

Exhibit 125

in the case of:

**People of the Republic of Texas
and the
Sovereign Nation of the Republic of Texas**

v.

**UNITED NATIONS
(and all it's Political Subdivisions)
and
UNITED STATES
(and all it's Political Subdivisions)**

Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct representations of:

The Battle Of Sabine Pass, September 8, 1863, from: Ernest Wallace, David M. Vigness, and George B Ward, *Documents of Texas History*, (State House Press, Texas, 1994).

This attestation is made on August 10, 1998.

Attest: *Darrell Dean Franks*

Ed. Brannum

Witness to scan and above signature

Lynette Davis

Witness to above signatures

85. THE BATTLE OF SABINE PASS

September 8, 1863

From United States, *War of the Rebellion: Official Records of the Union and Confederate Armies* (Washington, 1889)
Series I, XXVI, Part I, 294-297, 311-312.

Texas remained free from occupation by Union troops during the entire period of the Civil War except for intermittent landings along the coast. Although its good fortune may be credited largely to its geographical location, determined resistance also played an important part. The most dramatic event occurred on September 8, 1863, when Lieutenant Richard ("Dick") W. Dowling and his small garrison turned back a major thrust at Sabine Pass by a Union force under Major General W. B. Franklin. The successful repulse of this invasion not only spared Texas a possibly lengthy military campaign and occupation,

but acted also as an important boost for Confederate morale after the Gettysburg and Vicksburg campaigns.

I. GENERAL FRANKLIN'S REPORT

On board the Steamship Suffolk, September 11, 1863.

General: I have the honor to report that, . . . [on] Friday, [September 4,] at 5 p.m., Brigadier-General

Texas remained free from occupation by Union troops during the entire period of the Civil War except for intermittent landing along the coast. Although its good fortune may be credited largely to its geographical location, determined resistance also played an important part. The most dramatic event occurred on September 8, 1863, when Lieutenant Richard ("Dick") W. Dowling and his small garrison turned back a major thrust at Sabine Pass by a Union force under Major General W. B. Franklin. The successful repulse of this invasion not only spared Texas a possibly lengthy military campaign and occupation, but acted also as an important boost for Confederate morale after the Gettysburg and Vicksburg campaigns.

Weitzel started from New Orleans with about 1,000 infantry, who were to land as soon as the Clifton began to of 20-pounder, of First Indiana Artillery, in the steamers Belvidere, Banks, Landis, and Saint Charles. The remainder of the force, with few exceptions, embarked during Friday night, and arrived at the mouth of the river during all of Saturday.

General Weitzel's instructions were to proceed as far as off Berwick Bay, in company with the gunboat Arizona, when he was to be joined by Lieutenant-Commander Crocker, U.S. Navy, with the gunboats Clifton and Sachem; thence they were to proceed in company to Sabine Pass, off which they expected to arrive during Sunday night. On Monday morning, at daylight, they were to enter the mouth of Sabine River. The gunboats were to engage and silence the rebel battery, and General Weitzel's troops were to co-operate, and were to hold a position on shore until the arrival of the other troops. Unfortunately the gunboat Granite City, which had been dispatched to the Pass several days before to carry Captain Crocker's pilot, who was well acquainted with the channel of the Pass, and who was to place a light to enable him to run in at daylight, did not arrive at the Pass until Monday afternoon; also, on Sunday night there were no blockaders off the Pass. The consequence was, that Captain Crocker missed Sabine Pass on Sunday night; imagined that he had run past it; ran back, and at daylight on Monday morning was off Calcasieu Pass, the next opening to the eastward, instead of being ready to run into Sabine Pass.

On Monday morning, about 11 o'clock, I arrived off Sabine Pass at the head of the fleet of transports, crossed the bar, and was about to run in, when, seeing nothing to indicate the presence of our people, I recrossed the bar. It was not until late in the afternoon that I ascertained definitely that nothing had yet been done. I then learned that Captain Crocker now intended to make the attack on Tuesday morning, and that he had dispatched a gunboat to warn me to keep back, in order that the enemy might not see the transport fleet, but the gunboat only stopped some of the rear vessels of the fleet, missing the leading vessels entirely.

By this series of misfortunes, the attack, which was intended to be a surprise, became an open one, the enemy having had two nights' warning that a fleet was off the harbor, and, during Monday, a full view of most of the vessels composing it; besides, twenty-four hours of valuable time and good weather were uselessly consumed.

After consultation with Captain Crocker on Monday night, it was determined that the Clifton should go into the harbor at daylight, and make a reconnaissance, and that further operations should be determined by the report received from Captain Crocker.

He went in, made his reconnaissance, and signaled for the other vessels to come in. I therefore sent all of the transports which it was supposed could cross the bar, and found the greatest difficulty in getting over any vessels drawing more than 6 feet. About 10 o'clock, 700 infantry, one battery of field artillery, and eight heavy guns were inside of the bar, and a transport, with 700 infantry, was hopelessly aground. A tug drawing 6 feet was sent to her assistance, but had to return, not being able to reach her.

In company with General Weitzel and Captain Crocker,

I made a reconnaissance of the Texas shore; small boats grounded in mud about 125 feet from the shore.

The shore itself is a soft marsh, and parallel to it, and about 50 feet inside of it, is a narrow strip of sand, on which is a road. This road strikes the water and high ground about one-half mile below the fort, at which point there is an old fort. Sailors wading sank into the mud above their knees; soldiers loaded with muskets and rations would have sunk to their middle.

The fort completely commands the road and the channels of the entrance, and contains six guns, three of which are, in my opinion, 9-inch guns, one a 7 or 8 inch rifled gun, and two others on siege carriages.

The channel divides about 1,000 yards below the fort, and the two channels unite at a short distance above it.

As there were four gunboats available for the attack, the following plan was adopted in conjunction with Captain Crocker: Three of the gunboats were to move up the channel to the point of separation; there two of them, the Sachem and the Arizona, were to take the channel to the right, and were to pass the fort by that channel, drawing its fire. The Clifton was to take the left-hand channel, moving slowly up, and, when about half a mile distant, was to go at full speed, within grape and canister range, and engage the fort at close quarters. General Weitzel was to keep near the Clifton with a boat containing 500 infantry, who were to land as soon as the Clifton began to go at full speed at the old fort; from there they were to advance upon the fort as skirmishers, endeavoring to drive the enemy from his guns, while the Clifton engaged the fort at close quarters. The fourth gunboat, the Granite City, was to support this movement.

While the arrangements necessary to carry out this plan were being made, the troops that were in the transport aground on the bar were brought in, to be in readiness to assist General Weitzel's movement in case of necessity.

The movement of the gunboats commenced at 3 o'clock, and progressed according to the plan for about thirty minutes, when the fort opened on the Sachem and Arizona, and in a few minutes put a shot through the boilers of the Sachem, killing and wounding many of her officers and men. She soon afterward hoisted a white flag. The Arizona was during part of this time aground.

The Clifton steamed slowly up her channel, firing slowly, and finally lay with her broadside toward the fort, engaged at close quarters. A shot went through her steam-pipe shortly afterward, disabling her, but she fought gallantly for ten minutes more, when she, too, surrendered.

As soon as she hoisted the white flag, the Arizona and Granite City steamed over the bar; the Arizona grounded, but got off during the night. . . .

After the engagement, my situation was as follows: I was in the mouth of the Sabine Pass with seven transports. These contained 1,200 infantry, which could be landed; twelve guns and fifty wagons, which could not be landed. The enemy had a heavy battery of six guns, two gunboats, and a field battery within 6 miles, and was being rapidly re-enforced. We had nothing to protect us, except the fire from the guns on our transports, which would have been of little use against the enemy's gunboats.

The enemy's battery commanded the whole landing, and he could, with his battery and gunboats, have destroyed us at any time.

The remainder of my force was outside the bar in vessels, all of which had to be lightened, and at least three days would have been required to land it.

The stock of fresh water was nearly exhausted, and the animals were already on short allowance of water; the men were living on uncooked rations, and there was no fuel on shore for cooking.

No fresh water could be obtained unless the fort was in our possession, and the day's experience had taught me that no attack which I could make with the troops which I had been able to get across the bar could possibly succeed. It would have been absurd to have attempted to have passed the fort with the troops already inside of the bar, there being but one means of access to Sabine City, and this commanded for 1½ miles by six heavy guns and whatever field artillery the enemy might have. There was no time to send to New Orleans to get instructions, and I therefore concluded to recross the bar and return to the mouth of the Mississippi.

I arrived at the mouth of the Mississippi this morning, having left Sabine Pass on the 9th instant, and believe there have been no losses except those reported by General Weitzel, and 200,000 rations thrown overboard from the Crescent (the grounded transport), to get her off the bar, where she would have been taken by the enemy, and 200 mules thrown overboard from the Laurel Hill, a steamer which had lost her smoke-stacks on account of the heavy sea. . . .

W. B. FRANKLIN,
Major-General, Commanding.

Maj. Gen. N. P. Banks
Commanding Department of the Gulf, New Orleans, La.

2. LIEUTENANT DOWLING'S REPORT

Fort Griffin, Sabine Pass, September 9, 1863.

Captain: On Monday morning, about 2 o'clock, the sentinel informed me the enemy were signaling, and, fearing an attack, I ordered all the guns at the fort manned, and remained in that position until daylight, at which time there were two steamers evidently sounding for the channel on the bar; a large frigate outside. They remained all day at work, but during the evening were reinforced to the number of twenty-two vessels of different classes.

On the morning of the 8th, the U. S. gunboat Clifton anchored opposite the light-house, and fired twenty-six shells at the fort, most of which passed a little over or fell short; all, however, in excellent range, one shell being landed on the works and another striking the south angle of the fort, without doing any material damage. The firing commenced at 6.30 o'clock and finished at 7.30 o'clock by the gunboat hauling off. During this time we had not re-

plied by a single shot. All was then quiet until 11 o'clock, at which time the gunboat Uncle Ben steamed down near the fort. The U. S. gunboat Sachem opened on her with a 30-pounder Parrott gun. She fired three shots, but without effect, the shots all passing over the fort and missing the Ben. The whole fleet then drew off, and remained out of range until 3.40 o'clock, when the Sachem and Arizona steamed into line up the Louisiana channel, the Clifton and one boat, name unknown, remaining at the junction of the two channels. I allowed the two former boats to approach within 1,200 yards, when I opened fire with the whole of my battery on the foremost boat (the Sachem), which, after the third or fourth round, hoisted the white flag, one of the shots passing through her steam-drum. The Clifton in the meantime had attempted to pass up through Texas channel, but receiving a shot which carried away her tiller rope, she became unmanageable, and grounded about 500 yards below the fort, which enabled me to concentrate all my guns on her, which were six in number—two 32-pounder smooth-bores; two 24-pounder smooth-bores; two 32-pounder howitzers. She withstood our fire some twenty-five or thirty-five minutes, when she also hoisted a white flag. During the time she was aground, she used grape, and her sharpshooters poured an incessant shower of Minie balls into the works. The fight lasted from the time I fired the first gun until the boats surrendered; that was about three-quarters of an hour. I immediately boarded the captured Clifton, and proceeded to inspect her magazines, accompanied by one of the ship's officers, and discovered it safe and well stocked with ordnance stores. I did not visit the magazine of the Sachem, in consequence of not having any small boats to board her with. The C. S. gunboat Uncle Ben steamed down to the Sachem and towed her into the wharf. Her magazine was destroyed by the enemy flooding it. . . .

Thus it will be seen we captured, with 47 men, two gunboats, mounting thirteen guns of the heaviest caliber, and about 350 prisoners. All my men behaved like heroes; not a man flinched from his post. Our motto was "victory or death."

I beg leave to make particular mention of Private Michael McKernan, who, from his well-known capacity as a gunner, I assigned as gunner to one of the guns, and nobly did he do his duty. It was his shot struck the Sachem in her steam-drum.

Too much praise cannot be awarded to Maj. [Col.] Leon Smith for his activity and energy in saving and bringing the vessels into port. . . .

R. W. DOWLING,
First Lieut., Comdg. Co. F, Cook's Art.,
Fort Griffin, Sabine Pass.

Capt. F. H. Odlum,
Commanding Post.