

PROCEEDINGS
OF THE
COURT MARTIAL

THE JAVA

23 April 1813

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MINUTES taken at a Court Martial assembled on
board His Majesty's Ship Gladiator, in Portsmouth
Harbour, on the 23d Day of April 1813.

P R E S E N T,

GRAHAM MOORE, Esquire,

Rear Admiral of the Blue, and Second Officer in the Command of His
Majesty's Ships and Vessels at Spithead and in Portsmouth Harbour,
PRESIDENT.

Rear Admiral EDWARD J. FOOTE.

Captain BENJAMIN WILLIAM PAGE.	Captain JOHN COCKET.
Captain Sir CHRISTOPHER COLE, Kt.	Captain GEORGE FOWKE.
Captain LUCIUS CURTIS.	Captain SAMUEL BUTCHER.
Captain THOMAS COE.	Captain EDW. HENRY A'COURT.

THE surviving Officers and Crew of His Majesty's late Ship Java were brought in, and Audience admitted.

The Order from the Right Honourable the Lords Commissioners of the Admiralty, dated the 22d Day of April instant, and directed to the President, setting forth, That Rear Admiral Manly Dixon had transmitted to their Lordships a Letter, dated the 31st of December 1812, addressed by Lieutenant Henry Ducie Chads, First Lieutenant of His Majesty's late Ship Java, to their Lordships Secretary, detailing the particular Circumstances attending the Capture and Loss of that Ship, after a severe Action for several Hours with the United States Ship the Constitution, on the 29th of the same Month, a few Leagues off Bahia, and to enquire into the Cause and Circumstances of the Capture of His Majesty's late Ship Java, and to try her surviving Officers and Ship's Company for their Conduct upon that Occasion, was read.

The President reported to the Court, That Captain Edward Codrington, the Honourable Frederick Paul Irby, and Edward Tucker, were absent on Admiralty Leave.

The Members of the Court and the Judge Advocate then in open Court, and before they proceeded to Trial, respectively took the several Oaths enjoined, and directed in and by an Act of Parliament made and passed in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled, "An Act for amending, explaining, and reducing into one Act of Parliament, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea."

Then the above-mentioned Letter from the said Lieutenant Henry Ducie Chads, First Lieutenant of His Majesty's said late Ship Java, dated the 31st Day of December last past, and directed to John Wilson Croker, Esquire, their Lordships Secretary, detailing the Cause and Circumstances of her said Capture and Loss, was read, and is hereto annexed.

Then the Judge Advocate asked Lieutenant Chads,
Have you any further Narrative to produce relative to the Capture and Loss of His Majesty's late Ship Java?

A further Narrative was produced by Lieutenant Chads, which was read by the Judge Advocate, and is hereto annexed.

To Lieutenant Chads :

Have you any Complaint to make against any of the surviving Officers or Ship's Company of His Majesty's late Ship Java, respecting her Capture?
None.

To the other Officers and Ship's Company :

Have you any Complaint to make against Lieutenant Henry Ducie Chads, First Lieutenant of the Ship, respecting his Conduct as to her Capture?
None.

Lieutenant WILLIAM ALLEN HERRINGHAM, Second Lieutenant of His Majesty's late Ship Java, called in and sworn :

The Court asked,

Have you heard the Letter and Narrative of Lieutenant Chads and the Detail of the Action read to the Court?
Yes.

Are the Contents of them, as far as came to your Knowledge, correct and true, to the best of your Knowledge and Belief?

To the best of my Knowledge and Belief, they are.

Did the Java suffer by the two Broadfides fired from the Constitution before the Java opened her Fire?

From being on the Main Deck, I cannot speak positively as to the Sails and Rigging; but I believe not materially.

Were you on Deck during the whole of the Action?

Yes.

Did you suffer much from the Musquetry of the Americans?

I believe there were a Number of Musquet-shot Wounds. Captain Lambert was killed by a Musquet Shot.

At

At what Period of the Action did you sustain the greatest Loss?

Not in the early Part of the Action. After the Ship became unmanageable, and the Constitution took a raking Position, our Loss became considerable.

Mr. BATTY. ROBINSON, Master of His Majesty's late Ship Java, called in and sworn :

The Court asked,

Did you hear the Letter and Narrative and Detail of the Action produced by Lieutenant Chads read to the Court?

Yes.

Are the Contents of them correct and true, as far as came to your Knowledge?

Yes.

At what Period was you wounded?

About a Quarter past Three o'Clock.

Was the Java disabled before you were under the Necessity of quitting the Deck?

No.

Had you at that Time a favourable Prospect of the Action terminating in your Favour?

No; our Rigging was much cut up; the Slings of the Main Yard shot away; the Head of the Bowprit was gone.

Was the American Frigate alongside you, when you were wounded?

She was right abreast of us, within about Pistol Shot.

Do you remember if they annoyed you much by Musquetry whilst you were on Deck?

A good deal from the Tops.

Did the American, whilst you were on Deck, appear to avoid close Action?

Yes, by keeping away.

By what was you wounded?

By a Grape Shot.

When you bore down to the Enemy, and hauled your Wind, what Part of your Broadside were you able to bring upon him?

The whole of the Starboard Broadside.

Did you receive material Damage in going down, before you brought to the Wind?

Not material Damage.

Lieutenant GEORGE BUCHANAN, Third Lieutenant of His Majesty's late Ship Java, called in and sworn :

The Court asked,

Did you hear the Letter, Narrative, and Detail of the Action delivered by Lieutenant Chads, read to the Court?

I did.

Are

Are the Contents of it, as far as come within your Knowledge, correct and true?

Yes.

Where were you stationed in the Action?

At the After Guns, on the Main Deck.

Have you anything to add to that stated by Lieutenant Chads?

Nothing.

Lieutenant JAMES SAUNDERS, of the Royal Navy, called in and sworn :

The Court asked,

Did you hear the Letter, Narrative, and Detail of the Action, read to the Court?

I did.

Are the Contents of them, as far as came within your Knowledge, correct and true?

Yes.

Did you suffer much in the Forecastle from the Enemy's Musquetry?

Very much indeed.

Were you stationed there?

Yes.

Did you think the Java had a fair Chance of succeeding, before the End of the Bowsprit was shot away?

Yes.

At what Period of the Action did you suffer most?

When the Bowsprit went.

Did the American appear to you to avoid close Action at the first Part of it?

Yes.

Did the American appear to keep up her Fire early in the Action, as she did after the Bowsprit was carried away?

She slackened her Fire after the first Broadside from the Java, and appeared to be in Confusion.

Did you understand that the American lost her Wheel?

I afterwards found that she lost her Wheel by the first Broadside from the Java, and that Four Men were killed.

Mr. JAMES HUMBLE, late Boatwain of the Java, called in and sworn :

The Court asked,

Did you hear the Letter, Narrative, and Detail of the Action, read to the Court?

Yes.

Are

Are the Contents of them, as far as came within your Knowledge, correct and true ?

Yes.

How long had the Action lasted before you were wounded ?

Better than an Hour, I believe.

Was the Java much disabled before you were wounded ?

Yes, aloft, the Fore-top ; Two Planks were shot out of it, and lodged into the Bunt of the Fore-mast.

Did you suffer much from the Musquetry on the Forecastle ?

Yes ; and likewise from the Round and Grape.

Did you think you had as good of the Action as the American before you were wounded ?

Yes ; they seemed to be very sick upon it.

Did you come up again after going below ?

Yes ; I was down about an Hour ; and when I got my Arm put a little to rights, by a Turniquet being put on it, nothing else, my Hand was carried away, and my Arm wounded about the Elbow, I put my Arm into the Bosom of my Shirt, and went up again, when I saw the Enemy a-head of us, repairing his Damages. I had my Orders from Lieutenant Chads, before the Action began, to cheer up the Boarders with my Pipe, that they might make a clean Spring in boarding.

Did the Java receive much Damage from the Enemy, before the Java returned any Fire at all ?

Yes ; we received, besides what I have stated, much Damage in the Rigging.

Do you think the Java had a fair Chance of succeeding, before you were wounded and went below ?

It appeared to me she would. The Second Broadside his Wheel was carried away ; and he got a good touching-up about the Quarter Deck and Forecastle ; and he downed Fore and Main Tacks to go a-head of us ; and when our Fore-mast went, he up-courses again, and continued the Action. Then I got wounded.

JOHN MACDONALD, Boatwain's Mate, belonging to the Java, called in and sworn :

The Court asked,

Where were you quartered in the Action ?

At the Fifth Gun on the Quarter Deck.

Did you think, before the Java was disabled, that you had a good Chance of beating the Enemy's Ship ?

Yes ; I think we had as good as they had.

Did the Americans appear to you to avoid a close Action or not, in the early Part of the Action ?

They kept at Long Balls ; they kept edging away, until the Java was disabled.

Did you hear the Letter and Detail of the Action delivered to the Court by Lieutenant Chads read ?

Yes.

Are the Contents of it, as far as came to your Knowledge, correct and true?

It is all true and correct, as far as I know.

Did you hear Captain Lambert order the Java to be laid on board the American?

Yes.

What Distance was you then from the Enemy's Stern?

Not quite a Cable's Length, upon our Lee Beam; the Helm was put a-weather.

Do you remember the Bowspit touching the Mizzen Rigging?

Yes, it took the Mizzen Rigging, which appeared to me to prevent our boarding at the Time.

Were the Men all ready?

Yes, they had been called, and were all ready for jumping on board on the Forecastle, Marines and all.

Did you see any of the Enemy's Men ready to receive the Boarders?

No, I did not see any of them at the Time.

Did you hang some Time by the Mizzen Rigging?

Not long.

Did they get their Chafers then out, and rake you?

Yes.

When you were about to lay the Enemy on board, from your seeing no Men on her Decks, and from the State of your own Ship, do you think that the Action would have terminated in your Favour, had not the Foremast been carried away?

Yes, I think it would.

Were you ever in Action before?

Yes.

CHRISTOPHER SPEEDY, Captain of the Forecastle of the Java, called in and sworn:

Did you hear the Letter and Narrative of the Detail of the Action read?

Yes.

Are the Contents of it correct and true?

Yes, very true, as far as I know.

Were you on the Forecastle during the whole of the Action?

Yes, from the Beginning to the last, quartered at the Foremast Carronade.

Before the Java was disabled by losing the End of her Bowspit and Foremast, did you think you had as good of the Action as the American?

Yes; I thought we were going on very well. About the Middle of the Action I thought they had got enough of it, and was making off from us; I saw her Stern towards us, and came round on the other Tack.

Did they annoy you much on the Forecastle by Musquetry?

More by Round and Grape Double-headed. I picked up Five Bar-Shot which fell out of the Foremast in rolling; I put Three of them in our Guns, and fired them back again.

Did

Did the Americans appear to avoid close Action?

He did always avoid close Action, he kept away; whenever the Smoke cleared away, we always found him yawing away from us.

Do you remember when the Java endeavoured to board her?

Yes, it was just as the Foremast fell.

Were you all ready for boarding them?

They were called on the Gangway and Forecastle, and were all ready, Boarders and Marines.

Did you see many of the Enemy ready to oppose the Boarders?

Not many on Deck, I saw some Men there, but there were a great many in the Tops.

From the few Men you saw on the Deck of the Enemy's Ship, had Captain Lambert's Intention succeeded in laying on board, have you reason to believe it would have been successful?

Yes, I have.

Was you ever in Action before?

Yes, once before.

Lieutenant ROBERT MERCER, of the Royal Marines, called in and sworn:

Did you hear the Letter, Narrative, and Detail of the Action read?

Yes, I did.

Are the Contents of them true, to the best of your Knowledge and Belief?

They are.

Had you any of your Men at Small Arms?

I believe Thirty-four; upwards of Twenty on the Quarter Deck, and Ten on the Forecastle.

Did the Enemy make use of their Small Arms much?

Yes, from the Decks and from the Tops.

Were you much annoyed with the Small Arms?

Yes, we were; the first Broadside I believe there were no Small Arms, there might be the second.

Were your Decks exposed to their Tops?

Yes, very much; they could see us to take Aim.

Do you remember when the Java attempted to lay the Enemy on board?

Yes, Captain Lambert spoke to me about it; he said it was his Intention to board, and desired me to prepare the Marines on that Occasion, which was done.

Do you know by what Circumstances it was prevented?

I understood it was by the Loss of her Foremast at the Time.

How near did you get to the Enemy in the Attempt?

Very close, within Pistol-shot; I only saw Two Men on board the American at that Time, one was on the After-part of the Quarter Deck, and one on the Main-top.

Were

Were the Marines keeping up their Fire then?

Yes, they were, and the Boarders were all ready. I think the Americans were waiting under their barricading to receive us.

Did the Americans appear to avoid close Action?

Yes, they evidently did; they continually kept away.

What Sort of Men were the Marines?

Eighteen of them were very young Recruits, the rest have been to Sea before.

Captain JOHN MARSHAL, of the Royal Navy, called in and sworn.

Did you hear the Letters, Narrative, and Detail of the Action, read to the Court?

Yes, I did.

Are the Contents of them true and correct, to the best of your Knowledge and Belief?

Yes. Being on board His Majesty's late Ship Java, in the Action between that Ship and the United States Frigate Constitution, I beg leave to submit to this Honourable Court my Deposition, relative to the Conduct of Captain Lambert, his Officers, and Ship's Company, throughout the Action: It is therefore most gratifying to me to mention, the cool and determined Manner in which Captain Lambert brought the Enemy to action, and the Gallantry which he displayed to the Moment when he fell mortally wounded, inspiring every Individual under his Command with a steady and honourable Sense of their Duty. It is equally pleasing to me, to inform this Honourable Court, of Lieutenant Chads' distinguished Conduct, when the Command of His Majesty's Ship devolved on him, in consequence of Captain Lambert's much-lamented Wound; and I beg leave particularly to notice, the persevering resolute Manner in which Lieutenant Chads fought the Java, when all Hopes of successful Contest had vanished with the Loss of that Ship's Foremast, and it only remained for him to uphold the Honour of the British Flag; with this View Lieutenant Chads continued the Defence of His Majesty's Ship with the most determined Spirit, till the Loss of her Three Masts and Bowsprit, reducing the Ship to a perfect Wreck, enabled the Enemy to assume a Position on the Bow and a-head. The fore Part of the Java being covered with the Wreck of falling Masts and Yards, it was impossible to bring a Gun to bear on the Enemy. Lieutenant Chads did not surrender His Majesty's Ship until bereft of every Means of Defence. I beg leave also to state, the general Gallantry of every Officer, Seaman, and Marine, on board her.

Did you hear the Orders given by Captain Lambert to board?

No, I did not; but I knew it to be his Intention.

Did it appear to you, that the Enemy's Frigate endeavoured to avoid close Action, by edging away?

Most assuredly, from her continually wearing to avoid our Fire.

Did it appear to you, that the Java had a fair Prospect of a successful Termination of the Action, previous to the Loss of her Foremast?

I conceived the Enemy's Ship to be superior from the Weight of her Metal, and Number of Men; but conceived we possessed equal Chance from the Accidents incident to Action.

Do

Do you remember the Attempt to lay the Enemy on board ?

I remember the Attempt being made to lay her on board for that Purpose, when our Foremast going over the Side, prevented our Intention of boarding her ; instantly our Bowspit touching their Rigging, our Foremast went over the Side, and the Wind operating on our After Sails, brought the Ship in a Line with the Enemy, and we fell aftern of her ; our Bowspit passed over her Taffrail, as we fell to Leeward.

Do you know when you experienced the greatest Loss ?

I think, about the Time that Captain Lambert fell ; she was raking us for about an Hour, she laying under our Stern, and Starboard Quarter.

Was there a pretty good Breeze during the Action ?

Yes ; but it fell at the latter Part of the Action, and she rolled very much in the Sea, and the American was kept steady by her Sails. In one or two Instances the Muzzles of our Main Deck Guns nearly touched the Water. The American Ship's Guns were much higher than the Java's.

Lieutenant Chads asked,

Did you not know it was our Intention to have engaged her again, had she come upon our Broadside ?

It was : Lieutenant Chads, to the best of my Belief, kept the Colours flying in the Hope that the Enemy would come alongside ; they were not lowered till his Intention was evident of placing himself a-head in a raking Position ; and as the Commander informed me, he had already given Orders to fire, when our Colours were lowered.

Major-General THOMAS HESLOP called in and sworn.

Have you read, or heard read, the Letter and Narrative of Lieut. Chads, delivered to the Court ?

I have.

Are the Contents of them correct and true, to the best of your Knowledge and Belief ?

As far as it can be supposed that I as a Military Officer can be a Judge of the Detail of a Naval Action, they are strictly so, to the best of my Knowledge and Belief.

You will be pleased to state to the Court any other Observations you may wish respecting the Conduct of the Officers and Ship's Company on that Occasion ?

As it cannot be expected I can enter into a Detail of the Action, I could wish to read to the Court my Observations as I have put them on Paper :

“ Mr. President, and Gentlemen of this Honourable Court :

“ It would be Presumption in me to suppose, that any Testimony of mine can be requisite to give Weight to the more substantial Proofs which must appear to the Honourable Court at which you preside, in Manifestation of the exemplary Conduct of Lieutenant Chads, as connected with the important Matter submitted to its Knowledge and Judgment. Impressed, notwithstanding, with the Hope, that if I cannot strengthen, I shall not at any rate diminish the Claims he may otherwise be found to have to a Decision most honourable to him, I have felt induced to give Indulgence on the present Occasion to the Expression of those Feelings of

Admiration with which I witnessed the firm, cool, and determined Resolution of that Officer, when it was but too evident that no Chance remained to him of any successful Resistance against a Renewal of the Action by the Enemy; nevertheless, his Determination to maintain the Contest, should the Possibility of hurting or disabling the Ship present itself, remained unshaken; such an Opportunity was not, however, put in his Power; and it was not until the unavailing Loss of innumerable Lives was at the Point of being effected, that he consented to yield to the superior Force that he had contended with, thereby exhibiting to the latest Moment a Degree of undaunted Perseverance which did not fail to acquire the Encomiums of the brave Enemy he had been opposed to, whose voluntary and unexpected Avowal thereof was subsequently in the handsomest Terms communicated to him.

“The Officers and Ship’s Company did every Thing that could be done, and every Exertion was made during the Action by them. I have not mentioned any Thing as to the Conduct of Captain Lambert, as unfortunately he is not before the Court; any Comment from me is perfectly unnecessary, as to the Character of an Officer of such distinguished Reputation, whose Fall I most earnestly deplore.”

The Court was cleared, and agreed, That the Capture of His Majesty’s late Ship Java was caused by her being totally dismasted, in a long and spirited Action with the United States Ship Constitution, of considerably superior Force, in which the Zeal, Ability, and Bravery of the late Captain Lambert, her Commander, was highly conspicuous and honourable, being constantly the Assailant until the Moment of his much-lamented Fall; and that, subsequently thereto, the Action was continued with equal Zeal, Ability, and Bravery, by Lieutenant Henry Ducie Chads, the First Lieutenant, and the other surviving Officers, and Ship’s Company, and other Officers and Persons who were Passengers on board her, until she became a perfect Wreck; and the Continuance of the Action would have been a useless Sacrifice of Lives: And did adjudge the said Lieutenant Henry Ducie Chads, and the other surviving Officers and Ship’s Company, to be most honourably acquitted.

The Court was again opened; the surviving Officers and Ship’s Company brought in, Audience admitted, and Sentence passed accordingly.

M^r GREEHAM, Jun^r,
Deputy Judge Advocate of the Fleet.

(Copy.)

United States Frigate Constitution, off St. Salvador, December 31st,
1812.

Sir,

It is with deep Regret, that I write you, for the Information of the Lords Commissioners of the Admiralty, that His Majesty’s Ship Java is no more, after sustaining an Action on the 29th Instant for several Hours with the American Frigate Constitution, which resulted in the Capture, and ultimate Destruction of His Majesty’s Ship. Captain Lambert being dangerously

gerously wounded in the Height of Action, the melancholy Task of writing the Detail devolves on me.

On the Morning of the 29th Instant, at 8 A. M. off St. Salvador (Coast of Brazil), the Wind at N. E. we perceived a strange Sail, made all Sail in Chace, and soon made her out to be a large Frigate; at Noon prepared for Action, the Chace not answering our private Signals, and tacking towards us under easy Sail; when about Four Miles distant, she made a Signal, and immediately tacked, and made all Sail away upon the Wind. We soon found we had the Advantage of her in sailing, and came up with her fast, when she hoisted American Colours. She then bore about Three Points upon our Lee Bow; at 1:50 P.M., the Enemy shortened Sail, upon which we bore down upon her. At 2:10, when about Half a Mile distant, she opened her Fire, giving us her Larboard Broadside, which was not returned till we were close on her Weather Bow. Both Ships now manœuvred to obtain advantageous Positions, our Opponent evidently avoiding close Action, and firing high, to disable our Masts, in which he succeeded too well, having shot away the Head of our Bowsprit, with the Jib-boom, and our Running Rigging so much cut, as to prevent our preserving the Weather-gage. At 3:5, finding the Enemy's raking Fire extremely heavy, Captain Lambert ordered the Ship to be laid on board, in which we should have succeeded, had not our Fore Mast been shot away at this Moment, the Remains of our Bowsprit passing over his Taffrail. Shortly after this, the Main Top-mast went, leaving the Ship totally unmanageable, with most of our Starboard Guns rendered useless, from the Wreck lying over them. At 3:30 our gallant Captain received a dangerous Wound in the Breast, and was carried below. From this Time we could not fire more than Two or Three Guns, until 4:15, when our Mizzen Mast was shot away. The Ship then fell off a little, and brought many of our Starboard Guns to bear. The Enemy's Rigging was so much cut, that he could not now avoid shooting a-head, which brought us fairly Broadside and Broadside. Our Main Yard now went in the Slings. Both Ships now continued engaged in this Manner till 4:35; we frequently on fire, in consequence of the Wreck laying on the Side engaged. Our Opponent now made Sail a-head out of Gun Shot, where he remained an Hour, repairing his Damages, leaving us an unmanageable Wreck, with only the Main Mast left, and that tottering. Every Exertion was made by us, during this Interval, to place the Ship in a State to renew the Action. We succeeded in clearing the Wreck of our Masts from our Guns; a Sail was set on the Stumps of the Fore Mast and Bowsprit, the Weather Half of the Main-yard remaining aloft. The Main Tack was got forward, in the Hope of getting the Ship before the Wind, our Helm being still perfect. The Effort unfortunately proved ineffectual, from the Main Mast falling over the Side, from the heavy Rolling of the Ship, which nearly covered the whole of our Starboard Guns. We still waited the Attack of the Enemy, he now standing towards us for that Purpose. On his coming nearly within Hail of us, and from his Manœuvre perceiving he intended a Position a-head, where he could rake us, without a Possibility of our returning a Shot, I then consulted the Officers, who agreed with myself, that on having a great Part of our Crew killed and wounded, our Bowsprit and Three Masts gone, several Guns useless, we should not be justified in wasting the Lives of more of those remaining, whom I hope their Lordships and Country will think have bravely defended His Majesty's Ship.

Under

Under these Circumstances, however reluctantly, at 5:50 our Colours were lowered from the Stump of the Mizzen Mast; and we were taken Possession a little after 6, by the American Frigate Constitution, commanded by Commodore Bainbridge; who, immediately after ascertaining the State of the Ship, resolved on burning her, which we had the Satisfaction of seeing done, as soon as the wounded were removed. Annexed I send you a Return of the killed and wounded; and it is with Pain I perceive it so numerous; also, a Statement of the comparative Force of the Two Ships; when I hope their Lordships will not think the British Flag tarnished, although Success has not attended us. It would be presumptuous in me to speak of Captain Lambert's Merits, who, though still in danger from his Wounds, we still entertain the greatest Hopes of his being restored to the Service and his Country. It is most gratifying to my Feelings to notice the general Gallantry of every Officer, Seaman, and Marine on board. In Justice to the Officers, I beg Leave to mention them individually: I can never speak too highly of the able Exertions of Lieutenants Herringham and Buchanan, and also Mr. Robinson, Master, who was severely wounded, and Lieutenants Mercer and Davis of the Royal Marines, the latter of whom was also severely wounded; to Captain John Marshall, R.N. who was a Passenger, I am particularly obliged to for his Exertions and Advice throughout the Action; to Lieutenant Aplin, who was on the Main Deck, and Lieutenant Saunders, who commanded on the Forecastle, I also return my Thanks. I cannot but notice the good Conduct of the Mates and Midshipmen, many of whom are killed, and the greater Part wounded. To Mr. T. C. Jones, Surgeon, and his Assistants, every Praise is due for their unwearied Assiduity in the Care of the wounded. Lieutenant General Hislop, Major Walker, and Captain Wood of his Staff, the latter of whom was severely wounded, were solicitous to assist and remain on the Quarter Deck. I cannot conclude this Letter without expressing my grateful Acknowledgments thus publicly for the generous Treatment Captain Lambert and his Officers have experienced from our gallant Enemy, Commodore Bainbridge and his Officers.

I have the Honour to be, Sir,

Your very obedient Servant,

H. D. CHADS,

First Lieut. of His Majesty's
late Ship Java.

To John Wilton Croker Esq.
Secretary, Admiralty.

P.S.—The Constitution has also suffered severely, both in her Rigging and Men, having her Fore and Mizzen Masts, Main Top Mast, both Main Top-sail Yards, Spanker Boom, Gaff, and Try-sail Mast badly shot, and the greatest Part of her Standing Rigging very much damaged, with Ten Men killed, the Commodore, Five Lieutenants, and Forty six Men wounded, Four of whom are since dead.

FORCE OF THE TWO SHIPS.			
JAVA.		CONSTITUTION.	
Guns.	Crew.	Guns.	Crew.
28 long 18-pounders 16 Car ^s 32 Do. 2 long 9 Do.	Ship's Company, including Super- numeraries } 377	32 long 24-pounders 22 Car ^s 32 Do. 1 " 18 Do.	485
46		55	
Weight of Metal 1,034		Weight of Metal 1,490	

Mr. President, and Gentlemen of this Honourable Court,

Standing before this Honourable Court to answer for the Loss and Capture of His Majesty's late Ship Java, by the Enemy, I cannot but feel myself deeply impressed at the great Responsibility that attaches to me, which cannot but affect my Mind with the deepest Anxiety and Solitude, increased to Distress by the untimely Fall of my ever-to-be-revered and lamented Commander. In this Situation, Sirs, I could not bear up, did I not feel the cheering, though still anxious Hope, that I shall, with the surviving Officers and Ship's Company, be considered by this Honourable Court, as having made every Effort within the Power of human Exertion to defend and save His Majesty's Ship. I feel also great Consolation in believing, that in the Detail of the Action, which I shall lay before this Honourable Court, the Skill and determined Bravery of our beloved Captain will be most conspicuous; and that in the last Action of his Life, although Success has not crowned his Exertions, that yet his Character will be unfulfilled, and his Memory honoured and revered.

My public Letter is before this Honourable Court; but being written immediately after the Action, and on board the Enemy, it does not, or indeed could the compass of a Letter contain, the whole Detail of so long an Action, and which Detail therefore I now submit to this Honourable Court.

Here read Detail.

Having in the Detail of the Action stated the Number killed and wounded on both Sides, and as my Account differs from the one in the public Papers, said to be the Official Report of Commodore Bainbridge, I beg Leave to state to the Court the Manner in which I obtained the Knowledge of his Loss: Being of course anxious to discover the Loss sustained by the Enemy in killed and wounded, I directed Mr. Cappeni, Assistant Surgeon, to assist in attending their wounded; this he did, and reported to me the Statement I have laid before the Court.

It having also been said, the Constitution was in a short Time in a Condition to commence a second Action, I beg to observe, in my Opinion such a Statement could never have been made or authorized by Commo-

dore Bainbridge; for her Rigging and Sails were very much cut, and her Masts badly wounded; so much so as to oblige her to return to America, which she certainly otherwise would not have done; for I learnt on board her, that she was only waiting to be joined by the Essex, when the further Destination of these two Ships was India.

The Enemy having hauled off out of Gun-shot, was for upwards of an Hour refitting and repairing to renew the Action; during this Interval, having on board Lieutenant-General Hislop, an Officer of distinguished Rank, I thought it my Duty to make a Communication to him of the Situation of the Ship, and to apprize him, that should the Enemy resume a raking Position, that I feared a Continuation of the Action would be fruitless, but that I was still ready to do it; to this the Lieutenant-General replied, that he was fully satisfied every Thing had been done for the Defence of His Majesty's Ship, and that further Resistance would be hopeless.

I beg further to offer to this Honourable Court a Note, which expresses the Sense our Enemy entertained of the Action, and which was transmitted to me from Commodore Bainbridge, after the Constitution left the Port.

Here read Commodore's Letter.

I shall trouble the Court but with One more Remark: When the Crew was removed from the Java, she was set fire to, although but Twelve Leagues from St. Salvador, with moderate Weather; the Cause of which was her shattered State, and not from any Fear of taking her to a Neutral Port, as stated by Commodore Bainbridge, for he repaired to the same Port with his own Ship, carrying in with him a very valuable Prize, the Eleanor Schooner, from London.

Having submitted every Thing that occurs to me, to justify and preserve from Censure the Memory of my much-lamented Captain, I leave his Character, together with my own, and that of the Officers and the Ship's Company, to the Protection of this Honourable Court, to whose Opinion I look with heartfelt Solicitude, an Opinion by which our Country will judge of our Conduct, and on which all my future Prospects in Life depend. Hitherto I have preserved an honourable Character, and should this Character be once sullied, Life can be no longer desirable. I will not trouble the Court longer, but beg Leave to offer my grateful Thanks for the great Indulgencies I have experienced.

(Signed) H. D. CHADS,
First Lieutenant.

(Copy.)

(Received on the 5th January, after the Constitution had gone to Sea.)

Commodore Bainbridge has learnt with real Sorrow the Death of Captain Lambert. Though a political Enemy, he could not but greatly respect him for the brave Defence he made with his Ship; and Commodore

modore Bainbridge takes this Occasion to observe, in Justice to Lieutenant Chads, who fought the Java after Captain Lambert was wounded, that he done every Thing for the Defence of that Ship which a brave and skilful Officer could do ; and that further Resistance would have been a most wanton Effusion of human Blood.

United States Frigate Constitution, St. Salvador.

To Lieutenant CHADS.

DETAIL OF THE ACTION.

At 8 A. M. close in with the Land, Wind at N. E. discovered a Sail to the S. S. W. and another off the Entrance of St. Salvador. Cast off the Prize in tow, and made all Sail in Chace of the Vessel to Leeward. At 10 made the private Signal, which was not answered. At 11 hauled up, bringing the Wind on our Larboard Quarter ; took in all Studding Sails ; prepared for Action, the Stranger standing towards us under easy Sail, apparently a large Frigate. A little after Noon, when about Four Miles distant, he made a Signal, which was kept flying about Ten Minutes ; 12 : 15 he tacked and made all plain sail away, running just good full, hauled up the same as the Chace, but the Breeze freshening, could not carry our Royals ; we were going at least 10 Knots, and gaining very fast on the Chace. At 1 : 30 he hoisted American Colours. At 1 : 50 having closed with the Enemy to within Two Miles, he shortened Sail to Topgallant Sails, Jib, and Spanker, and luffed up in the Wind ; hoisted our Colours, and put ourselves under the same Sail ; bore down upon him, he being at this Time about Three Points on our Lee Bow. At 2 : 10, when about Half a Mile distant, he opened his Fire from the Larboard Side, and gave us about Two Broadfides before we returned it, which was not done till within Pistol Shot on his Weather Bow, with our Starboard Guns ; on the Smoke clearing away, found him under all Sail before the Wind ; made Sail after him. At 2 : 25, engaged him with our Larboard Guns, received his Starboard ; 2 : 35 wore, and raked him close under his Stern, giving him the Weather Gage, which he did not take Advantage of, but made sail free on the Larboard Tack ; luffed up and gave him our Starboard Guns raking, but rather distant ; made sail after him. At 2 : 40 Enemy shortened Sail ; did the same, and engaged him close to Windward ; 2 : 50 he wore in the Smoke, and was not perceived till nearly round ; having just lost the Head of our Bowsprit, with the Jib Boom, &c. hove in Stays, in the Hopes of getting round quick, and preventing our being raked ; but the Ship hung a long Time, and we received a heavy raking Broadside into our Stern at about Two Cables Length distant ; gave him our Larboard Guns on falling off. The Enemy wore immediately ; 2 : 55, did the same, and brought him to close Action within Pistol Shot. Mr. Robinson, the Master, was at this Time severely wounded, and taken below. 3 : 5 finding the Day evidently gone, from all our Rigging being cut, with our Fore and Main Masts badly wounded, Captain Lambert determined on boarding him, as our only Hope ; bore up, and should have succeeded in laying him aboard abreast the Main Chains ; but from the unfortunate Fall of our Fore Mast,

the

the Remains of our Bow-sprit passing over his Stern, and catching his Mizzen Rigging, which was a great Misfortune, as it brought us up to the Wind, and prevented our raking him. Whilst under the Enemy's Stern, attempting to board, there was not a Soul to be seen on her Decks, from which Circumstance I am induced to believe there was a good Prospect of Success. This Manœuvre failing, we were left at the Mercy of the Enemy, which he availing himself of, wearing across our Bows, raking us, and passed under our Stern. At 3 : 20 he wore again; lost our Main Top Mast. At 3 : 30 our gallant Captain was wounded, and carried below. From this Time till 4 : 15, when our Mizzen Mast was shot away, he laid on our Starboard Quarter, pouring in a tremendous galling Fire, whilst on our Side we could never get more than Two or Three Guns to bear, and frequently none at all. After this we fell off, and the Enemy shot a-head, which gave us the Chance of renewing the Action, which was done with good Spirits, Broadside and Broadside, at about a Cable's Length distant, till 4 : 35, us very frequently on fire, from firing through the Wreck, which lay on the Side engaged. The Enemy now made sail, and got out of Gun Shot, leaving us a perfect Wreck, with our Main Mast only standing, and Main Yard gone in the Slings. Cleared the Wreck, and endeavoured to get the Ship before the Wind, by setting a Sail from the Stumps of the Bow-sprit and Fore Mast; got the Main Tack forward, the Weather Yard Arm remaining aloft; cleared away the Booms and got a Top Gallant Mast out, and commenced rigging it for a Jury Fore Mast, and a lower Studding Sail as a Fore Sail; but before we could get this accomplished, we were obliged to cut away our Main Mast, to prevent its falling on board, from the heavy rolling of the Ship. The Enemy now bore up to renew the Action; made every Preparation to receive him, re-loaded the Guns with Round and Grape; mustered at Quarters, and found 110 Men missing, Six Quarter Deck Guns, Four Fore-castle, and many of the Main Deckers disabled with the Wreck laying over them, the Hull knocked to pieces, all Three Masts and Bow-sprit gone, and the Fore Mast in falling had passed through the Fore-castle and Main Deck, and the Ship making Water, with one of the Pumps shot away. Consulted now with Lieutenants Herringham and Buchanan; Master below wounded; when it was determined to engage him again, should he give us an Opportunity of so doing, with a Probability of disabling him, which was now our sole Object; but that it would be wasting Lives resisting longer, should he resume a raking Position, which unfortunately was the Case, and when close to us, and getting his whole Broadside to bear, I struck, and hailed him to say we had done so, at 5 : 50. At 6 he took Possession of us, and proved to be the American Frigate Constitution. The next Day I found our Loss was 22 killed and 102 wounded, Two of whom are since dead. The Americans allowed they had 10 killed, but differed very much about their wounded, which I found to be 44 severely, and 4 mortally.

(Signed)

H. D. CHADS,
Late First Lieutenant.

[Here annex the Plan of the Action.]

SENTENCE.

TRACK of the ACTION

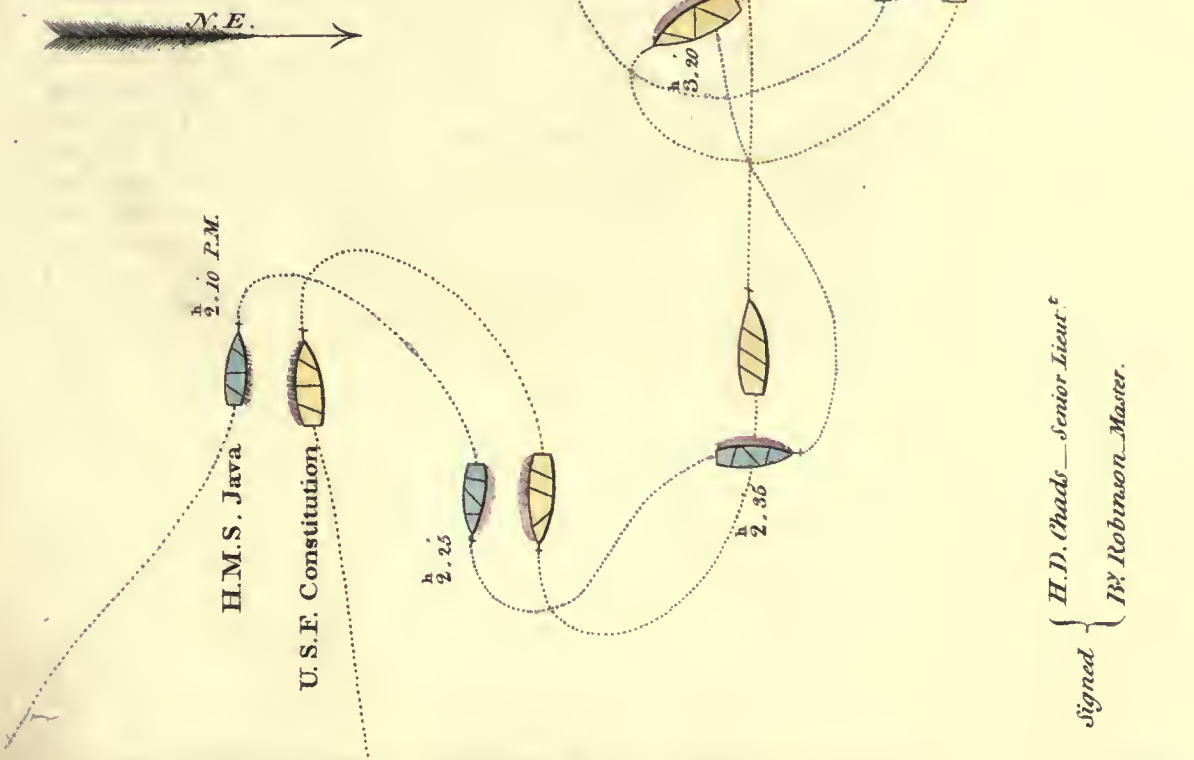
December 29th 1812.

H.M.S. Java mounting 46 Guns and had on board at the time of the Action 377 Men: the Constitution had 54 Guns & 485 Men.

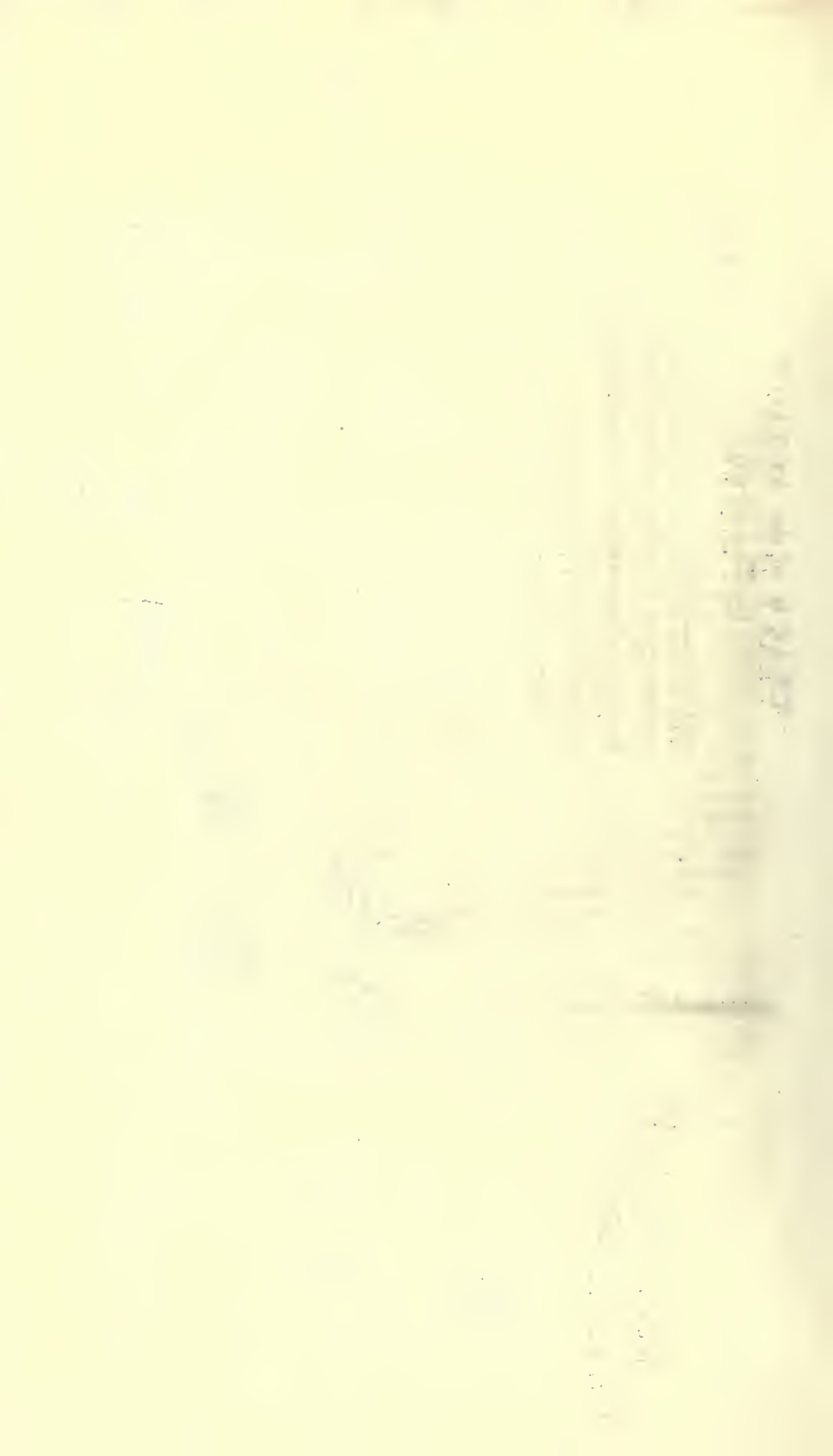
The Java had 24 killed and died of their wounds, & 100 wounded

The Constitution had 14 killed and 44 wounded.

Java's weight of Metal 1034 — Constitution D: 1490.



Signed { *H. D. Chads — Senior Lieut^t*
J. W. Robinson — Master.



SENTENCE.

AT a Court Martial assembled on board His Majesty's Ship
Gladiator, in Portsmouth Harbour, on the 23d April 1813.

P R E S E N T :

GRAHAM MOORE, Esquire,

Rear Admiral of the Blue, and Second Officer in the Command of His
Majesty's Ships and Vessels at Spithead and in Portsmouth Harbour,
PRESIDENT.

Rear Admiral EDWARD J. FOOTE.

Captain JOHN COCKET.

Captain SAMUEL BUTCHER.

Captain BENJAMIN WM. PAGE.

Captain LUCIUS CURTIS.

Captain GEORGE FOWKE.

Captain EDW. HENRY A' COURT.

Captain Sir CHRISTOPHER COLE, Kt.

Captain THOMAS COE.

Pursuant to an Order from the Right Honourable Lords Commissioners of the Admiralty, dated the Twenty-second Day of April instant, and directed to the President, setting forth, That Rear Admiral Manley Dixon had transmitted to their Lordships a Letter, dated the 31st of December 1812, addressed by Lieut. Henry Ducie Chads, First Lieutenant of His Majesty's late Ship Java, to their Lordships' Secretary, detailing the particular Circumstances attending the Capture and Loss of that Ship, after a severe Action for several Hours with the United States Ship the Constitution, on the 29th of the same Month, a few Leagues off the Port of Bahia ; the Court proceeded to enquire into the Cause and Circumstances of the Capture of His Majesty's late Ship Java, and to try her surviving Officers and Ship's Company for their Conduct upon that Occasion ; and having heard the Witnesses produced, and completed the Enquiry, and having maturely and deliberately weighed and considered the whole : The Court is of opinion, That the Capture of His Majesty's said late Ship Java was caused by her being totally dismasted, in a long and spirited Action with the said United States Ship the Constitution, of considerably superior Force ; in which the Zeal, Ability, and Bravery of the late Captain Lambert, her Commander, was highly conspicuous and honourable, being constantly the Assailant, until the Moment of his much-lamented Fall ; and that subsequently thereto the Action was continued with equal Zeal, Ability, and Bravery, by Lieutenant Henry Ducie Chads the First Lieutenant, and the other surviving Officers and Ship's Company, and other Officers and Persons who were Passengers on board her, until she became a perfect Wreck, and the Continuance of the Action would have been a useless Sacrifice of Lives ; and doth adjudge the said Lieutenant Henry Ducie Chads, and the other surviving Officers and Ship's Company, to be most honourably acquitted : And the said Lieutenant

Henry Ducie Chads, and the other surviving Officers and Ship's Company, are hereby most honourably acquitted accordingly.

(Signed) GRAHAM MOORE.

(Signed)

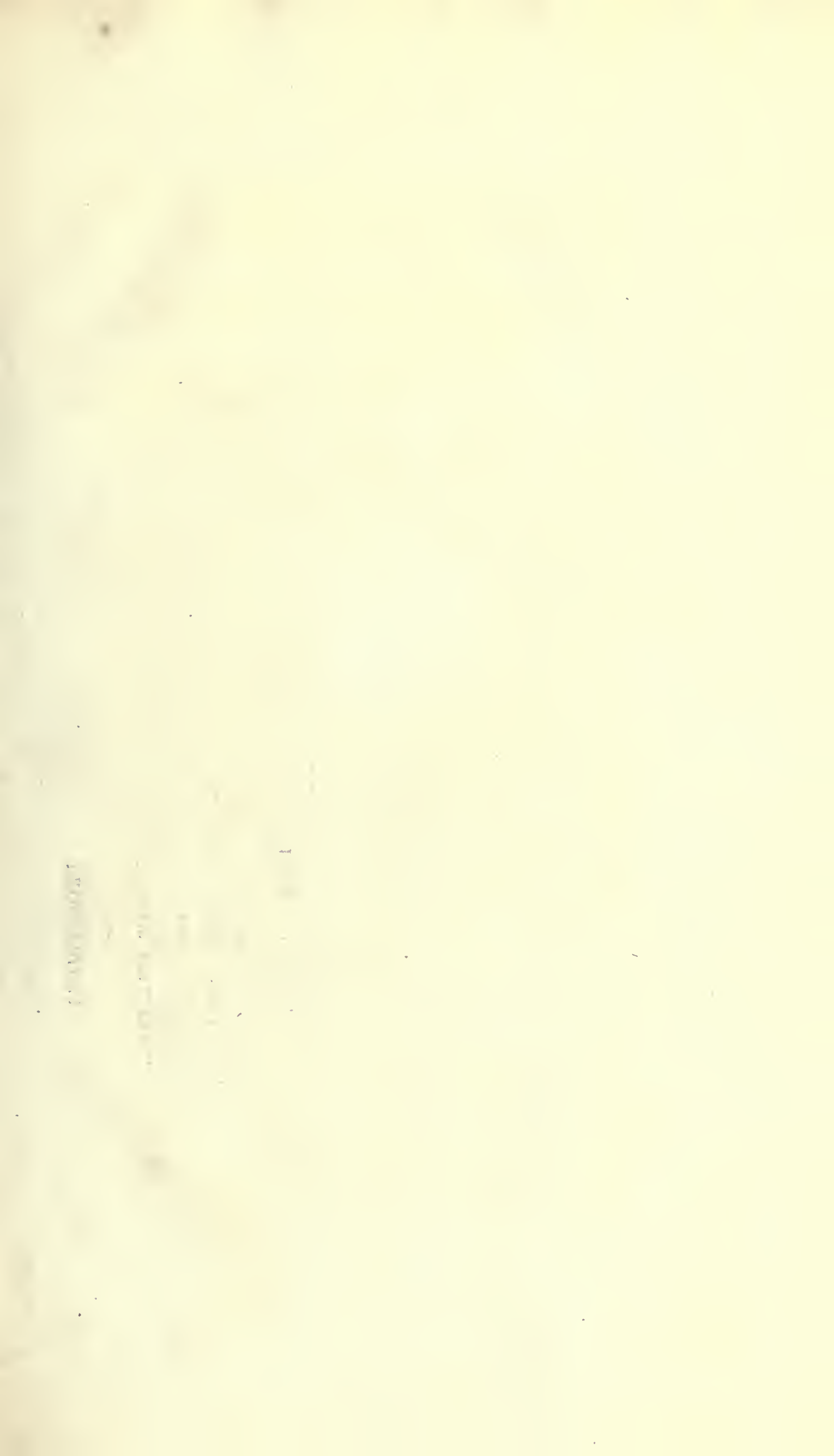
EDW. JA. FOOTE.
B. W. PAGE.
CHRISTOPHER COLE.
LUCIUS CURTIS.
THOMAS COE.

(Signed)

J. COCKET.
GEO. FOWKE.
S. BUTCHER.
E. H. A'COURT.

(Signed)

M' GREETHAM, Junior,
Deputy Judge Advocate of the Fleet.



PROCEEDINGS

OF

THE COURT MARTIAL,

HELD

On the Officers and Crew of His Majesty's

late Ship

THE JAVVA.

Ordered to be printed 10th May 1813.

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