



USS Constitution  
Museum

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TRANSCRIPTION OF

**Letter from  
John Marshall to William Phillips,  
April 10, 1813**

USS Constitution Museum Collection [2052.1]

Mercury Cartel Land's End ENE  
Distance 140 Leag<sup>s</sup> April 10<sup>th</sup> 1813

My dearest Friend,

So many interesting events having formed the little period of my life since we parted, that I am induced to omit every preceding minor occurrence, that I may arrive at that which causes my present unexpected return: I mean the destruction of H.M.S. Java by the American Ship Constitution of 54 guns. Having spoken with H.M.S. Rhin early this morning, which Ship formed part of the escort to the West India Convoy, I sailed from Cork seven days since. We learnt that the American Commodore's letter had been received in England, detailing the particulars of his action with us. as also a copy of the Parole accorded us. this latter circumstance we regard with pleasure as removing every fear that may be entertained by the friends of the Survivors for our safety. Capt<sup>n</sup> Malcolm of the Rhin informs us that the information of the Java's loss had not <sup>only</sup> occasioned much regret (as we naturally expected) but that the commodore's letter had been much canvassed by our Countrymen, and that public opinion carried censure in its voice. at present only one party has been heard. I am well aware that there are persons who will venture an opinion, even a decision, though deficient in evidence. in justice, & liberality, it is happy that the merits & honor of our officers in both <sup>the</sup> Army & Navy rest on the judgment of a generous Nation. I am however sorry for the effects which a first impression may produce - I shall in order to give you the means of forming a just idea of the Action add an outline of its principal points. I may first preface my narrative by observing that it is a rule in our Service laid down, & acted upon as a point of honor, that any Frigate of ours, falling in with any Ship belonging to an Enemy, & styled a Frigate, though evidently of infinite superiority, Such Frigate must if possible bring her Enemy to action!

On this basis we brought the Constitution to Action, after a chase of six hours by dint of our superior sailing. at about 5 minutes past two we came up with, & received her broadside, the Enemy shortened Sail. we still carried our Sail, & having closed to rather more than a Pistol Shot, we opened our Fire. I must observe that our rigging & Sails were at this time much cut by his Shots. We now mutually manouvred [sic] to obtain advantageous positions, both Ships keeping up a heavy fire, our opponent being desirous to increase his distance, which we as obstinately prevented by closing with him, keeping the Weather Gage [sic]. We soon perceived the superiority of our Enemy's fire by the fatal effects produced. We continued engaged in this manner till a few minutes after three. When finding all our Rigging cut to pieces, the head of the Bowsprit shot away, our Foremast tottering, our Ship becoming unmanageable, Capt<sup>n</sup> Lambert was induced to snatch the victory by boarding. we accordingly bore up for that purpose, to lay him on board, but unfortunately our Foremast falling over the side followed by the Main Topmast <sup>^foiled our attempt</sup>. from this instant the battle was lost to us. it now only remained for us to defend the British Flag with honor, to preserve it unsullied. We thus continued the Action till about four o'clock, for the most part receiving a most galling raking fire. Our Enemy being enabled to command any position, while we were reduced to an unmanageable log, laying in the trough of the Sea seldom getting half our Guns to bear. a little past four our mizzen mast & main yard both went & we fell off which with the Enemy shooting unavoidably ahead, again brought us fairly broadside & broadside, when we opened our fire with the greatest spirit. at ~~half~~ 35 minutes past four the Enemy made Sail from our fire, passed ahead of us, & hove too out of Gun Shot, to repair his damage. Capt<sup>n</sup> Lambert was unfortunately mortally wounded

at half past three, the command of the Ship consequently devolving on Lieut Chads, whom I must observe nobly succeeded his Gallant Captain. on the Enemy's leaving us, Chads asked my opinion about the propriety of surrendering the Ship, not a hope being left us of successfully resisting the overwhelming power of our opponent. at this time our decks were literally covered with killed & wounded, our Ship on fire from firing thro' the wreck of the fallen masts, the MainM[as]<sup>t</sup> alone standing. I acknowledged our hopeless situation, but observed the responsibility he owed to our Country which lay principally with him, saying I did not like to advise, but whatever was done I would cheerfully & conscientiously attest to the honorable & gallant conduct of every Officer on board during the action. However I carefully surveyed our state & the enemy's & thinking we might dismast him if he would return alongside, as we were yet strong at our Guns, or that possibly some accident might induce the Enemy to decline any further contest, or that some friendly Sail might heave in view, I advised him not to strike our Colours. We were meantime employed setting a sail on the Stump of the Bowsprit & Foremast, getting a Jury Foremast up. Our Mainmast in the interim fell overboard. Our Enemy now bore up, & stood for us. We were all at Quarters in the hope that he would come alongside. He however took a position about 1 cable's length [sic] a head of us where we could not possibly bring a Gun to bear. When Chads lowered our Colours it may be proper to review the state & condition of our Ship when surrendered. Our three masts & bowsprit were gone, the greater part of our Guns covered, & consequently

rendered useless from the fallen masts laying on them, some Guns dismounted & otherwise destroyed with 23 killed & 101 wounded, our Ship often on fire, & a considerable quantity of water in the hold from Shot holes, with the Hull dreadfully shattered. We will now examine the propriety or necessity for surrender under these circumstances. All our hopes of Victory had vanished with the fall of our Foremast, and if the Enemy's force was half as much more than ours, at the beginning of the action how much must it have increased now that we were a perfect wreck. It is true, his Sails & rigging were cut to pieces, his masts & yards much wounded but nothing fallen. He had now in some degree refitted & had taken a position where we could offer no resistance, he could easily preserve that position, our only hope had been that he would return alongside, when we might have dismasted him & thus we should have been more equal. With this hope it was recommended to receive his fire, though raking. it is possible that our Ship might have sunk under his attack, but as we had no other reason to suppose that the Enemy would resign his advantage & commit a palpable error, but our wishes that he should do so. L<sup>t</sup> Chads conceiving himself not authorized to wantonly waste more lives & trusting to the generous consideration of his country for judging of his Conduct lowered the colours this was a few minutes before Six. I did not leave the Java, till the next Evening choosing to remain with the gallant, though unfortunate Lambert, so that I had an opportunity of rightly judging of the State of the Ship. I shall not give you all the horrors of the Scene. You may form an idea when at daybreak, of the morning following the action, we beheld many of the mangled Bodies, of those who fell, & were thrown overboard.  
during the Evening

laying exposed, floating on the Wreck of the masts, which continued along-side, in this situation, were Officers & Men. Our Boats were all cut to pieces, the Americans had but one left, so that the lives of those were eminently endangered who removed this sad, spectacle from our view. the instant that all our wounded & the prisoners were withdrawn the sinking wreck of the Java was burnt by the Americans. We were happy to see her thus destroyed. She never bore the American Flag. In the commodore's letter he says "we captured HMS Java after a two "hours action," concluding "that his loss is 9 killed & 25 wounded adding "ours to have been 57 killed & 120 wounded." This letter I have not yet seen, being only informed that the above is part of its substance. If so I may safely correct his statement by saying that we were within a few minutes of three hours actually engaged. If he received no other damage than the little he represents, why did he haul out of action [?] I must also observe he has misinformed himself with respect to the relative losses of both Ships, our loss being but 23 killed & 101 wounded his loss 14 killed & 44 wounded. I speak from authority he himself telling me that he had 9 or 10 killed & 34 wounded. Our Surgeons counted 44 wounded Americans in their hammocs [sic] & assisted in dressing their wounds four of his amputations died the morning after the action which makes 14. with regard to his good opinion of our defense, we may admire his candour, but we are alone ambitious of our Country's opinion. I have been induced to say more on the subject than I otherwise should in my desire to vindicate, if necessary, & to point out the gallant and honorable conduct of Capt Lambert & his officers with merited consideration. It is with pleasure I inform you that Commodore Bainbridge conducted himself with honor & generosity to the officers. he was desirous to preserve our property inviolate but owing to the want of discipline on board the Constitution, and the determination of the

American midshipman & inferior officers to plunder whatever came in their way, hardly a single Officer among us escaped, without incurring most serious losses. I am about 100 Guineas minus in consequence. I wrote you from on board the Constitution & since on my landing at Bahia, some of our letters went by way of Lisbon others by HMS Bonne Citoyenne, on our passing near the island of St. Michel we perceived the above Ship there at an Anchor. I had time to write you a few hurried lines, thinking it probable that she may arrive in England before us. We remained three weeks at Bahia where we freighted two merchant vessels as cartels to bring us all to England. It is gratifying to me to acknowledge the kind hospitality we experienced from the Portuguese during our stay among them. it would be ungrateful were I not to notice their generous conduct particularly the countess of Porto and her aimable [sic] Family. We have experienced an unusually long voyage, from continued contrary winds in Lat 33°.36 N, Long 40°.1 W. on the 18<sup>th</sup> March we fell in with the French Frigate L'Arethuse Commodore Bouvet he had chased us for three days. We now looked forward to a French Prison for life, at least during the continuance of the War. However Monsr. Bouvet having encountered HMS Amelia, on the coast of Africa, he was in consequence so dreadfully mauled, that he did not wish to add to his incumbrances [sic], he lost 101 men killed & wounded, his masts & yards much shatter'd had 400 men in action. I think he stands a fair chance of being captured as he sails bad. L'Arethuse is sister ship to the Java. It now occurs to me that Commodore Bainbridge has allotted a most numerous Crew to the Java. I beg to state the force of both ships. The Constitution mounts 54 guns 32 long 24 p<sup>rs</sup> & 22 -32 Carrds with a crew of 485 able Seamen a great number of British Seamen among the number these misled wretches I have reason to think find their present service hang heavy on their minds. there were a number of my old Shipmates on board who

expressed themselves ready to lay down their lives for me. & sent to speak to me, but as the commodore had conducted himself in the most generous manner to us, allowing us the range of the Ship & consequently it was understood that our enlargement was regarded in honor, I consequently did not think it correct to converse with his Seamen, as I am sure that had it been possible to have carried his Ship through these means that my Country would not have thanked me for an act that bore dishonour. Our poor seamen, had no such tie to govern their conduct for they were treated with unjustifiable harshness, being confined in Irons on the Lower Deck & Hold where the Therm[omete]<sup>r</sup> was at about 120° of heat. On their being landed not one half of them had a shirt to protect them from the burning influence of near & vertical Sun. to finish my statements of the Force, the Java mounted 46 guns 28 long 18 p<sup>rs</sup> 16 32 Carr<sup>des</sup> & 2 long 9<sup>s</sup> we had 376 souls on board when we went into action, consisting of crew, super-numerary seamen for India, & passengers. The distribution of this force was as follows 350 men & boys at quarters 7 non combatants & 19 little boys & young mid-shipmen of eleven years old, these boys sent from the Marine Society, were positively too little to be of service, so were not quartered but put below during the action. I must now add that the Java's crew were chiefly new raised men the greater part knew nothing of a gun, upwards of 100 had never been at sea before and I never saw a ship so miserably off for seamen, the ship having been but six weeks at sea, since commissioned. no time had elapsed for their effective instruction: to point out more forcibly our situation in this respect, on the instant of going into action perceiving Cap<sup>t</sup> Lambert is rather low spirits, to cheer him I said, Cap<sup>t</sup> L you now stand in the proudest situation in the British navy- he answered, My dear friend, you know that ~~xxxxx~~ we have no experience- this was the language of despondency grounded in the conviction of his crew's inefficiency. On the 26<sup>th</sup> of March being in 40° north Lat we were necessitated to bear up, & run



for the Western Islands where we arrived at the Island of Terceira on the 27<sup>th</sup> this measure was in order to avoid the horrors of Starvation our Stock of Provisions being nearly exhausted from our Voyage proving so unexpectedly long. We here procured a further supply & proceeded on our course. contrary winds, kept us among the islands & on the 2<sup>d</sup> inst we put into the Island of St. Michels for these last five days, we have enjoyed a fair wind. My reason for writing you now & that rather at length [sic] arises in my desire to inform you of the principal events that have occurred to me since we parted and though I perceived this is written in an unconnected & digressive style, I feel assured of your indulgence when I inform you we are making the most of a fair wind rolling gunnels under, and as my whole frame is rolling about, it is but natural my ideas should partake in the general motion. I shall enclose you a Copy of my parole for your perusal. its terms are hard but it is considerably ameliorated ~~from~~ than when first offered us. The commodore tied us down to return to America, within the period of two years if the granting us our Parole should not met M<sup>r</sup> President's approval. We however refused to accept it preferring to go direct to America on this it was amended & left in its present form, with the addition of the sweeping clause which gives us the benefit of any existing arrangement that may exist between the two Countries relative to the exchange of Prisoners. I am therefore in hopes that I shall be exchanged in the course of a  
few months.

I cannot however venture to say much on that subject over which I cannot possibly have any controul [sic]. all that is left me is to hope for the best. I have written to my Lord Melville mentioning my return with the cause at the same time thanking him for his appointment, though I have been prevented deriving any benefit from it. As the superiority of the American Frigates over ours may entitle the causes thereof to become a subject of inquiry perhaps their explanation may not prove interesting particularly when the demonstration is deduced from practical experience. The Constitution & Java when placed in comparison will serve to illustrate this point. The Constitution mounts 54 guns, is 1500 tons, has masts & rigging equal to our 74 gun ships, with a crew of near 500 able experienced men. no boys on board. The Java's force 46 guns was 1000 Tons Frigate rigged. The Constitution & all the American frigate and built of a peculiar hard & well seasoned Oak. The Java & all our Frigates are built of fir. it is a fact that in many instances our Shot would not pierce the Constitution's side on timbers examples of which, I witnessed myself, while her Shot were not <sup>^only</sup> going thro' both our Sides, but drove large portions of our timbers in with them. It should be noticed, to account for their always dismasting our <sup>^Frigates</sup> that our shot, masts &c should be viewed as bearing an inverse ratio: 18 lb shot against a main mast three feet in diameter & 24 lb shot against a mainmast about 2 feet 2 inches in diameter. The Java's crew I already described I am confident that our Frigates are generally better manned if not in numbers in quality -  
I met a gentleman at Bahia who was acquainted with you, a M<sup>r</sup>

Lindeman British consul there. He requested me to convey you the expression of his best respects. I purpose writing you a short letter on my landing merely noting that circumstance as I am induced to think I may be detained at Portsmouth for a few days in order to attend as evidence on the Court Martial which will be immediately instituted to enquire into the facts relative to the loss of HM late Ship Java. Pray you will convey my affectionate regards to my esteemed friends the Genl and Mrs Wilder, Ge<sup>o</sup> & Jane. with my kind remembrance to all & have the pleasure to be known to with my most sincere wishes that this may find you in good health & enjoying every happiness. Believe me to remain

My dear Sir

Ever your most grateful  
and Affectionate

Jh<sup>n</sup>. Marshall

Will<sup>m</sup> Phillips Esq<sup>t</sup>

Pray write whether Will<sup>m</sup> Wilder is at Portsmouth -  
Excuse my particular request that the communication in these sheets may be regarded with confidence as there are some points I do not wish to be made public. I will explain when we meet.