



# Texas Navy Association

## Historical Article



### THE TEXAS NAVY—COMMODORE MOORE. SPEECH OF HON. SAM HOUSTON, OF TEXAS,

IN THE SENATE, July 15, 1854.

In pursuance of notice previously given to make a personal explanation—

Mr. HOUSTON said:

I am always reluctant, Mr. President, to occupy any portion of the time of the Senate, and especially am I so now, as that time is becoming precious; and were it not that this day seems to have been set apart for the purpose, I should hesitate to proceed, particularly as the matter of which I design to speak is rather of individual than of general concernment. It is not strictly personal in its character, for it involves principles to which I think it is my duty to give my attention. It not only involves my individual action, but that of an honorable member of this body from Maryland, [Mr. PEARCE,] who is not now present. It will be recollected, that at the last session of Congress a discussion arose on the bill for the relief of the officers of the Texan navy, during which the Senator from Maryland [Mr. PEARCE] propounded a question to me, to which I responded. After the Senate had adjourned, I think it was, there appears to have been a letter addressed to that Senator, calling in question the correctness of his statements, and alleging that they were prejudicial and inconsistent with truth, respecting an individual whose name was involved. I find, sir, in that letter, that my action has been called in question with the honorable Senator, and I have a remark to make in relation to that Senator, as he is not present. Neither the facts stated by him, nor his argument in the case, were obnoxious to censure or reprehension. The gentleman's demeanor is too well known in this body, his standing is too fair and exalted, to require any eulogium at my hands. I shall, therefore, leave that reputation which has been so well established by himself, and which has been assailed, to sustain him in his absence.

The letter to which I allude, signed by ex-Commodore E. W. Moore, and addressed to the Senator from Maryland, was first published in the Richmond Examiner, a paper printed in Virginia. I find that the part impugning the veracity of the Senator is in these words:

"I come now to that part of your remarks in which you went out of the record, and made what I regret to say was an unjustifiable attack upon my reputation, not founded in law or fact."

This, sir, is the allegation. The letter is too long to occupy the time of the Senate with its reading.

high position in which the individual who wrote and published it has been placed. That gentleman is now our resident Minister at Turin. This publication took place in the month of March, as well as I recollect, or about that time; and the gentleman received his appointment in the month of August following. I have no disposition to animadvert upon his character, or his editorial privileges, or the manner in which he has sustained himself in his appointment to the responsible situation which he now fills; but, Mr. President, I will call the attention of the Senate to the facts stated in his editorial. He says, in reference to the officers of the Texan navy:

"These officers have very naturally applied to the Congress of the United States for redress; and at the last session they would have obtained it, in spite of frantic opposition from the placemen of our naval service, had not Mr. PEARCE, of Maryland, chosen the moment when the bill was about to pass the Senate, to make the grossest misstatement of facts in relation to the whole business, that could have been made. In this honorable movement he was aided to the extent of his ability by Senator HOWARD. The motive of the latter was long borne malice to Commodore Moore, with whom, in common with every other distinguished public man in Texas, he had involved himself in personal quarrels during his regime of that Republic."

"What the misstatements of Mr. PEARCE were, we leave the reader to learn from the letter of Commodore Moore, who details them, and refutes them, with equal fairness, ability, good taste, and good sense."

So far as my personal conduct has been concerned, Mr. President, I am regardless of the opinions of the world, or their stricture upon my actions. They are fair game; and if they are a target that gentlemen choose to shoot at, they are welcome to waste their ammunition; but when my official acts, and my responsibility in this body as a Senator, associated with another member, are called in question, I feel it my duty to vindicate myself, and to lay before the Senate a character put fairly in issue by this charge of my accuser. In this same publication I see a charge made against the ex-President of Texas in the discharge of his official duty, and I am constrained, from a thorough knowledge of the facts of the case, to brand that in the outset with untruthfulness. The writer of the letter states:

"During Sam Houston's first term as President of Texas, he had a difference with the Secretary of the Navy, Hon. S. Rhodes Fisher. The difference was of such a character that Mr. Fisher would not resign until it was settled beyond any doubt. The President impeached him, and he was tried by the Senate of the Republic, which body did not sustain the impeachment. Mr. Fisher then resigned."

Now, Mr. President, this is a trivial matter; but as it is an opening wedge to others of more importance, I shall take the liberty of showing that it contains not one word of truth, so far as the result of that transaction is concerned. The individual mentioned no longer exists; and I have no disposition, in vindication of the President of Texas, to say aught against his memory; but I shall use historical facts which exist. He had first applied to the President to get leave to take command of the navy of Texas while he was Secretary of the Navy. It was denied him. He obtained a furlough to visit his family; but instead of doing that he went to sea in personal command of the navy, on a cruise of three months. Transactions took place under his direction which involved the character of Texas and her finances to a considerable extent. At least \$5,000 had to be paid to the British Government for the improper seizure of the Eliza Russell, a vessel that was seized contrary to the orders issued by the Secretary of the Navy himself to the commander of the navy. The seizure was in direct violation of law, because she had nothing contraband of war on board. When she came as a prize into the harbor of Galveston, the President referred all the facts to the Attorney General, a legal gentleman of high standing dispatched for the purpose, and on his return he ordered a clearance to the Eliza Russell. Such was the condition of the navy at the time, that the commander said he would bring his guns to bear upon her, so insubordinate was the spirit which then existed in the country. The President suspended the Secretary of the Navy so soon as it was ascertained that he had gone to sea. On his return he reported for duty, but the President informed him that his services were not required. He reported it to the Senate of the

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Republic of Texas, and the Senate, by a majority, sustained the President; and Mr. Fisher was removed. There is one matter settled.

But, Mr. President, as it is my design to go pretty fairly into a subject that has been before the Senate repeatedly, and to settle matters beyond all doubt in relation to the character and pretensions of an individual to certain benefits and favors from the Senate, I shall take the liberty of relying exclusively, for the establishment of such facts as have been alleged, upon recorded testimony which is irrefutable; and so far as the character of the individual may be concerned, I shall rely upon documentary evidence, not so much for the purpose of vindicating the ex-President of Texas, as for the purpose of establishing the truth, that history hereafter may bear the record of the facts as they existed, and do still exist. So far as I am individually concerned, if it were a matter exclusively personal, I could pass it over with indifference, and with my personal existence it would terminate. But when an individual has been placed in high and responsible situations, when his official conduct has been impugned, and when he has been assailed in books and volumes which are to be found in the Congress library of this Republic, it is necessary that he should place on record a refutation of the charges, that his posterity hereafter, when he has passed from the scene of action, may not be questioned as to the existence of certain facts, and be told, when an answer is given not indicating intelligence on the subject, that no refutation is found to them. I do not wish posterity to be told that the charges are gravely made by men of high official rank, and it is in vain to say that the ex-President of Texas could have refuted the charges if he has not done it; for if he could, he would have done it, because the position in which these accusations are found, in relation to the archives of the country, give them a gravity and importance that would seem to demand some refutation. Sir, I intend that posterity shall not be asked "Why did your ancestor not meet and refute, or brand these charges?" and if they can give no information upon the subject, to have it said, "Ah, if he could have done it, it would have been done;" and thus to have the slanderous statements taken *pro confesso*. I intend, so far as the conduct of the ex-President of Texas is concerned, that if the father has eaten sour grapes, the children's teeth shall not be set on edge; and for this purpose it will be necessary to revert to one epoch in the history of Texas. Though it is back a considerable distance in time, it is nevertheless important to an understanding of the facts to be here submitted, as well as in connection with the history of the relations which Texas now bears to this country; for matters are not yet settled between the late Republic of Texas, now a member of this Confederacy, and the Federal Government. I wish that a fair and equitable adjustment may take place; and so far as the production of facts and history will go, I intend that it shall be done.

Sir, the year 1841, ever memorable for disasters to the Republic of Texas, was the year in which the unfortunate expedition of Sante Fé was planned, which terminated so disastrously to the honor of the country, as well as to the lives of the parties engaged in it, and the finances and means of defense of the country. It was in the month of July of that year that the Texas navy was subsidized to Yucatan, an integral part of the Republic of Mexico. The then President of Texas, Mr. Lamar, made a communication to the Governor of Yucatan, proposing to confederate with him to render aid, and to receive reciprocal aid from him. In conformity to the invitation originating with the President of Texas, a Minister arrived from the Government of Yucatan, then in a revolutionary state against Mexico, with proposals to obtain the navy of Texas, for the purpose of conducting a war against the central Government of Mexico. On the 17th of September, I think, the proposition was submitted by Mr. Badraza, and accepted through the Secretary of State by the President of Texas. On the 18th the matter was consummated, and directions given to the navy of Texas immediately to sail, and co-operate in the defense of Yucatan against Mexico; or, in other words, to aid and assist in the rebellion. This was done without any authority or sanction

of the Congress or Senate of the Republic of Texas. It was a mere act of grace or will on the part of the President. Commodore Moore, with some four vessels, sailed down to Yucatan, several hundred miles south of the fort of Vera Cruz, leaving the entire coast of Texas subject to invasion by the superior forces of Mexico, and the commerce with Mexico entirely open and unchecked by Texas. In December the vessels arrived off Campeachy. They were to receive monthly \$8,000, so long as they remained in the service of Yucatan. They remained there, I think, until the month of June, in 1842. The new President was inaugurated on the 12th of December following; and we find by the records, that on the 15th of that month the navy was recalled forthwith, and ordered to the port of Galveston. The orders ought to have reached the navy in ten or twelve days. A pilot boat was dispatched to carry the orders to Commodore Moore, the commander; but that vessel, owing to peculiar influences at Galveston, or some other circumstances, was not permitted to reach Campeachy until the 10th of March following. On the first of May, I think it was, the fleet returned, having been absent from December, receiving the monthly stipend of \$8,000, which was not accounted for. In the mean time, the Government being without resources, and money having depreciated to ten cents on the dollar, the former issue of the treasury notes had been suspended, and for their redemption a new currency of \$200,000 was created, called the exchequer bill, and more than \$50,000 of it was never at one time to be issued from the treasury. Well, sir, the vessels returned. An appropriation of \$97,000 had been made for the purpose of paying off the seamen and supplying the navy with what aids the Government could give, so soon as the money should be in the treasury to meet the appropriations, which never occurred until the annexation of Texas. About \$18,000 was appropriated for the purpose of laying up the vessels in ordinary, or for being applied in the most beneficial manner in sustaining the navy.

On his return, the Commodore represented that by going to New Orleans he could command ample means to keep the navy at sea. About the 10th of March he sailed from Galveston, and never returned until, I think it was, May, 1843. From time to time his promises were made. The \$18,000 were advanced for the purpose of aiding and assisting the navy to get to sea. A proclamation of blockade had been made, and it was the design of the Government of Texas, if possible, to annoy the commerce of Mexico, and place upon it such restrictions as to coerce a peace. But the navy remained secure in the port of New Orleans. It was apprehended the intention was not to return. The impracticability of getting to sea had been ascertained, and an order was given for the return of the squadron from New Orleans to Galveston, because the \$18,000 appropriated for the navy had been granted, the President of the Republic first refusing to permit it to be in the hands of the Commodore for disbursement, but at last granting it, on the condition that it was not to be disposed of, or any portion of it even hypothecated, for less than ninety days. He refused to give it because he believed it to be insincere; but his Cabinet around him implored him to grant it, assuring him that all reliance might be placed upon its proper use, and he yielded under the restriction of not hypothecating it for less than ninety days. The Commodore received the money, left for New Orleans, and disobeying his instructions, threw the money immediately into circulation, which was squandered in every direction at a time when the issues from the treasury were suspended with the avowal that no more money should be issued for a certain time. It brought against the Government the imputation that it was acting with duplicity. While it held out that money was not to be issued at the Capitol or at Houston, that money was sent off to a distance to be issued, and that depreciated the character of the currency. The navy remained, though, in the port of New Orleans, the commodore still giving assurances of his efficiency, and telling what immense things he would do; while he was living in splendid style, and keeping up everything in a way which the means of Texas

at home could not support. While he remained the distrust increased. It existed before from his conduct in evading orders and keeping the navy out after the new Administration came in. Repeatedly, successive orders were issued requiring him to return the vessels to the port of Galveston; and the Legislature at length met, and passed a secret act for the purpose of disposing of the navy. Why was that act secret? It was not to conform to the desire of the Executive; for the President was so happily circumstanced that he never had a majority in Congress to sustain his measures; and his only consolation was, that he had honest men enough to sustain his vetoes.

The President, under these circumstances, found it necessary to appoint commissioners to carry out this secret act; but in the meantime repeated orders had been disregarded, and it was believed that if the act was made public it would be avoided. In confirmation of this, I see the individual has himself said that he was charged in secret session with having designed to turn pirate. How that was I know not; but I do know, that so unbelieving was the Congress in his integrity, that it passed a secret act, lest its publicity might induce him to run away with the vessels, or make some disposition of them so as to lose them effectually to the country. That was the reason why the secret act was passed, and no other reason did I ever hear assigned. I will read the instructions given to the commissioners, that the Senate may be fully apprised of the circumstances under which it was passed:

EXECUTIVE DEPARTMENT,  
WASHINGTON, TEXAS, 22d March, 1843.

GENTLEMEN: Your official report of the 10th instant, with the accompanying papers, has been laid before me by the acting head of the War and Marine Department. In full contemplation of all the subjects involved in the transaction, I must now render my orders touching the attainment of the design of Congress in passing the secret act for the disposition of the navy.

Colonel William Bryan, Consul of Texas and Navy Commissioner, will immediately proceed to New Orleans, and, in connection with Colonel James Morgan, also Naval Commissioner, employ all proper and legal means to get possession of the national vessels—the ship *Austin* and brig *Wharton*—likewise all the public stores, arms, equipments, and public property of every description belonging to the Republic, holding the same subject to the future orders of the Government of Texas.

Should any resistance be made to the orders of this Government by any officer of the Navy, or by other persons, you will apply, in the name of this Government, to the Federal or other proper authorities of the United States, and demand of the same such aid as may be compatible with the relations of the two countries and the laws of nations.

Post Captain E. W. Moore has no authority from this Government to ship men, appoint officers, and enlist marines, or do any other act or thing, but to sail to the port of Galveston and report, or "turn over the command of the navy to the senior officer next in rank present," and report in person to the Department, since the 29th of October, 1842. He has had no authority to enter into any arrangement with Yucatan, nor could he do so without contumacy to his superiors, or treason to his country. The fact of his shipping men, or enlisting, or receiving volunteer marines, with an intention to go to sea without the orders or sanction of his Government, or contrary to orders, on armed vessels, will clearly render it a case cognizable by Government authorities of the United States. His setting at "defiance the laws of his own country," to which he owes allegiance, is clearly treason.

When the orders under which he received his sealed orders were suspended by the order for him to repair to Galveston, the "sealed orders" were of no avail, and it is his duty to return them "sealed" to the Department—as the event authorizing the seal to be broken has not transpired, and cannot now occur under the sanction of his Government. His existence as an officer is derived from the organs and functionaries under the constitution and laws of Texas, and he is bound to know and obey them. Not to obey is "unofficer-like"—to resist them is "mutiny," and to defy them is "treason." For him to persist would be "piracy."

Should Post Captain E. W. Moore not forthwith render obedience to the orders of the Department, with which you are furnished, you will have published in one or more newspapers in the city of New Orleans, my proclamations, and forward an authenticated copy with which you are furnished, to the Hon. Ashbel Smith, Chargé d'Affaires of Texas to France, at Paris; and also a copy to our Chargé d'Affaires to the United States, the Hon. Isaac Van Zandt, at Washington city.

It is deplorable for a nation to be reduced to the dilemma of either exposing the shameless delinquency and flagrant crimes of its officers, or suffer itself to become the object of contempt, or the victim of insubordination and anarchy.

Our national humiliation is attributed to a few disorganizing men, who seek power without merit, and a few incendiary presses, supported by such men, with the avowed design of prostrating the constitutional officers by revolution. *They shall fail.*

I suggest these facts, that you may meet and counteract their influence, for the nation's sake and honor.

I beseech you, intermit nothing until you have accomplished the objects of the law, for the prompt execution of which you were appointed.

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Should sickness or any other cause prevent the commissioners from acting jointly, they, or either of them, may act in all things separately and singly, but not adversely. I have the honor to be your obedient servant.

SAM HOUSTON.

TO JAMES MORGAN AND WILLIAM BRYAN, ESQS.

That was written by the President on appointing the commissioners to carry out the secret act, because it was believed that the navy of Texas was in peril. Obedience was not rendered. On the contrary, the Commodore shipped men, and went to sea. Everything that was calculated to embarrass the country was done. But, sir, at the same time, the proclamation referred to was put in his possession, and was intended for his government and control. It is in these words:

*Proclamation of President Sam Houston.*

Whereas E. W. Moore, a post captain, commanding the navy of Texas, was on the 25th of October, 1842, by the acting Secretary of War and Marine, under the direction of the President, ordered to leave the port of New Orleans, in the United States, and sail with all the vessels under his command to the port of Galveston, Texas; and whereas the said orders were reiterated on the 5th and 16th November, 1842; and whereas the said Post Captain E. W. Moore, was ordered again on the 2d December, 1842, to proceed immediately and report to the Department in person; and whereas, he was again on the 2d January, 1843, ordered to act in conformity to previous orders, and, if practicable, to report at Galveston; and whereas, he was again on the 22d of same month, peremptorily ordered to report in person to the Department, and to leave the ship *Austin* and brig *Wharton* under the command of the senior officer present; and whereas, also, commissioners were appointed and duly commissioned under a secret act of the Congress of the Republic in relation to the future disposition of the navy of Texas, who proceeded to New Orleans in discharge of the duties assigned them; and whereas, the said Post Captain E. W. Moore has disobeyed, and continues to disobey, all orders of this Government, and has refused, and continues to refuse, to deliver over the said vessels to the said commissioners in accordance with law, but, on the contrary, declares a disregard of the orders of this Government, and avows his intention to proceed to sea under the flag of Texas, and in direct violation of said orders, and cruise upon the high seas with armed vessels contrary to the laws of this Republic, and of nations; and whereas, the President of the Republic is determined to enforce the laws and exonerate the nation from the imputation and sanction of such infamous conduct, and with a view to exercise the offices of friendship and good neighborhood towards those nations whose recognition has been obtained, and for the purpose of according due respect to the safety of commerce and the maintenance of those most essential rules of subordination which have not been heretofore so flagrantly violated by the subaltern officers of any organized Government known to the present age, it has become necessary and proper to make public these various acts of disobedience, contumacy, and mutiny, on the part of Post Captain E. W. Moore.

I, Sam Houston, President and Commander in Chief of the Army and Navy of the Republic of Texas, do by these presents declare and proclaim that the aforesaid Post Captain E. W. Moore, is suspended from all command in the Navy of the Republic, and that all orders "sealed" or otherwise, which were issued to the said Post Captain E. W. Moore previous to the 29th October, 1842, are hereby revoked, and declared null and void, and he is hereby commanded to obey subsequent orders and report forthwith, in person, to the head of the Department of War and Marine of this Government.

And I do further declare and proclaim, on failure of obedience to this command, or on his having gone to sea, contrary to orders, that this Government will no longer hold itself responsible for his acts upon the high sea, but in such case request all the Governments in treaty, or on terms of amity with this Government, and all naval officers on the high sea or in ports foreign to this country, to seize the said Post Captain E. W. Moore, the ship *Austin* and brig *Wharton*, with their crews, and bring them or any of them into the port of Galveston, that the vessels may be secured to the Republic, and the culprit or culprits arraigned and punished by the sentence of a legal tribunal.

The naval powers of Christendom will not permit such a flagrant and unexampled outrage by a commander of public vessels of war upon the rights of his nation, and upon his special oath and duty, to pass unrebuked, for such would be to destroy all civil rule and establish a precedent that would jeopardize the commerce of the ocean and render encouragement and sanction to piracy.

In testimony whereof, I have hereunto set my hand and caused the great seal of the Republic to be affixed.

Done at Washington, the 23d day of March, in the year of our Lord 1843, and of the Independence of the Republic the eighth.

SAM HOUSTON.

That was placed in the possession of Commodore Moore, on the arrival of the commissioners at New Orleans; and corresponding orders were given to the next senior officer to assume the command of the navy, and to bring it forthwith to Galveston. The officer second in command, receiving the orders, coöperated with the Commodore, and in correspondence with the commissioners—for they, too, had become warlike, and were cherishing glorious propensities for distinction—disregarded the orders of the President to them as his special appointees for the accomplishment of the purpose, united with Commodore E. W. Moore, and ab-

stained from publishing the proclamation which I have just read. The Commodore disregarded the orders given to him to sail to Galveston, but pretended to go there, and at the mouth of the Mississippi receiving, as he asserts, the intelligence that he could take the whole fleet of Mexico, he pressed sail by Galveston on to Campeachy. There was glory; there was renown; there was everything, all counteracting a sense of obedience, and the obligation imposed by an oath.

He sailed; but under what circumstances did he sail? He had been ordered home. The orders had been reiterated. He had been suspended; and he was ordered into arrest. What did he do under those circumstances? He ordered a court-martial for the trial of several sailors charged with misconduct. The court-martial convened and sentenced them, and the sentences were approved by him when he was under arrest himself. I will read for the information of the Senate a description of that scene. It is one new in character, and unheard of the annals of maritime or military history. That the Senate may be sensible of the circumstances which occurred under the disobedience of the orders given to the Commodore, I will read his report in relation to the persons who were executed. Here it is, dated May 10, 1843, to the office of war and marine:

[No. 99.]

TEXAS SLOOP OF WAR AUSTIN, }  
OFF CAMPEACHY, May 10, 1843. }

SIR: I have the honor to report that I got out of the Mississippi river on the 19th ultimo, and on the 21st commenced carrying out the sentences of the court martial in the cases of the San Antonio mutineers, in February, 1842. Frederick Shepherd, acquitted, pardoned, and released; John W. Williams, who was sentenced to receive fifty lashes with the cats, but strongly recommended to mercy; 22d, punished William Barrington with one hundred lashes with cats; 25th, punished Edward Kenan with one hundred lashes with the cats, and approved the sentence of death on the prisoners Antonio Landols, marine, James Hudgins, seaman, Isaac Allen, seaman, and William Simpson, corporal of marines, which was carried into execution at the next day, April 26, at meridian, by hanging them at the foreyard—latitude 23° 31' north, longitude 88° 19' 22' west. The bodies were left hanging one hour, when they were lowered on deck and given to the messes for the purpose of preparing them for interment, and at half past two o'clock their bodies were committed to the deep.

In performing this painful duty, I felt myself bound to carry out the sentence of the court, as there was not in the evidence one single palliating circumstance. The Department will doubtless recollect that a lieutenant was murdered, and two midshipmen shot.

All these transactions occurred under the order of suspension and arrest, and after he had seen the proclamation denouncing him as a pirate, as a mutineer, if he went to sea contrary to the directions given to him. These are some of the facts connected with that remarkable history. But, sir, there were some glorious achievements. He sailed to Yucatan, and we find the first engagement that occurred one of no small interest—one that is calculated to reflect imperishable renown upon its authors. We have heard of the battle of Salamis, and we have heard of Trafalgar. We have heard of our own achievements; but here is one new in the annals of sailorship and soldiery. It took place at the first engagement after the Commodore saw the enemy, on the 30th of April:

From the official report by James W. Moore, the Commodore's secretary and brother, I make this extract:

"At thirty-five minutes past eleven o'clock a sixty-eight pound shot, from the *Guadalupe*, cut the after shroud of the mizzen rigging about eight feet above the dead eye, (Commodore Moore holding the shroud at the time,) passed between Commodore Moore and Lieutenant Gray—would have killed both of them, but that the one dodged to the right, and the other to the left—passed through the poop deck into the cabin, and passed out the stern."

That was a very natural direction, I think, for the shot. This was reported in the papers of Texas. It created a sensation at Galveston. That was a place of celebrity. It was the great commercial metropolis of Texas; and there were the partisans who had conspired against the Government and the Executive, and had declared that the Administration, if it did not yield to their dictation, should be put down, if it was done by a revolution. This was a most joyous announcement, and I need not tell you the *clat* which attached to the hero who had achieved this mighty thing. Why, sir, Nelson had not half the address, or he never would have lost his arm; he never would have been presented to the world mutilated

after the action of Trafalgar. If the gallant Senator from Illinois [Mr. SHIELDS] had half the perception of the commodore to discover the shot, he never would have been shot through the breast, but could have dodged it; and so could Moreau, who was killed by a cannon shot. So, too, Charles XII. of Sweden might have survived. Why, sir, he would have conquered Russia if he had possessed half the tact of the Texas commodore to perceive a Paixhan shot, and dodge it. I do not know which way he dodged, whether to the right or to the left, but I have no doubt he dodged right. [Laughter.]

Well, sir, his dodging did not end there. After that, no orders went from Texas as a matter of course. The authority of Texas over the navy had been disavowed. Not only the commodore himself, the officer next in command, but the very commissioners appointed for a single purpose, had also disregarded the authority of the Government. They remained there; and it is a remarkable fact that the persons with whom they were allied are not very well spoken of by anybody. But, sir, previous to that time, in 1842, shortly after Commodore Moore was ordered to New Orleans, he was not satisfied with disobeying the orders of the Government, but went forward to form an alliance with Yucatan, an integral part of the Mexican Republic, and thus to compromise the government of Texas. Without the privity or knowledge of the government of Texas, he opened a correspondence with the Governor of Yucatan, and pledged the vessels of Texas to the Governor on certain conditions for a certain contingent period. He wrote a letter to the Governor from New Orleans, on the 17th of January, 1843, after he had received order upon order to return to the harbor of Galveston, in which he said:

No. 79.

TEXAS SLOOP OF WAR AUSTIN, }  
NEW ORLEANS, January 17, 1843. }*His Excellency the Governor of Yucatan:*

SIR: By the schooner "*Two Sons*," which sails this evening, and which I have obtained for the express purpose, you will receive this communication through the hands of Mr. McDonald.

In the latter part of August last, I dispatched the schooner of war *San Antonio* to Yucatan, with letters to his Excellency, Governor Mendez, containing certain propositions on my part, the tenor of which were, that if the government of Yucatan would send to me the sum of \$20,000 to fit the vessels under my command for sea, I would pledge myself to sail forthwith for your coast and protect it from the invading force of the Government of Santa Anna. Unfortunately the *San Antonio* was lost in the heavy and disastrous gale that swept our Gulf in the early part of September, and has never since been heard of, consequently my communications to your Government were never received; had they been received and acceded to, I am confident that your commerce, your coast, and your towns would have been unmolested, and your country in a ripe and flourishing condition.

The government of Texas has furnished all the means it has at command for the purpose of getting her vessels to sea, and it is not sufficient. The object in sending this communication to you now, in this manner, is to renew those propositions, which, if assented to, will certainly be highly beneficial to both Yucatan and Texas.

Thus it seems that all his care was for Yucatan, regardless of the commerce of Texas, and of the condition of her coast. He passed by the ports of the enemy, and went to succor Yucatan. Sir, during the three years which he boasts he was on the ocean, he never rendered one day's service to Texas. The *Santa Fé* expedition provoked an invasion of Texas by land, in March, 1842, and again in September of that year. At this critical time Commodore Moore was not on our coasts to coöperate with our land forces, or to carry troops and land them in the rear of the enemy. He was never on the coast of Texas to render any efficient aid to her in her necessities. And yet he claims great merit for having achieved renown, for having added to the honor and glory of that Republic. It all resolves itself into dodging that sixty-two pound Paixhan shot. That is the most memorable exploit—the only one of note performed by him.

He also alleges that the Executive of Texas improperly and illegally deprived him of money to which he was entitled. He knew well that there was not a dollar in the treasury to pay him, and the appropriation was made contingent on there being money applicable to the purpose. In his communication to Señor José Cardenas, he says:

"I would have been at sea long since if my Government

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could have furnished the means. I have been furnished with all it could raise, and am short of the amount named above."

There he convicts himself, notwithstanding his repeated asseverations that the President of the Republic of Texas had corruptly, despotically and unlawfully detained the appropriations made by the Government, when the fact was that they were contingent upon the means in the treasury.

Mr. President, I said something of the associates with whom he was at Yucatan. To be sure, it is an old saying that "birds of a feather flock together;" but I am sorry to think that any one who ever sailed under the flag of Texas, no matter what may have been his contumacy, his disobedience, or disloyalty, should be thrown into such deplorable association as is represented by Santo Mendez, Governor of Yucatan. The Governor, in a very affectionate communication to the Commodore, says:

"But if you deem it more proper to come on to Sisal or Campechy, you should gather and bring with you, before abandoning Laguna, all the money to be found in the custom-house, the munitions of war and provisions, in addition to which, you should capture and bring with you the persons of the Collector of Customs, Don José del Rosario Gil, Don Joaquín Campo, and the Ecclesiastical Vicar, all of whom are most superlative rogues."

I have no doubt, sir, he told the truth. They were "most superlative rogues;" and yet a Texan commodore was in association and confederation with such men! Sir, it is deplorable to think of it. But to show that he threw off all responsibility to the Government of Texas, that he assumed the control of himself and the squadron under his command, and regarded himself as irresponsible to any Government, I will read from the translation of the agreement made by him with one of the officers of Yucatan at the time the San Antonio was lost, a vessel sent to sea without orders or authority to carry on an illegal compact, or to enter into one, and invite one by our common enemy. This, sir, he did, without the knowledge of the Government, without the cognizance of a single officer of it, unless one of his personal associates. But, sir, here is the agreement between "E. W. Moore, commander of the squadron of the Republic of Texas, and Martin F. Pareza, Colonel, of the State of Yucatan, in virtue of the special power with which they are respectively invested by their respective Governments." That is utterly unfounded. I have no harsh epithets to use. It is not my desire to use them; but there can be no more flagrant violation of truth than is contained in these words which I have read. He says that he and the man with whom he made the agreement, were "invested by their respective Governments to accord and regulate the means of defense for both countries against the aggressions of the Government of Mexico, have, in the name of their respective Governments, agreed to the stipulations contained in the following articles."

Is not that a forgery? What do you call it when an individual assumes to act for another, or for a Government without any authority whatever to do it? Is it not forgery? Well, sir, they go and make a very important bargain; and there is one thing in it that shows the insignificance of all the naval conflicts that are on record, and that this stands alone unrivalled in the annals of the world. Here, in the fifth article of this agreement, it is stipulated "that the product of all the prizes that may be made from the residue of the Mexican squadron shall be religiously divided." Now, sir, just think of these "superlative rogues" making a religious division of property. [Laughter.] It seems to me to be a little paradoxical. They provided that the prizes should be "religiously divided in proportion between the Texas squadron and the launches and armed canoes of Yucatan." Now, sir, who ever heard of anything equal to that? Who ever dreamt before of attacking Mexican steamers with armed canoes? I never saw canoes armed, except for spearing fish; but it seems these men were to add immortal glory to their names by the use of armed canoes. Sir, when you take this in connection with their religious division of the spoils, it becomes a very important transaction. It rises far above your ordinary fights with seventy-fours.

Sir, there is another matter which is, perhaps, more important than all the others, to which I wish to refer. An idea has gone abroad that

Commodore E. W. Moore has sustained the credit of Texas, and made disbursements for her benefit, and that by his private fortune she has been sustained in her conflicts. I think it due to Texas, whatever may have been her misfortunes, that she should at least be redeemed from the charge of swindling any private individual out of private means. I should be sorry if she had taken anybody's property without making ample restitution. In our business transactions with relation to our currency and other matters of that sort, this imputation may rest upon us to some extent, if the world think proper to cast it. But, sir, I do not choose to have it alleged, when Texas has extended so much liberality towards this officer, that she has used his private means for her own advancement without compensating him.

When he went to Texas he had no private means, nor has he had them to this day, except what he has derived from Texas. He speaks in the book which is before me of his great pecuniary sacrifices for the cause of Texas. This book, I must inform the Senate, is a publication of his, vindicating himself against charges which he himself says were erroneously made. It is a vindication addressed to the people of Texas, and consists of no less than two hundred and four pages. He has published to the world what I will undertake to say does not in fact exist. He states in his book that an appropriation of \$97,000 had been made for the support of the navy. This is true, but it was with the condition that it was payable only when there was money in the treasury to meet the appropriation. The President is accused of illegally and maliciously withholding this appropriation. Not one dollar had the President a right to issue; for the conditions of the appropriation had never transpired. But in another part, speaking of his sacrifices, he says that he paid out of his own pocket, *in par funds*, upwards of \$23,000 to keep the navy from disbanding; and again, in another place, that he used his individual means and credit to the amount of \$34,700 in sustaining the navy.

Why, sir, it will be seen that, on examination, this man had not one dollar when he went to Texas. I will prove that conclusively; and he never used a dollar while he was there, unless it was the money of the Republic. Sir, I wish to redeem Texas from the imputation of swindling any individual who rendered service to that country. This man has been munificently requited for everything he has done, and even a bonus was given to him far beyond what was received by any individual who participated in the struggles through which Texas has passed. It is due to Texas that she should be vindicated from such an aspersion, and that she should be vindicated on this floor. From that vindication, however grating it may be to the feelings of the individual, I shall not shrink, and I shall rely upon documents unquestionable in their character. I shall not go out of the record to impute a single thing not sustained by documentary testimony. Again and again has this man acknowledged that he had no means; in the very correspondence with Yucatan he acknowledged it, and yet, in various instances, he attempted to create an impression that he made large pecuniary advances to Texas.

He charges the President of Texas with having oppressively discharged him from the navy of that Republic, and arraigns him as having acted without law. After the facts which have been already exhibited, it will be seen that there was no alternative left for the Executive but to discharge him for his contumacy and disobedience of orders, and for the discredit and injury inflicted upon the country. He complains that he was illegally discharged, because the laws of Texas provided that no individual should be tried except by his equals in rank; and he being Commodore, and there being but one Commodore, of course there was no way of trying him. This is a very nice plea; but the face of the very commission which he had in his pocket declared that he was to hold office under that commission during good behavior, or during the pleasure of the President. The President, after these acts of enormity, finding no other alternative left, gave him a dishonorable discharge. It was the only possible way in which he could act. This man had disregarded all the orders of the Government. He had ceased to re-

cognize the Government as in existence. He had formed an alliance with a foreign Government, and took upon himself the whole control of the navy. Was not this sufficient cause for his dismissal? But, really, what were his great achievements in this Yucatan expedition, in which he says he accomplished so much? In the last action he had only two vessels there. The other vessels engaged were of the squadron of Yucatan off Campechy, where the last action was fought. His vessel was literally cut to pieces, five or six gallant men were killed, and a number wounded. Was all this for the purpose of rendering the country any service? Was it to execute an order of the Government? Or was it in violation of orders? The San Antonio, a valuable vessel sent out in direct violation of orders, was lost, with over forty brave men on board, well officered, comprising the best spirits of the navy. But notwithstanding these facts, this individual denounces the proclamation of the President of Texas as a wanton exercise of tyrannical authority. The proclamation of the President of Texas, under which the commodore was permitted to escape from Yucatan with his vessels, was issued in consequence of a communication received from Mexico through the British Minister. The proclamation reached Campechy after these men were securely in the harbor, where the steamers could not reach them. In consequence of the proclamation their blockade was raised, and they set sail for Texas. Where did they set sail to? They came to Allacranes. The vessels of Mexico sailed down to Vera Cruz, and left the others snug in the harbor of Yucatan. They did not come directly home, however, but, as I have said, went to Allacranes, one hundred and fifty miles or more out of the way, which they should have followed if they were coming homeward. What was this for? It is not contended that it was to avoid the peril of meeting with the enemy; but the Commodore said they were afraid to go into action after they received the proclamation; for if they did so, every man would go into action with a rope around his neck.

Now, the fact is, that the Commodore himself knew of the proclamation prohibiting his going to Yucatan before he left New Orleans; and he read it, or it was read to him there. He also knew before he sailed from Yucatan that the President had issued another proclamation declaring an armistice. In consequence of it, Santa Anna withdrew his vessels from their position. Then the Commodore might have come home immediately; but he did not do so. He went to Allacranes, where he staid to catch turtle. After that, we lose sight of the history of the turtles. He finally turned over the vessels, and after three years cruising, as he says, he had there one poor wounded sailor in each vessel, without even a fat turtle to subsist upon, and he claimed in a magnanimous manner the support of the Government, and that provision should be made for them. He had had his poor fellows wounded, not in an action brought on by the orders of Texas, not for the benefit of Texas, but for his own individual gratification and aggrandizement, and from a spirit of lawless insubordination.

This is not all, sir. When the vessels were turned over they were destitute of everything. They were materially injured. The San Jacinto had been lost on the first cruise; and the San Antonio was lost on the next. The navy was literally destroyed under his guardianship, and the country was not benefited to the amount of one cent, but lost hundreds of thousands of dollars, besides losing the vessels themselves. The Government at great expense had purchased several thousand dollars' worth of Colt's revolvers, and armed the sailors with them. Two hundred and thirty or two hundred and forty of them were furnished to the sailors. When the vessels were delivered to the Government, only about forty of the pistols remained. The rest had been disposed of in some way; even the chronometers of the vessels had been hypothecated, and they were lost from the Government; and all the proceeds of the Yucatan expedition, nearly two hundred thousand dollars, as reported, had been disbursed without any accountability to the Government. This was the conduct of the individual who says he gave his private means to Texas. He says in his book:

"The promise of aid from my Government was forfeited,

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and I was left with nothing to depend upon but the balance of seven thousand and odd dollars."

In another part he says that he had exhausted his individual means to sustain the credit of the Government. He says he had to pay money to keep the navy from being disbanded; and he attributes all the misfortunes of the navy to the hostility of the Executive.

What motive could the Executive have had for hostility to the navy? He saw that it was ruined to the country. He saw that the resources of the Government could not sustain the navy. He perceived the disorganized and demoralized condition of it, from head to foot; and he was not for attempting to keep it up; and this course met with the approbation of the Congress.

Sir, I said that I would show that Commodore E. W. Moore had not private means, either to sustain the reputation, or to maintain the service of Texas. It will be found, on referring to the records of the Navy Department in this city, that Lieutenant E. W. Moore, late of the United States Navy, is this day a defaulter to the Government of the United States; and the circumstances under which that default took place can readily be ascertained. If I am incorrect, it is because the record is false. I am governed entirely by the record. It appears that Lieutenant Edwin W. Moore resigned his office in the Navy of the United States on the 16th of July, 1839, and he was then indebted to the Government in the sum of \$906 11. This indebtedness arose out of his having, by a power of attorney, authorized John T. Donaldson, president of a life insurance company at Baltimore, to receive a certain part of his pay monthly for three years from the navy agent at that place; and from his having subsequently, himself, received from the purser of the vessel to which he was attached more than the balance of the pay to which he was entitled, after deducting the portions thus allotted. On the 19th of February, 1839, his account exhibited the balance which I have mentioned as due from him. The account was reported to the Second Comptroller of the Treasury for suit. He was arrested in New York, but soon afterwards he was released on bail. On the 3d of February, 1840, the Solicitor of the Treasury remitted to the officer a certificate for \$500, which was said to have been collected in a suit against Joseph Hopkins, the bail. Mr. Moore's account was credited with this sum, collected from his bail, but there is still upon the books of the Department an unpaid balance due from him to the Government.

With all his professions of fervid patriotism toward Texas, with all his high respect for her institutions and her officers, could he have become so devotedly attached to them as to forget his personal credit in this country? Could he have left such a debt in his native country, and yet have been so munificent, as he alleges he was, to his adopted land? Is it to be supposed, under the circumstances, when his bail was suffering for him, that he would not have paid that sum, if he at any time had possessed the means? The Fourth Auditor of the Treasury, under date of June 29, 1852, says "that there is a balance still standing on the books of this office against E. W. Moore, of \$406 11, which still remains unpaid."

Commodore E. W. Moore has drawn at different times, on account of his services in the navy of Texas, the sum of \$14,888; and the Legislature not many years ago, appropriated \$11,390 to reimburse him for advances which he had made on account of the navy upon vouchers that were equitably adjusted. Thus \$26,178 were received by him from Texas. Has she not treated him well?

But, sir, as he has charged me with crimes of a degrading character, it is proper that I should show from what source these charges emanate, and how far my Government is to be injured by any statements which he may make or may have made. In this part of the case I will have reference to record testimony, and to nothing less than record testimony. I will, in the first place, show that he has drawn at several times of late years, as agent of claims or administrator, large sums of money, or its equivalent, from the State treasury, which have not been accounted for, so far as the Government is informed. How happened it that he was an administrator of estates? Relatives are the proper persons for administration; for if they

squander the estate, they are interested parties. We find that there was a Lieutenant Cummings who served with the Commodore. This lieutenant confided his claims to Commodore Moore, and he drew \$2,052 01 from the treasury at Austin for the lieutenant, and not one cent of that amount has he ever paid over to him. He alleged that he was robbed, on his passage from Galveston to New Orleans; but he never gave notice of it on board the steamboat on which he said the robbery took place, nor did he apprise the gentleman whose money it was, for months after, when he was called upon.

He was also administrator of the estate of J. T. K. Lothrop, an associate in arms, and he recovered for him the sum of \$3,766. This sum would have been of great benefit to the relatives of Lieutenant Lothrop, but he did not pay it to them. I believe, however, that they have now put under injunction some of the certificates of the indebtedness of Texas which he received for those claims. But that I may not be misapprehended in relation to this Commodore's integrity, I will refer to another case, which was examined and acted on by the Legislature of Texas. It is the case of Fleming T. Wells, deceased, late purser in the Texan navy. It appears that the committee on the Texas debt had referred to them an application on the part of the legatees of the deceased Mr. Wells, for relief. They could not obtain a certificate on which to draw the money, Commodore Moore having drawn and transferred the same to a third party; and the application was to enable them to draw the money without the certificate, and at the same time to abrogate or to destroy the certificate which had been given to Moore as administrator. Wells, the brother of the deceased, went to Texas, applied for letters of administration, which were granted; and those under which Moore had acted were revoked. As the certificate of claim had been drawn by Moore, and transferred to a third party, Wells filed an injunction to stop its payment at the treasury; and here follows the affidavit of Moore relative to the claim and transfer, as well as the letter of the treasurer, which, when all summed up, presents one of the most remarkable cases of veracity or defective memory on record. The committee of the Legislature of Texas, to whom the matter was referred, recommended a bill for the relief of the heirs of Wells. But here is the affidavit of Commodore Moore:

City of Austin, State of Texas:

I, E. W. Moore, of Galveston, Texas, do solemnly swear that a certificate of second class debt of the State of Texas was issued to the "heirs of Fleming T. Wells, deceased," and placed in my hand as administrator of the said Wells, by the auditor and comptroller of the State of Texas, amounting to \$4,125 28; and that said certificate is not now in my possession, but is illegally and improperly held by some person who has not authority to draw or receive the said money from the treasury of the State of Texas, it being the property of the aforesaid "heirs at law of the said Fleming T. Wells."

I therefore hereby enter this my protest against the same, or any part of it, being paid by the treasurer, or other proper officer to the present holder of the aforesaid certificate, or to any one, except the duly authorized person to receive the same for the heirs at law of the said Fleming T. Wells, deceased.

Given under my hand this 16th day of February, 1852.

E. W. MOORE,  
Late Administrator.

The document of which the above is a copy, sworn to, and subscribed before Francis T. Duffan, a notary public of Travis county.

HOUSE OF REPRESENTATIVES,  
AUSTIN, December 15, 1853.

A true copy of the original now on file in the House of Representatives.

BEN. F. HILL,  
Chief Clerk House of Representatives.

Moore solemnly swore to that in the presence of a notary public; and it is certified as a truthful and authentic document by the chief clerk of the House of Representatives, the proper certifying officer. The chairman of the committee on public debt addressed a letter to the Treasurer upon the subject, to which that officer replied, as follows:

Hon. James W. Scott, Chairman Committee Public Debt,  
House of Representatives.

Sir: In reply to your request, asking for such information as I am able to give, relative to the situation of the public debt certificate of Fleming T. Wells, deceased, amounting to \$4,125 28, I will state the following facts incident thereto:

My attention was first called to this claim by a protest filed by Richard Wells, administrator on the estate of F. T. Wells, against the payment of any moneys due the estate to other than himself; this protest bears date February 12,

1852. On the 16th February another protest was filed in the office, signed E. W. Moore, late administrator, a copy of which I hand you. Early in the month of March last the certificate was presented to this office for payment, by B. F. Parkinson, Esq., of New Orleans, acting, I presume, for one J. T. McMullen.

The certificate had been transferred for a valuable consideration, as stated in the transfer, which was upon the back of the certificate, by E. W. Moore, administrator, and acknowledged by him before a commissioner of deeds for the State of Texas, residing in Philadelphia.

I refused payment of the certificate at the time, upon the ground that there was nothing with the papers to show that Moore was administrator, except his signature to that effect; and also, because, admitting he had been the administrator, proof was submitted to me, showing that his powers were revoked, and that Richard Wells was the authorized person to receive the money.

On the 15th of March last, in the suit of Richard Wells, administrator, vs. Moore and Parkinson, an injunction was granted, restraining me from the payment of this claim; and on the 5th of May last, another injunction was served on me in the case of Wells, administrator, vs. Moore and Parkinson. These suits, I presume, have not yet been decided.

Very respectfully, your obedient servant,

JAS. H. RAYMOND, Treasurer.

TREASURER'S OFFICE, AUSTIN, January 24, 1853.

A true copy of the original on file in the House of Representatives.

BEN. F. HILL,

Chief Clerk House of Representatives.

AUSTIN, December 15, 1853.

As these are records and official documents, I have no hesitancy in presenting them, particularly when I have been charged by this man with almost every species of villainy. But these are not all the cases of the same character. It appears that there was an officer who served on board the same ship with Commodore Moore, who was wounded dangerously in the breast, and also in the head, on the same ship the commodore was when he saved his own head by dodging, of which wounds he died in 1848, leaving a widow and one child. His widow was anxious to obtain some relief from Texas. She states that she visited this city for the purpose of seeing myself or my colleague, [Mr. Rusk.] She did not happen to see either of us when she was here, but met with Commodore Moore. She told him her business, and he told her that she need apply to no one but himself, and that he would with the greatest pleasure take the matter in hand. In 1848 she gave him a power of attorney to draw whatever she might be entitled to receive from Texas. Mark the dates in this transaction. She gave him, in 1848, a power of attorney to draw the money that was due her. Afterwards she wrote to him some three times, I think, and made a personal visit here to urge the matter. He never gave her any satisfaction. He never answered her letters; and when she came here, he discouraged her, and, as she had but scanty means, she was compelled to return home. In 1852, however, he wrote her this letter:

WASHINGTON CITY, D. C., July, 1, 1852.

DEAR MADAM: Your letter of May 11 did not reach me until yesterday. It came under the frank of the Hon. Mr. Schoolcraft. I regret the delay. Your letter of February 7th I did not get; I was in Austin, Texas, at that time, and reached here on the 14th of April. I was anxious to write to you, but had lost your address, and am glad that I have received your letter.

The power of attorney you gave me before is deficient. I herewith inclose you another, which you will please sign as before, and have it acknowledged before a commissioner of Texas, if there is one in your vicinity; if not, please have it acknowledged before a judge of the United States district court; if you cannot, have it done before one of the judges of State of New York, and get the certificate of the Governor that he is one of the judges; one of these things is necessary. After you have the power of attorney acknowledged, please send it to me here, and I will send you some money by return mail. The balance of the amount I will send you as soon as I receive it from Texas, which will take about two months after I receive the power of attorney properly authenticated from you.

Very respectfully, your obedient servant,

E. W. MOORE.

P. S. I will be here until Congress adjourns, after which I will be in New York, and perhaps in Albany, and will be pleased by meeting you. Provision was made by the Legislature in February last to pay your claim; and had the power of attorney been right, I could have brought your money on with me. I hope you will send me the inclosed back, without delay. Yours,

E. W. MOORE.

Mrs. NANCY WILBUR.

This was in 1852, although the original power of attorney was in 1848. I do not know what the object of this could be. In February last, however, when I was in New York city, this lady called upon me, and gave me information of all the facts. From my knowledge of the Wells case, and other cases of the same sort, I told her I could give her little or no encouragement or hope that she would obtain the money, but that I would

do everything in my power for the purpose of securing it to her. She told me her destitution; that she had a little boy dependent upon her, and that all her means were exhausted in sustaining her husband while he was suffering under his wounds. I need not say that I sympathized with her. I thought it was a very hard case, and I was very willing to do all that I could for her. I wrote immediately to the Government of Texas, stating what Mrs. Wilbur had represented, in order to ascertain whether the money had been drawn by Commodore Moore; and I desired, if it had not been drawn, to arrest the payment of it at the treasury, and save the money for Mrs. Wilbur. I was answered on the 29th of March, 1854. The following is an extract from that answer:

"I find the claim of Lieutenant D. C. Wilbur, for services in the navy, amounting to \$684 03, audited, and the certificate or draft delivered May 2, 1851, to E. W. Moore, on the authority of a power of attorney granted to him by Mrs. Wilbur.

Mr. President, was not this really a hard case? What could be the object of his getting the second power of attorney in 1852, when he had drawn the certificate in 1851? The lady, a few days since, called at this place with a friend, to ascertain what it meant. She applied to the Commodore, and he gave her no information, except that he told her he had sent the certificate to Texas. The second power of attorney was surely of no use, unless it was to delude her, and throw her off her guard, and keep up her expectations. Where that certificate is I cannot say. I will not say that it was transferred, as the certificates of Wells and Lothrop were; but the truth is, that the poor lady could not get the certificate, and, with her orphan child, she returned disconsolate to her needy home, without meeting that reward to which she was entitled on account of the services of her gallant husband in the cause of Texas.

Sir, it would be tedious, or I would go on and give letters confirmatory of the facts which have recently transpired here in relation to similar matters.

I will now, however, give a few specimens of the style in which I have been spoken of by this individual, to show that he has descended to personality; but I will not follow in that respect. At page 175 of his book, when speaking in reference to the proclamation which was issued, and which I have read, he uses this language:

"The infamous course adopted by the President was hard to endure—a bitter return for years of unrequited services—caustic to the wounds which poverty and distress had engrained on the very soul! And had it not been for the redress which the form of our Government guaranteed; had President Houston been an autocrat in fact, as in imagination, we would have become the outlaws he desired us to become, and have resisted authority in self-defense."

Sir, I think he had resisted the authority as far as possible. If he did not resist, he certainly totally disregarded his orders. I have no disposition to retaliate on him; but I will read a little more of his abuse, and then I will show some of the cause for it; and, finally, I will read President Jones's veto, to show what he thought of this matter. The Commodore says:

"Having obeyed the injunctions of the high-handed and infamous proclamation."

The fact is, he did not obey the proclamation. It was an excuse for his getting off and avoiding the enemy.

What obedience! What subserviency to law and order! I think it very illy comported with his other acts. Surely it shows a great amiability! Now let me read his dishonorable discharge, of which he complains so much, and for which, he says, there was no authority of law. After enumerating the various orders which he had disobeyed, it goes on to say:

"You entered into a compact with the authorities of Yucatan, the inhabitants of a portion of the territory of our common enemy, without the sanction or knowledge of the authorities of this Government. This was treason. For these various acts of disobedience and contumacy you were, on the 31st of March, 1843, suspended from the command of the navy of the Republic, and ordered to report to the Department of War and Marine in arrest."

"After the reception of this order of suspension and arrest, you, in violation of law, without authority, and disregarding the rights of man, ordered a court-martial to assemble for the trial of those charged with mutiny on board the San Antonio."

"On the 10th of April, 1843, while under suspension and arrest, disregarding the laws and authorities of this Government, and in contempt of the laws of nations, you assumed to exercise the functions of commander of the navy of

Texas, and sailed, to cruise upon the high seas with armed vessels, under the flag of this nation, which was piracy."

"On the 26th of April, 1843, with matchless disregard of the laws of God and man, and contemning the lives of men, you proceeded to execute the sentence of the said illegal court-martial upon the persons of Antonio Landois, James Hudgins, Isaac Allen, and William Simpson, by hanging them at the foreyard of the ship Austin for one hour, and committing their bodies untimely to the deep. This was murder."

"For all these enumerated and unprecedented acts of enormity, you are hereby dishonorably discharged from the naval service of the Republic of Texas."

"By order of the President. C. W. HILL,  
"Secretary of War and Marine."

Mr. BADGER. What is the date of that?

Mr. HOUSTON. July 9th, just after his return. After what I have already said, it may seem superfluous, but I will read, for the information of the Senate, the veto of Mr. Jones, President of the Republic of Texas in 1845:

EXECUTIVE DEPARTMENT,  
WASHINGTON, TEXAS, June 27, 1845. }

To the honorable the Senate:

The Executive returns to the House in which it originated, a bill to be entitled "A joint resolution for the relief of Post Captain E. W. Moore," without his approval and signature; for the following among the reasons:

1st. Captain Moore, it appears, was arrested from his command by my predecessor, upon charges of insubordinate conduct and defiance of the laws and authorities of the country, and disobedience of orders in the spring of 1843. Subsequently, a court-martial to investigate these charges was applied for by him and granted. The court, after a patient and fair investigation of his offenses, for upwards of seventy days, found him guilty in manner and form as charged, of the following specifications, viz:

1st. In that the said E. W. Moore did not report at Galveston with the vessels under his command, as ordered to do, on the 5th November, 1842, reiterated on the 16th of the same month.

2d. In that the said E. W. Moore did not report in conformity with the orders issued to him on the 2d December, 1842, and 2d January, 1843, requiring him to sail for Galveston, and, after preparing his report, as ordered in October previous, to report in person to the Department—but refused in like manner to obey.

3d. In that the said E. W. Moore did, on or about the 27th February, 1843, receive peremptory orders, under date of 22d January, of the same year, to leave the vessels then under his command in the port of New Orleans, under the command of the senior officer present, and repair without delay to this place, (Washington,) and report to this Department in person; to which he likewise refused obedience in the most positive and unequivocal terms.

4th. In that the said E. W. Moore did, on or about the 3d April, 1843, receive from this Department an order of suspension from all command, dated on the 21st of March, of the same year, requiring him to report, in arrest, to the Department in person, and notifying him that any interference on his part with the command, or with those who had been directed to assume it, would be regarded by the Government as mutiny and sedition; to which he also refused obedience, and continued to exercise the functions of command of the navy.

The Executive is satisfied, from an attentive examination of the proceedings of the court-martial which tried the said Captain Moore, that the verdict of the court in regard to the above was just, and fully sustained by the testimony adduced. The trial appears to have been an impartial one—the accused had the benefit of witnesses brought from distant parts at the public expense, and the aid of competent counsel in his defense.

Captain Moore therefore stands duly convicted by a court having competent jurisdiction of very aggravated offenses. The penalty for these offenses which the court had not the authority to enforce, is applied by the law; and dismissal from the service is the slightest punishment which it enforces.

The joint resolution proposes to release him from the effect of the court's sentence and reinstate him in his command and emoluments. From the decision and sentence of a court of the country, the Executive alone has the power of pardon by the Constitution. The joint resolution, therefore, assuming a function not belonging to the Legislature, the Executive believes is a violation of the fundamental law.

But were it not so, he conceives the country has already suffered too much in blood and treasure from insubordination and disobedience of orders for such a palpable instance of it in an officer of the grade of Captain Moore to receive the extraordinary meed of legislative forgiveness and reward. The sympathies of Congress and the Executive might indeed be invoked in his individual behalf; but it might well be refused, unless Antonio Landois, James Hudgins, Isaac Allen, and William Simpson, who were executed at the yard-arm of the ship Austin, by hanging for one hour, and until dead, for a similar offense, by order of Captain Moore, while under arrest himself, could be restored to life and partake of its efficacy. Could the "deep give up its dead," and the sympathy claimed be made general in its operation, the Executive would gladly listen to its dictates. But he can never sanction a rule which hangs the poor sailor, and rewards his officer for offenses of congenial character.

The joint resolution proposes to allow Captain Moore several thousand dollars as his *pro rata* pay. Were there no other objection to this allowance, than the fact that he stands charged upon the books of the auditor of public accounts for a large balance, the simple existence of this fact would be a sufficient reason, in the opinion of the Executive, for its rejection. From the inclosed certificate of the auditor, it appears that Captain Moore has received at different times since June, 1842, of public money, \$72,726.74; and that up to the present time he has accounted for

\$21,851.38—leaving in his hands, unaccounted for, the sum of \$50,875.36. Besides this, the Executive is informed, there is still a balance standing against him on the auditor's books at Austin.

In addition to these, under a proclamation issued by my predecessor, claims have been filed against the Government for debts contracted by Captain Moore to the amount of \$20,000; making an aggregate of between \$70,000 and \$100,000. Should the joint resolution now proposed become a law, it will act as a virtual release to Captain Moore from all responsibility for this large sum; and the pay which is stipulated to be given him, could only be viewed as a reward for disobedience and insubordination to the laws and authorities of the country.

Such a precedent, once established in the case of an officer of Captain Moore's rank in the public service, the Executive conceives would have the immediate tendency to a subversion of all good order and all good government.

ANSON JONES.

Moore was dishonorably discharged from the service, and the acts set forth in the proclamation were never denied and were undeniable, but still he applied for a court-martial while President Houston was at the head of the Government. Although it was an *ex post facto* law, and therefore could really have had no efficiency, President Houston approved the joint resolution to give him a court-martial, knowing that no men on earth could be selected who would not sustain the President in his course, when they saw the letters and correspondence of the Commodore. He was allowed a court-martial. I perceive that in his book, he calls it a packed court of the Executive. The Executive approved the resolution. He cared nothing about it, for he had his own course marked out, and all the courts in the world would not induce him to sanction an illegal act, but he was willing to have an expression of the opinion of a court. Surely Commodore Moore has no reason to find fault with them. He slept with, eat with, drank with, and staid with the president of the court, and a part of the members; while the President of Texas never spoke to but one of them that he knows of during the time. Certainly he never had had a conversation in relation to the subject with one of them. They did not find Moore guilty of murder, although that he had committed murder was the most self-evident proposition in the world. They found him guilty of disobedience of repeated orders, but fixed no penalty. The President said he cared nothing about it. Now, I ask if the same acts had been committed in any country in Christendom where there is an organized navy, if an officer had committed the same outrages, and violated the laws of his country in such a flagrant manner, would his life have been spared for thirty days after his arrival on land, and after the government laid hands on him? When in the annals of Christendom have such acts of enormity occurred? I have never heard of them. Here was a contumacy unparalleled in history. Here was a total disregard of the interests of the government and of the country. In fact, during the administration preceding that of President Houston's, the country had been completely demoralized and disorganized. The head of the diplomatic corps abroad controlled that service. The head of the navy controlled that. The head of the army, if it could be said to have any head, controlled that. It was not so with the succeeding Administration.

Here, sir, I must be permitted to say, that it is a remarkable fact, that since the ex-President of Texas took his seat in the Senate of the United States, he has abstained from ever mentioning the name of this individual unless it was mentioned to him. Anxious that the meritorious officers of the Texan navy should have justice done them, I have forborne, though the bill has been repeatedly under discussion, from making an insinuation against any one of them. My honorable colleague was once very much indisposed and unable to attend here, when he expected the bill to come up. I had said to him "I cannot speak on that bill, I will vote for it with you, but I cannot speak on it." During his indisposition, the bill was called up, and I did speak for an hour or more,—with what effect or what wisdom I shall not pretend to say. I cast no reflection on any one who pretended to be a member of the navy. The honorable chairman of the Committee on Naval Affairs, [Mr. GWIN], as well as the honorable Senator from Florida, [Mr. MALLORY], who is a member of that committee, can testify, that when this subject was before

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Texan Navy—Commodore Moore—Mr. Houston.

SENATE.

them, I begged of them, as far as delicacy would permit me, to make a report as favorable to the officers of the Texan navy as the facts would justify them in doing, without making an exception of any one member of the navy. This course I have uniformly pursued. I have done nothing to provoke the individual. Yet, sir, I did not pursue this course from affection, respect, love, or fear to him.

Mr. GWIN. If the Senator wishes a response from me, I will state, willingly, that he requested me, as chairman of the committee, to make as favorable a report as possible in favor of the officers of the Texan navy.

Mr. MALLORY. It is due to the Senator from Texas to say that he expressed the same desire to myself. I never heard him say an unkind word of Commodore Moore, and I do not know that I ever heard him mention his name before to-day.

Mr. HOUSTON. I have conversed with my colleague about him, but even that has been incidentally. I have met him on the streets and elsewhere; but I have never noticed him. I believe he has published it, that he has not spoken to me for ten years. I have got a year's start of him, for I have not spoken to him for eleven years. [Laughter.] He made nothing by that operation, I think.

Sir, I have presented to you facts which are sustained by the record. I did not make it out. I had a hand, years ago, in making some of it, and I was very sorry that I had occasion to do so. I was compelled to do so from the condition of Texas. Every nerve was strained, and he was sweeping away everything belonging to her. He was flourishing off Campeachy, leaving our own coast exposed for three years without a vessel or an "armed canoe" under which the waves of the gulf quivered, while the gallant Commodore was at Campeachy, where he distinguished himself in dodging sixty-two pound balls. [Laughter.]

I have before me a manuscript copy of a letter, of which I have already read a printed copy. This seems to be the original. Having seen that pamphlets were referred to in the Commodore's letter to the Senator from Maryland, [Mr. PEARCE.] I thought they must contain something, I did not know what, but as I had never seen any pamphlets of his, I was anxious to look at them. So I called on the Senator from Maryland and obtained them. Of course they are public, and there is no betrayal of confidence on the part of that Senator. The Commodore sent them to him, but I doubt whether he ever read them. In the manuscript letter to which I have referred, and which is now before me, there is a postscript which was not published in the newspaper, but this is a mere private "snap," I suppose. In the postscript, he says:

"The two pamphlets which I speak of, I send separate. In an interview I could explain to your satisfaction many things in relation to this subject, which would make a letter too long. I have not spoken to Sam Houston for more than ten years; his course towards me originated in a personal matter, and has continued to this day, from the same cause, at the same time, he holds himself irresponsible for his vile abuse and slanders. The accompanying letter will illustrate that fact. E. W. M."

He says that a personal malice against him originated with me in 1840. The fact is, that I never had a word of unkindness with him in my life. I have no recollection of any. He says it originated in 1840. When I was President of Texas he was Commodore, but he had never been confirmed, and in July, 1842, I nominated him to the Senate and he was confirmed, and I commissioned him. Did that look like personal hatred? I think not. Surely there is some inconsistency or discrepancy here. Among the papers which he sent to the Senator from Maryland, I find a letter on which is indorsed "the following letter was delivered to General Houston the day it is dated." It is dated the 5th of May, 1845, and purports to be written at Galveston. I do not think I was there at that time. Let me read the whole of this indorsement. Here it is:

"The following letter was delivered to General Houston, the day it is dated, we being both in Galveston, Texas, at the time, and he not occupying any official position. "A few days after, it was published in the Galveston News. He never answered it, nor did any of his friends attempt to

refute or deny the statements made in it, and my statement to the people of Texas. They could not be denied."

I have never received a letter from Commodore Moore in my life, I believe; but yet the inference from this would be, that he, or some particular friend of his, had given this letter to me. He does not say who delivered it, nor anything about it, but goes on descriptively and says, "A few days afterwards, it was published in the Galveston News."

I do not believe that, but I intend to follow it up and see if the letter is on record. I am satisfied that it never was, or my friends would have told me of it. I was on my way to the United States in 1845, and left Galveston some time in May, I think towards the latter end of the month, but I do not believe I was there on the 5th of May. I went on to Tennessee then, and did not return until the latter part of October following, so that I never had an opportunity of seeing this letter. But let us see the letter. Let us see what it says:

GALVESTON, May 5, 1845.

SIR: I herewith inclose a copy of a statement to the people of Texas of some of your sayings and doings in relation to myself while you were President of this Republic.

I would willingly adopt another course, and demand of you that redress which one gentleman has a right to expect from another who has abused, vilified, and misrepresented him, as you have me on so many occasions, in public bar-rooms, in the streets, and even in the presence of ladies, but for the well-known fact that you have refused to render satisfaction to General Lamar, Judge Burnett, and Doctor Archer, for gross and flagrant acts of injustice which you have done them. There is one other resort—that of chastising you publicly—which I would adopt, were it not well known that you had submitted to be thus disgraced by Colonel Jordan, in the town of Austin, while you were a member of Congress.

I would have adopted the course I do now immediately after the expiration of your term as President, had I been in the country; but I have been in the United States since October last; and my arrival here the day before yesterday, as well as yours at the same time, affords me this opportunity of apprising you of my intention to show you your true character to the citizens of Texas, as well as to the world, which I will continue to do from time to time, unless you notify me that you will render me redress for the repeated acts of ungentlemanly conduct of which you have been guilty towards myself, to gratify a pitiful spirit of revenge which originated in a circumstance that occurred on board a steamboat, at one of the wharves in this town, in the early part of the year 1840, before you were nominated for the presidency, which you doubtless well recollect, and which you were not man enough to resent at the time, but waited until you were elected by the good and over-confiding people of Texas to the highest office within their gift, which you prostituted in so many instances to gratify your craven and vindictive propensities. E. W. MOORE.

General SAM HOUSTON.

Now, it is very well known that I had quit bar-rooms in 1845, [laughter,] and I only patronized them in a small way before that. [Laughter.] "In public bar-rooms, in the streets, and even in the presence of ladies." That was a most inelegant thing on my part! Surely I ought never to have abused him before ladies. Why, sir, for me to depreciate such a gallant gentleman in the presence of ladies, after his great feat of dodging cannon balls, would not be exactly clever on my part. Mark you, he says, he would have demanded satisfaction from me, "but for the well known fact that you have refused to render satisfaction to General Lamar, Judge Burnett, and Doctor Archer, for gross and flagrant acts of injustice." I never had a correspondence with any of these gentlemen, I believe, except official with Judge Burnett. I never had a correspondence with General Lamar, or Mr. Archer, or a quarrel with one of the three named. To be sure, they did not like me; but that was their fault, not mine. [Laughter.] I will avail myself of this occasion now to declare that I never made a quarrel with a mortal man on earth; nor will I ever do anything to originate a quarrel with any man, woman, or child living. If they quarrel with me, it is their privilege; but I shall try to take care that they do me no harm.

General Lamar, of whom he speaks, was the last President of Texas before myself. Another gentleman referred to, Mr. Burnett, was President *ad interim*, but Congress did not give him legislative functions: they only gave him judicial and administrative duties, and kept back the legislative functions, though he monopolized them all in the gross. I have nothing, however, to say against him. This letter proceeds:

"It is well known that you submitted to be thus disgraced by Colonel Jordan in the town of Austin."

Now, he is telling me all these things for the first time; for I never heard of them before. I never spoke to Colonel Jordan but once. When I was standing with another gentleman, Judge Sterne, by a counter, in the city of Austin, a crazy man rushed out of a room inside, with his night-clothes on, with a drawn ax in his hand. Judge Sterne instantly disarmed him, and the landlord took him away. The poor creature was under the influence of *mania-a-potu*; and I suppose this was the case from which he originates this great story. Look at the generosity and magnanimity of the Commodore! He will not disgrace himself, he says, by chastising in the streets a man who has submitted to be disgraced once! I do not think the Commodore has ever whipped anybody; at least, I never heard of it. I would not fight a duel. One of the gentlemen referred to did send me a verbal challenge. I do not know whether my honorable colleague was in Austin at the time or not; but if he was, he will remember it. It was a verbal challenge, sent on a Saturday night, to meet the challenger the next morning. I objected to it, first, on the ground that we were to have but one second, and that was the man who brought the challenge. Another objection was, that we were to meet on Sunday morning, and that I did not think anything was to be made by fighting on that day. The third objection was, that he was a good Christian, and had had his child baptized the Sunday before. The fourth was, that I never fought down hill, and I never would. [Laughter.] I must, at least, make character, if I did not lose my life; and therefore I notified him in that way. He seemed to be satisfied with this good-humored answer, and it is the only challenge I have ever received in Texas.

This letter was found among the papers furnished by Moore to the Senator from Maryland. It is the first I ever heard of it. Now, when a man is so valorous and high-spirited, I should dislike very exceedingly to disappoint him of a chance of showing it. If he is for fighting, I will hand him over to one who will take care of him. There is a man in my country with whom he has had difficulties, and I find that his opinion of the Commodore was published in 1848. Mark you, the letter which I have read is dated in 1845. The other, therefore, is a more recent date, and I give it precedence. I think I will keep mine an adjourned matter, since it has been on hand so long, and let the Commodore and this gentleman settle the quarrel between them; and I shall have nothing to do with the Commodore, if I can help it, until he has settled with this gentleman.

This gentleman, who talks very emphatically, has been a captain of rangers, and is said to be a brave man. I know nothing about him; only I know his standing as a captain of rangers, and a man of note in Texas. After Commodore Moore had charged him with many things, and was compelled to write an apologetic letter, Captain Grumbles goes on to say:

"As to the 'gallant Commodore,' I will merely say, that he has brought his duplicity to such systematic perfection, that Judas himself, would 'blush with shame' at his comparative insignificance in the art, if he could again be placed on earth, and be brought in competition with this 'valiant knight of the marinespike.'"

"Commodore Moore has borne the reputation of a brave and honorable man, but I know him to be an ignominious dastard, a treacherous scoundrel, and a remorseless liar."

"I hold myself personally accountable for all that I say, and I am always ready and willing to confront Commodore E. W. Moore, and reiterate in his presence, what is here published to the world."

"This man hath dipped his tongue so oft and deep In the putrid pool of perfidy, that his foul breath Doth fill the air with stench."

"JOHN J. GRUMBLES.

"CITY OF AUSTIN, May 3, 1848."

The Commodore is thus estimated by an individual who knows him well—one whose position in Texas is equal to his own. Captain Grumbles is a fighting man. It is his profession. It is not my disposition to interfere between these parties. I will leave the Commodore, in all personal matters, to Captain Grumbles, who is most competent, and he avers, most willing, to confront his adversary.

Having said this much, I am done.