it a duty which he owes to himself as well as to the service, to demand this tribunal, in order that cruelties such as those complained of may not pass unpunished. He may have, it is true, a civil right to redress. But, as an officer of the navy, he appeals to the courts of the navy, and confidently trusts that the opportunities solicited by him may not be withheld. You will oblige me, sir, and also confer a favour upon Mr. Barton, by giving the earliest possible attention to this communication, inasmuch as the subject to which it refers is a matter of deep anxiety and interest.

Very respectfully, yours,

DAVID PAUL BROWN.

Hon. JAMES K. PAULDING,
Secretary of the Navy of the United States.

SPECIAL COMMITTEE ON COMMODORE ELLIOTT'S
CASE.

February 22, 1839. Read, and laid upon the table.

REPORT OF THE MAJORITY.

Mr. Naylor, under the direction of a majority of the committee to whom was referred the report of the Secretary of the Navy containing the charges of Passed Midshipman Barton against Captain Jesse D. Elliott of the United States navy, and who were appointed, under the resolution of the house of the 14th instant, to inquire into the official conduct of the said Elliott while in command of the squadron in the Mediterranean, and particularly into the allegations of tyranny and oppression towards the officers of his command, reports the following resolutions:

Resolved, That an interference by the House of Representatives in the disputes that occur between subordinate officers of the navy and their superiors, commanding squadrons, is a power which ought at all times to be exercised with great caution, and is calculated to produce insubordination in that important arm of the national defence; but, in the opinion of this committee, it is competent for the representatives of the people to investigate any abuses alleged to be committed by officers in command of squadrons, and to provide, by law, against a recurrence of such abuses; and, moreover, to investigate and ascertain whether the head of the Navy Department may have used such means as are placed in his hands by law to punish and prevent any such alleged abuses.

Resolved, That the most appropriate remedy for such subordinate officers is an appeal to the Secretary of the Navy for a court of inquiry to investigate the charges exhibited against their superiors; and, from his decision, the party aggrieved may appeal to the Presi-

dent, who, by the constitution, is commander-in-chief of the navy; he, as well as the Secretary, being liable to impeachment for a wilful or corrupt violation or neglect of duty.

Resolved, That the time allowed this committee is insufficient to enable them to make a full and thorough examination of the subject committed to them; that even a limited and partial examination would require them, contrary to the duty they owe to their immediate constituents, and to the country at large, to be absent daily, during the sittings of the house, at this important period of the session.

Resolved, therefore, That it is inexpedient to commence the investigation at this time, and that the chairman report these resolutions, with the journal of our proceedings, to the house, together with the opinion of this committee that the subject-matter referred to them by the resolution of the house of the 14th instant *requires* investigation, and that he ask that the committee be discharged from the further consideration of the subject.

REPORT OF MESSRS. NAYLOR AND CHAMBERS.

The undersigned, two of the minority of the Special Committee to whom was referred the report of the Secretary of the Navy containing the charges of Passed Midshipman Barton against Captain Jesse D. Elliott, of the United States navy, and who were appointed, under the resolution of the house of the 14th instant, to inquire into the official conduct of the said Elliott while in command of the squadron in the Mediterranean, and particularly into the allegations of tyranny and oppression towards the officers of his command, submit the following report:

The undersigned, differing with the majority of the committee as to the propriety of not commencing the investigation at this late stage of the session, and as the report of the majority will be preserved among the records of the house, they feel it due to themselves to place by its side evidence of an equally permanent character, that, in their opinion, the time allowed by the house for the prosecution of the inquiry was sufficient for the purpose, and that it was the imperative duty of the committee at once to have proceeded with it.

The complaints against Captain Jesse D. Elliott are strong and numerous; and the committee all agree that they *require* investigation. They have been made and circulated in various forms through the country, and, so far as they reached the ears of the undersigned, through letters, personal communication with individuals who, from their situation, are likely to be acquainted with the facts, and from the public prints, may be put down as follows:

He is charged with the most cruel, inhuman, and brutal conduct towards Passed Midshipman Barton, when sick and wounded; causing him to be dragged from his cot and removed from his vessel, at the most imminent peril of his life, at a time when he was racked with agonizing pain; and that, too, against the earnest remonstrance of his surgeon and the most affecting appeal from the sufferer.

He is charged with ungentlemanly and unofficerlike conduct towards his officers; with oppressing, disgracing, and confining them without cause and without accusation; and, when so confined and disgraced, with denying to them a trial, and refusing to communicate to them the cause of his displeasure.

He is charged with endeavouring to bolster up his reputation and to enrich and sustain himself against the charges of his officers, by procuring to be wrung from the hard-earned pittance of his crew costly presents of plate.

He is charged with importing in his frigate large numbers of asses, horses, and other animals as merchandise, with a view to promote his own private gains; and for the sustenance and accommodation of such animals, he has deprived his officers and crew of their rightful and necessary quarters, and sacrificed their health, comfort, and safety, besides exposing his ship to the dangers of conflagration, and rendering her, for the time, utterly unfitted for action.

He is charged with taking such course in his command as tended to induce mutiny among the crew, and, when the mutiny broke out, with omitting to take such manly and officerlike measures as were necessary for its suppression.

He is charged with oppressing his officers with vexatious and causeless court-martials; with violating the constitution of the United States, by receiving presents from foreign powers; and with daily acts of petty tyranny, unofficerlike, and ungentlemanly conduct.

He is charged with gathering together *ex-parte* affidavits, letters, and papers, to crush such of his officers as complain of his injuries, and lodging them in the Navy Department against them; thereby deceiving the department and the people, doing gross injustice to the complainants, as well as to his own honour; instead of meeting his accusers, with the front of conscious innocence, before a competent tribunal, and wiping from his name, if possible, the stain which such charges attach to it.

These charges have, some of them, been made to the Navy Department, and present, as all the committee agree, a case *requiring* investigation.

The undersigned are of opinion that investigation into alleged abuses and oppressions such as these, is among the highest duties of the representatives of the people. They cannot think, with the majority of the committee, that the early termination of the session should have formed an excuse for the non-performance of this most important duty; but, on the contrary, that the investigation should have been made at all sacrifices of time and ease; justice should have been done as well to the accused as to the accusers; the truth or falsity of these charges ought to have been made manifest, if all the remaining days and nights of the session should have been consumed in the labour. There were no duties paramount to it—the vindication of violated rights is of the very first importance.

In the opinion of the undersigned, the committee might have

completed the investigation, and had, also, time for the performance, in the fullest manner, of all their congressional duties. By sitting early in the mornings and late in the evenings, they might have appropriated six or seven hours a day to the purposes of their inquiry, and have been ever present during the sittings of the house; a time which, if the investigation had been proceeded in when the committee first organized, would have been ample for a thorough evisceration of the whole case.

Having thus briefly stated their views of what they conceived to be the duties of the committee, and protesting against being held to a responsibility for the non-performance of that which they believed to be a solemn obligation, due to the navy and the country, and imposed upon the committee by an almost unanimous vote of the House of Representatives, they have done all that they proposed to themselves in making this report.

CHARLES NAYLOR,
JOHN CHAMBERS.

Washington, February 19, 1839.

REPORT OF MR. LYON.

The undersigned, a member of the committee appointed under the resolution of the house of the 14th of February, "to inquire into the official conduct of Captain Jesse D. Elliott, of the United States Navy, while in command of the squadron in the Mediterranean in the years 1837 and 1838, and particularly into the allegations of tyranny and oppression towards the officers under his command," dissented from the majority of the committee, in declining, for the reasons stated in their report and resolutions, to proceed with the investigation, and in asking to be discharged from the further consideration of the subject. The committee having made no progress in the investigation, the undersigned has had no opportunity of ascertaining the precise nature of the complaints made against the conduct of Captain Elliott, and, of course, has no opinion to express thereon, either favourable or unfavourable.

The House of Representatives having, by the resolution under which the committee was organized, made it their duty to make the investigation, the undersigned was willing, so far as he was concerned, to proceed in the execution of the order of the house, and to prosecute the same to as early a termination as the importance of the subject, the character of the navy, and the rights of the officer implicated, would authorize.

He considered it due to the house, to the country, and to the officer whose conduct is involved in the inquiry, that complaints such as have been made in debate, and such as seem to be implied by the resolution, should undergo a full and thorough investigation, and, if found to be true, the proper corrective should be applied. If found untrue, it is important that the officer complained of should be relieved from censure.

F. S. LYON.





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