The Daily Crescent.

FIFTEEN CENTS A WEEK. NEW ORLEANS, THURSDAY MORNING, MARCH 30, 1848. VOLUME I.....NUMBER 23.

MISCELLANEOUS.

GEO. W. PRITCHARD, *General Broker*, No. 67 Gravier street, New Orleans. mh21 6m

CHARLES DEAKE & CO., *Commission Merchants and Ship Brokers*, 88 Common street. mh5

GORDON PLUMMER, *Adjuster of Averages*.—Office at Lucien Hermann's, Marine Notary, *No. 21 Royal Street, New Orleans*. mh18 4m

JOHN O. WOODRUFF. JAMES E. WOODRUFF.
JOHN O. WOODRUFF & CO., *Commission Merchants and Agents for the Louisiana and New York Line of Packets*, No. 60 Camp street. mh5

A. D. GRIEFF. S. A. KINGSLAND.
A. D. GRIEFF & CO., *Wholesale Dealers in Butter and Cheese, and Agents for Taylor's Albany Ale and Porter and Newark Cider*, Nos. 28, 38 and 40 Old Levee, New Orleans. mh16 1y

J. O. PIERSON. J. A. BONNEVAL.
PIERSON & BONNEVAL, *AUCTIONEERS*, No. 6 Gravier street, will attend to the purchase and sale of Real Estate, Negroes and Merchandise; also, to the sale of Cargoes, Successions, Furniture, and all out-door sales; and solicit from their friends and the public a portion of their patronage. mh10

CRESCENT FOUNDRY,
No. 55 Girod st., New Orleans.
STEAM and FIRE Engines, Printing Presses, and Machinery in general, made and repaired in a satisfactory manner.
☞ Brass Castings and Patterns made to order.
mh15 A. C. JONES.

NEW SPRING FASHIONS.
We would now be happy to show our customers the new French and New York styles of HATS for this Spring, just received—Fine Drab and Black BEAVERS, Fine Moleskin SILKS, etc. Fashionable STRAW GOODS in great variety. Men's, Children's and Infants' Leghorn, Panama, Dunstable, China, Pearl, etc.
mh5 D. W. & F. BELDEN, 5 Chartres st.

UPHOLSTERY AND PAPER HANGINGS.
THE SUBSCRIBERS most respectfully inform their friends and the public, that they have just received from Paris a rich and elegant variety of French FURNITURE, UPHOLSTERY GOODS, and WALL PAPER, to which they invite their attention.
☞ All orders for Goods or Work will be thankfully received and promptly attended to.
mh5 1m DUBOIS & FINN, 58 Chartres street.

COPARTNERSHIP.
THE undersigned have formed a copartnership with a view of transacting a *COTTON FACTORAGE* and *GENERAL COMMISSION BUSINESS* in this city, under the style of THORNHILL & McILHENNY, to take effect after the 31st of May, next, at which time the connection of Jno. Thornhill with the house of Ward, Jonas & Co. will be dissolved.
R. McILHENNY has opened an office at No. 61 *Gravier street* for the purpose of attending to the wants of our friends who may think proper to entrust us with their business.
JNO. THORNHILL,
R. McILHENNY.
New Orleans, Jan. 28, 1848 mh5 3m

A. C. AINSWORTH, *Marine and Commercial Notary*, No. 33 Camp street,
Holding Commissions from the States of TEXAS, MISSISSIPPI, KENTUCKY, FLORIDA, NEW YORK, MISSOURI, ILLINOIS, INDIANA, TENNESSEE, PENNSYLVANIA, RHODE ISLAND, VERMONT, NEW HAMPSHIRE, DELAWARE, ALABAMA, MAINE, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA, NEW JERSEY, OHIO, and MICHIGAN, A. C. A. is prepared to take Depositions and Execute and Perfect all kinds of Legal Instruments to be used or recorded in said States and the Territory of WISCONSIN.
The usual promptitude at his office is continued in all Notarial Business. mh5

CARRIAGES! — CARRIAGES!
AT EASTERN PRICES at the Commission CARRIAGE REPOSITORY, *No. 66 St. Charles street, opposite the Commercial Exchange.*—On hand and constantly receiving FASHIONABLE CARRIAGES of the latest styles, direct from the manufactories; COACHES, ROCKAWAYS, BAROUCHES, BUGGIES, etc., etc., in style, finish and price equal to any in market. Customers are invited to call and see for themselves.
mh5 3m H. S. SMITH, 66 St. Charles st.

EVANS' ARCADE HAT EMPORIUM,
No. 35 MAGAZINE Street, Corner GRAVIER Street.
JUST RECEIVED and now opening at this establishment, the most varied and splendid assortment of HATS ever offered in this market; consisting in part of—
Super and Medium quality PANAMAS, LEGHORNS, CANADA STRAW, CHINA PEARL, RUTLAND, GUYAQUIL, CAMPEACHY and ITALIAN STRAW HATS; Super White and Black ROCKY MOUNTAIN BEAVER, MOLESKIN and NE PLUS ULTRA HATS, of the latest fashions, and finished in the richest styles.
No pains or expense has been spared in the manufacture and finish of this Stock. The old customers of the house and the public are respectfully solicited to call and examine for themselves. mh7 1m

TEETH EXTRACTED WITHOUT PAIN.
LETHEON.—The Right of the LETHEON, or VAPOR OF ETHER, having been purchased by us, we are now prepared to administer the same, and perform all operations upon the Teeth while under its influence. We have just received direct from Paris, a new and improved Aparatus for the inhalation of the Vapor or Letheon, which, from its perfect safety, and the ease with which it can be used by both patient and operator, has been adopted in the Hospital du Charité, Hospital de St. Louis, and private hospitals of Paris, and by the faculty generally throughout France and England.
BLAKE & MONTREVILLE, Dental Surgeons,
mh5 1m North st., Lafayette Square, near St. Charles st.

WALL PAPERS.
NO. 20 CAMP STREET.—The advertiser has always on hand a well assorted stock of
FRENCH PAPER-HANGINGS,
with suitable BORDERINGS for each—among which, are
Gold and Velvet Papers and Borders;
Gold Papers and Borders;
Scene Papers, double and single width;
Bed Top Papers and Borders, do.;
Satin, Unglazed, and Common Papers;
Window Papers, 2 feet wide;
Figured Screen Papers and Borders;
which he is selling as low as *French* Papers can be sold in New Orleans. He has also AMERICAN PAPERS, which he offers *lower* than they can be purchased elsewhere!
Call in—learn prices, and buy if they suit you; if not, there is nothing charged for a show."
☞ Papers hung to order, and warranted to *stick*.
mh5 tf JOS. ETTER, 20 Camp st.

CARRIAGE MANUFACTORY.
THE patronage that has been extended to us so very liberally the last seven years, while in Common street, has induced us the last summer to erect a large building expressly for manufacturing and repairing CARRIAGES. We have now one of the largest Shops in the Southern country, and are prepared, with good Northern workmen, and the best of materials, to build any style of Carriage to order, and guarantee them two years if used in the country. We are also better prepared than ever before for repairing Carriages, and can restore them almost to their original beauty and durability, although apparently worn out and useless. We will pay freight on Carriages sent to us to repair. We will also keep on hand an assortment of *New and Second-hand Carriages* which will be sold low. Old Carriages taken in trade for new ones. We invite the attention of those wanting new Carriages, or their old ones repaired, to call at our Manufactory and Repository and judge for themselves, at the *corner of Gravier and Carondelet streets*, next door to the office of the Commercial Water Works, rear of the St. Charles Hotel, New Orleans.
mh5 3m MATTHEWS & DENMAN.

FINE WATCHES, JEWELRY, SILVER AND PLATED WARE, GOLD PENS, &c.
NELSON A. YOUNG, No. 8 *Camp street*, would respectfully invite the attention of his friends and the public to his new and extensive assortment of fine English and Swiss
LEVER WATCHES,
from the best and most celebrated manufactories of London, Liverpool, and Geneva, carefully put up, and warranted in fine Gold or Silver Cases of the most approved Patterns, for Ladies or Gentlemen. Also, in a very large assortment of WATCH TRIMMINGS—comprising every variety of Ladies' and Gentlemen's Fine Gold GUARD CHAINS; Vest and Fob CHAINS; Watch Ribbons; Keys and Seals, of the latest and most fashionable patterns. Ladies' Fashionable BROOCHES, (a great variety) Diamond, Ruby, Garnet, Pearl, and Plain Gold FINGER RINGS, NECKLACES, &c.
A great variety of Gentlemen's Shirt Studs, Sleeve and Collar Buttons, Breast Pins, Scarf Pins, Seal Rings, Silver Suspender Buckles, Gold and Silver Spectacles of every description, Gold and Silver Pencils, Silver Spoons, Forks, Cups of every description, Ladies, Fine Silver-plated Sheffield Castors, Candlesticks, Trays, &c., Levi Brown and Spencer's celebrated Diamond-pointed Gold Pens, in Gold or Silver Holders, Fine Cutlery and Fancy Goods, which he offers low on the most reasonable terms.
Persons from the country, wishing to purchase fine Time Pieces or Jewelry, would do well to call and examine his stock before purchasing elsewhere.
☞ Particular attention giving to REPAIRING Clocks and Watches, at short notice, by the most skilful workmen to be found in the country.
☞ Every description of Jewelry made and repaired to order. mh5 tf

UPHOLSTERY ARTICLES.
NO. 20 CAMP STREET.—The subscriber has on hand a large and general assortment of almost every article in the Upholstery way, which, on account of the advanced state of the season, he offers at very low prices. Among the Goods on hand, he would enumerate
CURTAIN STUFFS:
Silk, Worsted, and Cotton Damask, (French and English) Bobinet and Muslin White CURTAINS;
Plain and Figured MUSLINS, &c.
CORNICE, POLES, BANDS, &c.:
Wooden, Brass, and Velvet CORNICE;
Brass and Wooden POLES;
"Tulip," "Acorn," "Polka," "Arm," and a variety of other CURTAIN BANDS and PINS.
TRANSPARENT WINDOW-SHADES.
The stock of this article is as full, and of as handsome patterns, as can be found any where—among which, are Scotch, Chinese, and other scenes, large Gothics, &c.
MUSQUITO BARS AND NETTINGS:
English Bobinett, Muslin, Linen and Cotton MUSQUITO BARS and NETTINGS, in great variety and quantity.
FEATHERS, CURLED HAIR, &c.:
FEATHERS in lots of from 1 pound to 100 pounds; and CURLED HAIR of various qualities.
Together with MATTING, OIL CLOTH, CARPETS, Rugs, Mats, Table Oil Cloths, WALL PAPER, (a large and handsome assortment) Cords and Tassels, Fringes, Gimps, Fire-board Papers; Cotton, Worsted, Linen, and Silk BORDERINGS and BINDINGS; Hair-cloth Window Papers, Ready made Hair or Moss MATTRESSES, Bed Furniture, &c., &c.
☞ GALVANIZED SPRING MATTRESSES made to order, and UPHOLSTERY work executed with despatch.
mh5 tf JOSEPH ETTER, 20 Camp st.

DAILY CRESCENT.

COURT OF INQUIRY.

Reported for the New Orleans "Daily Crescent."

NATIONAL PALACE, MEXICO, *March* 15, 1848.

THE COURT abovenamed—ordered by the President of the United States to inquire into certain alleged charges against Maj. Gen. PILLOW and Brevet Lieut. Col. DUNCAN, preferred by Maj. Gen. SCOTT; also, to inquire into certain charges against Maj. Gen. SCOTT, preferred by Brevet Maj. Gen. WORTH—met this morning at 10 o'clock.

The members of the Court were as follows:
Brig. Gen. NATHAN TOWSON, President;
Brig. Gen. CALEB CUSHING;
Colonel W. G. BELKNAP;
Capt. J. O. RIDGELY, Judge Advocate.

On the Judge Advocate reading the order requiring the court to assemble, Gen. Scott presented himself, accompanied by Col. Hitchcock, Inspector General; Capt. H. L. Scott, A. A. G.; Lieut. T. Williams, and several other officers, and made some observations relative to the examination and presence of witnesses and others connected with the investigation about to commence. He said he would rest satisfied with whatever course the court would pursue in that particular, but as remarks that he would make hereafter would refer to the case of Lieut. Col. Duncan, he desired that that officer might be present. He, also, requested to know of the court whether any other individual besides himself, Gen. Pillow and Lieut. Col. Duncan, were considered under the order read by the Judge Advocate, as accused parties. It was not his desire to embarrass the proceedings of the court, but the information would guide him in the course he was about to pursue. He should, therefore, feel obliged by being informed in these particulars.

The doors were then closed for some time, and being re-opened, the Judge Advocate read the decision of the court on the subject. The court decided that no other charges than those preferred by Gen. Scott against Gen. Pillow and Col. Duncan, and the charges against Gen. Scott preferred by Gen. Worth, would be entertained or made the subject of inquiry. The court also intimated that all the parties concerned would receive instructions to be before it the next morning at 10 o'clock.

Gen. Scott rose and addressed the court to the following effect:

The court could scarcely conceive how deeply he had been wounded regarding the matter now before it. He felt most anxious to reply promptly to the charges now under investigation. Any delay in this matter he regarded as injurious in the extreme, as he (Gen. Scott) considered himself—pending the investigation, but a prisoner at large—a prisoner and an accused individual in the Capital of Mexico. Stricken down from a high command—from a high military position—the highest, perhaps, ever occupied by any citizen since the days of the "Father of his Country," the immortal Washington. Deeply, therefore, did he feel all this, and much more so, that any cause of delay might arise in this inquiry. "Nor is this all, Mr. President. I find myself placed as the chief criminal, before this court, and am now informed that one of the parties, against whom a specific charge has been made by me, is acquitted, *before trial*, by the highest constituted authority of our country. The accuser in this case has now become the accused—the judge the criminal. I pause not for want of words, Mr. President, nor for lack of ideas—they crowd upon me too fast; neither for want of feeling—my feelings are too deep for utterance. If these remarks are not in order, Mr. President, I bow in obedience to the court."

The president of the court then informed Gen. Scott that the parties interested in the proceedings would be before the court at 10 o'clock, next morning—that the court was specially formed, that day, in his particular case—and it was not considered necessary to have any other of the accused parties present..... The court then adjourned until 10 o'clock, next morning.

SECOND DAY—March 16, 1848.

The Court met pursuant to adjournment; and in addition to the gentlemen present on the day previous were Major-Generals Pillow and Worth, and Bv't Lieut-Col. Duncan. Quite a host of Colonels, Captains and others, from the new and old line of the Army, were in the room..... On the formation of the Court, the orders read the day previous, were again read by the Judge Advocate, and thereupon the Court proceeded to business..... The Court being duly organized, and the members duly sworn to perform their duties impartially, etc.—

Gen. Scott rose and said, that he was present for the purpose of hearing anything that could be said against him regarding the appeal which, if he understood correctly, had been placed upon the record of the Court. The General then produced a paper, which he said with the consent of the Court he intended to read, relating to matters connected with the arrest of Lieut. Col. Duncan. He remarked that he did not consider it a bar in any of the proceedings, regarding any and all charges brought against him. He stood there ready to meet any accusation—he felt himself strong, morally and physically so.... The president of the court here interposed, and said, that no action would be taken on any letter not then formally before the court.... Gen. Scott said, that if the court did not permit him to state his opinions in regard to letters which he knew to be the source upon which the charges were brought against him, then he no longer stood there a suppliant for justice. He took his stand in an attitude of defence..... The President said that Gen. Scott's remarks were premature, and requested the Judge Advocate to read the following letter:

HEADQUARTERS, FIRST DIVISION, Tacubaya, Mexico, March 14, 1848.
To Gen. N. Towson, Pres't Court of Inquiry:
SIR—In the matter of my appeal from Maj. Gen. Scott, Commander-in-chief of the Army, the President has done me full and ample justice. In view of the interest and harmony of the service, I desire to withdraw the accusations, which I made in that appeal, against Maj. Gen. Scott.
I have the honor to be, very respect'ly, your ob't serv't,
[Signed] W. J. WORTH, Bv't Maj. Gen.

After the reading of the letter, the court sat with closed doors for some time, and upon their being re-opened the Judge Advocate announced that all motions, questions, points, etc., etc., intended to be introduced before the court, should be done in writing.

Gen. Scott raised an objection to the decision of the court. He said this was to him a new proceeding. Was he to be stopped at every corner, to be in a measure opposed in his efforts to acquit himself? yet, still, he would use every effort to carry out the objects for which the court was formed. He, therefore, would cheerfully submit to the decision of the court, and say no more on the subject.

The court here remarked that the proceedings in the case of Gen. Scott would be stayed for the present, if no objections were made, and proposed to proceed to the case of General Pillow.

Gen. Scott said that he would require a short time of the court to reduce to writing the few remarks made by him before leaving the court. He desired those remarks to be placed upon the records, with a few more remarks he was about to offer, when stopped by the court. It would save the necessity of other proceedings, which he did not desire. He would ask of the court not to take up the case of Major Gen. Pillow, until it had disposed of that of Lieut. Col. Duncan. He said he had prepared what he had to say in that case, in writing, knowing how difficult it was for the most intelligent reporter (and he understood there were several present) to catch every point submitted.

The court made some remark, to which Gen. Scott replied, that his object was, in preparing the case, to save time to the court.

An objection was raised by Lt. Col. Duncan, who said that the court was now organized to inquire into the case of Gen. Scott alone, and could not go into that of his (Col. Duncan's) case. The court for that purpose should be specially organized.

Gen. Scott proposed reading a paper relative to the charges against Col. Duncan, but the court interfered and did not admit of it.

Gen. Pillow here rose, and requested that a hearing should be given in his case. He came there prepared for it, and respectfully requested of the court, an opportunity of vindicating himself. He entered the service under a law that would require him to go promptly out, and he was most anxious, on account of the probabilities of peace. If his case was postponed, it might extend beyond the time that he would be retained in the army. Gen. P. concluded, by begging the court not to proceed in the case of Col. Duncan first.

The court remarked, that the case of Gen. Scott should first be settled; but on further discussion it was decided that it should be laid aside until next day, in order to give Gen. Scott an opportunity of placing on the record the paper before alluded to.

The court then concluded to proceed with the case of Col. Duncan. Gen. Pillow being assured, that if Col. D.'s case was likely to take up much time of the court, it should also be laid aside, and his case taken up.

Gen. Scott rose, and with a short preface, read the following document to the court, which was now duly organized in the case of Col. Duncan.

Mr. President and Gentlemen of the Court:

I desire, under permission, to make the following statement in presence and hearing of Brevet Lieut. Col. Duncan, which may save the time of this court, as well as that of the parties before it.

I have laid two charges, with a specification under each, against the Lieut. Colonel. The first alleges a breach on his part, of an old general regulation of the army, republished and re-established, by the President of the United States, Jan. 28, 1847, against the publication in newspapers, &c., of unauthorized letters or reports, from an army in the field, touching the campaign they relate to, and which regulation the President directs all, in military authority, strictly to enforce.

As a principal conservator, at the time, of the peace, harmony and discipline of the army, I thought it my duty to arrest Brevet Lieut. Col. Duncan for a publication of that character, and laid the specific charge in question—which I duly submitted to the President of the United States, in order that he might appoint (as no other could) a general court martial for its trial. The President having thought proper, on an admitted, certain and specific fact, to order an inquiry into, and not a trial of the matter, it is clearly not for me to uphold this Regulation against the evident indifference on the subject. I therefore withdraw that charge and its specification, and utterly decline, without further orders from the President, to prosecute it before this or any other tribunal.

The second charge and specification, which I thought it my duty, but most reluctantly, to prefer against the same gallant officer, relates to matters of fact therein set forth, quoted from the same letter, republished here under his own signature. Hoping and believing that the statements made in that republished letter, however injurious to the truth of history, and to the same extent to myself, were made from the want of correct information, and from no intention to misrepresent facts, I courteously sent a staff officer to invite Lieut. Col. Duncan to visit me, before I penned that second charge and its specification, intending to point out to him the errors of fact committed—to refer to the evidence, written and oral, to confute those errors, and I pledged myself, through the same messenger, that, if the personal interview should not result in benefit to the Lieut. Colonel, it should not by possibility, if I could prevent it, work an injury to him before any court.

My request was courteously declined.

I desire now to give to Lieut. Col. Duncan another opportunity of saying whether he was not ignorant, at the time of writing the letter, of the facts. 1st, That long before leaving Puebla for this basin, in August last, it had been my hope and expectation that the American army would be obliged to approach the Mexican capital, to the left, or *south about* of the Lakes Chalco and Xochimilco; 2d, That after general headquarters had reached Ayotla, August 11, I had showed an equal solicitude to get additional information of that route and those of the Peñon and Mexicalzingo; 3d, That besides sending from Ayotla, August 12, oral instructions to Brevet Major General Worth, to push further inquiry into Chalco as to the character of the southernmost route (around the two lakes), that I sent, August 13, to that General, written instructions to the same effect, from the same place—my quarters at Ayotla; 4th, That during my stay there, from the 11th to the 15th of August, I sent a Mexican of intelligence from Ayotla, independent of Brevet Major General Worth's, all around to the village of Xochimilco, to report to me whether any recent change had taken place in that route, either in the way of artificial defences or from overflowing of the lakes; and 5th, That in the evening of the 13th of the same month, I caused Capt. Mason of the Engineers to be instructed to proceed the next morning to the headquarters of Brevet Major General Worth, at Chalco, in order to his being employed in reconnoitring the same southern route, in which service the Captain found himself anticipated by the reconnoitring party under Lieut. Col. Duncan, who had already, several hours before, advanced by orders of the said General, acting under my repeated instructions, on that service.

I am aware Mr. President, that I have no right to call upon Lieut. Col. Duncan before this Court, to give either a general or specific answer to those points. He is therefore entirely at liberty to take no notice of them, and certainly his silence ought not, and cannot in law, operate to his prejudice, here or elsewhere; but if he answers the interpellation in the affirmative, saying that he was ignorant of the material facts asserted above, I stand ready to withdraw and abandon, upon his word, the 2d charge and its specification which I have preferred against him. Respectfully submitted,
Mexico, March 16, 1848. WINFIELD SCOTT.

Lieut. Col. Duncan then wrote and submitted the following in reply:

"In writing the letter to which Major-General Scott refers in his paper just presented to the Court, viz: the 'Tampico letter,' I believed the facts therein set forth to be *substantially true—I still believe so.* I had no desire to detract directly or indirectly from the merits of any officer, and no one can regret more than myself if I have done so."

Gen. Scott here reiterated that he had no right to interrogate Lieut. Col. D., and that his (Lieut. Col. D.'s) silence could not be considered as prejudicing him. The answer given did not meet the inquiry he had made. The question was—was Lieut. Col. D. ignorant of the facts, &c. On his answer to that question would turn the course he (Gen. S.) should pursue.

Lieut. Col. Duncan then made an addition to his former answer and presented the whole in the words following, as his reply:

"In writing the letter to which Major-General Scott refers in his paper just presented to the court, viz: 'Tampico letter,' I believed the facts therein set forth to be *substantially true—I still believe so.* I have no desire to detract, directly, or indirectly, from the merit of any officer, and no one can regret more than myself if I have done so. I have *no evidence* that the statements presented in the paper of Major General Scott are *facts*—if they are so, I certainly was ignorant of them when I wrote the Tampico letter, and learn them now for the first time." Respectfully submitted,
Mexico, March 16, 1848. JAMES DUNCAN, Bvt. Lt. Col.

The case of Col. Duncan was then, by order of the court laid aside for the present.

THE CASE OF MAJ. GEN. PILLOW.

After the members had been qualified in this case, the Judge Advocate proceeded to read the charges of Gen. Scott, against Gen. Pillow.

Gen. Scott also proceeded to read a written argument in this case, which he prefaced, by observing that he was there, as he said before, the accused instead of the accuser, stricken down from a high command, and far removed from home and family—placed as it were in a crowd where all had to scramble for justice, and therefore he would not prosecute the charges which he proceeded to detail to the court. In the statement, laid before the court by Gen. Scott, was set forth the repeated efforts and overtures made by the latter to effect an amicable arrangement of what he considered to be a breach of discipline committed by an officer of the army. But it would appear from the same statement, that Gen. Pillow refrained from having any such arrangement or explanation as was proposed by Gen. Scott. Gen. Scott in conclusion, proposes, however, to withdraw all the charges made against Gen. Pillow, by him, unless, as in the other case, peremptorily ordered by the court, or by the President of the United States to prosecute them further.

Gen. Pillow rose and informed the court that he protested against any such course as that proposed. He would place himself on the justice of the case, and he demanded an inquiry. He was ready to vindicate his conduct, and he would and did desire an investigation into it at the hands of the court.

Gen. Worth said, that as his name had been introduced, and as he felt some concern in the termination of the proceedings of the court—he begged permission to file a very brief statement in reference to the subject matter then before them.

The President rose and made a remark, which we did not exactly hear, when Gen. Scott rose and said that he had yet to learn by what right or rule the gentleman who last addressed the court, was permitted there to introduce himself to the attention of the court, or whether the subject he brought before the court belonged properly to the business of the court.

The President informed Gen. Scott that he was not in order, and added, that when the gentleman (Gen. Worth,) spoke to the court, the court was not aware what he was about to communicate.

Gen. Scott.—Neither did the court know what I was about to communicate just now, when the court thought proper to arrest me in my remarks.

The President—Major Gen. Scott is informed that this court has its rights, and will not be in any way restricted. The court further informs Major Gen. Scott that he has his rights, and he shall be fully sustained in them.

Gen. Scott—Major Gen. Scott has been endowed with rights by the God of nature, and the same Power has given him the power to maintain those rights, and he asks no other.

Some remarks having been made on the subject of correspondence relating to Gen. Scott and Gen. Pillow, the President ordered an adjournment of the court until 10 o'clock next day.

THIRD DAY—March 17.

The court met at the usual hour, 10 o'clock, but owing to the absence of Gen. Scott, the business of the day did not commence until 11 o'clock, the hour when the General entered the court.

Gen. Scott commenced by apologising to the court for the delay he had occasioned the proceedings, but he had been informed that the court would not sit on that day, in consequence of a report having been spread that the day would be set apart to do honor to the funeral obsequies of the late ex-President John Q. Adams. The General requested a delay of a few minutes, in order to make some alterations in one of the documents submitted by him to the court, in reference to the case of Lieut. Col. Duncan.

Gen. Scott, after a short time, submitted the document to court which contained his language of yesterday accepting the reply of Lieut. Col. Duncan, which is as follows:

"Whereupon Major Gen. Scott, after stating that ample evidence, written and oral, was at hand to substantiate his averments in respect to the route around lakes Xochimilco and Chalco, said that he accepted the statement of Lieut. Col. Duncan, and accordingly withdrew the second charge and its specifications against that officer, and should abandon its prosecution here and elsewhere."

This paper was accordingly received and entered on the record as a portion of the proceedings of yesterday.

Major Gen. Scott presented two letters, which were a part of the correspondence with Gen. Pillow, submitted yesterday, and desired that they should be placed on the record as such.

The President said that he would prefer disposing of the case of Col. Duncan first.

Gen. Scott said he would be perfectly satisfied with whatever course the court would pursue. Owing to the misunderstanding he labored under relative to the court not being open to-day, he neglected the promise made by him yesterday, of presenting a certain document, etc. There were persons employed at that moment copying it, and it would be in the court in a few moments.

After some deliberation the court decided to take up the case of Lieut. Col. Duncan, and the room was cleared.

On the court being re-opened the following decision was read in the case of Lieut. Col. Duncan.

"That all further proceedings in this case be stayed until report can be made to and instructions received from the Secretary of War in the premises."

The President informed Gen. Scott that his case was then before the court. Upon which, Gen. Scott submitted the following:

In reference to the construction put by the court on the orders of the President of the United States under which it is assembled—that only the conduct of Major Gen. Scott, Major Gen. Pillow and Lieut. Col. Duncan, as set forth in the written accusations against them, respectively, is to be inquired into, and not that of Brevet Major Gen. Worth, against whom there was also a written charge laid before the President of the United States; and in reference also, to the letter of Brevet Major Gen. Worth, to the court, withdrawing his appeal or accusation against the said Scott, but leaving its venom, mainly on the ground that the President had done the said Worth "full and ample justice,"—the said Scott several times essayed to address the Court, but was as often stopped and requested to reduce his remarks to writing; with that decision or request of the court he now succinctly complies as follows:

Mr. President and Gentlemen of the Court—

Here, in the Capital of Mexico, conquered by the American arms, under my command, I find myself but a prisoner at large—the chief criminal before this court. Deeply wounded, my military pride is cast down into the dust—not by the public enemy—but by the long arm of power from home. All that could be done, in that quarter, to injure, to degrade and humble me here and elsewhere, has been accomplished. But sustained by the Almighty arm; feeling myself strong in conscious rectitude, strong in mind and body—strong in all the means of self defence, I bid defiance to my accusers. I shall not plead the letter withdrawing the appeal against me, in bar of trial. Nay, I challenge the writer of that letter to come forward and do his worst. But, no doubt he thanks—and with reason—that *he has done his worst.* Here in view of the enemy, he has caused me to be struck down from the high and honorable command of a most gallant and triumphant army. He has caused me first to be prejudged and punished at home, and then to be brought forward to be tried again, while he, my junior has been pre-acquitted and rewarded. The President has, we are exultingly told, done him "full and ample justice"—yes sir, in double measure—justice to his pride, and justice to his vengeance. Let him, Mr. President, go forth, rejoicing, in the plentitude of Executive favor. Without envying him his honors, I shall, at the end of this court, have done with him for ever. Again, Mr. President, I repeat, my attitude is that of *defiance.* WINFIELD SCOTT.
MEXICO, March 17, 1848.

On the reading of the above document, Gen. Worth rose and asked if he might be permitted to ask a question of the court.

Gen. Scott here interrupted, and said that he understood that gentleman (Gen. Worth) to be here only as a prosecutor, and as such, he had no right to speak.

President.—These interruptions cannot be indulged in.

Gen. Scott.—Don't apply that remark to me, sir.

At this point the proceedings were, it appeared, about to take rather a violent turn, when the President again arose and said that these irregularities should be stopped, and ordered the room to be cleared in order that the court might deliberate upon the document then before them.

On the opening of the court, it was announced that proceedings in the case would be stayed, provided no objections were made by the parties. It was also announced that the court adjourned the case of Gen. Scott, for the present, in order to give the members time to consider the paper presented by him more fully. In the mean time the case of Gen. Pillow was ordered to commence.

Gen. Scott rose and said that he held in his hand an original letter from Gen. Pillow, addressed to the chief officer of his (Gen. Scott's) staff. He had intended to have presented it (and an answer he had also) yesterday, but did not do so through some inadvertency on his part; he then read the following:

CITY OF MEXICO, Nov. 18, 1847.
Sir: Understanding that the General-in-chief has it in contemplation, at an early day, to order portions of the army to distant posts in the interior, and supposing that the reorganization of the "*Regulars*" has been ordered with that view—it becomes my duty, as my witnesses in the charges preferred against me by the General-in-chief are mostly embraced in the newly organized brigades, to inquire if it is possible any column will march before the arrival of the expected order of the government in regard to my trial. If so, I desire to be informed what action the General will take in regard to the witnesses—having in view the interests of the service and my own right to a *speedy and impartial trial*; neither of which can be had if my witnesses are ordered to distant parts of the country. Very respectfully,
(Signed) GID. J. PILLOW, Maj. Gen. U. S. A.
To Capt. H. L. Scott, A. A. A. G.

Upon the reading of the letter, Gen. Scott remarked that he wrote on the back of it, and directed the Adjutant General, Capt. Scott, to forward to Gen. Pillow the following reply:

HEADQUARTERS OF THE ARMY, Mexico, Dec. 20, 1847.
Sir: I have laid your note, dated Nov. 18th, 1847, instead (by mistake) the 18th instant, before the General-in-chief, who intrusts me to reply as follows:

He is well aware that the good of the service and the convenience of the parties, require that there should be no unavoidable delay either in the commencement or completion of your trial. Hence, by the first opportunity, he asked the President, as the law obliged him, as the prosecutor, to do in the case, that a general court martial might be ordered, and without presuming to name the place of meeting, took it for granted it would be near the great body of officers who would be needed as members of the court and witnesses. Hence, also, he, the General-in-chief, in the letter he caused to be addressed to you on the 30th ult., proposed to you, to take, by consent, the depositions of certain witnesses then here, but about to return to the United States, in order to save some two months in sending home, after the meeting of the court, a commission to take the depositions of the same witnesses. This proposition you declined, and seemed in the answer, dated the 1st instant, to entertain the hope or expectation that the court for your trial would be ordered to meet somewhere in the United States, which might, by taking away a great number of officers, as members and witnesses, from this army, stop all military operations, for a time, against the public enemy. Whether you possess the influence so to embarrass the public service, is best known to yourself.

In conclusion, I am instructed to say, that should a court be ordered for your trial in this country, officers who may be on detached service in the same, may be brought to the place of trial in a third of the time that will be needed to send home a commission for taking the depositions of the witnesses before alluded to. Very respectfully, etc., etc.,
(Signed) H. L. SCOTT, A. A. A. G.
Major Gen. Pillow.

The court intimated to Gen. Pillow that it was ready to receive any correspondence which he might think proper to present.

Gen. Pillow said that he wished to know if Gen. Scott persisted in his determination of having the communication presented by him the day before, recorded.

Gen. Scott replied that he would abide by that document. The court would perceive that in it he stated his reasons for abandoning the prosecution. He had nothing to do with the paper, it belonged to the court.

The paper above mentioned, was read to Gen. Pillow by the Judge Advocate, as follows:

Mr. President and Gentlemen of the Court:

Having, in the maintenance of what I deemed a necessary discipline, drawn up charges and specifications against three officers then under my command, I transmitted the papers, Nov. 28th, 1847, to the Secretary of War, with a request, in each case, that the President of the United States, under the Act of Congress, May 29th, 1830, would appoint a General Court Martial for the trial of the same.

This Court of Inquiry is the result: I am stricken down from my high command; one of the arrested Generals is pre-acquitted and rewarded, and the other parties—the judge and his prisoners, the accuser and the accused, the innocent and the guilty, are, with that strange exception, all thrown alike before you, to scramble for justice as we may.

In the case of Major General Pillow, I had preferred two charges—the first, with one specification, respecting a prohibited publication in the newspapers of the United States, and the second, embracing a great number of specifications.

Mr. President, considering that I asked for a General Court Martial, to try, and definitely to determine, cases specifically defined and set out, and that this preliminary court has no power beyond the mere collecting of facts, and giving an inoperative opinion thereon;

Considering, that if we now proceed, the whole labor must be gone over again, at least, by the parties and witnesses;

Considering that many of the witnesses, on the side of the prosecution, and probably on that of the defence also, have gone to the United States in the long interval that has been allowed to elapse since Nov. 28—109 days, of which 50, at least, are chargeable to delays at Washington and not one to myself;

Considering that I, in time and in form, proposed to take, by mutual consent, the depositions of departing witnesses, on both sides, to be read in evidence at the trial, under the 74th article of war, which proposition Major-General Pillow thought proper to decline—see the correspondence herewith, on the subject.

Considering that this court would be obliged to adjourn to the United States, in order to have the least hope of obtaining the testimony of several of those important witnesses now retired to civil life, and therefore, not compellable to attend a military court, even at home, or to testify before a commission duly appointed by such court,

Considering that the season is near at hand when the court and the parties will not be able to leave this country, for home, without great perils to life:

Considering that there is a near prospect of a peace between the United States and Mexico, which may be consummated in time to enable this whole army to return home in safety;

Considering that, immediately on such consummation, Major-General Pillow would, by the express terms of the law under which he holds his commission, be out of the army, and therefore no longer amenable for his acts to any military tribunal.

Considering that, in preferring the charges against that officer, I was moved solely by the desire to preserve the discipline and honor of the army—not having ever had the slightest personal quarrel or difficulty with him—and that the time has probably gone by for benefiting the service by a conviction and punishment:

In view of all these considerations, I shall, Mr. President, decline prosecuting the charges and specifications against Major-General Pillow before this preliminary court, without its special orders, or the further instructions of the President of the United States. Respectfully submitted,
Mexico, March 16, 1848. WINFIELD SCOTT.

General Pillow having withdrawn his opposition to the above document being recorded, read the following preamble:

Mr. President and Gentlemen of the Court:

In reply to the paper submitted by the prosecutor in this case, in which he, for the reasons therein stated, declines to prosecute the charges against me, I beg leave respectfully to say, that I see in the reasons assigned, none to justify his determination.

First, it is said by Gen. Scott that "he is stricken down from high command; and that one of the arrested Generals is pre-acquitted and rewarded; and the other parties, the Judge and his prisoners, the accuser and the accused, the innocent and *the guilty*, are, with that strange exception, all thrown before you, to scramble for justice as we may."

How the release of Gen. Worth, by the Government, should be thought to constitute any reason for abandoning the prosecution against myself, I am at a loss to understand.

I was aware, from my condemnation *before trial*, in General Orders "No. 349," that the prosecutor *acted as a Judge*, and condemned, unheard, the victims of his displeasure; but I did not expect that he would avow before this court that he considered himself *still my judge*. I thought this court were the *judges* of the case, and that he was the prosecutor; and cannot understand how the fact that the Government has ordered the charges preferred against him by Gen. Worth to be investigated, can afford any reason why he should not prosecute his charges against me, if I am guilty.

It is true that Maj. Gen. Scott has been suspended from command; but I presume that circumstances does not *deprive* him of his *proof*. I, too, was stricken down by the arm of power, wielded by himself—arrested and held a prisoner, confined to the limits of this city, nearly three months, and am not now restored to command. If a command be necessary to enable him to *prosecute the case*, it must be equally necessary to enable me to *defend myself*. Agreeably, however, to well established military usage, while under the charges of Gen. Worth, he was properly suspended from command, and in this respect, we stand upon equal footing.

The assertion "that the whole labor of the case must be gone over again," is made under the *assumption* that he can maintain his charges and prove that they are true. But in this, I expect to show that he is mistaken. This assertion, based in error, can therefore afford no reason for abandoning the prosecution.

If any witnesses have gone to the United States, they went either by *his orders* or by *his permission*, and without my having the power to detain them.

The two witnesses (not in the line or staff of the army) whose depositions were proposed to be taken, are still within reach—both in this city. Gen. Pierce, the general officer who I suppose is alluded to in the letter, is a material witness for myself. The very fact that he was known to the prosecutor to be a material witness, constituted a reason why he should not have permitted him to leave the country.

The General-in-Chief knew that the effect of ordering my witnesses out of, or allowing them to leave the country, would be to deprive me of their testimony altogether, or greatly to delay the proceedings in the case.

No rule of law is better established in all courts, than that a party who voluntarily puts witnesses out of the way, or consents to their going, is not entitled to one moment's consideration or delay on that account. The other party, who is thus deprived of proof necessary for his defence, has a right to complain and ask for indulgence; but in this case, *I* am the party injured by the prosecutor (who controlled the witnesses) permitting them to leave the country pending his application for a court martial for my trial.

The prosecutor had *no right* to ask me to take proof, before any court was ordered for the investigation of his charges. The thing in itself, is unheard of, either in civil or military courts.* In declining what he has no right to ask, I deprive him of *no right, no privilege, no proof*; and he cannot in that find any excuse for failing to prosecute his charges, if, in fact, I am not known by him to be innocent of the charge preferred.

The great delay of one hundred and nine days has been excessively oppressive upon myself. The public prints show that the application for the court martial reached the city of Washington about the 29th of December, 1847. The order for this court was issued on the 13th of January, 1848, and a supplementary order on the 17th of the same month; making about twenty, instead of fifty days delay at Washington. As this delay, however, has not affected the prosecutor, I do not see in it any reason for now abandoning what he once regarded as a duty.

The assumed objection to the adjournment of the court to the United States, has no force. The case would be more promptly decided by this very course, and this too, with the least detriment to the public service. Gen. Scott pays a poor compliment to the honor and integrity of his own witnesses, when he assumes that they will decline to appear before the court, to testify to facts deeply affecting the purity of the service.

The sickly season, so justly dreaded, will not set in until after the business of the court in this city may be readily concluded. The consideration that a speedy peace may remove the army at once from this country, has nothing to do with the issues; it is impossible that peace can be concluded before the proceedings of the court.

The fact that my commission expires with the war, is an additional reason for prosecuting the charges, inasmuch as if guilty, the interest of the service requires that I should be punished, and if innocent that I should have the benefit of an acquittal. The consideration that the time has gone by for benefiting the service by a conviction and punishment, has no force—it is never too late to do good. The General-in-Chief has been pleased to say that "he has been moved solely by the desire to preserve the discipline and honor of the army—not ever having had the slightest personal or difficulty with him" (myself)

I refrain from making any comment on this passage of his paper—in the full confidence that during the progress of this investigation the fact will be made manifest, whether personal or public considerations have most influenced the General-in-Chief in this prosecution.

Some of the charges preferred against me by Gen. Scott are of the gravest character, affecting, if true, my own honor, and if false, *his*. His reasons for abandoning the prosecution have no force, singly or collectively. He objects that a court of inquiry has been substituted for a court martial. From the character of the parties concerned, as well as the nature of the offences charged, the surest punishment will be found in the judgment of a just and enlightened public. That judgment will be founded on facts, and to ascertain those facts a court of inquiry is as competent as a court martial. The prosecutor further says he will not prosecute this case unless this court or the President of the United States, shall order him to do so.

What right has he to expect *either* will make such an order? Did either of these order him to arrest me and prefer these charges? He (the prosecutor) professes to believe I am guilty. If so, it is his duty to go on with the prosecution. As yet all the presumptions of law are, that I am innocent. What right has he then to require the court or the President to make an order that he shall prosecute charges which he voluntarily preferred, and which he now has an opportunity of establishing, if indeed, he can prove them at all.

Hence it will be seen that if there was any reason for arresting me and preferring the charges, these reasons still exist, and if the General-in-Chief was actuated, as he says, by the sole desire to preserve discipline in the army, the same principle of duty would still make it proper for him to prosecute his charges, and prove me—if he can—guilty.

The conclusion that a conviction and punishment would be of no avail, is an assumption of the fact that he can procure my conviction, and without producing the proof of my guilt, he endeavors to leave upon the mind of the court, the impression that his failure to prosecute the charges does not proceed from any doubt on his mind as to my guilt—and while he would thus deprive me of an opportunity to investigate the facts, he wishes to fix upon the record of this court the impression that *I am guilty*, and that he can prove it, but for the reasons assigned, he does not proceed in the case.

This court having been ordered by the government to investigate and report the facts, I am now here, ready and anxious to go on with the proceedings, should such be the pleasure of the Court, and to fully vindicate my conduct and defend my character against each and every charge which the General-in-Chief has preferred against me.

I am not, however, willing to follow an example of doubtful propriety, by assuming an *attitude of defiance* before this court, but shall acquiesce in its decision, be it what it may.

I am accused, under many specifications, of numerous offences, several of which are, if proven true, sufficient to convict me before a court martial. Does Gen. Scott mean to say that he has no witnesses present by whom he can prove any of these charges, or does he refuse to prosecute me on one or more of them because the evidence is not at hand to convict me of all?

If the General-in-Chief had withdrawn his charges from the conviction that the impressions under which he originally acted were erroneous, and that from subsequent information, he was satisfied he had done me injustice, it would have saved me the necessity of adopting the course which I am now bound by my own honor, to pursue.

It has thus been shown that the reasons assigned by Gen. Scott for abandoning the prosecution are insufficient. If he still persists in his determination, I shall hold myself acquitted of his accusations, and the world must so regard it. With this view of the case, I submit the whole matter to the consideration of the court, with the remark, that I hope the court, by the action it may take, will protect me from the consequences resulting from the course on the side of the prosecution. Respectfully submitted,
GID. J. PILLOW, Maj. Gen. U. S. A.
City of Mexico, March 17, 1848.

Gen. Scott rose and said he had but a single word to say. Not a single witness had left the country with his permission, except Gen. Pierce; and as others had gone, it was as easy to have taken the deposition of Gen. Pierce as that of any other person.

The court then adjourned until ten o'clock on Monday.

FOURTH DAY....March 20, 1847.

The Court met this morning at 10 o'clock, agreeably to adjournment. The crowd of officers present fully evinced the deep feeling caused by circumstances, the investigation of which had caused the organization of that Court.

The proceedings of the last day having been read by the Judge Advocate.

Gen. Pillow said he would beg permission of the Court to present a paper bearing upon his case.

Gen. Scott here rose and remarked that rumors had come to his knowledge, which had been freely circulated through the city, that the Court had it in contemplation finally to adjourn to the United States, and refer all papers and documents now before it to the Government. If such decision (said General Scott) has been taken, or is likely to be taken, I desire to submit a paper, containing a definite proposition, to the Court, and I request that that document shall be read previous to any other.

The President said the Court had come to no such decision on the subject.

The Judge Advocate said he was requested by Gen. Worth to read a document presented by him, (Gen. W.) and submitted it to the Court.

Gen. Scott said he objected to any paper or document presented by Gen. Worth, as he (Gen. W.) was not connected in any way with the subject before the Court. He regarded him in no other light than he did any bystander.

The President said that no paper or document would be read by the Court, which it (the Court) did not think in order; if it did read any such document, it was then optional with Gen. Scott to object.

Gen. Scott said he had been, and understood how proceedings were conducted in, higher courts, (the Supreme Court,) and it appeared to him that the Court, which he was then before, had no precedent in the mode in which it was about to proceed. It was assuming a position somewhat different from that which he had seen assumed by other courts. Was the Court, he would ask the question, to prejudge the case?

The President said the Court could not admit of interruption, and announced that the Court was closed, in order to deliberate as to whether the letter submitted by Gen. Worth should be read.

On the doors being opened, the Judge Advocate read the decision of the Court, to the effect that all papers connected with the investigation before the Court would be received, but that presented by Gen. Worth could not.

Gen. Scott requested to know if there was any subject before the Court other than his (Gen. Scott's) immediate case, as he held in hand a paper, which he intended to read; at the same time he begged to assure the Court, if any thing had fallen from him, which it might construe into disrespect of that body, that nothing of the kind was his intention. Here Gen. Scott commenced reading a paper, when he was interrupted by the President, who said the Court was about to consider upon a subject then before it.

The Judge Advocate was then requested to read the previous conclusion the Court had come to regarding the withdrawal of the charges against Gen. Scott by Gen. Worth, which withdrawal was left optional with the Court.

The President then announced that the Court would sit with closed doors, to consider on the above subject, and come to a final decision thereon.

On the doors being opened, the Judge Advocate read the final decision of the Court, which was, that no farther proceedings be taken on the subject.

A short discussion here arose, regarding the reading of a document presented by Gen. Pillow, which he (Gen. P.) requested to read.

Gen. Scott at the same time held in hand another document, which he also requested should be read first, giving as his reasons that, on being read, it might have a tendency to somewhat alter the tone of the other (Gen. Pillow's) document. The matter was concluded by the document presented by Gen. Pillow being read, as follows:

CITY OF MEXICO, March 20, 1848.
Mr. President and Gentlemen of the Court:

It will be seen in the paper presented to the Court by Gen. Scott, on the 16th inst., that he *refuses* to *prosecute* the charges preferred by him against me, but does not *withdraw* them.

In the reply to that paper, which I submitted upon the 17th inst., I endeavored to show that the reasons *assigned* by him were not *those* which determined his course, and I expressed my readiness and anxiety to proceed with the investigation.

Gen. Scott still persists in his determination. In his paper, however, he recognizes the right of *this Court to order him* to prosecute the case.

In order, therefore, that I may not be understood as assenting to his course, nor as waiving even that *mode* of having his charges against me investigated, I now distinctly interpose my *objections* to his *withdrawal from* the prosecution, and I respectfully ask the Court to *order* him to prosecute the case. In making this application I hope I shall not be thought captious or considered troublesome.

I am aware that, under the circumstances of this case, as now presented to the Court, every presumption of law, and every inference of fact, from Gen. Scott's own conduct, is in my favor, and I should submit the case to the Court, and the impartial judgment of a just public, without my present application, but for the great weight of character possessed by Gen. Scott, and for his having substantially reiterated his charges in his communication to the Court.

If the Court shall decline to make the order upon Gen. Scott, requiring him to prosecute the case, I beg to call the attention of the Court to the position in which the case will then stand. The charges having been preferred by Gen. Scott, were entertained, and their investigation ordered by the President.

This Court having convened for their investigation, Gen. Scott seeks to defeat the investigation by withdrawing from the prosecution. The charges are, however, still *before* the Court, and undisposed of.

A prosecutor is not necessary to authorize the Court to proceed. The authority of the Court is derived from the order of the Government, not from Gen. Scott, and its duty, under that order of the Government, requires it to proceed with the investigation without regard to Gen. Scott's course. Neither civil or military courts will permit the purposes of justice and the rights of parties to be defeated or endangered by the course of a prosecutor. The prosecutor having once come before the Court is bound by its order, and will not be allowed to control the action of the Court, or to relieve himself from difficulty by withdrawing from the prosecution of a case which he cannot sustain, where he has been the means of doing injury by instituting proceedings.

To allow an officer to prefer charges seriously affecting the character and reputation of others—to arrest the victims of his displeasure—to hold them prisoners until his application could go three thousand miles, and a Court be ordered, and travel to the seat of war, and then, when that Court is convened, and the party is before the Court, ready and anxious for an investigation, under such circumstances, after all the injury which the party can inflict has been accomplished, and after a false imprisonment of ninety days, to allow a prosecutor quietly to withdraw from the prosecution, and thus defeat the investigation, and in the very act of withdrawal to endeavor to fix more deeply the injury, and more indelibly the stain upon the character of the accused, is a proceeding to which it will be difficult to find a parallel in the history of any civil or military tribunal.

I cannot, in silence, submit to what I conceive to be such injustice. I respectfully maintain that, while these charges are before the Court, (and they were placed there by the order of the President of the United States, and not by Gen. Scott,) that it is bound, in duty and in law, to proceed with the investigation, and I stand here and respectfully demand, as a *legal right*, that it do so. I cannot suffer my character to be thus blackened and traduced with impunity, and I beg of this Court to allow me an opportunity of vindicating my conduct against the imputations of the prosecutor.

While, therefore, I must submit to any decision of the Court, I deem it my duty to present this application, as the only hope left me of removing the imputations cast upon me, not only in the charges themselves, but in the very paper in which Gen. Scott withdraws from the prosecution.
Respectfully submitted,
[Signed] GID. J. PILLOW, U.S.A.

Gen. Scott then stood up, and, with a few remarks, read the following:

Mr. President and Gentlemen of the Court:

I have heard unofficially, with extreme pain, that you are likely to adjourn, in order to await, in this country, the further instructions of the Executive, whether I shall be held to prosecute before this preliminary Court the charges and specifications I have heretofore preferred against Major Gen. Pillow and Brevet Lieut. Col. Duncan.

Under such decision I should necessarily be held the prisoner of this Court somewhere in the Republic of Mexico, without command, until the season of the *vomito* on the Gulf coast shall have passed away—say about the beginning of November—a period of more than seven months—unless, indeed, the whole army should in the meantime evacuate the country, in which case, though without functions, I shall be ready to share with it all the dangers of pestilence.

This necessity of attending upon the Court results from the commands of the Executive, through the War Department, in these words:

"You are directed by the President to attend the Court of Inquiry wherever it may hold its sittings, and when your presence before, or attendance upon the Court, shall no longer be required, and you are notified of that fact by the Court, you shall report in person at this Department for further orders."

My incarceration, therefore, would be complete, unless, during the interval of forty days, or more probably, judging from the fate of my demand for a General Court Martial, one hundred, I may visit New Orleans, and take, going and returning, the double hazard of falling by the Yellow Fever.

Certainly this Court could not come to any decision, before or after all the investigation, calculated to operate a more unexpected or distressing hardship upon me.

Mr. President, among the many reasons I have heretofore submitted for declining to prosecute, at this time, in this country, and before this *preliminary* Court, the charges, etc. I had preferred against Major Gen. Pillow—not to recall the case of Lieut. Col. Duncan—the sixth was in these words:

"The season is near at hand when the Court and the parties will not be able to leave this country for home without great peril to life."

That reason, and the understood wish of the Executive, that the service might be spared the embarrassment of investigating the cases referred to in the orders on the Court's record, combined with my own extreme desire, since I was suspended, to return to my family, had as much influence upon me, perhaps, as all the other weighty considerations I have presented, in shaping my course, before this tribunal, towards Major Gen. Pillow, and not a little on that towards Lieut. Col. Duncan after his answer to certain inquiries, which are recorded.

In respect to my own case, I did not suppose it would delay me beyond a very few days, when I had expected to be told by the Court that my attendance on its sittings was no longer required. As to this case, my attitude still is—defiance to my accuser.

If then, Mr. President, I am to be held here a prisoner in the enemy's country, under all the hardships to which I have alluded, until a messenger can go to and return from Washington, I am ready, so far as I am concerned, to take up, whenever the Court shall say so, the case of Major Gen. Pillow, notwithstanding the probability that a ratified treaty of peace may early disband him, and cut off the investigation by the time, perhaps, the second charge shall have been entered upon.

Of the witnesses that I should call, if there be time, to support the two charges, or their specifications, some eighteen are still, I believe, in this country. About twelve have returned the United States. The names of these I shall be ready to hand to the Judge Advocate to-morrow, in order that they may be summoned, etc., unless the Court should forsee an early adjournment to the United States.

In respect to the absent witnesses, I desire to say that several were ordered home by the first train (November 1) before I had formed any intention of arresting the general officer in question, and, indeed, before I had become acquainted, except very partially, with a small number of the matters laid to his charge. By the subsequent trains, the second, December 9th, and the third, January 14th, other witnesses were allowed to depart, because I thought it would be as easy, under Major Gen. Pillow's refusal to take depositions here, to recall all, as it would be to recall or to take the depositions, by commission, of the few. Some other witnesses went down by the last train (March 6th) under the directions of my successor in command.
Respectfully submitted,
[Signed] WINFIELD SCOTT.
Mexico, March 20, 1848.

Upon the above being read, the President announced that the Court would go into the case of Gen. Pillow, and requested that a list of witnesses on either side should be furnished the Court.

The Judge Advocate was accordingly desired to read the charges preferred against Gen. Pillow, which was accordingly done, and which took up the time of the Court a full hour.

Charges and Specifications preferred against Maj. Gen. Pillow, U. S. A.

CHARGE I. *Violation of a General Regulation or standing order for the Army:*

SPECIFICATION.—In this, that the said Maj. Gen. Pillow did, at Miscoac, or other place, near the Capital of Mexico, on or about August 27, 1847, write and dispatch, or cause to be written and dispatched for publication, in some newspaper of the United States, a letter, article or communication, purporting to give an account of certain military operations between the forces of the United States and those of the Republic of Mexico, on the 19th and 20th of August, 1847, in and about Contreras and Churubusco, near the said capital, in which operations the said Pillow bore a part, and which letter, article or communication, as was intended and designed by the said Pillow, was, in due time, under the signature of "Leonidas," partially printed and published in a New Orleans newspaper called the *New Orleans Daily Delta*, of the date of September 10, 1847, a copy of which is hereunto annexed, and reprinted entire both in *The Bulletin* and *The Daily Picayune* of the — and 16th of the same month, other newspapers of the same city, copies of which are also, hereunto annexed; all this pending the campaign between the said forces of which the said operations made a part.

CHARGE II. *Conduct unbecoming an officer and a gentleman:*

SPECIFICATION I.—In this, that in order to falsely magnify the generalship, valor and prowess of the said Gen. Pillow, in the public opinion of the United States, through the newspaper press of that country, and hastily to preoccupy that opinion at the expense of other commanders in the same fields of Contreras and Churubusco, as well as in utter disregard of truth and decency—the said letter, article or communication, signed "Leonidas," written, dispatched and published as aforesaid, contains, among others, the following false statements and assertions; 1. That the action [meaning that of Contreras, commenced on the 19th of August, 1847,] had now become with the advancing forces very severe; and Gen. Pillow, seeing five or six thousand men advancing from the city to reinforce the enemy, whom he apprehended would fall upon Gen. Cadwalader's rear, detached from Gen. Pierce's brigade Col. Morgan's regiment, (which was yet within reach) and ordered it instantly to the support of Gen. Cadwalader's—whereas, it was Maj. Gen. Scott, who, being then up, early in the afternoon, with the said Pillow, and seeing the said advancing reinforcements of the enemy, directed him, the said Pillow, to push forward the said Morgan and his regiment, then in reserve, to the support of the said Cadwalader. 2. That "Late in the evening Gen. Scott came upon the field, and brought with him Gen. Shields' brigade of volunteers, whom he advanced to the support of the forces under Gen. Cadwalader, but it was so late they did not get into position until in the night;" whereas the the said Scott did not bring with him Shields' brigade, but had, early in the *afternoon* (not *evening*) preceded that brigade, and had, long before its arrival, personally given the said order, to the said Pillow, to push forward the said Morgan and his regiment to the support of the said Cadwalader; and whereas, also, the said brigade of Shields was not only up in time to bear a most important part in the general action of Contreras, early in the morning of August 20, 1847, but to give strength and confidence to the position of the said Cadwalader and others near Contreras in the preceding night.

3. That "The next morning, before day-light, the brigade of Gen Pierce advanced in execution of the original order of battle, renewed the assault in front," &c., designing it to be understood by those words, that this movement, also, was made by the direction of the said Pillow; whereas the movement in question was made by order of the said Scott, given through Capt. Lee, of the Engineers, who had brought to the said Scott a suggestion to that effect from Brevet Brig. Gen. Smith, then the senior officer at the village or hamlet near Contreras, the enemy's entrenched camp, and with the conception or execution of which movement the said Pillow had no agency whatever.

4. That "Having achieved this signal victory, Gen. Pillow immediately resolved to pursue the retreating forces of the enemy"—evidently claiming and designing it to be understood, by those words, that the victory of Contreras, early in the morning, August 20, 1847, was achieved by, or under the command of the said Pillow; whereas the said Pillow had slept the night before at San Agustin, from four to six miles from the American troops who achieved that victory, which had been decided and rendered perfectly complete, long before the said Pillow had come up from San Agustin, that morning, or had arrived within communicating distance of the said field of battle; and evidently claiming for the said Pillow, or designing it to be understood by the words, last quoted, that he, the said Pillow, commenced the said pursuit, or ordered the victorious American troops to commence the pursuit of the enemy from the camp of Contreras which had just been carried, as above, by the American forces; whereas, that hot pursuit had been commenced by the said Brig. Gen. Smith, with all the American troops at hand, except a brigade or detachment temporarily left to guard the said camp, long before the said Pillow had come up with the head of the pursuit, a mile and a half or two miles from the said camp, or had been heard from, that morning, by the said Smith, and long after the said Smith had been personally joined, in the said pursuit, by his senior in rank Brig. Gen. Twiggs.

5. That "during this great battle, which lasted two days, (meaning the military operations of the 19th and 20th of August, 1847, including the battles of Contreras and Churubusco,) Gen. Pillow was in command of all the forces engaged, except Gen. Worth's division, and this was not engaged except in taking the last work"—meaning the *tête du pont* of Churubusco: whereas, the said Pillow was not in the actual command of the troops, nor of any part of the troops who gained the said victory of Contreras, nor did he command more than one Brigade of Infantry (Cadwalader's) in the battle of Churubusco, that followed on the same day, and the said battle of Churubusco being the only conflict in which the said Pillow participated or had any agency whatever, on the said day.

6. That "Gen. Scott gave but one order, (meaning during the same two days, August 19 and 20, 1847, on the occasion of the same battle or battles of Contreras and Churubusco,) and that was to reinforce Gen. Cadwalader's Brigade"—meaning with that of Shields, in the afternoon of August 19, 1847—designing, by these words, that it should be understood and believed that he, the said Pillow, was the general planner and director of all the operations of the said two days: whereas, the said Pillow himself, in common with other principal commanders, received many orders from the said Scott, during the said two days, which orders contained the only general plans of battles and operations which were followed or executed, so far as the said Pillow was concerned in the said two days.

7. "The General's (meaning the said Pillow's) plan of battle (meaning at Contreras) and that the disposition of his forces (meaning the said Pillow's) were most judicious and successful," and that "Gen. Scott was so perfectly well pleased with it (meaning the said plan) that he (the said Scott) could not interfere with, but left it to the gallant projector (meaning the said Pillow) to carry into glorious and successful execution"—whereas, the plan of attack or battle,