upon or at the entrenched camp, at Contreras, so successfully executed in the morning of August 20, 1847, was conceived and determined upon by Brevet Brig. Gen. Smith, the immediate commander of the troops, who, under the said Smith's command, carried the said camp, at a time when the said Pillow was many miles off, and had no communication whatever, direct or indirect, with the said Smith, nor any communication, whatever, with any of the troops, then under the said Smith's command, after an early hour in the previous afternoon, except merely in transmitting, about the middle of the same afternoon, the said Scott's orders to the said Morgan's regiment, to support the said Cadwalader, which was one interference on the part of the said Scott, with the said Pillow's pretended "original order of battle;" and the said Scott, in the course of the following night, further interfered in the presence and hearing of the said Pillow, with his, the said Pillow's pretended "original order of battle," by sending the said Capt. Lee to order and to accompany Col. Ranson with the 9th Infantry, and some detachments of other Regiments, to attack the said camp of Contreras, in front, early the next morning, according to the suggestion of the said Smith, brought to the said Scott by the said Capt. Lee.

8. That being at the said battle of Contreras, provoked thereto by the menacing advance of an isolated Mexican officer, he, the said Pillow, did rush at full speed upon the officer, he, the said Pillow, did rush at full speed, upon the said Mexican, and single, after a long and severe conflict, disarm and slay the said Mexican; who was, the said Pillow had no such conflict with any Mexican officer nor other Mexican, on the said 19th of August, or at any other time; and was not, on that day, at any moment, personally within musket shot of the enemy's entrenched camp or any Mexican line of troops.

SPECIFICATION 2.—In this, that the said Maj. Gen. Pillow, being at Miscoac, near the capital of Mexico, on or about August 23, 1847, and knowing that Maj. Gen. Scott, Commanding General of the United States forces in Mexico, had called, from the several principal Commanders, under, and in direct communication, with him, for the usual reports, to the said Scott, in drawing up his general report of the recent operations of the said forces, in and about the said fields of Contreras and Churubusco, in the valley of Mexico, and that the said Scott would not be able to finish and despatch the said general report in many days after the said 23d of August, by reason of the known delays in sending in the said sub-reports; and the said Pillow further knowing or believing that Jas. L. Freaner, Esq., then at hand, agent and correspondent of the newspaper published in New Orleans, in the United States, called *The New Orleans Delta*, or *The Delta* of New Orleans, was in the habit of sending off private expresses to Vera Cruz, in Mexico, with communications for the said newspaper, and was then intending and preparing to send off another such express, with communications to the said newspaper, the said Pillow, in order to anticipate the said intended report of the said Commanding General, and to forestall public opinion in the United States, through the public press of the same, in his, the said Pillow's favor—he, the said Pillow, did, on or about the 23d of August, and at Miscoac, as aforesaid, write, dictate, or cause to be written, a letter, article, or communication, addressed to the "Editors New Orleans Delta," which letter, article, or communication, with certain interlineations and additions, in the proper handwriting of him, the said Pillow, was, by himself, in person, delivered to the said Freaner, to be despatched by the said Freaner for publication in the said newspaper, or to be incorporated in one to be written by the said Freaner, and to be despatched and published as above—which letter, article, or communication, so delivered by the said Pillow, is in the words, figures and marks, including erasures and interlineations, as follows;

"GREAT BATTLE OF MEXICO!!

Commenced on the 19th, under the command of Maj. Gen. Pillow, having a force of 3000 men. The enemy had 12,000 men (of whom 3000 were cavalry) and 27 pieces of artillery.

"Editors New Orleans Delta:

"Gen. Pillow's order for the attack was that Gen. Twiggs should advance with one brigade of his division, and assault the enemy's strong work in front, while the other should turn his left wing and assail the work *in reverse*. He also placed at the disposition of Gen. Twiggs Capt. Magruder's battery, and Lieut. Callender's howitzer battery (both of which belonged to the proper division of Gen. Pillow.)

"Having thus opened the battle, he then advanced Gen. Cadwalader's brigade to support the brigade of Col. Riley, who had moved to turn the enemy's left, and attack in reverse; and advanced Gen. Pierce's brigade to support Gen. Smith, who had advanced to assault the work in front.

"The action had now become (with the advancing forces) very severe—and Gen. Pillow, seeing five or six thousand more advancing from the city to reinforce the enemy, when 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, who, seeing so large a force approaching his rear, threatening to overwhelm him, halted his forward movements, confronted the enemy in a strong position, and held him completely at bay. The forces under Gen. Smith, Col. Riley and Gen. Pierce were body engaged with the enemy's strong battery and large force of infantry and cavalry, until it was quite dark. Magruder's battery and Callender's howitzer battery were both very much cut to pieces and disabled. Late in the evening, Gen. Scott came upon the field, and brought with him Gen. Shields's brigade of volunteers, who he advanced to the support of the forces now under Gen. Cadwalader; but it was too late—night had put a period to the contest in the night.

"The next morning before daylight, the brigade of Pierce advanced, in execution of the original order of battle; renewed the assault in front, while Riley's brigade, supported by Cadwalader, turned his left, assailed the enemy's works in reverse, and gallantly carried it, capturing a large force of the enemy, 22 guns, (among them those lost at Buena Vista,) and killing in the engagement between 600 and 800 of the enemy.

"Having achieved this signal and brilliant victory, Gen. Pillow immediately resolved to pursue the retreating forces of the enemy, and, while his troops were flushed with victory, give battle to a large force (1) still at Santa Angelo, which he did, and drove them before him. He then sent an officer of his staff back to Gen. Scott to inform him he would camp Gen. Worth to co-operate with him, he would sweep around the valley, and assault the strong works at San Antonio in reverse, and carry that place so as to open the direct route to the capital for the advance of his corps (in reserve) upon the other battery on that road. Gen. Scott replied that Worth should co-operate with him. Gen. Pillow moved rapidly around the valley at the head of his triumphant forces until he reached within one mile of San Antonio, where he halted to give his troops a short time to recover their breath and exhausted strength before engaging with the enemy at San Antonio.

"While waiting for this purpose, Gen. Scott overtook the army. At this moment it was discovered at the distance that the enemy (seeing their mine work had been carried, and that they were about to be attacked in the rear,) had abandoned the work at San Antonio, and fallen back on a second strong work at Santa Martha. Gen. Scott, who now assumed command, immediately directed Twiggs's division to advance upon the left, and to arrest and cut off all the retreating forces of the enemy, while he ordered Gen. Pillow to lead Cadwalader's brigade to advance and assault the enemy upon the right and in front.

"Twiggs's division soon became desperately engaged with the enemy's left at Santa Martha. Pillow's division, in the effort to get to the battle-ground, got entangled among some ditches, wide, and most deep in mud and water. (2) The General dismounted from his horse, rush, plunging through, called upon his officers to follow him, which they nobly did. He advanced rapidly with it, in front of the enemy's main work, and finding it would be cut down by the terrible fire of grape and canister which swept down the road, he turned it into the field on the right, to attack the main battery on its left flank. Fight the forces and Gen. Worth's were joined, and were joined and gallantly carried this work (3) in conjunction. During the advance upon this work, the General himself was knocked to his knees by the concussion of a cannon ball, which brushed his head. In the course of the attack he shot a Mexican officer (mounted) with his own pistol.

"The enemy's batteries being taken, Pillow's and Worth's divisions pursued the enemy until they came under the fire of the enemy's guns from the battery at the very gates of the city. (4)

"During the battle in which the first work with 22 pieces of artillery was taken, Santa Anna was present, all the time upon the field of battle, commanding (5) his forces in person.

"Our total loss was heavy, amounting in killed and wounded to about (1) 800—the enemy's to nine 2000. In the two works the enemy's forces amounted to at least 3,000 men. Its positions were so markedly strong and well fortified, and so well manned, in every case he was driven out of his works at the point of the bayonet.

The General's well devised plans of battle—his judicious disposition of his forces—his coolness and daring during the whole of this terrible battle (7) is the subject of universal congratulation among his friends, and general remark with all. Very respectfully,"

Which false and scandalous letter, article or communication, is, as far as it goes, almost an exact duplicate of the printed one signed "Leonidas," the subject of the preceding specification, and therein alleged to have been dictated or procured to be written by the said Pillow, in order by one, the other, or both of those letters, articles or communications, duly to magnify his, the said Pillow's own generalship, prowess, and valor, at the expense of the other commanders who were in the same fields of Contreras and Churubusco, and at the expense of truth, justice and honor, in the same particulars designated in the preceding specification.

SPECIFICATION 3.—In this, that the said Major-General Pillow having in his official report made to the General Head Quarters of the army in Mexico, dated at Miscoac, August 24, 1847, on certain military operations in and about the battle fields of Contreras and Churubusco, the 19th and 20th of August, 1847, claimed for himself the merit of having given, prescribed or ordered the particular plan of battle or attack that was so successfully executed early in the morning of the said 20th of August upon the enemy's entrenched camp at Contreras by Brevet Brig. Gen. Smith, the officers and men there and then under the command of the said Smith; and Major-General Scott, the commanding General of the United States forces in Mexico, having, in two official notes, dates respectively the 2d and 3d of October, 1847, both addressed to the said Pillow, detailed and called the attention of said Pillow to many specified errors in the official report of battle addressed as above by the said Pillow, viz: his said report of August 24, 1847, and a second, dated September 18, 1847, respecting the said Pillow's military operations about and against Chapultepec, the 12th and 13th September, 1847, in order that the said Pillow might correct the specified errors in the said official reports before they were sent off by the said Scott to the Secretary of War, among which errors the said Scott in his official note to the said Pillow, dated the 3d of the said October, particularly specified the said claim of the said Pillow respecting the plan of battle or attack at Contreras, he, the said Pillow, did, the same day, in a note marked "private," reply to the said *official* note of the said Scott, in part, as follows: "I have not changed the report in the *last* particular *indicated* in your second note, as I do not see that that statement in my report, can, in any possible degree affect you, and knowing that the *movement* of the next morning *did correspond my original orders* to Gen. Twiggs; and as it would place me in the awkward position of having gone into battle *without any order of battle*, or the forces in the position of having *disregarded my orders*, I ask the indulgence of permitting my report to stand unaltered as to that statement." In which reply the said Pillow, while reiterating the said false claim, plainly endeavors to induce the said Scott to allow it to stand uncorrected, through considerations purely selfish and dishonorable personal to the said Pillow and the said Scott, to wit:—that the said false claim could not "affect" the said Scott, and its correction would place him, the said Pillow, in an "awkward position,"—the conscious dishonesty of which endeavor being the more evident from the expressed willingness of the said Pillow, in his two replies, both of the 3d of the said October, to the said two notes of the said Scott, dated, respectively, the 2d and 3d of the same month, to correct, in the said Pillow's two reports of the said August 24th, and the said September 18th, many, or most of the errors therein, which had been indicated by the said Scott, and which might be supposed to "affect" the said Scott. And the said Pillow, soon after writing and despatching the said reply, dated the 3d of the said October, did seek an interview with a third person as a means of communicating with the said Scott, and of influencing his mind on the subject of the said reply of the said Pillow, at the interview did declare to that third person, that his said reply of the 3d of the said October,—meaning the reply quoted above,—was intended by him as strictly private and confidential, and would never have been written if the said Scott had allowed him, the said Pillow, the opportunity he had requested, to converse freely with him, the said Scott, in private, on the subject. And further, that the said false claim of merit, set up by the said Pillow, in respect to the said plan of battle or attack is purely an afterthought and a deliberate invention on his part, is evident from the facts, that in quitting the neighborhood of Contreras late on the evening of the said 19th of August, to pass the night at the town of San Augustin, from four to six miles off, the said Pillow, in order to secure himself from all blame consequent on the failure of any attack that might be made by the American forces, then at hand, upon the enemy's entrenched camp at Contreras the next morning, or from the failure of success in any movement which might be prosecuted by the said forces in that quarter—he, the said Pillow, did say and declare to an officer or officers of the American army, that he, the said Pillow, was going to the said Scott to advise him to withdraw the said forces, and to direct them against some other point, as the enemy's entrenched camp at Contreras was too strong to be carried by (the said forces.") (or words to that effect;) and again, at a later hour of the night, at San Augustin, that said Pillow, after having had fully explained to him, by the said Scott, in the presence of many Americans, the plan of the renewed attack upon Contreras, for the following morning, as conceived and resolved upon by the said Brig. Gen. Smith, and reported to the said Scott, through the Engineer, Capt. Lee—that is, the same plan in all its material parts, which was successfully executed by the said Smith and others, early the next morning,—and after the said Lee had taken his departure from the said Scott, in the presence of the said Pillow, with the said Scott's orders for the co-operation in front of Contreras, while the said Smith should attack the left and rear of the enemy's intrenched camp at that place, the said Pillow did follow one of the party out of the room of the said Scott, and when the two were alone, in allusion to the said

renewed attack, so settled and agreed upon and explained, the said Pillow declared to that person:—"This is going to be a failure, and I now call upon you to remember and to bear me witness hereafter, that I have had nothing to do with it," or did utter words to that effect.

SPECIFICATION 4.—In this, that, at some time or times since the capture of Chapultepec, September 13, 1847, by the forces of the United States, to wit, in the said month of September, October or November following, the said Major-General Pillow, in order to magnify his own generalship, zeal and energy, has falsely stated, asserted or insinuated, in the presence and hearing of one or more American officers, that after the 8th of the said month of September, Major General Scott, the commanding General of the American forces in Mexico, had become inert, indecisive or stunned, at what he, the said Pillow, called the disaster or disasters at the Molinos del Rey—meaning the battle of the 8th of September, 1847, between a portion of the said forces and a large body of Mexican troops, and that the said Scott would not have undertaken or ordered the attack on the castle or fort of Chapultepec, that was carried on the 13th of the said September, but for his, the said Pillow's, interposition;—Whereas, in the first place, the said Pillow well knew, in common with the principal officers of the American army, when making that false and infamous statement, assertion or insinuation, that as soon as the said Scott had declared the determination of the enemy to be at an end, viz: from and after medication of the 7th of the said September, the said Scott was in the habit to recommence his approaches upon the enemy's capital, and that hence a reconnoisance of the enemy's cannon foundry, a part of the said Molinos del Rey, was commenced in the afternoon of the same day, and the capture of the said mills made the day following—all by order of the said Scott; that on the next day (the 9th of the said September,) the said Scott reconnoitred, in person, two of the Southern gates of the enemy's capital—particularly the gate called San Antonio; that the reconnoiterings, by the Engineers of the American army, were daringly pushed from the afternoon of the 7th down to the afternoon of the 11th of the same month, by order of the said Scott, in spite of repeated instructions from, the said Scott, to whom such reconnoissance was regularly reported, and by whom each was maturely considered and discussed with the said engineers;—and whereas, in the second place, at a conference held at Piedad, on the 11th of the said month, by the said Scott, with many commanders of divisions and brigades and many staff officers, the said Pillow being present, the said Scott, after methodically and fully stating and explaining, according to his information and views, the duties and the power or abilities of the army, then under his immediate command, together with the relative advantages and disadvantages of an attack, the next morning upon the Castle of Chapultepec, compared with an immediate attack upon the other said gate of San Antonio, represented his own decided preference in favor of the former, and declaring it to be his fixed determination before quitting the seat he, at the moment, occupied, to order an attack upon one or the other of those points for the following morning, (the morning of the 12th of the said September,) he, the said Scott, concluded the said address by saying, that before definitively deciding between the said two points of attack, for the following morning, he would be happy to hear the suggestions of officers present, as to a choice between those points; whereupon, the said Pillow, in the little that he said, under that invitation, did not manifest any desire that an early attack should be made upon either of the said points, or on any other of the defences of the enemy's capital, faintly, however, intimating a slight preference in favor of selecting the gate of San Antonio, rather than the Castle of Chapultepec, under the very limited proposition that had just been propounded and discussed by the said Scott—he, the said Pillow, having, at that very time, as the said Scott afterwards learned, privately secured at least one responsible witness, by whom, in case of a disastrous issue to the then meditated attack upon one or more of the outer or immediate defences of the enemy's capital, he, the said Pillow, would be able to prove that he had declared to the said witness or witnesses, his, the said Pillow's, own conviction or opinion to be altogether averse to any offensive operation whatever at that juncture, and decidedly in favor of taking up purely defensive positions at Mexicalingo and Tacubaya villages in the neighborhood of the enemy's capital, and of maintaining such purely defensive attitude for an indefinite period,—that is to say, until the arrival of reinforcements from the United States—of the approach of which, even as near as Vera Cruz, no officer present, at the said conference, then had, or pretended to have, any intimation whatever—much less any definite assurance or information.

SPECIFICATION 5.—In this, that the said Major Gen. Pillow in his official report, dated at Mexico, September 18, 1847, and addressed to the General Headquarters of the United States army in Mexico, giving the details of the said Pillow's military operations on the 12th and 13th of the said month of September, at the head of a part of the American forces, employed in the reduction of the enemy's castle of Chapultepec, falsely states, in the said report, in order to magnify his own zeal and heroism, that, although wounded in approaching the said castle, on the 13th of the said September, he, nevertheless, caused himself to be borne along with the continued attack or assault upon the said castle—evidently designing, by this portrait of the said report, to cause it to be believed that he was borne along in the face of the enemy's fire, and was up with the said castle at the moment of its capture by the American forces; whereas, the said Pillow on receiving a contusion on one of his legs or ancles, near the edge of the grove from which he was emerging, and at the foot of the mound on which the said castle stands, placed himself near the same spot at the foot of the mound to rest awhile about—yards from the said castle, where he was covered from the fire of the enemy, except for a very few moments, next after receiving the said contusion; and the said Pillow did there remain until the said castle had been stormed, silenced and carried by the said American forces.

SPECIFICATION 6.—In this, that the said Major Gen. Pillow, in a duplicate or copy signed by his own hand and in his own name, of a communication to the Secretary of War, dated at the city of Mexico, Nov. 15, 1847, sent to Major Gen. Scott, commanding the American army in Mexico, with a written notice endorsed and signed as above, saying, "I have forwarded duplicate copy of this directly to the Secretary of War"—in which communication, assuming that the said Scott's supposed personal hostility to the said Pillow, the latter falsely asserts that, he, the said Pillow, opposed with great warmth and zeal the General's (meaning the said Scott's) views in connection with the fatal armistice—meaning the armistice agreed upon about the 23d August, 1847, between the said Scott and the President of the Mexican Republic, and meaning that the said opposition had been made known to the said Scott, in time to influence the mind of the said Scott's views on the subject; whereas, the said Pillow, on the morning of the 22d of the said August, when it was in question to appoint American commissioners to meet commissioners on the part of Mexico, to negotiate an armistice, was not only in favor of such negotiation, but was willing to become one of the American commissioners for that purpose; but, on the following day, after the said Pillow knew that the said commissioners of the two armies had agreed upon a preliminary armistice, and that the said Scott had, on the part of the American army, ratified the same, the said Pillow insidiously sent in, to the said Scott a note recommending a change in some of the terms of the said armistice, and concluded the said note with the opinion that the said Scott ought, in preference, to have demanded a surrender of the Mexican capital, or at least the surrender of the Castle of Chapultepec.

SPECIFICATION 7.—In this, that the said Major Gen. Pillow, at Miscoac, near the capital of Mexico, on or about the 23d of August, 1847, that is the same day on which the said Pillow delivered in person to James L. Freaner, Esq., the letter, article or communication, addressed to "Editors New Orleans Delta," set forth in the second specification of this second charge, preferred against the said Pillow, and previously to the delivery of the said letter, article or communication to the said Freaner, set forth in that specification, the said Pillow, with a view corruptly to influence the mind of the said Freaner to his, the said Pillow's, dishonorable wishes and schemes, did, in the presence of an officer of the United States army, express to the said Freaner "a warm interest in the prosperity of the said New Orleans Delta, for which newspaper the said Freaner was generally known, and particularly to the said Pillow, to be the agent and correspondent, accompanying the principal American army in Mexico, together with his, the said Pillow's "determination to exert his influence in favor of the said newspaper"—adding, "I mean to do something for the Delta I mean to make it," or words to that effect, thereby corruptly intimating that he, the said Pillow, had the money, or the political influence, with which greatly to benefit the said newspaper, if the said Freaner would yield himself to the wishes and schemes aforesaid.

SPECIFICATION 8.—In this, that the said Maj. Gen. Pillow, in the city of Mexico, some time between the 21st and 30th of October, 1847, after a newspaper from the United States, containing the letter signature of "Leonidas," referred to in the first specification of this charge, preferred against the said Pillow, had been received in the said city, and had there become the subject of much conversation, and after the firm of Peoples & Barnard, publishers or editors of the newspaper called the *Daily American Star*, published in the said city, had received a letter dated October 21st, 1847, from the said Pillow, denying that he knew anything of the said printed letter signed "Leonidas," or of its author, the said Pillow did send for John H. Peoples, Esq., one of the said firm, to come to his, the said Pillow's quarters, in the said city, and did there hold with the said Peoples, a long conversation with a view corruptly to influence the said Peoples' mind, and through that, future editorial notices in the said newspaper, on the subject of the said Pillow, in his, the said Pillow's favor—he, the said Pillow did say, in that conversation, to the said Peoples—among other things, as follows: "I never ask any one to puff me; but I have confidence enough in you to believe that you will do me justice. I never forget my friends. You will recollect that I am the second in command here, and that if anything were to happen to Gen. Scott I should be General-in-Chief;" or did use words and declarations to that effect—the said Pillow thereby seeking and endeavoring corruptly to excite a sordid and base interest in the said Peoples, through the hopes and fears of the latter, by a prostituted use of high rank, its powers and influences. WINFIELD SCOTT, Maj. Gen. U. S. A.

Reserving to myself the usual right or preferring an additional charge or charges, with specifications to the above, as well as the usual right of modifying the above charges and specifications at any time before the arraignment of the said Pillow, I respectfully ask the President of the United States to order a General Court Martial for the trial of the said Pillow. See Act. May 29, 1830, sec. 1, Hetzel's Military Laws, p. 225. WINFIELD SCOTT.

Headquarters of the Army, Mexico, Nov. 27, 1847.

Gen. Pillow mentioned as friends to assist in conducting his case, Lieut. Col. Duncan and Major Breckenridge.

General Scott on hearing the charges read, said he reserved to himself the right of making any additions or modifications he thought proper, and he came to the conclusion of making one specification more, which specification he deemed to be important, he (Gen. Scott) had not then it made out in writing, but would have it furnished on to-morrow. He then remarked that the examination of the witnesses might be gone into, as this being a court of inquiry was not as strict as a court martial.

The President objected to this course; he said the court had come to the conclusion that the additional specifications which Gen. Scott intended to introduce, should be furnished before further proceeding; would be gone into.

Gen. Pillow said he requested that a copy of the additional specification or specifications, would be furnished him in order that he (Gen. P.) might take his ground of defence accordingly. This request was accordingly granted.

The court then adjourned until to-morrow morning at 10 o'clock.

The following is a copy of the document presented by Gen. Worth, which the court came to the conclusion of not receiving:

Mr. President, and Gentlemen of the Court:

Having, without reservation, in my letter to the court dated the 14th instant, and for reasons therein stated, withdrawn my charges against Major-General Scott, it is with feelings of deep regret, that I find myself called upon again to allude to this subject, but the paper this day presented, and read to this court, renders it my duty so to do. If I am misunderstood, or misrepresented, here or elsewhere, in respect to the course I have felt it my duty to pursue, it is my misfortune—that course was the dictate of my own heart—its propriety is confirmed by my own judgment.

I shall say nothing in relation to the appeal of Major-General Scott to public sympathy, or the attitude of defiance he has thought proper to assume before this court—this is, at all times a matter of taste, and is alike the resort of the innocent and the guilty.

Nor shall I remark upon the violent denunciations he has been pleased to level against his Government, whose commission he bears, and whose lawful decisions he is bound in duty and in honor to respect. Neither shall I allude to the origin of the difficulty between Major-General Scott and myself—the facts of the case are before the public, and I am willing to abide the impartial judgment of my countrymen.

I merely propose to set Major-General Scott right in a few *errors of fact*, into which, an excess of feeling, or malign influences seem to have hurried him.

Gen. Scott says I have caused him to be prejudged and punished at home; and then to be brought forward and tried again, while he [meaning General Worth,] my junior, has been preacquitted and rewarded."

If General Scott means to say, that his Government has "prejudged" and "punished" him, he either mistates or misunderstands its action.

It will be seen, by reference to the facts already before the public, that the General-in-Chief attempted to stifle my accusations, by shifting himself, by an exercise of power, from the position of an *accused* to that of a *prosecutor*, which, if permitted, would be to establish a precedent of service, most fatal to the rights of every member of the profession, as guaranteed to the humblest, by the rules and articles of war.

I appealed to the Government for protection against what I conceived to be injustice on the part of General Scott towards myself—as I had an unquestionable right to do—and for that I was arrested. This court has been ordered to investigate the facts, in reference to the matter of my appeal. The usages and interests of the service, as well as the rights of the parties concerned, required that Maj. General Scott should be suspended from command, pending the investigation.

Where, then, is to be found the "prendgement," and "punishment," so bitterly complained of? Certainly not in the action of the Government—and even if found there, wherein am I responsible for it? But if General Scott means that public opinion has "prejudged" and "punished" him, that will can I be held accountable for the decision of that tribunal—it judges men, according to their acts. Public opinion is a severe but upright judge, before whom, "the innocent have nothing to fear, the guilty nothing to hope."

As regards my own case, I have not been "preacquitted," nor have I been "rewarded."

The charges of Major General Scott against me, have not been dismissed, nor do I desire that they shall be; I am prepared to meet, not only the specific charge preferred against me, but also "that other probable matter" whereunto I have been menaced. But, as the charge preferred against me by Major-General Scott, was based upon my appeal to the Government, against the injustice of that officer towards myself, the Government, in accordance with law and justice, suspended the accusations against me, until those previlgas suspended the accusations against me, until those previously preferred by me, have been disposed of.

In reference to the "reward" spoken of by Major-General Scott, he can only mean my assignment to command, according to my brevet of Major-General, by the President of the United States. If correct in this conjecture, the allusion is most unfortunate—inasmuch as the President, by this act, only did, *in accordance* with law, what General Scott had done in *violation* of it, nearly one year before—the propriety of which act on the part of General Scott, I, at the time, repudiated.

General Scott has been pleased, *publicly to announce*, that, at the end of this court, he shall "be done with him [me,] forever." Be it so. I have the consolation of knowing that the ties of friendship, formed from intimate personal and professional association, and strengthened for thirty-five years by many reciprocities of kindness and obligation, have not been broken asunder by any act of mine.

Very respectfully submitted, W. J. WORTH,

Mexico, March 17, 1848. Br. Major-General, U. S. A.

FIFTH DAY—March 21.

The court organized at 10 o'clock. Gen. Scott said that he had seen published, in the morning paper, (the American Star,) a document which was presented by Gen. Worth to the court, and which he (Gen. Scott), understood, had been received or entered on the records of that court. It would appear on reading the report of the proceedings in the paper above mentioned, that said document was a part and parcel of the proceedings of said court. That document, in his opinion, had a tendency to prejudice his case, and he would ask if the dignity of the court allowed itself to be outraged by such proceedings.

The President said that the proprietors of the American Star would be held accountable if any matter had been published by them of a nature to warrant such a course. The document referred to, he presumed Gen. Scott, was not received by the court nor entered on its records.

Gen. Scott said that he, yesterday, said he would produce certain additional preliminaries in the charge against Gen. Pillow.

The Judge Advocate remarked, that there were, in the charges preferred by Gen. Scott, some matter left out which he would call his attention to.

Gen. Scott said it was an error, and was of some importance that it should be corrected.

Gen. Pillow said, that even at this stage of the proceedings he had no objection that the error should be corrected; he was ready to meet every charge Gen. Scott had to bring against him; he begged of the court permission to read a document bearing upon his case. The following is the document then read by Gen. P.

CITY OF MEXICO, March 21st, 1848.

Mr. President and Gentlemen of the Court:

The charges and specifications to be investigated by this court are exceedingly voluminous; those already before the court occupying eighteen pages of closely written foolscap, and "the cry is still they come." The hearing of the testimony, on the part of the prosecution must necessarily require a considerable length of time. The prosecutor thinks it will be two months before he reaches his new matter. In this opinion, I hope, *the facts* of the case will show that he is mistaken. Still, it will require some time—in the ordinary mode of procedure—before the defence of the case can be opened. It is within the knowledge of every member of this court, every officer of this army, and thousands of my countrymen far from this city, that I have already suffered much (in case I prove myself innocent, as I hope to do, of the charges, from false imputations that have been strewn broadcast against me. I have partially submitted, for more than four months, to the most violent attacks of the public press, in the hope and conviction that the whole matter will become the subject of legal investigation. This course I deem a proper regard to military subordination and propriety required of me. I trust the time has at length arrived, when these dark clouds, which have lowered upon my reputation, may be dispelled. In order, as far as possible, to counteract the influences upon the public mind of *ex parte* statements and reports, I respectfully ask of this court that after having heard all the testimony under each specification on the side of the prosecution, I may be permitted to introduce my testimony in defence, bearing upon the same matter. I ask this of the court as an act of simple justice. I am aware that this is not strictly in accordance with ordinary courts, but in mental anguish I believe that militates against it, I trust that the court will find in the peculiar circumstances a justification for a departure from the usual mode of proceeding. It certainly will simplify the deliberations of the court—the labors of reviewing authorities for the public investigation of the merits of the case, as the evidence on the part of the prosecution and that of the defence will thus be brought in juxtaposition; and as the object of this court is to report the facts of the case, which will be greatly facilitated by the course proposed. Respectfully submitted,

GID. J. PILLOW.

After Gen. Pillow had concluded, the President said, that the court, in consideration of the length of time the investigation now before it would take up, it would much rather that any extraneous matter would be left out, by parties introducing motions or resolutions, &c., before the court.

Gen. Pillow said, that he wished that the proceedings be facilitated as much as possible, and that no extraneous matter would be introduced by him.

Here the Judge Advocate read the first charge, which related in part, to the letter of *Leonidas*.

Gen. Pillow here made some remarks, to which Gen. Scott answered that he had no objection to the course proposed by Gen. Pillow; when the court had examined what witnesses were present, others could be sent for; some of the evidence he would bring forward would be written, and some in the keeping of persons, some of whom were at present in New Orleans.

The President said the court would hear what evidence that could be produced, and if that was deemed insufficient, it would then take the necessary steps to procure the remainder.

Gen. Pillow said he would wish to know of the court the opinion it had come to in regard to the presence of witnesses during the examination of others. He had seen in other courts all witnesses removed during the examination of others; he would bow to any decision which the court might come to on the subject, but he would request that his personal staff be allowed to remain in the court, and also Col. Duncan, his personal friend.

Gen. Scott had no objection to the staff of Gen. Pillow remaining; for his part, he did not require the assistance of his staff; he might be obliged to send to his quarters for papers, &c., but that was all. He also, had no objection to Col. Duncan remaining, as he probably might have to put a question to him himself.

The court said it had no objections on the subject referred to. The Judge Advocate then read a list of the witnesses on both sides.

Gen. Scott then submitted a portion of the evidence, which was in the shape of a document which was said to be procured from the hands of General Pillow, and bearing upon the Letter of *Leonidas*. This document is marked No. 1.

Gen. Pillow, being called upon to state if he recognized that document, said he acknowledged some of the interlineations be in his hand-writing. The following he acknowledges to be written by him: "Battery," "it," "ground," "general," "conjecture," "want," "universal." He (Gen. P.) admitted that said document had been handed to Mr. Freaner, knowing him to be a correspondent of the New Orleans Delta. Gen. Scott requested that the admission made by Gen. P. be recorded.

Gen. Pillow said that in substance the matter contained in that document was true, and that the fact of his shooting a Mexican officer is also substantially true. He said the document was taken from a rough report of his own.

Gen. Scott said he next submitted a letter, which was printed in the New Orleans Delta; this, he said, was the actual letter of *Leonidas* itself, which he said was first addressed to the Washington Union, but afterwards addressed to the Editors of the Delta. He would show this letter also was interlined by Gen. Pillow; some of the interlineations, he said, were done in the office of the Delta, but others he would show were done by Gen. Pillow. He would then inform the court how said letter came into his possession. Gen. Pillow said that not one word of that document (*Leonidas*) was in his hand-writing.

Gen. Pillow would remind Gen. Scott that he (Gen. Scott) should introduce his evidence without preface, as his making a speech on the subject might tend to prejudice the court; it was not in order.

The court being ready for the examination of witnesses, Mr. Freaner, correspondent of the New Orleans Delta, was called.

Gen. Pillow said he objected to the original letter of *Leonidas* being recorded, unless it could be proved to him, which he knew was an impossibility.

EXAMINATION OF MR. FREANER.

Judge Advocate. What does the witness know of the two papers now before him?

Witness.—This paper marked No. 1 I received from Gen. Pillow. He was passing by Gen. Pillow's quarters, and was requested by him (Gen. Pillow) to call in the evening. Witness remarked that he was in a hurry, but was earnestly requested by Gen. Pillow to call. He told me if I would come back to his house, that night, he would give me a comfortable place to write, a good bed to sleep, and a better fare, or words to that effect. After having stated to him the inconvenience it would be to me to come back, as I was going for a list of the killed and wounded, and was to send an account of the battles the next day, he still urged me, and I complied. It rained during the time of my return. After having supper, I went with Gen. Pillow into his bedroom, and after having some conversation, he handed me the paper now before me, marked No. 1. Previous to handing it to me he read it and interlined it. He (witness) stated to Gen. Pillow that he did not intend sending off a detailed account of the Battles; he merely wanted to send off an account of the result as soon as possible; he would send a detailed account in a few days, when he would have an opportunity of getting an account of the battles. Gen. Pillow then said that he (Gen. Pillow) was very anxious that that letter should go off with the first impressions, and he desired him (witness) to engrain in his report. After some conversation, generally, he (witness) asked Gen. Pillow if he would keep the paper, and no objections having been made, he put in his pocket. After he looked at the paper he saw that portions of it were incorrect, he did not look at it afterwards until he got into the city, and put it with other papers. When the *Leonidas* letter was talked of I looked to this paper and found it. I compared it in my head that it was similar, and then placed the paper, together with the comparison I drew, away. Some time afterwards I received a verbal message from Gen. Pillow, stating that he wanted to see me. I rode out of town and stopped at his house, he (Gen. P.) asked me if I recollected having received a paper from him. I replied that I did. He then asked if I still had it in my possession. I told him I had. He then requested that I should return it to him. I replied that I was on my road out of town, and that on my return I would see about it. He said he did not want me to neglect it. In the course of conversation he (Gen. P.) told me he had that (meaning the letter) prepared from an abstract of his report, for me, and that he was told while in New Orleans, by the editors of the Delta, that I was a man that could be relied upon; that he would deem it a breach of confidence if any improper use was made of said paper. I left, assuring him that he should hear from me that evening. The same evening I wrote to Gen. Pillow a letter, declining, for certain reasons, to return said paper, and received in reply, a note desiring me to call.

On the publication of Leonidas's letter in the New Orleans Delta, I wrote to the editors of that paper, requesting that they should keep the original for me. On my return from Washington, through New Orleans, a few weeks since, I received it from Mr. Magennis of that paper.

Gen. Pillow.—I desire to have it recorded that the witness wrote to the Delta, and that said paper was kept for him and afterward returned to him.

Judge Advocate.—At what place and what time did you hold the conversation with Gen. Pillow, when he gave you said paper.

Witness.—About the 23d, or between the 23d and 25th, at Miscoac.

Judge Advocate.—Is the witness acquainted with the hand-writing of Gen. Pillow, and if so, whether he can trace his hand-writing on the paper before him.

Witness.—I am not acquainted with the hand-writing of Gen. Pillow. I have seen him write. I saw him make an interlineation of two words—the paper marked 1.

Judge Advocate.—Will you look and see if you can trace Gen. Pillow's writing in that document.

Gen. Pillow.—I object to that question being put, he has admitted already that he is unacquainted with my handwriting.

The court overruled the objection.

Witness.—From what I have seen of Gen. Pillow's handwriting, I should judge that the words—*victorious*—*nothing*—and—*been better*—to be his.

Here the examination of Mr. Freaner, on the part of the prosecution, closed. Gen. Scott said that at another time he should again want the evidence of Mr. Freaner.

The Judge Advocate then put the following questions to witness, emanating from Gen. Pillow.

Judge Advocate.—What were your social relations with Gen. Pillow when he invited you to partake of his hospitality.

Witness.—My social relations with Gen. Pillow were somewhat on the same footing as his rank and my position. I have partaken of his hospitality—he has often invited me to do so, but have shunned his invitations, as I have done all other officers of rank. On the night I received the paper, his solicitations were so urgent that I could not refuse to come. I never knew Gen. Pillow until he arrived at Puebla.

"Did you ever eat at General Pillow's table, or forage your horse at his house?"

"I don't recollect eating at his table; I might, in passing around the camp, but I foraged my horse the night I stopped with him."

"Where were you when Gen. Pillow wanted you to call on your return from Tuckabaye?"

"Either in his house or on horseback, I don't know which. I did not take minutes of the conversation."

"Did you ask General Pillow for a list of the killed and wounded, and when?"

"I did ask Gen. Pillow for a list of the killed and wounded, but do not recollect when?"

"Did you not ask Gen. Pillow for an authentic statement of the battle?"

"I do not recollect having asked for an authentic statement; I often ask officers for statements of facts for the purpose of comparing them with my own, and if found correct, to use them. I might have asked Gen. Pillow for a memorandum, perhaps I did. When the paper alluded to was handed to me, I distinguished that it would not use it. That was the time when he (Gen. P.) said he was anxious it should go off with the first impressions."

"At the same time you got a copy of the killed and wounded from Gen. Pillow's Adjutant, did you not get that paper also?"

"It is my opinion that I got the list of killed and wounded from Capt. Hooker; I got the paper from Gen. Pillow."

"Did Gen. Pillow give orders to his clerk, Mr. Eastland, to give you a copy of the list of killed and wounded?"

"I do not recollect."

"Did you read the paper in Gen. Pillow's presence, or when did you read it?"

"I read a portion of it, I recollect distinctly; as far as I read I believe it to be incorrect."

"Did you state that you were in the habit of asking general officers for statements of their operations?"

"I did not say I asked general officers; I said officers generally, and sometimes they complied with my request, and sometimes they did not; one officer refused a list of the killed and wounded."

"You say you have access to