DAILY CRESCENT.

COURT OF INQUIRY.

Reported for the New Orleans "Daily Crescent."

NATIONAL PALACE, MEXICO, April 4, 1848.

SEVENTEENTH DAY—April 4, 1848.

Court met pursuant to adjournment, and the proceedings were read over by the Judge Advocate.

Capt. H. L. SCOTT called:

Q—Does the witness recollect who gave the order to Twiggs, August 20th last, to advance from Coyoacan, and to attack the church or convent at Churubusco? Who ordered Riley's brigade to follow and support Smith's brigade; and who ordered Shields' brigade to follow that of Pierce to our left and the enemy's rear?

A—I gave the order by direction of Gen. Scott to Twiggs' brigade, the 20th of August last, and Gen. Scott gave the orders to Riley's brigade; and to Shields' brigade.

Q—What recent information, if any, had been received at general headquarters about the 11th September last, respecting the approach of reinforcements from the United States, or from the Rio Grande frontier?

A—There had been no information received, but I recollect that there was a rumor in camp of the advance of some thousand men about as far as Jalapa. This rumor, I suppose, must have come from this city. It was during the armistice, and probably referred to Lally's detachment. We had, however, no information, official or otherwise.

Question by Prosecution: About what time did the first reinforcements reach this basin, after our arrival in it.

A—It was after the 1st of November—I should prefer to look at my papers and ascertain the exact date, which I can do.

Evidence of Brig. Gen. P. F. Smith.

Brig. Gen. P. F. SMITH, duly sworn:

Question by the Prosecution—By whose orders did the witness pass the Pedregal, near the enemy, in the afternoon of August 19th last? About what hour did he reach the hamlet called San Geronimo, that afternoon? What does the witness know of any plan or order of battle, respecting an attack by the American forces on the enemy's left flank, rear, or intrenched camp, coming from Maj. Gen. Pillow or other officer, senior to the witness; and by whom was the plan, actually executed upon that camp, conceived, laid down and executed, the morning of August 20th?

A—My brigade is in Gen. Twiggs' Division. That Division, by Gen. Scott's order, communicated through Gen. Twiggs to me, passed through San Agustin in front of Gen. Pillow's Division, to cover that Division in making a road, by which the army might reach the San Angel road, to turn the position of San Antonia. That was the explanation which accompanied the order for our movement.

After passing a hill or mound to the right, we got under the fire of the enemy's position at Contreras. Gen. Twiggs there ordered the advance, composed of two companies of riflemen, to drive the enemy's skirmishers that were in the corn in front, and cover the engineers in their reconnoissance. While that was doing, Magruder's battery came to the front. On the report of the engineers, the battery was ordered to advance, and I was ordered with my brigade to cover it. Gen. Twiggs at the same time turned Riley's brigade, with Taylor's battery, off to the right, and they soon disappeared off the cornfield into the Pedregal.

One of the pieces of Magruder's battery got fast in the stone wall through which we were passing, which delayed us a few moments. Just as they started again, Gen. Pillow rode up. He asked me where Gen. Twiggs was; and I, pointing in the direction, told him he had gone off that way. At that very moment, as he turned off, I entered the cornfield, and could see no more of him. The next I saw of either of these general officers was after the action the next morning. Gen. Twiggs joined the division just as the head of it was marching out of the village of San Geronimo. Gen. Pillow came up to the head of the column, where I was, just before entering San Angel, near some ruined arches, with an aqueduct on the left hand.

The only orders I received, up to the time that I mentioned, when Gen. Pillow turned off to the right, to follow General Twiggs, was the first order of General Scott, relative to the movement towards the San Angel road; the order of Gen. Twiggs, to move to the front to support Magruder's battery, and some order of detail from Gen. Twiggs. Gen. Pillow gave me no order at all.

Magruder's battery moved off to the left, and I, with my brigade, took up a position to support it. There was a very heavy fire from the artillery in the enemy's position; and an attack directly in front would have occasioned a very great loss. To turn their position by our left wood not cut their line of retreat, and seeing the church of the village between their position and the city, I determined to move round by our right, into that village, and take possession of it. I called the officers of the regiments together and explained to them the object, and said that I would execute it in a few minutes, if no orders came to the contrary. After waiting, perhaps fifteen minutes longer, to see if any orders would come from the rear, I directed Capt. Magruder to open his fire again, which had been silenced pretty much by the enemy, in order to cover my movement to the right. I then moved off by the right flank, filing round, and thence towards the village. I happened to come out from the pedregal along with a regiment which reported to General Cadwalader, and I suppose, from other circumstances, that it was Morgan's regiment.—It was more than an hour before sunset before we got over to the field on the right of the village. As we started from the position of Magruder's battery, we saw reinforcements coming out from the city to the Mexicans. When we came out from the pedregal, they were formed, in considerable force, between the village and San Angel; their left on a wood and line perpendicular to the San Angel road. As my brigade was forming, after getting to the village, these reinforcements filed round by their right flank, in two lines, parallel to the road. At this movement Gen. Cadwalader came up and reported to me. I imagined, first, if Col. Riley's brigade was over there, but could get no information about it. I then, in order to make face to the enemy's new front, directed Gen. Cadwalader to file his brigade round to the left, in a line parallel to the enemy. I put Major Dimmick's regiment of artillery in the orchard, on the main road leading from Contreras to San Angel, and formed the infantry in rear. Riflemen on the right flank of the village, in column. I directed a company of Lieut. Col. Graham's regiment (the 11th) and Lieut. Smith's Engineer company to take possession of the church in the centre of the village. Just after this an officer reported that he had met an officer (Lieut. Porter) belonging to Riley's brigade, who said that the brigade was further to the village, to the right. Col. Riley soon after reported to me that his brigade was there. The enemy in front was commanded by Gen. Santa Anna; those in the works by Gen. Valencia, although we did not know this at the time. After examining Santa Anna's position, I ordered an attack upon it. Riley to attack towards the left, Cadwalader, about one hundred and fifty yards to the right of the road, and retired in *echelon*, both columns by division, left in front. Riley was to pierce the right of the enemy's line, about two hundred yards from the enemy's right flank—Cadwalader to form to the front. This was just about sunset when this order was given. General Cadwalader had examined the ravine in his front, and reported that it could be passed, but with difficulty. Riley soon returned and reported that his brigade was ready to march out. A few minutes after General Cadwalader came up for some explanation of the order, and reported that the ground occupied by his brigade was so difficult that it would be some time before his brigade could be formed. By this time it got so dark that you could scarcely perceive the enemy's lines, as they stood under the brow of the hill, and it would evidently be quite dark before we could cross the ravine—the order to attack was countermanded. Colonel Riley then mentioned, that while he had been up to the upper end of the village, and outside of it towards the enemy, Capt. Canby and Lieut. Tower of the Engineers, had reconnoitered the ground towards Valencia's position, and stated that the ravine in front led up entirely in the rear of Valencia's camp, and that infantry could move up it. I then determined to attack before day in that direction; and upon my saying that I should be very glad to communicate our position and my intention to General Scott, Capt. Lee offered to go over. I desired him to say that we would attack Valencia's position in the rear, at 5 o'clock, and requested that such diversion as might be made in front at that hour, should be made in front of his position. I then sent Lieutenants Brooks and Tower, to examine again this ravine after dark, in order that we might be sure to find it before daylight in the morning. I then disposed of the troops to defend the place in the night if attacked, and to march out in the morning before day. After the return of Lieutenants Brooks and Tower, I sent for Col. Riley, Gen. Cadwalader and Maj. Dimmick, the commanders of the three brigades, and gave to each detailed instructions of what he was to do in the attack in the morning, providing particularly for an attack upon us by Santa Anna, while we were marching out to attack Valencia. About 10 o'clock, Gen. Shields' Aid, Lieutenant Hammond, came and reported that the General had got through the pedregal, and was lying on the open ground between the road and the ravine. Being under the impression that I ranked Gen. Shields, I directed that his two regiments should occupy the position which Major Dimmick had first occupied in the orchard on the road. Directing then that the whole of my own brigade should join the column which was moving out to the attack of Valencia. About 12 o'clock Gen. Shields came himself. I repeated the instructions to him, still under the impression that I ranked him; and he, with great delicacy as well as magnanimity, did not hint at his actual position, which was that of my senior. He then went back and joined his brigade which was then in the orchard. He was to occupy the village after we marched out. A few minutes before 3 o'clock, Riley's brigade marched out. Two of Cadwalade,'s regiments followed. The other two, which were in the further extremity of the village, and with very difficult ground, not being ready, Gen. Cadwalader undertook to remain and bring them up in time. Major Dimmick, with my brigade, followed the two first regiments of Cadwalader, and the latter followed Dimmick with his two other regiments. Owing to the extreme difficulty of the path, it took us three hours before Riley's brigade got into position in rear of the enemy's works. It had been broad day-light some time before we arrived there. As the enemy had a great deal of cavalry about their position, Riley was ordered to attack in two columns, and to deploy when the nature of the ground would permit him. Cadwalader's brigade had been intended to make face towards Santa Anna, if he moved to the assistance of Valencia, and Dimmick to assist in either the one or the other attack, as circumstances might require. But Santa Anna had, during the night, withdrawn to San Angel, as we have since learned from his official reports, so that when it got to be broad day we could only see Santa Anna's cavalry at the position which he had occupied, and his infantry a great distance off, returning to that position. He was so far off, that it was evident we had nothing to fear from any movement he could make. Just as Riley's column was formed for attack, cavalry were seen moving out from Valencia's position up towards the mountains. As they might in that way attack Riley on his right flank, and as it was no longer necessary to pay any attention to Santa Anna's force, I directed that Cadwalader's brigade should also form in two columns—one to move on Riley's right flank and rear, and the other on his left flank. This order was communicated to the senior officer, who marched with the two first regiments of Cadwalader, and just at this moment Cadwalader came up with the other two, and immediately the attack commenced. Seeing that there was no necessity for reserving any troops to meet the force under Santa Anna, Dimmick was ordered to face to the left and advance in line across the ravine against Valencia's entrenchments; at the same time I forgot to mention that the Engineer Company and Rifles were thrown upon Riley's left and front under the brow of the hill, to clear his front of the enemy's skirmishers. The whole of the enemy's works and position were carried at one sweep. A good many of the fugitives were intercepted by the position held by Shields on the road. After directing the artillery, pack mules, etc., to be secured, I directed the column to be formed and advance in pursuit of the enemy. I sent an order to the rear that Major Gardner's regiment of artillery should take charge of the captured artillery and ammunition, and that none of the other regiments, I think Col. Ransdale's, but certainly the regiment to which Captain Beaudevel belongs, should take charge of other matters, while Shields' brigade was directed to take charge of the prisoners. I moved on however towards San Angel before these dispositions were executed; and I believe they were afterwards changed by other officers who then came up. As the Rifle, 3d Infantry Regiment, moved out of the village, Gen. Twiggs came up. He directed the pursuit to be continued, making occasional short halts, until the other regiments could get into position in column. We continued in this way until, as I said before, Gen. Pillow came to the head of the column at San Angel, and assumed the command.

Q.—In making the plans, movements and attacks, witness has narrated, was witness influenced in any one of them by any known plan of Major-General Pillow, or did any officer cite or allude in conversation at the time, in any manner to any plan or known view of the said Pillow?

A.—Nothing of the kind.

Q.—Did the witness chance to note the hour at which the victory at Contreras was rendered complete?

A.—I looked at my watch at the time; it was either 20 minutes after 6, or 20 minutes before 7 o'clock. It was 20 minutes after the one hour, or 20 minutes before the other—I do not exactly know which.

Q.—About what time in the night did the brigade of Gen. Shields reach the hamlet, and of what importance did witness consider the presence of said brigade on the 19th of August?

A.—About 10 o'clock, when Lieut. Hammond reported. The presence of that brigade was of great importance, in my opinion, at the time. In marching out to the attack in the morning in the face of Santa Anna's force, I considered it of the highest importance to leave a strong force in the village; that was the key of the whole movement, and I could not spare a sufficient force before Gen. Shields arrived to occupy it properly. For instance, if Santa Anna should have moved into the village when we moved out, he would have put us in a worse position than we had put Valencia; and at any rate secure his own retreat and that of Valencia to the city, and would have become master of the main road which we then held.

Questions by Defence.—Does the witness know to whose division the howitzers and Magruder's battery belong, and by whose orders they were thrown forward?

A.—They belonged, I believe, to General Pillow's division; and I do not know by whose orders they were thrown forward from the rear. They were moving forward under Gen. Twiggs' orders at the time I referred to, of one of the carriages sticking fast in the wall. I do not know from whom he received his orders.

Q.—Previously to the arrival of General Scott on the field on the 19th of August, who was the senior officer then on the field and responsible for the general disposition of the forces?

A.—The senior officer that I saw on the field was General Pillow. The only order I got at all on that day was from General Twiggs, to move to support Magruder's battery. Whoever made the dispositions was responsible for them. I do not now speak of the principle, but of the facts. The presumption is the senior officer directs the dispositions, and is responsible for them.

Q.—When you arrived at the villages of Eusebio and Geronimo on the 18th August, did you find Col. Riley and General Cadwalader in possession of those villages, and had the former already repulsed a large cavalry force; and the latter checked a large Mexican force under Santa Anna?

A.—I found Gen. Cadwalader in possession of the village. I could not find Col. Riley; it appears he had gone through it and had moved further up towards Valencia's position. I learned in regard to the cavalry, from Colonel Riley, that he had repulsed a large body of the enemy's cavalry, and killed Gen. Frontera at the upper end of the village, towards Valencia, and finding the enemy too strong, was, as he reported to me, on his way back to the pedregal, not knowing there were other troops over. I conceive that taking possession of the village was an important movement. It did not interpose any obstacle, as the road was open yet; though it did not prevent his joining Valencia, it had such influence upon Santa Anna as to prevent his throwing himself into Valencia's camp, lest our army should be interposed between him and the capital. Holding the village ought to have so influenced Santa Anna as to prevent him from throwing himself outside of the village, in respect to the capital. I found Gen. Cadwalader already in position, on the right flank of the village, fronting what was Santa Anna's then front.

Q.—Had the force under Santa Anna been brought to a stand before you got to the village?

A.—Yes, sir, formed perpendicularly to the road before I reached it, and then moved around parallel to it, after I got there.

Q.—Suppose Santa Anna, with his forces, had taken possession of this village before it was occupied by our troops, could you have taken possession of it, considering the difficulties of the ground and other obstacles?

A.—It is impossible for me to say what you could do. It could not have been done without a very great loss. If it had been well defended it could not have been done.

Q.—As you regard the possession of the village as a key to the operations of the 20th, will the witness say whether he does not regard its possession on the 19th as ensuring the success of the operations on the morning of the 20th?

A.—The whole operation on the 20th was based upon the possession of the village. The whole plan of attack on the 20th was formed after the possession of the village was secured, and was founded upon that; but the proper attack, in my opinion, was on Santa Anna, as was intended the evening before; that is the proper attack for one being in the situation I was in. The attack on Valencia was determined upon merely as an alternative, because the night offered me the means of reaching his position with certainty, and the darkness had prevented us from taking the first.

Q.—Did you consider the positions of Col. Riley and Gen. Cadwalader as taken by chance, and if not, under whose orders did you suppose they were acting?

A.—I supposed Colonel Riley went over there by General Twiggs' orders, having seen him separate from me at the time Magruder's battery moved to the front. I never knew who sent Gen. Cadwalader; I presumed, of course, he was ordered there.

Q.—Did not witness hear the orders of Maj. General Pillow alluded to, in conversation, by Colonel Riley and General Cadwalader, or other officers, who occupied the village or their brigadiers, before their movement? Will witness state whether the position of these troops did not cause him to suppose, that the object was to attack the rear or flank of Valencia's position.

A.—I thought that the whole movement of these troops was in conformity with General Scott's order, in the morning, to pass round, and get possession of the San Angel road; and that these troops were there in conformity with that order. When I got over, and Colonel Riley joined me, I found I had about 3,000 men, in the face of 15,000 or 20,000; and I occupied myself with the means of defeating them, without thinking what had brought us there, except the general object of getting possession of the road to the city; and I cannot say our object was to make an attack upon particular points in flank or rear, but to get a good position on the road, from which to choose points of attack.

Q.—Witness will state whether he did not understand that a battle was being fought, on the 19th of August; and that the object was to dislodge the enemy and get possession of the road across the Pedregal?

A.—I knew nothing of a road across the Pedregal. I knew that the enemy were opposing our passage across the Pedregal; and that it was our object to dislodge them, to get possession of the San Angel road. I knew nothing of a road across the Pedregal.

Q.—Being in that position, could you have attacked the enemy's camp, except in flank or rear?

A.—I don't think I should have attacked it, unless in flank or rear, as it was done. I would not have attempted to do it. I cannot say the thing was impossible; I might have done it; but I should not have thought it prudent. I may have made a great error in attacking it in the rear; and if I had had an hour more of daylight, I should have attacked Santa Anna; and, having defeated him, Valencia's position would have fallen of course.

Q.—Were not all the movements of the 19th of August last, as well as those of the morning of the 20th, made in conformity with General Scott's general order to gain the San Angel road?

A.—As far as I was concerned, they were, as far as I knew, in conformity with a verbal order of one of General Scott's staff to gain the San Angel road. The verbal order was more in detail than the written order, directing the baggage to be left behind, and in reference to the movement of the wagons, etc.; and that we were to turn the position of San Antonio by seizing the San Angel road, etc. The written order was merely an extract—less in detail. I don't think I ever saw this order—[the general order having been handed to him.]

Q.—If a battle was to be there, and was then being fought, did the witness suppose that the troops had gone forward without the orders of the senior officer charged with putting those troops on the San Angel road?

A.—I never knew or heard of any such movement. I knew that I had gone over there in conformity with General Scott's orders of the morning. I can only say that I thought the other troops were moving in conformity with General Scott's order of that morning also; through what intermediate, or rather immediate officer we received his orders, I did not know. It was probable, from the nature of the ground, to see who was the commanding officer.

Q.—Did the reconnoitering officers, Captain Canby and Lieut. Tower, accompany Colonel Riley's command, and make their reconnoissance before you had crossed the Pedregal? and was their reconnoissance made irrespective of your orders?

A.—In company with Colonel Riley they crossed the Pedregal; and I believe they reconnoitered the position; and they brought me the intelligence, after Colonel Riley had reported to me. I believe the reconnoissance was made before I got over.

Questions by Prosecution.—The witness has said that Maj. Gen. Pillow overtook the witness while the latter and General Twiggs were pushing on to gain possession of San Angel. How far is that place from the intrenched camp?

A.—Between two and a half and three miles, I think, is the distance to the nearest end of San Angel.

Q.—The witness, to a question put to him, has said that the presumption is, that the principal orders on the field are given by the senior officer. May not such presumption be contradicted by facts, and how far may such presumption be made in regard to the orders of Maj. Gen. Pillow are concerned, is not such presumption contradicted in the case of these operations on the 19th and 20th of August last?

A.—The presumption, may of course, be contradicted by facts in every case. With regard to all my movements after taking a position along side of Magruder's battery, all those movements were directed by myself; I being the senior officer present with those movements, receiving orders from nobody and being in communication with no superior officer. Except General Shields, I saw no senior officer until the arrival of Gen. Twiggs. Gen. Shields did not assume the command.

Q.—Has the witness any reason to believe that any reinforcements were thrown into Valencia's camp before the arrival of witness, or after his arrival at the village of Eusaldo?

A.—I do not recollect—I saw a small party moving between Santa Anna and Valencia, but it probably was a party sent forward to reconnoitre the ravine in front of Santa Anna's position, returning to him. It was so near dark that I could not see.

Q.—Is it not a military principle, that where general orders are given, the details must be filled out by subordinates?

A.—Undoubtedly.

General CADWALADER called by special order of the court for the defence.

General Scott objected to his being called at this time, as his cross-examination had been closed. He did not object to the witness being recalled, but at this time he had a witness waiting. He begged that his motion and the decision of the court might go on the record. The court said it would consider it, but decided to call him.

Questions by Defence.—The witness has said on his examination, that he expressed his opposition to the Tacubaya Armistice. Did the witness understand that General Pillow was opposed to said Armistice, because we surrendered the advantages we had gained without any thing in return?

A.—At the time of the conversation, which was previous to a knowledge of the terms of the Armistice, no reference could have been had to the terms of it, as we knew nothing about, as the Commissioners had not then met. At the time, neither of us understood what the Armistice was to be. Gen. Pillow certainly did object to any Armistice that did not give us decided advantages as an equivalent.

Q.—Did the witness understand, or not, that we ought not to grant the Armistice unless Chapultepec or the capital was surrendered?

A.—I do not remember—I know nothing of my own knowledge. I cannot remember now the exact stipulations Gen. Pillow thought should be insisted upon—I know he contended for material advantages.

General Pillow remarked, he hoped the court would remember that he was charged with falsehood on this very point.

General Scott rose and said, he hoped the court would remember that he chanced yesterday to make a similar remark, and he was rebuked by the court for having prompted a witness.

Q.—In your former examination, you said that you did not hear General Pillow make reference to any reinforcements coming up from the city, in his orders to you. Say whether you have since refreshed your memory, by reference to a written memoranda by yourself, and what that was?

A.—I now recollect that I had a reference to any reinforcements that might come up from the capital, which I did not remember before. There was a reference to intercepting any reinforcements spoken of, as having been given to Col. Riley, and which I was to follow.

Q.—Were Santa Anna's reinforcements checked by your command before Gen. Smith reached Eusaldo?

A.—They were entirely so, and had been so for half an hour.

Q.—Had you, previously to the arrival of Gen. Smith, made your dispositions to receive Santa Anna; and was any change in those dispositions made after the arrival of General Smith?

A.—I had established my command in position to resist the forces under Santa Anna, and no change in that position took place until Col. Morgan's regiment reinforced me, when I moved my command in a sufficient distance round the village to give him a position on the line which I defended; and I do not recollect subsequently having changed that position—certainly not materially—having occupied the wall and maguey bushes surrounding the exterior of the village—the 11th and 8 regiment facing the North, and the 14th and 15th regiments facing the direction of San Angel. The wall spoken of was a very low one.

Q.—If Santa Anna's forces had not been checked by your command, would they not have reached the village, and prevented Gen. Smith from reaching it?

A.—They certainly would have done so if Col. Riley, who was further advanced than I was, had not checked them. If this had not been done, Santa Anna would have passed into the village. Col. Riley was on the other side of the village.

Q. by prosecution.—Has not witness heretofore testified before this court that his leading principle or only instruction from Gen. Pillow was to support Col. Riley? If Col. Riley had been recalled, would witness have returned under those instructions also?

A.—I would not have been sent. It was after the officer with the order for the recall of Col. Riley had returned, that I was sent. I supposed, at the time, I was sent in consequence of that officer's not being able to reach Col. Riley. I was directed to perform the same duties which I was told Col. Riley had been sent to perform; and if the order for the recall had been subsequently given, I suppose it would have been sent to me instead of to Col. Riley.

Q.—On being ordered to follow up Riley's brigade, on the 19th of August last, and as senior officer, on coming up with that brigade, had the witness precise instructions to attack the enemy's left flank or the rear of that flank, or to occupy the village, or to take any other definite position—or did the witness march with any definite plan of operations received from Maj. Gen. Pillow? or, in other words, did the witness, as senior officer, conceive himself at liberty to make his own plans and modify them according to circumstances?

A.—The instructions were general, and I did deem myself authorized to take any position I deemed most advantageous, or any measures I thought best.

The court then adjourned to Wednesday morning.

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