

ry's official report of the action. Magrath too had about this time sent an insulting message to Perry, who had given him an order to execute as Purser, to which he replied that he was not Commodore Perry's lackey. For this disrespect to his commander he was arrested, but after making a suitable apology, he was restored to duty.

You will perceive then the origin of Magrath's vindictive course toward Perry. While smarting under the thought of his arrest, and the irritation which Elliot's remarks occasioned, this file-leader of his certifiers, wrote the letter extolling Elliot, to the Secretary of the Navy,—a distorted version of the battle published in the *Erie Gazette*,—his own certificate, and last but not least, the congratulatory address of the *Niagara's* officers to Elliot. But after a few months' calm reflection Mr. Magrath said in my hearing that he wished his fingers had been cut off before he signed those papers; and Mr. Brownell testifies under oath that he wished his hand had been cut off first. A few months later Magrath disobeyed an order from Commodore Sinclair, for which he was required to deliver up his commission as purser and to leave the service; which he did, and a few weeks after he blew his brains out. Such was the end of the principal witness and prime actor in favor of Elliot; yet Mr. Cooper extols him without stint, as the most reliable witness in the whole controversy.

In like manner, Lieutenant Conklin, the only commander of the small vessels from whom Elliot's importunity drew a certificate in his favor, expressed regret months afterward in my hearing, that he had ever given it, stating that it was obtained under the plea that it was to be shown to Mrs. Elliot and other relatives only, who had heard unfavorable reports of his conduct.—This gentleman was afterwards dismissed from the service on the charge of intemperance. The other Commanders of the small vessels expressed opinions against Elliot, most of them under oath. Thus you will perceive that the testimony of the Commanders of the small vessels was in favor of Perry and against Elliot.

Cooper represents Dr. Parsons several times as a partisan witness. "Two accounts" he says "of the loss of the *Niagara*