

charge shall have been entered upon. Of the witnesses that I should call, if there be time to support the two charges or their specification, some eighteen are still, I believe, in this country, about twelve have returned to the United States. The names of these I shall be ready to hand to the judge advocate to-morrow, in order that they may be summoned, &c., unless the court shall foresee an early adjournment to the United States. In respect to the absent witnesses, I desire to say that several were ordered home, by the first train, November 1, before I had formed any intention of arresting the general officer in question, and indeed before I had become acquainted, except but very partially, with a small number of the matters laid to his charge. By the subsequent trains—the second, December 9, and the third, January 14—other witnesses were allowed to depart, because I thought it would be as easy, under Major General Pillow's refusal to take depositions here, to recall all, as it would be to recall or take depositions, by commission, of the few.

Some other witnesses went down by the last train, (March 6,) under the directions of my successor in command.

Respectfully submitted.

WINFIELD SCOTT.

MEXICO, *March 20, 1848.*

The court then decided to take up the case of Major General Pillow, and proceed with the investigation of the charges against him.

The charges were then read.

Major General Scott stated to the court that he wished to fill one or two blanks in the charges, and also to add another specification.

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

CITY OF MEXICO, *March 21, 1848.*

The court met pursuant to adjournment.

Present: All the members, and the judge advocate, and recorder.

Major General Scott in attendance.

Major General Pillow before the court.

General Scott called the attention of the court to an error in the report of the proceedings of yesterday by the "*Star*" newspaper.

General Pillow read the paper annexed, and marked D.

The court informed General Pillow that it was intended to hear the evidence on each separate charge, as far as was practicable, before proceeding to the next.

Major General Scott said that he should only fill the blanks left for the dates in the charges, but would not add any other specifications. The first charge and its specification was then read. General Scott presented the paper marked 1, which General Pillow desired to see, and thereupon made the following statement in writing, marked 2.

General Pillow admits that the paper here presented, marked 1, he caused to be furnished by the clerk of his adjutant general, to Mr. Freamer, knowing him to be the correspondent of the New Orleans Delta.

The paper was furnished at the request of Mr. Freamer, is in the handwriting of the said clerk, Dr. Heistand, and is, as far as the facts relative to my orders, the movements of the troops under my command on the 19th and 20th August, the forces engaged, and the statement of the fact of my having shot a Mexican officer, is a substantial copy of my rough report from which it was taken. The caption and concluding portions was not copied from that report. The following words, interlined in this paper, are in my own handwriting, viz: "*battery,*" "*it,*" "*ground,*" "*the general,*" "*gen'l,*" "*in conjunction,*" "*in person,*" "*about,*" "*universal,*" "*and general remark with all,*" "*very respectfully.*"

The facts as stated in the paper referred, I am prepared to prove are substantially true.

GID. J. PILLOW.

General Scott then presented printed copies of the letter signed Leonidas in the New Orleans daily Delta, of September 10, 1847, and in the Picayune of September 16, 1847, also the paper marked 3.

Mr. James L. Freamer, a witness, duly sworn.

Question by General Scott. What does the witness know of the two papers now shown him?

Answer. This paper I received from Major General Pillow; this paper is marked 1. The evening I received it, and before I received it, in passing by, or stopping at, General Pillow's quarters, I was requested to call in the evening, earnestly requested, by General Pillow. I stated to him that I had to go to Tacubaya that night; that I had to prepare a brief account of the battles of Contreras and Churubusco, which I wanted to dispatch the next day by special courier. He told me that if I would come back to his house that night, that he would give me a good place to write, and a comfortable place to sleep, and as good a supper as soldiers generally got, or something to that effect. I state the substance of the conversation. After I stated it was inconvenient, he urged it upon me, and I promised to return, and did so; it rained during the time of my return while on the road. After supper I went with General Pillow into his bed-room, adjoining the dining-room, and, after some conversation with him, the whole of which I do not recollect, he handed me the paper marked 1; previous to handing it to me he read it and interlined it. I stated to General Pillow that I did not intend sending off the next day a detailed account of the battle; that I merely wanted to announce the general result as quickly as possible; and that I intended, in a few days, to send again, when I would have a better opportunity of stating matters correctly in reference to the battles. General Pillow then told me that he was very anxious that this should go off with the first impressions, and he desired me to engraft this in my report.

He told me that he had had it prepared for me. Then, after some conversation, I said, General Pillow, let me take that, (reaching for the paper.) He made no objection, and I took it and put it in my pocket. When I came to look at the paper, or portions of it, I believed it to be incorrect, and never looked at it again until I came into the city. I put it with some other papers tied up in a drawer in my quarters in town. When the Leonidas letter came back, and there was some talk about it, I hunted for this paper and found it, and when I showed it to one or two persons, they said it was very similar to the Leonidas letter; that they were twin brothers, I think, was the remark. I then myself compared them. I then placed the paper away, after making a copy. Sometime afterwards, I don't remember at what date, I received a verbal message, by a soldier, from General Pillow, that he wanted to see me. I was on my way out of town at the time. I stopped at his house; he asked me if I recollected receiving a paper from him at Mixcoac, (I supposed referring to this.) I replied to him that I did. He asked me then if I still had it in my possession. I told him I had. He then told me he wanted me to return it to him. I replied to him that I was on my road out of town, and that when I returned in the evening I would see about it, and that he should hear from me. He told me that he did not want me to neglect it. In the course of the conversation, he remarked that he had had that prepared for me as an abstract of his report, and that he had been told, by the editors of the New Orleans Delta, while in New Orleans, that I was a man that could be relied upon; and that he should deem it a violation of friendship, or confidence, I don't recollect which, if any improper use were made of that paper. I left him, assuring him that he should hear from me that evening; that I would see about it. In the evening I wrote a note, of which this is a copy. (Annexed, marked B.) To which I received, in reply, the note marked C.

Upon the publication of the letter of Leonidas, I wrote to the editors of the Delta to preserve the original of "Leonidas," and when in New Orleans I received this letter, marked 3, from Mr. McGinnis, the business editor of the Delta.

Question by prosecutor. At what place and about what time did you hold the conversation with Major General Pillow, in respect to the paper marked No. 1?

Answer. At Mixcoac, and I think it was about the 23d. It was between the 20th and 25th of August.

Question by prosecutor. Is the witness acquainted with the handwriting of Major General Pillow, and if so, will he look at the paper marked 3, and say whether there be any words on the face of that paper in the handwriting of that general?

Answer. I am not intimate with the handwriting of General Pillow, though I have seen his handwriting. I saw him make an interlineation of two words in the paper marked No. 1.

General Pillow objected to the last part of the question, as the

witness had not shown a competent knowledge of his handwriting to give an opinion.

The court decided that the question might be asked, and the court would give such weight to the answer as they might think it deserves.

The witness goes on: From what I have seen of General Pillow's handwriting, I should judge that the word "*victorious*," on the third page of the letter, is in his handwriting, and the word "*nothing*," on the sixth page, to be also in his handwriting, and the words "*been better*" and "*than*" also in the same line.

Cross-examination.

Question by defence. What were your social relations to General Pillow, at the time he invited you to his quarters to partake of his hospitality, and had you partaken of his hospitality frequently before and after?

Answer. My social relations with General Pillow, at that time, were as intimate as our different positions would admit of, perhaps more so. I have perhaps a half a dozen times taken a drink of whiskey with him, at his own request. He has often invited me, and I have generally shunned his invitations to partake of his hospitality, as I have generally done with officers of the army of high rank. The night I returned to Mixcoac, his solicitations were so urgent that I could not well resist them. I never had any personal acquaintance with General Pillow until he arrived at Puebla.

Question by defence. Did you never eat at my table, or forage your horse at my quarters?

Answer. I foraged my horse there that night, but I do not recollect of eating at his table, though I may have done so sometimes in passing around the camp. My acquaintance with General Pillow commenced at Puebla, and a few days before the march to the valley of Mexico.

Question by defence. Where were you when I invited you to call on your return from Tacubaya; were you in my quarters or on horseback?

Answer. I am not positive, but it is my impression that he invited me while I was in his quarters, and after I got on horseback. I am not positive that I dismounted at his quarters, but it was generally my habit to stop there if not in too great a hurry. I was on my way from San Angel to Tacubaya at the time. I am certain that I was invited to return that night.

Question by defence. Did you ask General Pillow for a copy of the list of killed and wounded of his division, and when did you make that request?

Answer. I asked him for a list of the killed and wounded, but I do not recollect the day on which I made the request.

Question by defence. Did you not at the same time ask me for an authentic statement of the movements of the forces under my command on the 19th and 20th of August?

Answer. I do not recollect of making a request for an authentic

statement. I often asked officers for memoranda, for the purpose of comparing them with my own; when I have found them to be correct I have used them. It is altogether probable, from the tenor of conversation with General Pillow, that I asked him for a memorandum; it is likely I did. When the paper marked 1 was given to me, I intimated to General Pillow my refusal to use it, and that was the time he said he was anxious to have it go off with the first impressions to the country. I asked officers for memoranda, in order to see if my own were correct; if we differed, I got others to decide between the two; sometimes the memoranda were verbal, sometimes a few written lines, and sometimes I have seen the reports of officers.

Question by defence. At the same time you got a copy of the list of killed and wounded, furnished by the clerk of my adjutant general, under my orders, did you not get the paper marked 1?

Answer. I do not think I did. I am not positive, but I do not think I did. It is my impression that I got the list of killed and wounded from Captain Hooker, after I received the paper marked 1 from General Pillow, though I am not positive about it.

Question by defence. Did I give orders to the clerk, Mr. Heistand, to furnish you with the list of killed and wounded?

Answer. I do not recollect whether General Pillow gave them or not.

Question by defence. Did you read the paper, No. 1, in my presence; if not, when was the first time you did read it?

Answer. I read a portion of it, I recollect distinctly, in his presence, and as far as I read it, I saw that there were statements in it which I believed at the time to be incorrect.

Question by defence. You state you were in the habit of asking general officers for statements of their movements; did they usually furnish you with the information asked for?

Answer. I did not say general officers. The officers whom I have asked sometimes have, and sometimes have not, furnished me. Some have refused positively. One refused a list of the killed and wounded.

Question by defence. You say you have sometimes had access to the reports of officers; state whose reports you have seen?

The witness declined answering the question.

The court decided that the question should be answered.

Answer. I cannot recollect all the reports I have seen. I recollect that after the battle of Cerro Gordo, there being statements that the accounts published in New Orleans were incorrect, I looked at the reports of the officers of General Twigg's division. I had them all before me, and glanced over most, if not all, of them. These reports were shown to me by Lieutenant Brooks, the adjutant general of General Twigg's.

Question by defence. State if you ever saw any reports relating to the operations in this valley, before or after you received the paper No. 1; if so, whose reports were they, and were they in manuscript?

Answer. I saw none that I recollect of; I don't recollect of seeing anybody's report before. I have seen reports since that in manuscript. I saw or heard read, I don't recollect which, Colonel Harney's report, and I saw a written statement. I think it was General Smith's; I am not positive; I do not know that it was a report; it was a rough sketch of some movements, and I took it to be General Smith's at the time. I heard read a note to the general-in-chief, which I supposed to be private; it was General Pillow's note, and he read it.

Question by defence. Have you applied to any general officer for information of the operations of the army in this valley, or previous to the operations; if so, who was that officer?

Answer. I don't recollect that I have applied to any general officer, unless I might have applied, at Mixcoac, to General Pillow, concerning the operations in the valley. I think I asked General Cadwalader and General Pierce for information in regard to their march from Vera Cruz to Puebla. This was since we came into the city. I never got any information from them, except in conversations of an hour or two at a time. This is as far as my recollection serves me at present.

Question by defence. You state, that at the time you received the paper marked No. 1, you intimated to me that you would not use it; why, then, did you ask me to let you take it away? What was your motive?

Answer. I thought there might be something in that paper which I was not aware of, and which I might look and inquire about afterwards, when I came to make up my detailed account of the battles of Contreras and Churubusco.

Question by defence. Who suggested to you the necessity of writing to New Orleans to preserve the Leonidas letter, and who requested you to bring that letter back here?

Answer. No person whatever; it was my own idea.

Question by defence. When did the paper (No. 1) pass out of your hands, and into whose possession did it go, and under whose application?

Answer. I don't recollect the date of its passing out of my hands; after taking a copy of the letter, I carried it to Mr. Trist and asked him if he would take care of some papers for me and put them in a safe place; that I was afraid I might lose it. This was without any person applying to me for it.

Question by defence. Had you no trunk or safe place of deposit in which to keep your papers?

Answer. No, sir, not unless I kept them in my pocket, and that I did not consider safe.

Question by defence. Did Mr. Trist see the paper, did you call his attention to it, or did he examine it without your authority?

Answer. After I asked him if he would take care of it for me, I called his attention to it and showed him what it was.

Question by defence. Did it pass out of Mr. Trist's possession into General Scott's hands with your consent and approbation?

Answer. Yes; it was with my approbation that it passed out of Mr. Trist's hands; I do not know into whose hands it went.

Question by prosecution. What has been your social relations with Major General Scott; when did your personal acquaintance with him commence; by whom were you presented, and where, and what has since been the general character of your intercourse with him?

Answer. My acquaintance with General Scott has been merely a passing acquaintance, such as meeting any gentleman in the street and merely speaking to him; it commenced at Puebla; I was presented to General Scott by General Pillow, at the quarters of the latter. I have had but very little intercourse with him. I have forwarded several public despatches since from him to the States by my means of conveyance. When we were at Puebla and the communication entirely or nearly cut off, my couriers brought through communications from commanders below. I loaned him a file of newspapers from the United States, at that time, and I have furnished him such information as my couriers have brought, concerning the positions of his troops and those of the Mexicans, through his adjutant general or Colonel Hitchcock. Since we have been in the valley I have forwarded his official communications to the War Department and to commanders of posts. This is about the extent of my intercourse or personal relations with General Scott.

Question by defence. Who introduced you to me?

Answer. Mr. Trist gave me a card to General Pillow, and wrote upon it, "Mr. Trist introduces his friend, Mr. Freaner," or something of that kind. When I called on General Pillow, I had mislaid the card, and he said, when I told him that I had lost the card of Mr. Trist, "Never mind, never mind, you are Mr. Freaner;" he took me by the arm and we walked into the room. General Pillow told me that he had asked Mr. Trist to tell me that he wanted to see me, or that he wished him to introduce me, or something of that kind.

Witness retires.

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

CITY OF MEXICO, March 22, 1848.

The court met pursuant to adjournment.

Present: all the members and the judge advocate and recorder.
Major General Pillow in attendance.

General Scott called N. P. Trist, esq.

N. P. Trist, a witness, duly sworn:

Question by prosecution. Will the witness look over the two papers, marked (by the court) Nos. 1 and 3, and state, whether, according to his knowledge of the handwriting of Major General

Pillow, there be, on the face of No. 3, words in the handwriting of that general?

I have received many notes from General Pillow, and one very important one I compared with the interlineations in No. 1; I recognize in No. 1 a paper with which I am familiar, and believe the interlineations to be in General Pillow's handwriting. In paper No. 3, I see three interlineations, which I believe to be in the same handwriting, viz: "victorious," on page 3; the word "general," on page 4; in page 5, the words, "General Smith." There are some others that appear to me to be in the same handwriting, but I feel less confident about the resemblance.

Question by prosecution. What knowledge, if any, direct or circumstantial, has the witness respecting the time, the manner, and the channel, through which the paper No. 3 was transmitted from the basin of this capital to the United States, and by whom?

Answer. My knowledge is merely circumstantial. I will state the facts upon which I found the belief that this is the paper I transmitted. By the President of the United States, or rather by the person holding that station, for it was not in his official capacity, I was placed on very intimate relations with General Pillow, and impressed with a very favorable opinion of him, great confidence in him; from that cause I did not hesitate to comply with his request to transmit letters for him, by the same channel through which I transmitted my despatches. That channel was chiefly James L. Freaner, the correspondent of the New Orleans Delta, and I used it, having good reason to think that it was the safest I could possibly command. The mode used by me in transmitting papers through him, I will describe. It is a fact which connects itself with others. Knowing that a parcel or bundle addressed to the editors of the Delta would pass through Mexican hands, even if intercepted, where every thing else would have been opened that fell into the same hands, I got Mr. Freaner to call on me always, during the last moments before the departure of his couriers, and then every thing I had to send by him was put up in his own package. In that way chiefly did I send whatever letters I have sent for General Pillow to the States, and every letter put into my hands by General Pillow, either from his own hands or by a messenger, was forwarded by me by the first opportunity, except in one single instance, which happened at Tacubaya. On that occasion I received from General Pillow several letters, which were returned to him in consequence of my not being able to send them by the means he wished them to go by. Among the letters received by me from him, I recollect distinctly one or more letters addressed to the editors of the Delta; one or more addressed to the editors of the Union, Washington; and one or more addressed to two other newspapers in the United States—I do not remember the names—one in Tennessee and one in Alabama, I believe. On the 31st August, 1847, I received from General Pillow the note referred to in my reply to the first question. (Note read and appended; see note marked D.) To the best of my recollection, the letters referred to in that note contained one addressed