

NEW-YORK, JUNE 28.

**"Serious Charges,**

*Against Oliver H. Perry, of the U. States Navy, by John Heath, late captain of the Marine corps."*

With great regret we have perused a pamphlet under this title, transmitted to us through the post-office; which depicts as highly tyrannical the conduct of officers so greatly distinguished by their heroic actions and by the applause of their country. As the caterer of news, not as the partisan of either, we lay the following outline before the reader:

The writer declares that a regard for his reputation, a lively concern for the honor and interest of our rising Navy, together with a just resentment at the unexampled injury which has been done him by one of its distinguished officers, move him to this publication—that if his case were an ordinary one he would have little hope “in a contest with a man who has had the good fortune to attract the admiration of his country, by an exploit of singular gallantry and heroism;” but the oppressive acts he has to detail concern the navy and the rights of every officer in the service.

Captain Heath not only accuses Captain Perry, but arraigns comodore Chauncy as his accomplice and equal in deliberate injustice. [But we incline to the opinion that comodore C. wished to smooth and hush the whole matter in conciliation and silence.]

In 1811, captain Heath entered the marine corps; during the late war he was constantly and laboriously employed by land and sea. In admiration of captain Perry, he solicited the command of the marines of the frigate Java, and the secretary of the navy granted his request—he sailed for the Mediterranean, with a determination to conciliate the esteem of his commander by a diligent discharge of his duty.—He says that “nothing is more deceptive than the medium through which we are accustomed to regard men who have rendered themselves conspicuous for their valor.—Captain Perry has taught me a lesson humiliating to the human character, that even the appearance of modesty may conceal the most consummate arrogance, and an assumed mildness disguise a spirit of the rankest malevolence.”

On the 18th of September 1816 when his ship was lying in the harbor of Messina, captain Heath went on shore with the customary leave of absence, for the purpose of recreation and exercise: returned on board early in the evening and retired to the state-room for repose, afflicted with a violent head-ache. Two marines were missing, and captain Heath was ordered on deck—he sent word to lieut. M'Call of his indisposition, requesting the midshipman to state the circumstance to his lieut. Mr. Howle. In a few minutes after, captain Perry sent him word that “he wished to see him on quarter-deck,” to which he hastened—where he

was roughly accosted by captain Perry, who said he had been sent for several times, but had sent word that he was sick. To which captain Heath answered, it was so, but that on receiving HIS message he had come as speedily as possible. The marines were then mustered, with the assistance of lieut. Howle, and an explicit and respectful report made to captain P. of the two who were absent. He adds: “Captain Perry looked at me for some time, without any reply. At last, pointing to the hatchway, he said “You may go below sir, I have no further use for you on board this ship.” He obeyed, and retired with wounded feelings. After remaining two days in this state of suspense, he addressed the following note to captain Perry:

“U. S. ship Java, Messina, 18th September 1816.

“Sir, On the evening of the 16th inst, I was ordered below, by you, with these words, or to that effect: “I have no further use for your services on board this ship.” I have waited until this moment, to know why I have been thus treated, and being ignorant of the cause, request my arrest and charges.

“Very respectfully, your obedient servant,

J. HEATH, cap. marines.

“Capt. O. H. Perry, commanding U. S. frigate Java.”

Captain Perry received this letter about eleven o'clock on the evening of the 18th Sept. after his return on board. He sent for me immediately and on entering his cabin I was accosted in the most rude & ungentlemanly language: “How dare you sir” said he “write me this insolent letter?” I replied “that it contained a respectful request, and I was surprised it should be deemed insolent.” He then shook his finger at me several times, saying, “You damned rascal, you have insulted me—it was not my intention to have arrested you, but I'll now work you for it.” As soon as I could be heard, I immediately replied—“Captain Perry, you must recollect that I have the feelings of a gentleman, hold a commission as well as yourself, & will have redress for this language.” He then asked me “if I knew to whom I was speaking, and where I was?” I answered “to captain Perry in the frigate Java.” The storm of his anger seemed to rage more violently, and he poured upon me a torrent of the most vulgar abuse, frequently threatening to put me in Irons. I knew not to what lengths his impetuous passions might urge him, and being unarmed myself, I deemed it prudent to make an effort to withdraw; but he ordered me to remain, and called for lieut. Howle. About this time we were in the forward cabin, and when lieut. Howle entered, captain Perry said to him “I have arrested this man—you will take charge of him. He has not only dared to write me an insolent letter, but has also insulted me in my cabin, and I have a great mind to put him in

Irons.” I observed “very well sir,” Captain Perry then advanced towards me, I believe with his hand clenched, and said “If you repeat those words, I will knock you down.” And I had hardly time to warn him against it, before I received a blow. I drew back, determined to defend myself, when lieut. Howle rushed between and parted us. During the time I was in the cabin, captain Perry called for sword. He ordered lieut. Howle to confine me to my state-room with a sentry over me. The sentry was stationed in the ward-room, but removed shortly afterwards.

After some reflections on this treatment, captain H. relates the circumstances of an overture now made towards apology and conciliation:

“Some conversation having previously passed between myself, captain Crane and lieut. M'Pherson, the following letter was sent to me on the 19th of Sept. by those gentlemen, at the desire of cap. Perry:

“U. S. ship Java, 19th September 1816.

“Sir, In order to prevent all mistakes, we have thought it advisable to repeat to you in writing, the prompt and voluntary proposal of captain Perry, “that he regrets he should have been so excited as to offer you personal violence, and that he will make you an honorable apology, such as will be proper for you to receive, and him to make.” For the above reasons, we request your answer in writing.

“Respectfully your obedient servants,

Wm. Crane

J. M'Pherson.

“Capt. John Heath, Marine Corps.”

[Query,--- Ought not captain Heath at this juncture have resolved, either to relinquish courts martial in the stern determination to insist on personal satisfaction for an outrage which nothing else could expiate.]

“I had been put under an arbitrary arrest,” says captain Heath; “was of course in the custody of the law, and nothing but the sentence of a court-martial could vindicate my reputation as an officer. In this situation I had been abused in the most scurrilous manner, and my person violated when disarmed and in the power of my oppressor. What right had he then to offer to make a compromise of a matter which by his own act he had referred to a legal tribunal.” He rejected the proposal; and the officers of the Marine corps in the squadron, he says, unanimously concurred in that measure. On which he wrote the following:

“U. S. ship Java, 19th September 1816.

“Gentlemen—In reply to your letter of this morning, stating the regret of captain Perry for having offered me personal violence and abuse, and his readiness to

\* Lieut. Howle, in his testimony states that Perry actually ordered me to be put in irons, but afterwards countermanded the order.

make “an honorable and personal apology, such as would be proper for me to receive & him to make. I have to say, that the injuries which have been inflicted on me by captain Perry, are of such a nature that I cannot receive any apology he can offer as an atonement, but rely on the laws of my country for justice.

“I have the honor to be, gentlemen, your obedient servant,

J. HEATH, cap. marines.

“To capt. Wm. Crane and

lieut. Joseph M'Pherson.”

[more of it next week.]



**MADISON,**

SATURDAY, AUGUST 9, 1816.

A JOURNEYMAN PAPER wanted at this office immediately.

The following is a statement of the election in this county Monday the 4th inst.

For Congress. No. 1  
William Hendricks, 43  
Th: Posey.

For the Legislature  
Nathaniel Hunt, 33  
Williamson Dunn, 33  
Samuel Smock, 21

Wm. Carpenter, 21  
Richard Hopkins, 21  
Samuel Ryker, 21  
Zacheriah Tannehill, 21  
Moses Hopper, 21

For Clerk of the C. Court.  
R. C. Talbott.

D. H. Maxwell,

For Recorder.  
Talbott

Maxwell

Joseph Oglesby

For County Commissioners  
Robert Simonton, 33  
Samuel Marques, 33  
Thomas Jones, 33  
James Ross, 33  
Amos Chitwood, 33

A large supply of provisions for the U. States troops at Montgomery, lately sent from Orleans and landed at Pensacola to be transported from the American camp, has been seized, we are informed, by the Spanish commandant; in consequence of which our troops are suffering for subsistence.

[Geo. Journal]