The Daily Crescent.

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DAILY CRESCENT.

COURT OF INQUIRY.

Brig. Gen. NATHAN TOWSON, *President.*
" CALEB CUSHING, and
Col. W. G. BELKNAP.
Capt. SAMUEL C. RIDGELY, *Judge Advocate.*

TWENTY-SEVENTH DAY—Saturday, April 15.

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

Brevet Major General WORTH recalled for the defence:

Gen. Worth begged to make a slight correction in his answer of yesterday, where it commences in my reply to a question, yesterday, as to the arrival of the commissioners: At the time of answering that question I blended two interviews at the General-in-Chief's. At the time of the conversation referred to, a flag was announced, and I think in connection with the Mexican Commissioners, when we left, and I was invited to return at a later hour in the afternoon when the American Commissioners arrived, and I was present at the interview of the General-in-Chief with the American Commissioners (Gens. Quitman and others), referred to in the answer corrected.

Q.—At the time the conversation occurred relative to the appointment of commissioners, did witness hear Gen. Pillow say Gen. Scott had done right to appoint Gen. Quitman one of the commissioners?

A.—Yes. That was however in reply to some remarks of the General-in-Chief, in reference to the appointment of Gen. Quitman. I don't know that he said he had done right or not, but there was an expression of approval, evincing gratification at the appointment of General Quitman. The whole conversation was in the same connection with that stated yesterday.

Q.—Was witness present at Gen. Scott's quarters, at a conference held at Tacubaya on the night of the 12th of September; and if so, witness will state the views respectively of Maj. Gens. Scott and Pillow, relative to the attack on Chapultepec the following morning?

A.—I was present at a meeting of several general officers, at the quarters of the General-in-Chief. The reference to the operations of the attack on the works of Chapultepec was introduced by some remarks of the General-in-Chief, followed by an explanation, and the exhibition of a diagram by one of the Engineers—I think Capt. Lee. There were several points remarked upon, more frequently addressed, as I conceived, to Gens. Pillow and Quitman, who were immediately to participate in the assault upon Chapultepec. The idea was suggested in the course of the conversation, whether as intention, or hypothetically, I cannot now say, whether the attack upon the work should be direct or in passing round the base in the first instance. After the General-in-Chief and the Engineer officer who followed him in the explanation of the diagram, Gen. Pillow entered into the conversation; he strenuously urged the direct attack with his division, because, I supposed (so far as I understood the conversation), that it was to be a combined operation of his and Gen. Quitman's divisions, and expressed a desire to conduct the attack with his whole division. When I left the apartment, which I did on the gentleman being summoned to another room, to my knowledge, the details of the attack had not been definitely settled. Having occasion to retire to my quarters, on taking leave I asked the General-in-Chief for orders for my own government, which I received.

Q.—Did witness understand, that, agreeably to General Scott's plan of attack, General Quitman was to move upon one road and Gen. Pillow upon another road, and thus surround Chapultepec? Was it in reference to this plan that Gen. Pillow urged that he might with his division be permitted to make a direct attack?

A.—The question assumes that I have stated what I do not remember to have stated. [Question in manuscript handed to Gen. Worth by Judge Advocate.] Referring to my previous answer, and from the nature of the conversation, to the best of my recollection as to whether the proposed movement around the work was merely a suggestion thrown out for consideration, and in this sense I apprehend it should be construed—I consider the wish expressed by Gen. Pillow to make a direct attack upon Chapultepec, and with his whole division, as combatting that suggestion. The question speaks of a plan: in my answer to the suggestion, I do not consider it a plan until all was determined upon. As I have already stated, the details of the attack had not been definitely settled.

Q—Does witness recollect to have heard Gen. Scott say that he wished Gen. Quitman and Gen. Pillow to shake hands at the junction of the road, and thus make Chapultepec feel its isolation?

A—There were some such expressions uttered. I am not inclined to say that the language was uttered as a wish, but rather as an interrogatory. There were several ideas thrown out as to the different modes of attacking. According to my present impression, the suggestions thrown out by either of the parties in the first instance, were thrown out in the form in which I have stated, and appeared wholly acceptable to the other. I understood subsequently, and have no doubt it was so, that the discussion was resumed, (but it is not my own knowledge,) and the details of the attack definitively settled.

Q—Did Gen. Pillow, in this conversation, say that there was a battery on General Quitman's road, and one on his road, both of which must be carried by the bayonet; and did not Gen. Pillow ask Gen. Scott why fight those battles? A.—Gen. Pillow remarked that there was battery upon both roads; a fact which I believe we all knew. He used the expression when urging a direct attack with his whole division, and probably in reference to the suggestion about enveloping the work in the first instance, "Why fight two or three battles?" And whether that remark was addressed to the General-in-Chief or to Gen. Quitman *particularly*, I am unable to say—the latter officer occasionally joining in the conversation. The remark was made by Gen. Pillow or Gen. Quitman, speaking of the nature of the ground, that they (the batteries referred to in the last question) could not be turned.

Q—After the victories of Contreras and Churubusco, was, or was not, the city of Mexico as much in the power of the American army, as on the evening of the 13th of September?

A—That question, may it please the Court, opens a wide range of opinion, and I should have to go into a long statement of the grounds of my opinion.

Gen. Pillow rose to make a statement that the grounds of his opinion were not called for. The Court here interrupted him, and reminded him of the rule of the Court, that all arguments should be in writing. He said it was not an argument. The Court replied that *it was one* as to the relevancy of the question.]

Gen. Scott said if the Court wished to go into all of these side issues—the merits of the armistice—the relative merits of the attack upon Chapultepec, or San Antonio, &c.....[The Court here remarked that the same objection applied to the remarks of Gen. Scott, as to those of the other party. They must be in writing.]

Gen. Pillow said he would submit his argument in writing, as follows, viz:

The question now presented is deemed both material and relevant.

In the appeal of Gen. Pillow to the Government, found in the letter to the Secretary of War, (already in evidence before this Court, and introduced by the Prosecutor, by the states *as a matter of fact*, that the city of Mexico was in the power of the American army after the victories of Contreras and Churubusco, which were won at the cost of the blood of 1500 men of the army.

He further says he opposed the armistice as surrendering the advantages of those victories, and allowing the enemy time to recover from his defeat, without requiring any guaranties of the enemy's good faith; and that in his (Gen. Pillow's) course in regard to this question was, in his opinion, to be found the *true motive* of the injustice done himself by the General-in-chief, in the proceedings from which that appeal was prayed. For the statements in the same appeal, Gen. Pillow was arrested on the ground, in part, that it was *disrespectful*. It could not have been *disrespectful*, if the *facts*, as stated, *were* true.

It therefore becomes material to show that the *facts*, as stated, are *true*.

This *appeal*, for which Gen. Pillow was arrested, was a matter of right secured *to him by law*; and his wrongful arrest for the exercise of a clear legal right, by appealing from injustice, is a *matter* directly connected with the charges in this case ordered to be investigated, and therefore comes clearly within the order of the Government directing this investigation. As such, this proof is offered.

Respectfully submitted.

GID. J. PILLOW, Maj. Gen. U. S. A.

Gen. Pillow, after submitting his motion, wished to call the attention of the Court to the part of the order which reads "and into such other matters relating or relative to the same."

The Judge Advocate asked if the letter referred to had been sent on? Gen. Pillow said it had not, but was on the record of the Court in evidence; and he wished to show that the expression of his opinion therein was the ground of the hostility of the prosecutor; and the disrespect of expressing that opinion, the ground of his arrest.

Gen. Scott said, that if the Court would refer to the endorsement of the paper referred to, they would find the true grounds of his arrest—and that the paper was not sent on, because of his having taken the word of Gen. Pillow. Endorsement as follows, viz:

"P. S. Under paragraph 272 of Regulations, I have forwarded a duplicate copy of this directly to the Secretary of War, to guard against the hazards of miscarriage.

(Signed), G. J. PILLOW."

Gen. Pillow said that the mistake of reference, in the endorsement, had been promptly reported to the Gen. A. G., Capt. Scott, and he had said, in the name of the General-in-Chief, that the paper should be forwarded.

Gen. Scott stated that it would, he knew, be forwarded upon the records of this Court; and he did not think it necessary to forward it after the explanation, on account of the reasons given therein. The Court here interfered, and directed the conversation to cease. General Scott said, if the opposite party were allowed to make such remarks, he must be allowed to reply. The Court said those remarks of Gen. Pillow were in reply to an inquiry from one of the Court.

Gen. Scott then submitted his motion, as follows, viz:

Mr. President and Gentlemen of the Court:—I have no objection to send the question propounded to the witness, other than that it will necessarily force me, as prosecutor and late commander, to go into the *secrets* of the *Tacubaya armistice*, which is, in no degree, involved in any specification now under investigation before this Court.

Respectfully submitted. (Signed)

In Court, April 15, 1848. WINFIELD SCOTT.

The Court, on being cleared and reopened, decided that the question should not be answered.

Q—Did the interview on the morning of the 22d August, between the three Generals mentioned by the witness, take place before or after Commissioners on the part of the American army had been designated to treat of an armistice? Did it take place before the Commissioners on the part of the American army had been announced, but not before they had been in part determined upon, as the General-in-Chief on my joining him informed me that I was to be one, and named another, and was in doubt as to the third; that is, hesitating between two or three persons.

Q—Did or did not Major-General Scott on the occasion referred to give some friendly explanations to witness, and Major-General Pillow, why he had not appointed them (the second and third in rank in the army) Commissioners, and if the conversation of said Pillow to an armistice?

A.—The General-in-Chief addressed himself to Gen. Pillow on the occasion, and in the manner I have already stated, explanatory of the reason why he had not named him on the Commission. I did not consider his remarks on that occasion as all applicable to myself, inasmuch as I had been named in the first instance, at the head of commission, and ceased to be there by my own act. But it is proper I should add, I was not taken off the commission by my own act because of a disinclination to the duty, but for an entirely different reason. General Scott's language betrayed no knowledge of General Pillow's opposition in reference to the armistice, none whatever, according to my observation, and I did not remark any or know of any.

Q—Did not the said Scott the same day give to the witness some friendly explanation why he had not, or ought not, to name the witness as one of the Commissioners?

A—In answering that question I shall be obliged to go into the reasons for not being one of the commission. I can remark to the court and the parties, and they will see I shall be very brief.

"The court does not see the importance or bearing of the question."

GEN. SCOTT said—"I do not insist: though if answered, I wish every latitude to be allowed to the witness."

Q—At any reading of the instructions to the Commissioners, did Major Gen. Pillow join in hope expressed by witness that the demand of Chapultepec would be made a condition; or did witness expressly call the attention of Major Gen. Scott to the opinions of Major Gen. Pillow on the subject?

A—At the reading of the complete instructions as I supposed them to be (they may have been altered or may not) upon my expressing the hope in respect to Chapultepec, I did not call the attention of the General-in-Chief to the opinions of Gen. Pillow—but immediately after my remark Gen. Pillow did express the same or similar sentiments in very much the same form and the same manner.

Q—In the written instructions for the American Commissioners read to witness, was not the demand for Chapultepec included, and this before any suggestion had been made to said Scott by any source known to witness?

A—In the instructions prepared for the Commissioners and read to Gen. Pillow and myself in the morning, there was not to my recollection of it, a demand for the surrender of Chapultepec; but before separating from the General-in-Chief, and after the conversation previously related, he either stated distinctly or intimated his intention to make such a demand. At the final reading of the instructions at the meeting of the Commissioners with the General-in Chief, I was present later in the day, and remained present by his request; heard him read over the instructions to the Commissioners, accompanied by the necessary explanations. In those instructions then read, there was a demand for the surrender of Chapultepec, or that its occupation should be insisted upon, in respect to which demand special instructions and explanations were given to the Commissioners by the General-in-Chief.

Q—When the said Scott read the instructions to the Commissioners, in part to Gen. Pillow and witness, and informed them that he would soon complete the said paper—did he not, after the completion of the paper, read again the instructions to said witness and Pillow, and did not the paper then read contain the demand for Chapultepec—and this, before any remark on the subject had been made by witness or Gen. Pillow to said Scott?

A—As I have already stated to the best of my recollection, I repeat that the demand for the surrender of Chapultepec was not in the first reading of the complete paper; that if so, it did not catch my ear or attention. Had I been aware of its being there, I certainly should not have intruded the expression of the *hope* on returning to the room—but such *might* be the case. That the subject of Chapultepec in its military aspect had been one (the subject) of several conversations between the General-in-Chief and myself prior to this reading, and much occupied his thoughts, is within my recollection; but I have no knowledge on which to found a belief of his intention to make it a condition of the armistice until subsequently to the first conversation referred to in my answer. There was further conversation on the subject, which resulted in the calling of our Engineer, but that does not enter into the answer of the question.

Q—After the second reading of the paper, witness will please reflect and say whether the passage relative to Chapultepec was not then read, and whether the remark of witness and Major Gen. Pillow was not then made and the reading of the paper subsequently completed?

A—I have stated according to my best recollection the order of events in respect to that matter—my impression and belief is as I have stated. I have no recall no knowledge of the intention of the General-in-Chief to make that demand a condition until hearing the instructions read to the Commissioners as already narrated. On the return of Gen. Pillow and myself to the private apartment of the General-in-Chief, as before stated, the conversation was brief, and interrupted by the announcement of the flag. As to whether my remark was made before reading the completed paper, it may or may not have been made. I cannot now recollect.

Q—Is the witness *certain* that at the second reading of the instructions the demand for Chapultepec was not included?

A—I answer no; I am not certain—I have already stated that according to the best of my belief and recollection it was not there—and if it was, it did not catch my attention or my ear.

Q—Can the witness recollect in what part of the paper the instructions concerning Chapultepec were inserted. Was it in the middle or end of the paper?

A—I do not recollect.

Q—In the conversation witness says he had held with said Scott respecting the Castle of Chapultepec, prior to August 22d, witness will state his recollection of said conversation, and whether any thing was said by either respecting the demand of Chapultepec in an armistice, and state what were the respective opinions of witness and said Scott—if their opinions were at variance?

A—The conversations referred to between the witness and the General-in-Chief, prior to the morning when comparing the instructions for the Commissioners, did not refer to the armistice, but to the military qualities of the position. In regard to its local value for instance, in reference to the command of Tacubaya, as covering depots and hospitals at that place, etc., *I believe* I had the *honor* to coincide in opinion with the General-in-Chief, but to differ with him in respect to its value in an ultimate attack upon the city. About the period of those conversations, the General-in-Chief had not determined within my knowledge his precise front or point of attack upon the city, and remarked on one occasion, while yet unresolved on the matter, that once in possession of the city the Castle would fall of course. I think the remark was "fall by its isolation." That remark supposed an attack upon the city from a different quarter. I think that there may not have been more than one conversation prior to the conversation between Gens. Scott, Pillow and myself, on the morning of the 22d, which was short, brief and hurried—the others we e subsequent.

Q—When was it that the said Scott said to witness that the possession of the city would cause the fall of Chapultepec? Was it before or after the morning of the 11th, when the said Scott was endeavoring to ascertain the eligibility of an attack on the South side?

A—The subject of Chapultepec, and an assault upon the city, should circumstances render it necessary, were occasional subjects of conversation subsequent to the armistice; the more particular conversation referred to in the question must have occurred after the armistice was dissolved; and from the very nature of the circumstances of the case, probably occurred between the 8th and the 12th; it was during the period when diligent reconnoissances were in operation upon several points, including the South side. I believe it was not until the 10th or 11th—I think it was the 11th—that the point on which a conference were held at Piedad, when the point of attack was ultimately determined upon before proceeding to the conferences at Piedad. The General-in-Chief gave me instructions to select points in connection with the ordnance and engineer officer; to select points on which to place batteries to bear upon Chapultepec; and I gave to those officers the necessary instructions, and they made their report to the General-in Chief and received his orders, and looked to that front of attack.

Q—The witness has spoken of some hypothetical proposition made of passing around the base of Chapultepec. By whom was such suggestion made, and what countenance, if any, did Gen. Scott give to such suggestion?

A—I stated that the idea was thrown out, or the suggestion made as I thought interrogatively among other suggestions. My impression is, that the remark referred to was made by the General-in-Chief, not as a determination, or as evincing a fixed purpose, but as a suggestion in the sense I have stated. I have stated in my previous testimony, what I desire to repeat here, that the discussion upon the subject was not concluded, nor the details of the operation announced, while I was present.

Q—Does the witness chance to remember that one of the two Major-Generals present, said to the other pleasantly, "we will enter and shake hands in the work?"

A—I have heard of that remark being made—I have no doubt it was made, but I cannot of my own recall that I myself heard it. I waited no longer than to receive my instructions, and retired, being very much indisposed.

Q—Will witness reflect and say, whether it was not Major General Quitman, who said playfully to Major General Pillow, "we will meet in the work and shake hands?"

A—I cannot recall who made the remark—whether I heard it or heard of it—remembering it however as evincing cordial cooperation. From the instant of the summons to another room, until I left the apartment, which could not exceed, if it reached one minute, my attention was occupied in receiving the orders of the General-in-Chief for the following morning, which were expressed in two or three words, in answer to a simple interrogatory.

Q—Can the witness distinctly remember that said Scott said any thing about shaking hands between Gen. Pillow and Quitman other than within the work?

A—I cannot recollect any thing of the conversation, or of the expressions in the question other than I have already stated.

Q—Has not the witness already stated, admitting about Gens. Pillow and Quitman waiting at the base of Chapultepec and shaking hands, and may he not have mistaken the remark made by either Gen. Quitman or Pillow for one made by said Scott?

A—I may have been mistaken. I speak to the best of my recollection.

Q—Was, or not, the witness present at the beginning of the interview referred to; and who was present when witness reached the quarters of Gen. Scott?

A—I was present at the beginning of the interview. So far as relates to Gens. Pillow and Quitman, I reached there certainly before the latter. There were several of the staff there before I reached there.

Q—Did the said Scott invite the witness to accompany him to Piedad on the 11th of September; and what was then the basis of the said Scott's mind until the actual attack?

A—The General-in-chief invited me to accompany him to Piedad on the day mentioned, and excused me, at my request, having many duties on hand—among others, the special service with which he had charged me, that of fixing points for batteries. I had no doubt then, and I was gratified to discover, that his intention was to conduct the work by a cannonade, and I inferred from that proposed operation a disposition to make an attack of the city on that front. It was an inference I had no positive knowledge of until the return from Piedad.

Q—What passed in the interview, September 12, between said Pillow and Scott, relative to the attack from the west by one or two brigades of Pillow's division, with a storming party from Worth's division, aided by the heavy batteries Nos. 1, 2, 3 and 4, together with a simultaneous attack from another direction by Quitman's division, reinforced by Smith's brigade, and a storming party from Twiggs's division?

A—Among the several suggestions thrown out, and so far as I was present and heard—they were but suggestions—was *that* by the General-in-chief, that the main assault from the west should be with one brigade of Gen. Pillow's division, in combination with a storming party of some 250 men, taken from any division, and which had been previously organized in the same connection of suggestion; an attack from Gen. Quitman's command, similarly combined with a storming party, was to assault the other or south front in the same connection; the fire in the early morning, of the batteries referred to, was to be resumed and continued until the time of making the assault; and I afterwards understood that the cessation of the fire of those batteries was to be the signal for the assault. It was in reference to the first point that I understood Gen Pillow to allude, when he expressed his desire to have his whole division. When Gen. Quitman spoke he differed in several points from the suggestions, and when I separated from the parties I had no clear and distinct idea of what were to be the details of the operations for the next morning; and hence it was before leaving that I sought the General-in-chief for orders for the government of my own command, and received them.

Q—The witness has spoken of the selection of sites for heavy batteries against Chapultepec on the morning of the 11th. What does witness chance to know of the collection of scaling ladders?

A—The General-in-chief charged me with the collection, of scaling ladders, and I entered immediately upon the duty giving the necessary instructions to Quartermaster Myers, of my division, who in a short time reported the number obtained. They were ladders gathered from the town people, to be used as scaling ladders, and seperated, where their length admitted, into more than one. On reaching headquarters that evening, I communicated what the quartermaster had done. I think the order to collect scaling ladders was given on the morning of the 12th. It was subsequent to fixing the points for batteries, and probably after they had opened their fire.

Q—As far as witness knew, had the said Scott, from the morning of the 11th until Chapultepec was carried, any plan of attack, except to take that place by a bombardment and *escalade?*

A—I know of no plan other than, as I inferred, the design of assaulting Chapultepec by cannonade on the 11th, the subsequent announcement, (indicated by the collection of scaling ladders, and formation of storming parties on the evening of the 12th,) to storm it the next morning.

Q—How much time, as far as witness can recollect, was employed after the battle of Molino del Rey, and prior to the attack upon Chapultepec, at general headquarters, making reconnoissances, in forming depots and bringing distant troops nearer to Tacubaya, and moving ordnance stores? was not witness' division constantly employed, during the same period, for the same objects?

A—I believe most of the time between the specified dates, all for aught I know, was occupied in the objects embraced in the first member of the question. In respect to the part of the question relating to my own division, I answer—yes.

The Court then adjourned until 9 A. M., on Monday morning next.

TWENTY-EIGHTH DAY—Monday, April 17.

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

Lt. RIPLEY recalled:

Question by Defence—Was witness present upon the mound when Mr. Lay came up on the 19th of August last, and announced the approach of Major General Scott; and was his tone of announcement loud enough for Major Gen. Pillow to hear?

A—I was present on the mound on the 19th of August, when Mr. Lay came up and announced the near approach of Gen. Scott from the foot of the mound, and in a tone loud enough for me to hear. I think I was standing at the time near Gen. Pillow.

Q—How long was it, after Gen. Scott arrived upon the field, before Mr. Lay returned to the mound?

A—I did not see him for a half or three quarters of an hour after Gen. Scott's arrival. He was then returning to the mound from the position of Magruder's battery, and I met him about half way.

Question by Prosecution—The witness has heretofore given in his evidence reasons for knowing or believing that Maj. Gen. Pillow was not at the quarters of Maj. Gen. Scott on the 9th and 10th September last, nor until the night of the 11th; he has also spoken of the said Pillow passing from the battle-field of the 8th (Molino del Rey) to the hacienda San Borga. Did not the said Pillow call at the said Scott's quarters, in Tacubaya, and there breakfast, lunch, or dine, before proceeding to the said hacienda, on the said 8th of September?

A—I think I stated, in my evidence before, that I rode from Tacubaya after the battle of Molino del Rey, with Gen. Pillow, to the hacienda San Borga. I came into Tacubaya from the battle-field by a different road from the one by which Gen. Pillow came in. I stopped some little time at the quarters of my regiment, which were on the road down to Gen. Scott's quarters; Gen. Pillow came from Gen Scott's quarters shortly afterwards, mounted his horse, and rode off. What happened in the quarters, I know nothing of; I don't think I was in there. This was about two or three o'clock in the afternoon.

Lt. RAINES, A. D. C., duly sworn:

Q—Was the witness with Gen. Pillow at Piedad, on the 9th of September? If so, he will state what message he bore to Gen. Scott from Gen. Pillow.

A—I was at Piedad on the 9th of September, and was dispatched by Gen. Pillow with a message to Gen. Scott at Tacubaya, to detail the result of a reconnoissance made by Gen. Pillow and myself.

Having arrived at Tacubaya, I gave General Scott the information that the works of the enemy in the neighborhood of Piedad, or rather the works about San Antonio, were in an incomplete state. I informed Gen. Scott, in addition, that there were two guns that bore upon our position, with some two or three more at the other end of the line of entrenchments, by that time, I believe I supposed there was a less number of guns than what I have stated; that the enemy had a very large force of laborers engaged in rapidly perfecting their line of works, and, consequently, General Pillow requested that the General-in-chief would come himself, if his time served, to look at the position of things; but that if he was not able to come himself, to send his engineer. The General-in-Chief replied that he had already intended, or resolved, not only to make a minute reconnoissance, in person, of the works in question, but also to send the most, if not all, of the engineers for the same purpose, and to inform Gen. Pillow, that he would follow me rapidly to Piedad.

Q—Witness will state, if after Gen. Pillow established his quarters at Piedad, he was absent at any time sufficiently long to go to Tacubaya. Witness will also state at what time on the evening of the 11th Gen. Pillow left with his command for Tacubaya, previous to the assault on Chapultepec.

A—I am under the strong impression, that during the interval in question, that Gen. Pillow was not absent from Piedad a sufficient length of time to go to Tacubaya and return. General Pillow's command left Piedad about eight or nine o'clock, P. M.; nearer nine than eight I should think, for Tacubaya, where he and his command arrived probably between ten and eleven.

Q—Was witness himself at Piedad during the whole time previous to the departure of the command on the evening of the 11th, excepting the time occupied in bearing the message to Gen. Scott on the 9th?

A—I was at Piedad or its neighborhood, during the time specified, it is my impression.

Q—Witness will state, if within his knowledge, whether Gen. Pillow was absent from Piedad on the night of the 9th or before?

A—I feel quite sure that he was not absent during the day of the 9th, or the night of the 9th. I feel pretty sure that he was not absent on the night of the 9th.

Q—Witness will state, if he knows, what were Gen. Pillow's views relative to the Tacubaya armistice, before that measure was consummated; and what induced Gen. Pillow to address a note to Major General Scott on the armistice.

A—On the 22d of August last Gen Pillow, as returning from an interview with the Commander in-chief, at Tacubaya to Miscoac, and entered into the following conversation, in substance, with myself:—"Well, our armistice has been determined on by Gen. Scott, who has appointed, or is about to appoint Commissioners to fix on its terms." I asked "What are your views?" He replied, "Chapultepec was not to be required to be given up, leaving it in the hands of the enemy, and the army were not to have general access to the city." I replied "I was very sorry for it; that the General-in-chief had a very great popularity in the army, which would be raised to enthusiasm by his taking forcible possession of the city of Mexico, and I thought the armistice, particularly its terms, being not to be received by the army with much favor." Gen. Pillow replied, "he thought so too; that he was opposed to any armistice, particularly one which did not require Chapultepec to be placed in our possession." I asked "if he had expressed himself in these terms to the General-in-chief?" He said "he had not, or had not done so strongly." I do not know which, "because the General-in-chief did not like opposition to his views." I replied "that I thought it due to the General-in-chief, on the terms of intimacy which rested between them, that he should have expressed himself freely on the subject." He said then "that he should write a note, giving his opinions in relation to the armistice, which he wished I would take to the Commander-in-chief, as I could probably obtain an interview with him, having formerly been an Aide-de-camp, and could express to him more clearly, possibly, than the note would do, his opinions on the subject, on our arrival at Miscoac." Gen. Pillow wrote a note and read it to me. I observed "it was useless for me to return to Tacubaya with the note, as the General-in-chief's time was so much occupied that I would have no means of obtaining a personal interview." By whom it was sent, if ever sent, I do not know.

Q—Witness will examine the note before the court, and say if that is the note referred to in his testimony?

A—I judge it to be the same note; there is the same substance in it.

Q—Witness will state if he knows at what date that note was written, and what he knows, or has reason to believe, concerning the channel by which it was transmitted?

A—I judge it to be on the 22d of August, because it was the next day after arriving at Miscoac.

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Q—Witness will state if he was separated from General Pillow on the 20th of August, by being struck by a cannon ball. And state also, when and where witness joined Gen. Pillow after the battle of Churubusco?

A—I was separated from Gen. Pillow a few minutes before the time specified, and remained separated for the reason that I could not find him afterwards, as I supposed he was on one side of the road, whereas he was on the other at the occurrence in question. When I next saw him, it was at or near the Portales, a short time after I returned from accompanying Kearny's charge a short distance.

Q—Where was General Pillow first placed after he was brought into the work at Chapultepec, and before being carried into the building?

A—I know nothing of it personally.

Q. by prosecution.—Had the witness, at the time he was sent by Major Gen. Pillow to Gen. Scott, on the 9th of September, any information that said works had already been examined by engineers from general headquarters?

A.—Yes: I think they had been; I do n't know that they were under examination at that moment.

Q.—Did witness return from Maj. Gen. Pillow, at the time of his conversation, on the 22d of August, that said Pillow had not been appointed on the commission?—and what further information did said Pillow give the witness concerning the instructions to the Commissioners?

A.—Gen. Pillow told me he was not on the Commission; he had not been appointed. He declined giving me any information in regard to the instructions at that time. I requested him to do so, but he declined. I do not know whether what I have stated in reference to the Castle of Chapultepec, and access to the City, was in the instructions or not. If so, he said nothing about it.

Q.—Was Brigadier General Pierce present when the note of Gen. Pillow to Gen. Scott concerning the armistice was produced—and, if so, was the note read to said Pierce?

A.—I have no recollection of any connexion of Gen. Pierce with the note, except by hearsay; it may have taken place; if so, I have forgotten. He may have been present; he was present that afternoon at our quarters, for he lived in the next room adjoining.

Q.—Does the witness chance to know whether Mr. Freaner was present when the said note was produced and read?

A.—I do not recollect—I cannot call it to mind—he may or may not have been. He was at our quarters once or twice—perhaps more times—I do not recollect as to that particular time.

Q.—How long, as far as witness can judge, had Valencia's entrenched camp been carried before Maj. Gen. Pillow arrived at the camp, on the morning of the 20th of August last?

A.—When we were near the foot of the Mound, next to San Agustin—where the wagons and teams were clustered, not being able to get any farther—we learned that the battle was then going on; we advanced beyond the mound into the open fields, where we stopped for a few moments for Gen. Pillow to observe the enemy's entrenchments with a spyglass, when we saw that our troops were in the work, either in a part or the whole of it, when Gen. Pillow sent Mr. Ripley back to report it, and we galloped rapidly forward—as rapidly as we could, considering the nature of the ground.

Q.—Does the witness chance to know in reference to the point of time of the capture of the work at Chapultepec, on the 28th of September, at what time Major-General Pillow was brought into the work?

A—I can state, then, that Gen. Pillow being at the foot of the hill while the assault was going on, there was a shout raised by our troops, and I was requested by Gen. Pillow to ascend the hill where the assault was going on, and see what it meant. I did so rapidly, and arrived at the crest of the hill in time to pass over with the near troops into the work. The shout was raised on the rush of our troops, in the excitement of the moment, and I continued on with the troops nearly to the East end of the body of the work, before I recollected that I had to go back and report to General Pillow. I returned as rapidly as I could among the men, to the foot of the hill. Gen. Pillow had been removed, and was being carried up the hill; I missed him on the way, and it was some little time before I saw him in the work.

Q.—Had the Mexican garrison been captured, killed and driven out of the work when witness left it to seek Maj. Gen. Pillow?

A.—It had. There was a fire going on, but I took it to be a fire from our own troops in the Castle on the enemy, down into the grove below on the east side, and a return fire from the enemy.

Q.—The witness has said, that in returning from the Castle he missed Maj. Gen. Pillow. Will witness describe, as near as he can, the route taken by witness in returning, as well as that of Gen. Pillow in ascending the hill?

A.—In coming down to the foot of the hill, and arriving at the place where Gen. Pillow had been, not finding him there, I went first to the left of the hill looking up the slope. Finding he had not been taken in this direction, which at the time was impracticable, I returned to the place where he had been; supposing that he might have been taken to the Molino del Rey buildings to have his wound dressed—I proceeded in that direction until I found such had not been the case. There was but one other path to get off by, and that was the one leading up to the camp, which ascended the hill, which hence must have been the course by which he was carried.

Q.—Was there any fire from the enemy upon or in the direction of the witness, when he ascended or reascended the hill?

A.—None, necessarily, since I was upon the western portion of the hill, where all the firing had entirely ceased.

Q.—At what point, about the foot of the hill, did witness leave Gen. Pillow when he ascended it?

A.—I think a little to the right of the centre of the base of the hill, looking up. The centre of the base being determined by drawing a tangent to the hill parallel to the front of the woods. He was to the right of that point.

Q.—Does the witness chance to know that after the battle on the 8th of September last, Gen. Pillow called at the quarters of Gen. Scott at Tacubaya, and how long did he remain there?

A.—My memory is indistinct as to the time he remained. I know that he called there, because I called with him.

Q.—Did Maj. Gen. Pillow remain at Gen. Scott's quarters after the battle of the 8th September, 10, 15 or 20 minutes, or what length of time did he remain at Gen. Scott's quarters, and did he breakfast, lunch or dine there on that day?

A.—He did not breakfast there to my knowledge, on the morning of the 8th. I do not know whether he lunched; I think he lunched there—that is my impression—I will not be certain. On his return from the battle-field as to the length of time, as I said before, my memory is indistinct, but I think over, or at least, 20 minutes, if he lunched there.

Q.—What does the witness know concerning a personal combat between Maj. Gen. Pillow, in or about any of the battle-fields of Mexico; or what does the witness know of the said Pillow having slain with his own hand any hostile Mexican officer or man?

A.—Nothing, personally.

Q.—*By Defence:* Where were the wagons of which witness spoke as having been the place where Gen. Pillow got the first information that a battle was going on, and did or did not Gen. Pillow ride on rapidly from that point to the place where the glass was first used?

A.—I think the place referred to was at the foot of a slope, at the bottom of the hill of Tecatepec. My recollection of the ground is not very distinct, as I have not been over the ground since that time. It took us but a few minutes to ride over the ground to where the spyglass was taken out, and we galloped with greater rapidity over the ground than we would have done under other circumstances.

Q—At the time the enemy's works were observed with the glass, witness will state whether Gen. Pillow did not say he saw the enemy retreating?

A—I don't recollect that remark. I saw myself what I took to be the enemy in retreat; but it might have been our own troops. I had no glass.

Q—Was not Gen. Pillow's command, and a portion of Gen. Twiggs's, still in and near the works when he entered them?

A—Yes. The 4th Artillery of Gen. Twiggs' and Cadwalader's brigade, or a portion of it, was in the works, or near it, when we entered. A portion of his command was in the works, and I believe the remaining portion was at the bridge some 150 yards off.

Q—What orders did Gen. Pillow give witness about detailing the 14th Infantry to guard the prisoners, and what duty was given the witness to perform?

A—Gen. Pillow ordered the 14th Infantry by himself in person, I think, to guard the prisoners, having detached me a few minutes previously to where the prisoners were, to see that they were properly taken care of, and to take a list of their names and rank, which I did, and gave to Col. Hitchcock that same morning. I don't know what regiment I answered, taking it from the question; I think it was the 15th—Major Woods, I know, was with them.

Q—Was witness himself at Piedad during the whole time previous to the departure of the command on the evening of the 11th, excepting the time occupied in bearing the message to Gen. Scott on the 9th?

A—I was at Piedad or its neighborhood, during the time specified, it is my impression.

Q—Witness will state, if within his knowledge, whether Gen. Pillow was absent from Piedad on the night of the 9th or before?

A—I feel quite sure that he was not absent during the day of the 9th, or the night of the 9th. I feel pretty sure that he was not absent on the night of the 9th.

Q—Witness will state, if he knows, what were Gen. Pillow's views relative to the Tacubaya armistice, before that measure was consummated; and what induced Gen. Pillow to address a note to Major General Scott on the armistice.

A—On the 22d of August last Gen Pillow, as returning from an interview with the Commander in-chief, at Tacubaya to Miscoac, and entered into the following conversation, in substance, with myself:—"Well, our armistice has been determined on by Gen. Scott, who has appointed, or is about to appoint Commissioners to fix on its terms." I asked "What are your views?" He replied, "Chapultepec was not to be required to be given up, leaving it in the hands of the enemy, and the army were not to have general access to the city." I replied "I was very sorry for it; that the General-in-chief had a very great popularity in the army, which would be raised to enthusiasm by his taking forcible possession of the city of Mexico, and I thought the armistice, particularly its terms, being not to be received by the army with much favor." Gen. Pillow replied, "he thought so too; that he was opposed to any armistice, particularly one which did not require Chapultepec to be placed in our possession." I asked "if he had expressed himself in these terms to the General-in-chief?" He said "he had not, or had not done so strongly." I do not know which, "because the General-in-chief did not like opposition to his views." I replied "that I thought it due to the General-in-chief, on the terms of intimacy which rested between them, that he should have expressed himself freely on the subject." He said then "that he should write a note, giving his opinions in relation to the armistice, which he wished I would take to the Commander-in-chief, as I could probably obtain an interview with him, having formerly been an Aide-de-camp, and could express to him more clearly, possibly, than the note would do, his opinions on the subject, on our arrival at Miscoac." Gen. Pillow wrote a note and read it to me. I observed "it was useless for me to return to Tacubaya with the note, as the General-in-chief's time was so much occupied that I would have no means of obtaining a personal interview." By whom it was sent, if ever sent, I do not know.

Q—Witness will examine the note before the court, and say if that is the note referred to in his testimony?

A—I judge it to be the same note; there is the same substance in it.

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