

My dearest Friend.

Mercury Post Land's End C.N.E.  
Distance 140 Leag. April 10<sup>th</sup> 1813.

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. Chion* early this morning, which ship formed part of the escort to the West India Convoy, 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 *Territorials*, for our safety. Capt<sup>n</sup> Malcolm of the *Chion* informs us that the information of the *Java's* loss had with <sup>only</sup> ~~discovered~~ <sup>discovered</sup> must 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 vice. At present only one Party has been heard. I am well aware that there are persons who will venture an opinion, with 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 effect 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 prepare 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 inferior superiority. Such Frigate must if possible bring her Enemy to action!

A letter from Capt. John Marshall, RN to William Phillips describing  
HMS Java's surrender to Constitution, April 1813

a Mr Lindeman British Consul there, he requested me to convey you  
the expressions of his best respects. I purpose writing you a short  
letter on my landing, merely noticing that circumstances 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  
related to the loss of the late Ship Java. Pray you will  
convey my affectionate regards to my esteemed friends the Genl  
and Mrs Wilder. Lt & Jane, with my kind remembrance  
to all I 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

Yours most grateful  
and affectionate

Wm Phillips Esq.

J. Marshall

Pray enquire whether Mrs Wilder is at Portsmouth -  
Excuse my particular request that the communications in  
these sheets may be regarded with confidence as their on  
some points I do not wish to be made public. I will  
explain when we meet.

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