

BALTIMORE JULY 5.

Courts-Martial have been held on board the U. S. Ship Java: and Capt. PERRY, the Commander, and Capt. HEATH, of the Marines, tried upon charges exhibited against each other, and sentenced to be privately reprimanded.—In the Norfolk Herald of the 2d inst., a long Letter, addressed to the Public by Capt. Heath, is given, explanatory of the circumstances which led to the Trials.—The following are extracts from it:

"On the 16th September, 1816, when our ship was laying in the harbour of Messina, I went on shore with the customary leave of absence for the purpose of recreation and exercise. I returned to the Java early in the evening with a violent headache, and retired to my state-room for repose. In a short time afterwards, I received a message from Lt. M'Call, through one of the Midshipmen, informing me I was wanted on deck, two of the Marines having jumped overboard. I requested the Midshipman to inform Lt. M'Call of my indisposition, desiring him at the same time to state the circumstance to Mr. Howle, my Lieutenant. In a few minutes thereafter, Capt. Perry sent me word 'that he wished to see me on the quarter deck.' I got up immediately, and before I had time to dress myself, the message was repeated. With all possible dispatch I repaired to the quarter-deck, and met Capt. Perry at the hatchway. He accosted me in a very rough manner, saying 'you have been sent for several times, and have sent word that you were sick.'—I replied, 'that I had sent word to that effect to Lieut. M'Call, that I was very unwell, but on receiving his message had hastened up as soon as possible.' He then ordered me to muster the marines and ascertain who were missing, a duty which I performed with the assistance of Lieut. Howle, and made a respectful and explicit report to Capt. Perry of the two who were absent. Capt. Perry looked at me for some time without giving any reply. At last, pointing to the hatchway, he said, 'you may go below Sir. I have no further use for your services on board this Ship.' However extraordinary and unauthorized this order was, I did not hesitate to obey it. I went below with feelings of mortification I cannot describe. Had I been arrested in the usual mode, my sword demanded, and specific charges furnished me, I should have been satisfied—but to be thus deprived of the honorable command which had been assigned me by the Secretary of the Navy, to be told contemptuously that my services were no longer wanted—and to be ordered below by an act of despotic usurpation, without any cause whatever alleged, I confess overwhelmed me with astonishment. In this state of feeling, I remained 3 days, when I determined to address a letter to Captain Perry, soliciting my arrest and charges. I beg the reader to attend particularly to the language of this note, treasure it word for word in his memory, to examine it with critical accuracy, to give it the widest latitude of construction, and then ask himself if there is any thing either in its manner or matter highly improper and offensive. This note was the ground work of the subsequent daring outrage and tyrannical usage which I received. The following is the exact copy:

"U. S. Ship Java, Messina, 18th Sept. 1816.

"Sir.—On the evening of the 16th inst. I was ordered below by you, from the quarter deck of this Ship, with these words, or to that effect, 'I have no farther use for your services on board this Ship.' I have waited till this moment to know why I have been thus treated, and, being ignorant of the cause, request my arrest and charges.

Very respectfully, your obdt servt,
JOHN HEATH, Capt. Marines.

Captain O. H. Perry Comd'g U. S. Frigate Java."

Capt. Perry received this letter about 11 o'clock on the evening of the 18th Sept. on his return on board. He sent for me immediately, and on entering his cabin I was accosted in the most rude and ungentlemanly language.—'How dare you Sir,' said he, 'write me this insolent letter?' I replied 'that the letter 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 will now work you for it.' As soon as I could be heard, I immediately replied—'Capt. Perry you must recollect that I have the feelings of a gentleman; hold a commission as well as yourself, and 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 Capt. Perry in the Frigate Java.' The sternness 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 length his impetuous passion 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 Lieutenant Howle. About this time we were in the forward cabin, and when Lieut. Howle entered, Capt. 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 insulted me in my Cabin, and I have a great mind to put him in irons.'—I observed, 'very well sir,' Capt. 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, Capt. Perry called for his 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.

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

"U. S. Ship Java, 19th Sept. 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 Capt. Perry, 'that he regrets he should have been so much excited as to offer you personal violence, and that he will make you an honorable and personal 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. MACPHERSON.

Capt. John Heath, Marine Corps."

"I deem it proper to observe, that notwithstanding the decisive course I determined to pursue in regard to this offer of compromise, I first submitted it, through respect to my brother Marine officers of the squadron who unanimously concurred in the propriety of its unqualified rejection. I returned the following answer:

"U. S. Ship Java, 19th Sept. 1816.

"Gentlemen.—In reply to your letter of this morning, stating the regret of Capt. Perry, for having offered me personal violence and abuse, and his readiness to make an honorable and personal apology, such as would be proper for me to receive, and him to make—I have to say, that the injuries which have been inflicted on me, by Capt. 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 honour to be, gentlemen, your obdt servt,

J. HEATH, Capt. Marines.

To Capt. Wm. M. Crane, and
Lt. Joseph Macpherson,

"I was arrested on the 18th of September, and waited patiently until the 12th of October, being 24 days, when I addressed the following letter to Commodore Chauncey.

"U. S. Frigate Java, Algiers, 21st Oct. 1816.

"Sir.—I have the honor to inform you, that on the 16th Sept. last, without a knowledge of the cause, I was sent below from the quarter deck of this Ship, by Captain O. H. Perry. On the evening of the 18th, I addressed Capt. Perry a letter (couched as I thought and intended) in a respectful manner, requesting my arrest and charges, at the same time stating my ignorance of the circumstance which induced him to suspend me from duty. On the receipt of my letter, I was ordered under an arrest, my sword taken from

me, and in this situation have remained without an arrest or charges in writing.

"I feel it a duty, under existing circumstances, to request of you, Sir, and investigation of my conduct, or charges preferred against me, as soon as may be deemed practicable.—With high respect, I have the honor to be, your obedient servant,

J. HEATH, Capt. Marines.
Com. Isaac Chauncey.

The Commodore did not condescend to take notice of my request, but in 2 days afterwards Capt. Perry sent me my long wished for charges. As our squadron was expected to sail immediately for Gibraltar, I did not urge an immediate trial.

"On the 28th December the Ships joined at Port Mahon.

"The Court-Martial, by which I was tried, assembled in the Frigate Java, on the 31st December—the charges against me were—1st. disrespectful, insolent and contemptuous conduct—2d. neglect of duty, and unofficer-like conduct: and 3d. disobedience of orders—they were all malicious and unfounded.

"The Court-Martial for the Trial of Captain Perry, on charges preferred by me, was organised on the 10th January, 1817.

"I deem it necessary to expatiate, upon the charges and specifications which I exhibited against Capt. Perry. The nature of them will be easily inferred from the foregoing statement. I will remark however, that they were indisputably and incontestibly proven before the Court, as the record will shew whenever it is exhibited. The reader will now be prepared to hear the sentences of the respective Courts. He will at least, believe, that however defective in organization and unprecedented the mode in which they were conducted, the sentences at least would be promulgated in the usual and customary manner; that conformably to invariable usage, the officers of the squadron would be assembled in the Flag Ship, and the judgments of these most holy tribunals audibly pronounced! But oh no! It would have been horrible profanation to have murmured a breath of censure against the hero of Lake Erie! Reader! Citizen of this land of liberty! would you believe—I have never yet heard officially what Capt. Perry's sentence was.—It is true it was whispered through the Squadron that it was a private reprimand from Commodore Chauncey. If my bosom did not swell with indignation, I could not refrain from smiling at this solemn mockery. A private reprimand from Commodore Chauncey, his aidor and abettor in one of the most wicked and despotic combinations that ever dishonored the Navy of our country.

"But to proceed—it was not until informed by Capt. Shaw, that I was sentenced to be privately reprimanded by him, that I knew any thing officially of the matter—and it was not until my arrival in America, that I was informed upon what charges and specifications the court considered me as guilty! But I shall not dismiss Commodore Chauncey yet—bad as I deem Capt. Perry, I think the Commodore much worse; the first might find some sort of shelter in human weakness and the pride of obstinacy—but the latter is a volunteer in crime, coolly sanctorous and deliberately unjust.

"Com. Chauncey has studiously labored to keep the whole transaction secret as possible. Accordingly, about the time of my arrest, he published an order, prohibiting the officers giving any information to their friends at home, either about the operations of the squadron, or concerning any disputes or misunderstandings between each other. The sensation produced by this order will be fully attested by the officers themselves. With the same caution he suppressed the publication of the sentences of the courts-martial, already stated—and when I had requested the Judge advocate of Capt. Perry's court to furnish me with a copy of the record, the commodore preemptorily forbid it."

"After I was restored to my command, I addressed a letter to Com. Chauncey, earnestly requesting, that in consequence of the unpleasant transaction which had transpired, I might be permitted to return home as a passenger, to which letter I received the following reply:

"U. S. Ship Washington, Port Mahon, 13th Jan. 1817.

"Sir—your letter of this day's date is before me, and in reply, I have to state, that in my opinion it would be unmilitary

and improper to comply with your request, inasmuch as you have been placed in the command of the Marine guard of the Java, by the honorable the Secretary of the Navy: it would be improper for me to remove you from your command, without a very sufficient reason. Besides, it would be passing an act of censure on Captain Perry in addition to that which he has received from the court.

"I am, very respectfully Sir, your obedient servant.

"I. CHAUNCEY.

"Capt. John Heath,
comd'g Marine guard, Java.

"I submitted, and was reduced to the mortifying necessity of doing duty again under the man who had forfeited every claim upon my confidence and respect. I did not hesitate in determining on my arrival in my native country, to spread before the history of my wrongs.—For whether I am ever fully redressed or not, the Government and the people have a right to be informed of the manner in which the American character is degraded on a Foreign station—by men too high in confidence at home; and I hesitate not to declare, that unless some effectual steps are taken to secure the rights of the Subaltern officers against the wanton caprice and malignant hostility of his superior—the most blasting and pernicious influence may be expected upon the rising prosperity of the navy."

BRITISH TREATY.

It will be remembered that, the treaty of Paris, of 1783, stipulated that the navigation of the river Mississippi from its source to the ocean, should remain free to the subjects of Great Britain; and also that the inhabitants of the United States, should have liberty to take fish of every kind on the coast of Newfoundland, and on the coasts, bays and creeks of all other of the British dominions in North America, and to cure and dry the same on the unsettled shores of Nova Scotia, Labrador, &c. These two conditions of the peace of 1783, probably advantageous to both countries, certainly to this, were not renewed in the late treaty of Ghent. It is now stated in the article which we quoted from the *National Intelligencer*, but which first appeared in the *Kentucky Reporter*, that the important privilege of the coast fishery was given up by our ministers, to gratify the whim of two of their number, not to renew to the British the privilege of navigating the Mississippi. It seems the British commissioners were willing to renew the grant of the fishery, on condition of the renewal on our part of the grant of the Mississippi navigation. It is to be supposed that the British expected some advantage from the renewal of this privilege of navigation, but it is difficult to imagine what injury the grant could do to us. But the privilege of the coast fishery was a matter of substantial benefit to the people of this state, and experience has proved that the loss of it is a serious injury. [Daily Advertiser.

NEW-YORK, JULY 1.—By the arrival last evening of the ship Rubicon, Holland, 43 days from Havre de Grace we have received French papers to the 14th, and London to the 8th of May.—The health of the king of France was re-established; and the affairs of his kingdom were comparatively in a prosperous state.—The duke of Wellington, it is said, arrived in Calais, on the 11th of May, and was to proceed to Cambrai, on the 12th.—It is said, that Count Reginald St. Jean D'Angely had been acquitted, and that the government had invited him to return to France.—The season, thus far, had proved in France inauspicious to the agricultural interest. The expectation of scanty crops had raised the price of grain, and most of the productions of the country.—We regret to learn, that an epidemic denominated the typhus fever, had prevailed to a great extent in some of the towns of Geneva. In some places, it is said, a tenth part of the population have been swept away by this fatal disease.

The snowy mountains of Thibet, in the East Indies, which were until lately supposed to be inaccessible, have been crossed by captain Webb, and their height ascertained, which prove to be 28,000 feet above the level of the sea. This is more than 7000 feet higher than the highest point of the Andes, which have heretofore been considered as the loftiest mountains on the globe.

[New-York Daily Advertiser.