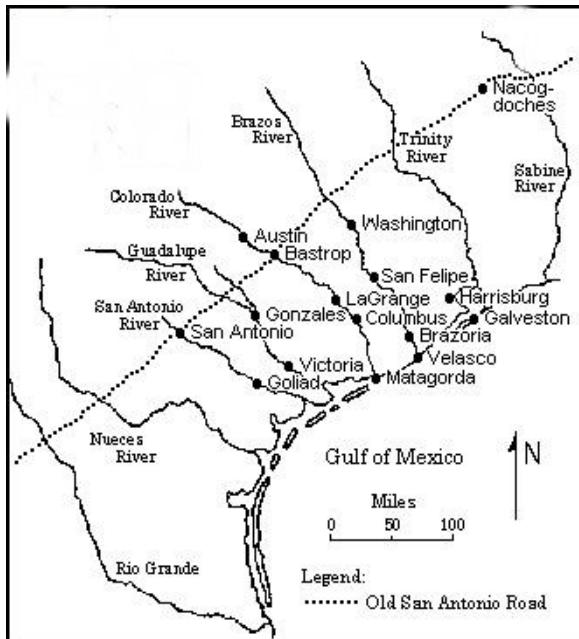


## A Tale of Three “Witches” [Serving the Early Texas Navy]

Captain Lewis M. Smith, USN (Retired)  
Admiral, Texas Navy

It was a desperate time for Texians as the new year dawned in 1836. Determined to fight for their independence from Mexico, the struggle had already heated up the previous October. Volunteers had held their ground in Gonzales, then successfully evicted Mexican forces from their garrisons in Goliad and San Antonio where they recaptured the Alamo along with a thousand defenders.

Despite those successes, it appeared they would be strongly challenged, and soon. General Santa Anna was on the march from Mexico City leading 6,000 troops determined to take back the Alamo and Texas from the rebels. Very aware of the threat, the Texians were hard at work organizing under their newly selected Commander-in-Chief Sam Houston and taking steps to control the coastline which was wide open to Mexican troop movements and supply operations.



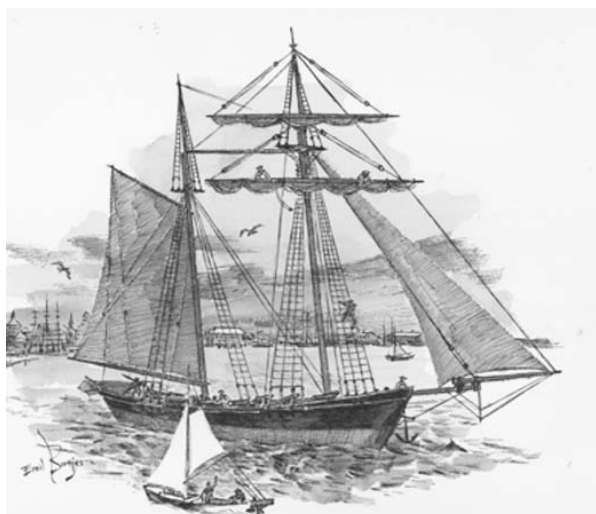
Texas did not possess a single fighting vessel and funds to establish a navy were almost non-existent. To deal with the problem as best they could, the provisional government on November 16th determined their best course of action was to issue Letters of Marque and Reprisal to permit privateers to “harass the enemy...”<sup>1</sup> When few requests for letters materialized, the Committee on Naval Affairs, at the urging of Gov. Henry Smith, recommended the “creation of a Navy owned and controlled by Texas” on November 18th. Both measures were enacted by the Provisional Council and signed by the governor on November 25th.<sup>2</sup>

One of the first privateering commissions was granted December 5th to Ira R. Lewis and other owners of the schooner *William Robbins* which had already been at work supporting the Texians.<sup>3</sup> In the preceding month, the schooner responded to pleas of Matagorda’s citizens to drive off Mexico’s *Montezuma*

and *General Bravo*, and assisted the recently armed schooner *San Felipe*, which had gone aground near Cavallo Pass, the main channel into Matagorda Bay.

With *San Felipe* wrecked, the Matagorda Committee of Safety's fears were amplified until the General Council provided help by authorizing the purchase the *William Robbins* as a navy vessel at its offer price of \$3,500. <sup>4</sup> William Hurd, former commander of the *San Felipe*, was appointed Captain.

*William Robbins'* first and only mission under Captain Hurd was to come to the aid of the merchant schooner *Hannah Elizabeth* which had been driven aground at Cavallo Pass November 19th by the marauding Mexican schooner *Bravo*. Heavy seas had forced *Bravo* to remain off the coast, giving Capt. Hurd the opportunity to free the stranded prisoners and cargo from an 11-man prize crew.



**Texas schooner of war Liberty**

artist: Emil Bunjes (1902 - 1974)

Hurd and his crew accomplished the task with the help of Captain S. Rhoads Fisher and 20 volunteers from his Matagorda company. They captured the Mexican force with little resistance. <sup>5</sup> Subsequent miscommunications and misinterpretations regarding the sale of *Hannah Elizabeth's* cargo, however, cost Captain Hurd his post and placed Captain Fisher under a cloud. Both were later fully exonerated and promoted: Hurd to command the impressive Texas Schooner *Brutus* in March and Fisher was appointed Secretary of the Navy in October.

Following the *Hannah Elizabeth* episode, the *Robbins* underwent a much needed refit at Velasco under her new commander Jeremiah Brown. Once ready for sea, she set sail for New Orleans December 26th with several representatives of the Republic to undergo a further refit and conversion to a schooner of war. As the Matagorda transaction wasn't found to be acceptable in the Republic's eyes, *William Robbins* was finally purchased in behalf of the provisional government by underwriters McKinley and Williams at the Matagorda offer price. Soon renamed *Liberty*, there's no doubt it was something of a bargain at \$3,500 -- amounting to \$100 less than the "annual wage" of one of her first commanders under the Texas flag, William S. Brown (Jeremiah Brown's brother). <sup>6</sup>

Soon after completion of the refit and recruiting a crew, *Liberty* set sail from New Orleans January 20th, again under the command of Jeremiah Brown,

convoying four merchant vessels with cargos of munitions, equipment and provisions to Velasco for Gen. Houston's army.

Arriving there at about the same time was the 130-ton schooner of war *Invincible* which soon became the 2nd vessel to join the Texas Navy. Jeremiah Brown was named her first commander, while his brother William was appointed commander of the *William Robbins/Liberty*, effective February 1st.

### Enter *Water Witch* #1

No record exists for the exact date a ship's boat named *Water Witch* was impressed and taken aboard the *Liberty* by Captain William Brown. Sworn documents, however, placed the occasion as "some time in February."<sup>7</sup>

Although *Water Witch*, at the time it was impressed, was in the possession of Matagorda area pilot William Nye, later proofs showed it was actually owned by Robert O. W. McManus who lived at Moss Bluff, near the town of Liberty on the Trinity River. While his boat was assisting the Texians at sea, McManus was serving with distinction in Gen. Houston's army with Erastus "Deaf" Smith's spy company.

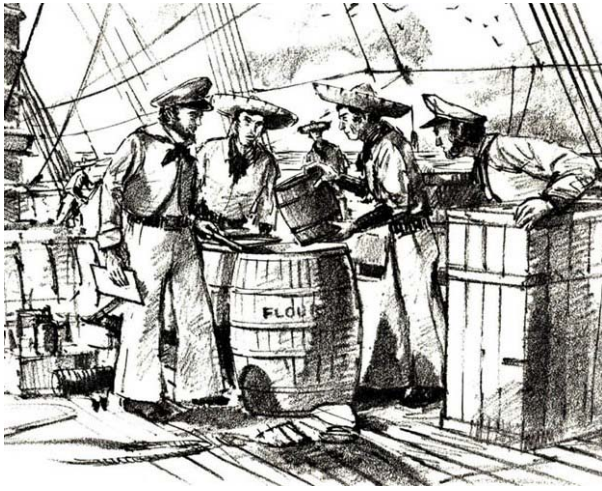
Described as "an 8-oared, small sailing vessel,"<sup>8</sup> *Water Witch* fit the description of a boat that would be ideal to support needs of the *Liberty*, including carrying crew and provisions from anchorage to shore or between other vessels. With limited deck space aboard, *Water Witch* was most likely attached to stern davits. She remained in the service of *Liberty* until after Captain Brown left the ship in May, when *Liberty* also left the service of the Republic.<sup>9</sup>



According to estimates requested from Captain Nye, Liberty Boatswain John Jefferys and Liberty Purser Henry Fisher, the value of *Water Witch* was placed at \$100 and the Republic paid Robert McManus that amount in May 1839.<sup>10</sup>

*Water Witch's* service would prove crucial during *Liberty's* next enemy engagement as the schooner sailed southwest from Matagorda Bay February 13th seeking Mexican warships. On March 3rd, she approached the Mexican port of Sisal at the tip of the Yucatan Peninsula, spotting Mexican vessels in its offshore anchorage.

That night, *Liberty* crewmen and marines boarded and captured the Mexican three-gun schooner *Pelicano* during a brief, but vigorous battle. In all probability they were conveyed from the *Liberty* to the *Pelicano* by *Water Witch* along with another small boat forcibly pressed into service from a nearby American



schooner. It was an all the more risky action in that it took place within point-blank range of Sisal's garrison. Even though the Mexicans had anticipated an attack and taken elaborate precautions to prevent the *Pelicano* from being sailed away, the *Liberty's* prize crew soon had her underway, headed homeward to Matagorda Bay.<sup>11</sup>

Reaching Cavallo Pass on March 20th and guided by pilot Captain William Chase, the *Liberty* had a safe passage into the bay, but *Pelicano*, following behind, strayed out of the channel and was wrecked.

To handle this challenge, Captain Brown put Able Seaman Caleb Jefferys and 10 other crewmen ashore to manage the wreck and salvage as much of the cargo as possible. Most of the goods consisted of 600 barrels of flour, 460 of which were saved from the wreckage. A large portion of the barrels were later found to conceal 280 smaller kegs of gun powder -- a valuable prize that was later commended in a proclamation by Gen. Houston.<sup>12</sup>

### Enter "Water Witch" #2

During the Jan. 25 - Feb, 13th period when *Liberty* was refitting at Velasco and capturing the *Pelicano*, still another *Water Witch* appeared in Matagorda Bay.

As was the case with Robert McManus' *Water Witch* (described as an 8-oared small sailing vessel), *Water Witch* #2 was also in the possession of Captain William Nye when pressed into government service. No question, though, the "Witches" were very dissimilar. Sworn documents describe #2 as the "lighter *Water Witch*" or simply "lighter" (A lighter usually being a wide, flat-bottom, barge-type sailing vessel designed to carry bulky cargos).

According to Captain Nye's \$336 claim against the Republic for use of his lighter and his own services between January 20 and February 18, he transported Thomas Stewart, Captain of the Matagorda Company of Volunteers along with some of his men, 62 kegs of powder and 27 boxes of lead to Lavaca and returned to Matagorda with part of the ammunition and some families; loads appropriate for a lighter, but not of a small, 8-oared sailing vessel which could be taken aboard *Liberty*.

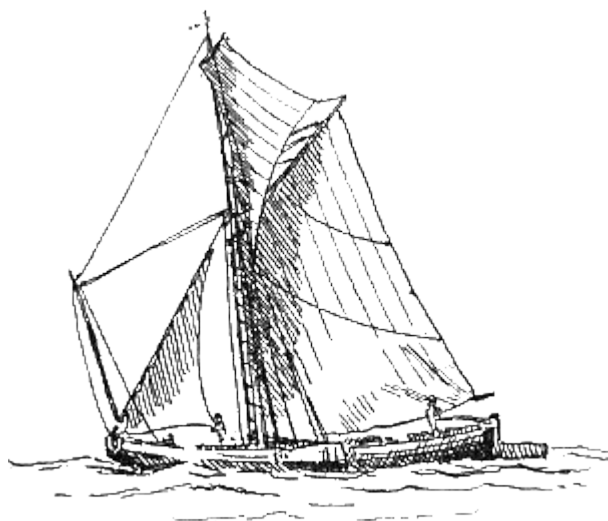
In his statement regarding ownership of the lighter "*Water Witch*," Captain Nye said (referring to the January - February 1836 period) "it is his own property and

actually at the present time belongs and appertains to himself alone. That he has not sold or transferred the same to any person or persons whatsoever." Nye was later paid his \$336 claim for use of his lighter and himself. <sup>13</sup>

### ...and Water Witch # 3

The main element setting *Water Witch #3* apart from #1 and #2 is that Captain William Nye's name is not mentioned in any documents or claims associated with her. Rather, the claims for #3 were submitted by Captain William Chase, another Matagorda Bay pilot (who had recently guided *Liberty* over the bar at Cavallo Pass on returning with the prize schooner *Pelicano*).

Chase's claim was also linked to *Liberty* and Captain Brown who impressed the vessel described variously as "the lighter *Water Witch*" and "the sloop *Water Witch*." <sup>14</sup> The terms describe two very different types of vessels, but those most familiar with the vessel used the term "lighter" which more accurately fit the nature of the cargos and tasks she was assigned. The reason for her being pressed by Brown was to carry items salvaged from the *Pelicano* <sup>15</sup> along with some residents of Matagorda from Cox's Point in Matagorda Bay to Galveston.



**A lighter (barge) under full sail**

Captain Brown placed Caleb Jefferys in command of the *Water Witch* for the voyage which turned out to be very short-lived, not getting beyond the shoals of Matagorda Bay peninsula. Captain Chase valued the loss of his *Water Witch* at \$750 -- an amount verified by Jefferys and James Scott who were appointed for the purpose by an auditor, and certified by *Liberty's* Purser Henry Fisher as well as Captain Brown. <sup>16</sup>

The possibility that Captains Nye and Chase submitted claims for the same "lighter *Water Witch*" could be raised in that their impressed errands occurred at different times: February (Nye) and March (Chase). However, sworn statements remain in the record to argue against joint or separate ownership. Most persuasive is the statement signed by Nye in his \$336 claim file on January 16, 1838 vowing that "his lighter *Water Witch*...is his own property...." A \$750 claim for the complete loss of the lighter *Water Witch* submitted September 26, 1836 in the name of Captain Chase seems contradictory at best.

Unlike the "Water Witch" claims of McManus and Nye, there are no documents in archived claim records indicating Captain Chase was compensated for his claim. There is also no record of Captain Nye having filed for the complete loss of his *Water Witch* while in government service.

### Final days of *Liberty* and the *Pelicano* prize

Amid the wreckage and adventures of the three "witches," there remained the final dispositions of the *Pelicano* prize they had a role in capturing and transporting, and the fate of their "mother ship" *Liberty*.

The heroics and exertions of *Liberty's* officers and crewmen capturing the *Pelicano* and later saving its cargo entitled them under Texas law to half the value of the prize vessel and cargo.<sup>17</sup> However, this was all dependent upon a hearing in Admiralty Court with the jury finding in their favor.

The case was heard April 12, 1838 in the District Court of Brazoria Co., which was serving as the Court of Admiralty for the Republic of Texas. Having heard testimony concerning the capture of *Pelicano*, the nature and value of the prize, the jury found for the crew and awarded it \$3,972.02 - half the total value of the goods remaining after it was wrecked.<sup>18</sup> However, that amount was reduced by half again as the result of an unexplained ruling of an "Auditorial Court". This meant that under the laws of Texas governing prize distributions, Captain Brown wound up with an award of just \$284.40 and his Lieutenant, Charles O'Connor, who led the assault on *Pelicano*, merely received \$189.60.<sup>19</sup>

As for the last days of the *Liberty*, Captain Brown was relieved of his command by Commodore Charles Edward Hawkins and replaced by Captain George W. Wheelwright on May 8, 1836.<sup>20</sup> This action is attributed to an incident when the Commodore, who was commanding the Texas Navy, came aboard *Liberty* a short time before. He and Brown had a heated disagreement concerning the flag being flown by *Liberty* (the "1824" banner with Mexican tri-color).<sup>21</sup> rather than the newer Flag of the Texas Navy which had been approved by Governor David G. Burnet on April 9th.<sup>22</sup> It also did not help matters when Captain Brown refused to acknowledge the Commodore's authority over *Liberty*.<sup>23</sup>



**"1824" refers to the date the Mexican Constitution established Tejas as a federal republic**

For *Liberty's* final voyage, she had the honor of escorting the merchant schooner *Flora* carrying General Sam Houston from Galveston to New Orleans for treatment of wounds he received during the battle of San Jacinto. They reached the city May 22nd.





**The Texas Naval flag**

There Captain Wheelwright placed the *Liberty* in dry dock for refitting, but when repairs were finished, the Republic of Texas could not pay the bill, and in July the ship was sold to satisfy the claims against her .<sup>24</sup>

Concluding the tale of the Three Witches are these thoughts from the journal of *Liberty* Able Seaman Samuel W. Cushing.<sup>25</sup> He had served aboard Texas' first warship the entire time she was in commission. On the day he refers to, Cushing was commanding a small boat accompanying *Liberty* at the beginning of its final voyage from Matagorda Bay to Galveston and on to New Orleans escorting the *Flora* with Gen. Sam Houston aboard.

“Everything being in readiness for sailing, the news was revealed that the independence of the country had been declared and a flag was placed in my hands with directions to fasten it to the haliards and hoist it. This was done [with] a salute of three times three from all hands greeting the first unfolding of the flag to the breeze. This was the first Texan flag that had been hoisted on board any of our national vessels and differed somewhat from the one afterwards adopted. It was said to have been the one used at the siege of San Antonio de Bexar the December previous - a blue field and in the tipper corner a single star of five points over which was stretched a blood red arm and hand holding a naked sword the rest red and white stripes alternately. The centre white stripe contained the word Independence in large letters reaching its whole length.<sup>26</sup> At the close of this ceremony another in which I was more intimately concerned came off. Through the hands of my sweet friend I received from Capt (William) Brown the present of a beautiful dirk with belt etc accompanied with many gracious words from the young lady by permission of the discretionary power delegated by the commander on the occasion. I was now ordered to proceed on my voyage and in a short time in company with the *Liberty* and *Durango* we had passed the bar and gaining a good offing shaped our course for Galveston.”



**Capt. William Brown's flag**



## APPENDIX

Following are selected primary source documents, with “translations” of the original handwriting, referred to in the article: A Tale of Three “Witches” [Serving the Early Texas Navy]

- *Liberty* Captain William Brown pay statement
- *Liberty* Boatswain John Jefferys statement re McManus “Water Witch”
- Capt. William Nye claim statement for use of his Lighter “Water Witch”
- Capt. William Chase “Water Witch” claim statements
- Jury verdict in Admiralty Court Trial: Republic of Texas (crew of Schooner *Liberty*) v. Mexican Schooner *Pelicano* - April 12, 1838



**Liberty Captain William Brown pay statement**

declared Aug 3. 1836

Republic of Texas to  
 William S. Brown Sr.

To account as Commander on board the  
 Texian Schooner Liberty from 1<sup>st</sup> February  
 to 9<sup>th</sup> May 1835 3 mos & 9 days at \$300 per mo. \$990.00

Advancement of slops cash & sundries	1126.37	<del>1236.37</del>	
Credit by cash & slops	152.87	152.87	
Bal. due	473.50	973.50	:

The above is correct

Approved TX  
 A Somervell Actg.  
 Sec. of the Navy

P14-11

Austin Aug 3, 1836

Republic of Texas to

William S. Brown Sr

To accounting as Commander on board the  
 Texian Schooner Liberty from 1st February  
 to 9th May 1835 3 mos & 9 days at \$ 300 per mo.

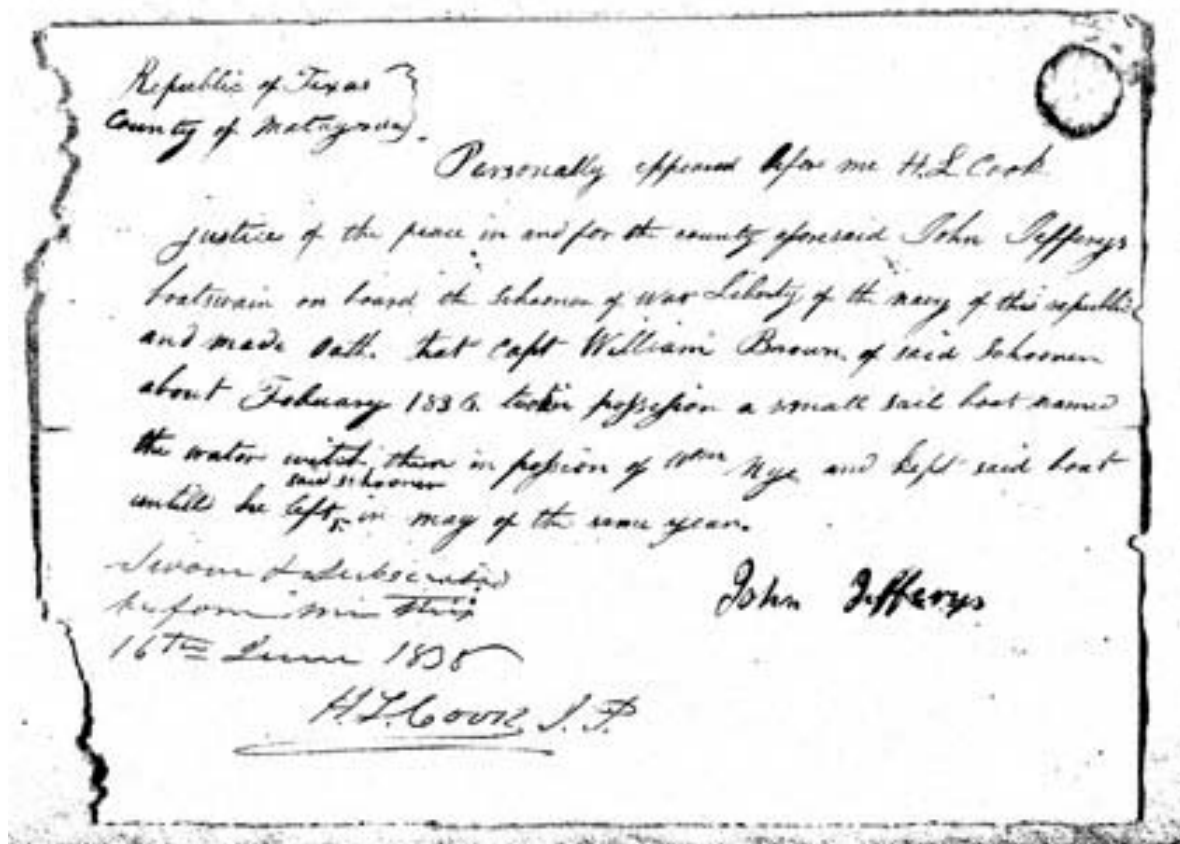
Advancement of slops cash & sundries	1126.37	136.37	
	1126.37	1236.37	
Credit by cash & slops	152.87	152.87	
Bal. due	973.50	973.50	

The above \_\_\_\_\_ is correct

Approved

A Somervell Actg  
 Sec. of the Navy

Liberty Boatswain John Jefferys statement re McManus "Water Witch"



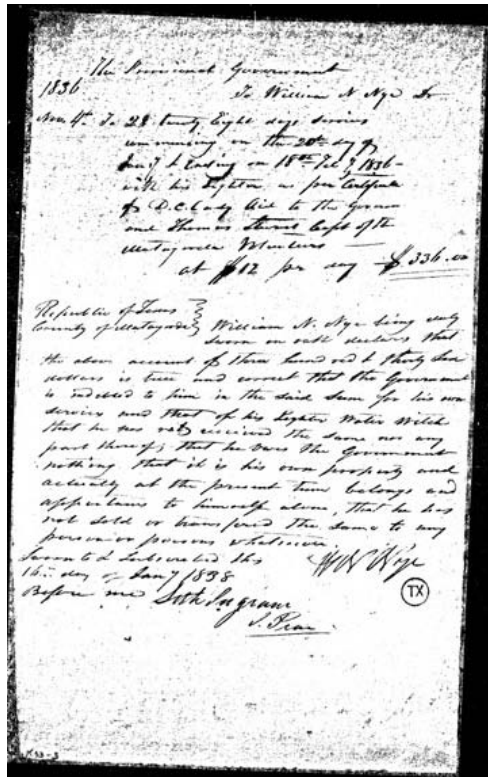
Republic of Texas  
County of Matagorda

Personally appeared before me H. L. Cook  
Justice of the Peace in and for the county aforesaid John Jefferys  
boatswain on board the Schooner of War Liberty of the Navy of this Republic  
and made oath that Capt William Brown of said Schooner  
about February 1836 took possession a small sail boat named  
the Water Witch then in possession of Wm Nye and kept said boat  
until he left said schooner in May of the same year.

John Jefferys

Sworn & Subscribed  
before me this  
16th June 1838  
H.L. Cook, J.P.

Captain William Nye claim statement for use of his Lighter "Water Witch"



The Provisional Government  
 1836 To William N . Nye for  
 Nov 4th 28 twenty-eight days service  
 commencing on the 20th day of  
 Jan and ending on 18 Feb of 1836

with his Lighter as per certified  
 of D. C. Cady aid to the governor  
 and Thomas Stuart Capt of the  
 Matagorda Volunteers...  
 at \$12 per day - \$336.00

Republic of Texas  
 County of Magagorda  
 William N. Nye being  
 duly sworn on oath declares that the above  
 account of three hundred and thirty six  
 dollars is true and correct  
 That the government is indebted to him the  
 said sum for his own services and that of  
 his Lighter Water Witch. That he has not  
 received the sums or any part thereof.  
 That he owes the government nothing.  
 That it is his own property and actually  
 at the present time belongs and appertains  
 to himself alone. That he has not sold or  
 transferred the same to any person or  
 persons whatsoever.

W N Nye  
 Sworn to & subscribed this  
 16th day of Jan 1838  
 Before me Seth Ingram  
 J. Peace

Captain William Chase "Water Witch" claim statements

Personally came before me A. Brigham  
Auditor Caleb H. Jefferys and says on oath  
that he was on board, and had command of  
the Lighter Water witch at the time she was  
lost, by going ashore on the Peninsula near  
Paso Cabello, and that he was knowing to her  
having been impressed into the Public Service  
at the time she was lost - that she was  
then laden with public stores on the way  
from Coxes Point to Galveston Island  
and further states that D. Lighter was in the  
Public Service near four weeks previous to  
the time she was lost. Velasco Sept 26. 1836  
Sworn to and signed before  
A. Brigham Auditor } Caleb H. Jefferys

Personally came before me A. Brigham  
Auditor W. Chase and says on oath the annexed  
instruments are just, true, and original, and  
that he is not indebted to Govt. - also  
acknowledges to have received a draft in his  
favor from the Treasurer for Nine Hundred  
and Eighty six Dollars. in full for this amt.  
Velasco Sept 1836  
Sworn to and signed before  
A. Brigham Auditor } (TX) William Chase

748-1-3

Personally came before me  
A. Brigham  
Auditor, Caleb H. Jefferys and says  
on oath that he was on board, and  
had command of the Lighter Water  
Witch at the time she was lost by  
going ashore on the Peninsula near  
Paso Cabello, and that he was  
knowing to her having been  
impressed into the Public service  
(by W.S. Brown) at the time she was  
lost. That she was then laden with  
public stores on the way from Coxes  
Point to Galveston Island and  
further notes that sd Lighter was in  
the Public Service near four weeks  
previous to the time she was lost.  
Velasco Sept 26. 1836

Sworn to and signed before)  
A Brigham Auditor ) Caleb H.  
Jefferys

Personally came before me A.  
Brigham Auditor W. Chase and  
says on oath the annexed  
instruments are just, true and  
original and that he is not indebted  
to Govt - also acknowledges to have  
secured a draft in his favour from  
the Treasurer for Nine Hundred  
and Eighty six Dollars in full for this  
amt.

Velasco Sept 1836 William Chase  
Sworn to and signed before  
A. Brigham Auditor



Jury verdict in Admiralty Court Trial: Republic of Texas (crew of Schooner Liberty)  
v. Mexican Schooner Pelicana April 12, 1838

We the Jury find that the Mexican Schooner Pelicana  
Bound from New Orleans to Sisal and Campeche  
was Captured by the <sup>Spanish</sup> Armed Schooner Liberty off the Port  
of Sisal. and that she had a Valuable Cargo on Board.  
We also find that the said Schooner Pelicana  
was wrecked when attempting to Cross the Bar at  
Matagorda Bay. - We also find the amount of  
Property Saved from the Pelicana by the <sup>captives &</sup> Salvors to  
be Seven thousand five Hundred and Eighty four Dollars  
and five Cents according to the annexed Invoice -  
We also find that the said Salvors are entitled to  
one half of said amount - or \$3792.00 1/2 -  
& the Government pay all the expenses done;  
Fran. Bingham - Joimmas

## Footnotes

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<sup>1</sup> Proceedings of the General Council, 13

<sup>2</sup> Ibid., 55-56

<sup>3</sup> Alex Dienst, Quarterly of the Texas State Historical Assn., Vol. XII, No. 3 (Jan. 1909), p 180

<sup>4</sup> Proceedings of the General Council, 251

<sup>5</sup> Alex Dienst, *ibid.*, p 185

<sup>6</sup> William S. Brown Claim #658; Republic Claims, Archives and Information Services Division, Texas State Library & Archives Commission. [See pay statement document in Appendix]

<sup>7</sup> Robert O.W. McManus Claim: Republic Claims, Archives and Information Services Division, Texas State Library and Archives Commission. [See original statement regarding the McManus *Water Witch* in Appendix]

<sup>8</sup> Ibid.

<sup>9</sup> Ibid..

<sup>10</sup> Ibid.

<sup>11</sup> Samuel W. Cushing, Wild Oats Sowings 1857 (Cushing served as an Able Seaman aboard Liberty during Captain Brown's period of service)

<sup>12</sup> Alex Dienst, Quarterly of the Texas State Historical Assn., Vol. XII, No. 4 (April 1909), p 250

<sup>13</sup> William Nye claim: Republic Claims, Archives and Information Services Division, Texas State Library and Archives Commission. [See Capt. Nye claim statement documents in Appendix]

<sup>14</sup> William Chase claim: *ibid.*

<sup>15</sup> ( 2bbls pork, 3bbls flour, 2kegs paint) William Chase Claim #1006; Republic Claims, Archives and Information Services Division, Texas State Library and Archives Commission.

<sup>16</sup> William Chase claim: *Ibid.* [See Capt. Chase claim statements in Appendix]

<sup>17</sup> Gammel: The Laws of Texas 1822-1897, at I-1187 (Austin, Gammel Book Co. 1898).

<http://texinfo.library.unt.edu/lawsoftexas/pdf/law09011.pdf>

<sup>18</sup> Brazoria County District Court Records, Pelicano documents courtesy of Brazoria Co. Historical Museum. [See jury verdict document in Appendix]

<sup>19</sup> William S. Brown Claim #1641; Republic Claims, Archives and Information Services Division, Texas State Library & Archives Commission

<sup>20</sup> In July Capt Brown was given another navy commission and put in charge of the *Comanche* and the *Fanny Butler*, two captured Mexican vessels. He was later commissioned captain of the privateer *Benjamin R. Milam*, but he died in New Orleans before the ship was ready for service.

<sup>21</sup> Also referred to as the "privateer flag" from an ordinance passed by the General Council Nov. 29, 1835 which reads in part: "...Sec 2. Be it further ordained and decreed.... that all vessels sailing under Licenses, as Letters of Marque and Reprisal, which have been, or may hereafter granted by the Governor and Council... shall carry the flag of the Republic of the United States of Mexico, and shall have the figures 1, 8, 2,4 cyp[hered in large Arabics on the white ground thereof... Passed at San Felipe de Austin, Nov. 29, 1835.

<sup>22</sup> The design is often attributed to Commodore Hawkins, however, it was displayed as early as 1834 on a Tourne & Beckwith Co. bill of lading for the schooner Brazoria: Alex Dienst papers, Center for American History, Univ. of Texas at Austin.

<sup>23</sup> Cushing, "Wild Oats Sowings"

<sup>24</sup> Alex Dienst, Quarterly of the Texas State Historical Assn., Vol. XII, No. 4 (April 1909), p 251

<sup>25</sup> Cushing, "Wild Oats Sowings"

<sup>26</sup> Known as the "Captain Brown flag", there is no record of when it was made. One story is that after Brown took part in the siege of Bexar, he took the flag to Goliad, where it was unfurled on Dec. 20, 1835 - the date the Goliad Declaration of Independence was ratified. [Charles A. Spain, Jr., "Flags of the Texas Revolution", Texas State Historical Assn.]