Collector's Office,
District of Portland and Falmouth,
Portland, July 9. 1834.

Sir.

In compliance with the following Instructions from the Secretary of the Treasury, to wit:

Treasury Department
28th March 1834."

"Sir.

Charges of official misconduct have been made to this Department, against Joseph Berry, Esquire, the Keeper of the Light House, at White head, in the State of Maine; copies of which I herewith enclose you, with a request that you will investigate them, at as early day as will suit your convenience, and report to this Department.

I am, very respectfully,
Your obt. Servant.
(Signed) R. B. Taney,
Secretary of the Treasury.

John Chandler
Collector &c.
Portland,
Maine.

Seasonably notified the parties, to wit

Charles

Charles Stearns and John Jones, the complainants, and Joseph Berry, Esquire, the respondent, to meet at the Dwelling House of Charles Whitney, Innholder in Thomaston, on Wednesday, the eleventh day of June last, at ten of the clock in the forenoon, for the purpose of investigating said charges, which are as follows:

"To the Hon: Roger B. Taney,"

"Secretary of the Treasury of the United States."

"The undersigned, citizens of the town"

" of St. George, Thomaston and vicinity, in the County of"

" Lincoln, State of Maine,"

"Respectfully represent:"

" That Joseph Berry is now the keeper of the Light"

" House, situated upon the Island of White Head, in the town"

" of St. George, and known by the name of White head Light,"

" and that said Berry has not and does not pay that"

" attention to the Keeping of the said Light, which the interests"

" of the public and the safety of vessels upon the coast require,"

" that in one case in particular, which the undersigned beg leave"

" to specify, in the month of September last, a vessel in"

" a very dark and stormy night narrowly escaped being"

wrecked

wrecked upon the Island, in consequence of the light
being entirely out, and the Bell attached to the Light-
House, which is required to be used, being wholly neglected.
The above instance is susceptible of plenary proof, and
We further state that in addition to this and other individual
instances of gross inattention to the duties of his place,
his general habits of inattention and neglect are such
as to render him an unsafe man for the Keeper of a
Light House. — We, therefore, pray that said Berry may be
removed and a suitable person appointed to take his
place. Signed Charles Stearns
John Sowle." —

At the time and place appointed, appeared Charles Stearns, one of the Complainants, and the said Berry, the respondent. — Mr. Stearns stated that John Sowle, the other complainant, was in town but did not wish me to wait for his appearance. After reading my Instructions, together with the charges preferred, I stated to Mr. Stearns that I was ready to hear any witnesses he might think proper to introduce to substantiate the charges: He then called John Tillsbury, master of the

Schooner

Schooner Glide; George Washington Pillsbury, and Samuel Rackleff, who were sworn, and their depositions taken down by me. These depositions are numbered 1. 2 and 3: To which I beg leave to refer you. And here Mr. Learned stated that he should stop. ——

The following witnesses were then called by Mr. Bery, the respondent, and sworn, and their depositions taken down by me; Court: Jonathan Nalon, Lod Herrick and Hanse Kellock. These depositions are numbered 4. 5. and 6. to which you will be pleased to refer. After these depositions were taken, Mr. Learned stated that he abandoned the charge which alledged that Mr. Berry's general habits of inattention and neglect are such as rendered him an unsafe man for keeper of a Light House; and stated that he could not bring any witnesses to substantiate the charge, and admitted that the Light had generally been well kept. Mr. Learned further stated that the testimony of John Henderson and Joseph Wheeler could not be obtained, as they were absent at sea; and a continuance of the proceedings having been claimed on the part of Mr. Learned, one of the Complainants, for the purpose of obtaining this Testimony, Mr. Bury, the respondent, in order

to

to prevent further delay, agreed with Mr. Stearns, one of the Complainants, that the depositions of Wheeler and Henderson, copies of which are annexed to the copy of the charges preferred, the originals of which are in the Treasury Department, should be used in any further proceedings in the case. It being understood that the depositions of said Henderson and Wheeler were taken without notice being given to Beny of the same, and that said Beny was not present at the taking thereof, and had no opportunity to put cross interrogatories to the deponents. —

The proceedings were then adjourned to the next day, the twelfth of June, at the same place. The parties appeared as the day before, to wit Charles Stearns, one of the Complainants, and Joseph Beny, the respondent. —

John Lowd, the other Complainant, came in, and stated that he signed the complaint against Mr. Beny, in consequence of representations, which, if true, he thought Mr. Beny a man unfit to keep a Light House; but he knew nothing of the fact himself.

That

that he should not introduce any witnesses, or interfere in the case; that he was well acquainted with Mr. Berry, and knew nothing against him, himself. — Mr. Berry then called the following witnesses, who were sworn, and their depositions taken down by me; Lieut. Mary Snowden, Jonathan Smith, and John Watts. These are numbered 7. 8. and 9. to which you will refer.

In this stage of the proceedings, after the three last named witnesses had testified, Charles Stewart, one of the Complainants, stated that the character of John Henderson, one of the deponents, the copy of whose deposition is annexed to the charges, and the original now in the Treasury Department, is not such as he expected. He supposed him to be a man of truth and veracity; but satisfied that he is not a person of such character, he was fully aware that the charges could not be sustained; and, therefore, on his part, abandoned them, and should introduce no further testimony. — Mr. Berry then stated that, although he had a great number of witnesses present, who had not testified, he should rest his case upon the

testimony

which had been given in, rather than consume more time. Here the investigation closed. —

I cannot refrain from stating that Mr. Berry had ever been considered one among the best of the Light House Keepers on the coast; and, on reference to the weekly reports of the Officers in command of the Revenue Cutter attached to this Station, I find the Light under his care, uniformly reported as one of the best. There is every appearance that the charges were not only improperly made but that the persons, who preferred them, never contemplated an investigation. — Mr. Berry has been at very great expense for Witnesses &c. but I paid none, as I did not feel myself authorized so to do. An account, incident to the investigation, is herewith enclosed, which I presume will be allowed. — Under the laws of this State, I had no authority for administering oaths in the County of Lincoln, and, therefore, employed a Justice of the Peace for that County.

I have the honor to be Sir,
Very respectfully, Your Obt. Servant

John Chandler
Collector

The Honble
Levi Woodbury,
Secretary of the Treasury,
Washington.