

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

to the editors of the Delta, and one addressed to the editors of the Union; and those letters, so far as I recollect and believe, were forwarded through Mr. Freamer, and I believe in the manner above indicated. Some time after the appearance of Leonidas in the papers here, I read a letter addressed to Mr. Freamer.

General Pillow here interposed the objection, that the letter itself would not be evidence, still less any statement of its contents.

The court decided that any statement of that character would be inadmissible.

The witness then said that if he could not give his statement of facts in connexion with the letters, he had finished his answer to the question.

*Cross-examination.*

Question by defence. Witness will state if there was not, in the package of letters referred to, one to my wife, one to Mrs. Colonel Trousdale, one to Mrs. Captain Irvine, of 11th infantry, one to Mrs. Surgeon Jourdan, and other ladies?

Answer. I do not recollect that there was among the letters sent by me, or returned to General Pillow, letters addressed to any ladies except Mrs. Pillow, and I recollect also being struck with the fact that there was not always a letter for her in those sent to me.

Question by defence. State if the address of any of the letters you have referred to were in my handwriting, except the one to my wife?

Answer. I did not attend particularly to the handwriting of the address on the letters. On trying to recollect, I think the letters to editors were generally addressed in a larger and plainer and better hand than General Pillow's.

Question by defence. Were the letters you refer to, addressed to editors, all in the same handwriting?

Answer. To the best of my recollection they were. I did not attend particularly to the handwriting.

Question by defence. How many letters were in the first package referred to, and how many in the second?

Answer. I have not referred to two packages.

Question by defence. Did you receive at Tacubaya two packages or one?

Answer. I received one certainly; I may have received several at Tacubaya. The package or letters mentioned by me as having been returned, were received at Tacubaya, and they were returned at Tacubaya, to the best of my recollection, and not in this city.

Question by defence. Were the two letters referred to, one to the editors of the Delta, and the other to the editor of the Union, which you say went by Mr. Freamer, received by you at the same time with the note referred to in your answer to the first question, and were they returned to General Pillow with the other letters?

Answer. I have stated my general practice respecting letters re-

ceived from General Pillow for transmission. Except in one single instance, all such letters were forwarded. My present belief is that that exception did not occur in the case of the letters mentioned in the note. But, as the subject did not attract my attention at all at the time, I cannot speak with absolute certainty on that point.

Question by defence. Were you in the habit of sending all letters which General Pillow sent you for transmission, as well as letters sent by his friends to their relatives and friends, as those which General Pillow sent for his own family and friends?

Answer. I was in the habit of sending all letters General Pillow sent me for transmission, and, very generally, did not even look at the addresses. The letters addressed to editors, caught my attention from their being generally, perhaps always, thicker than the others, and because the transmission of thick letters was specially inconvenient at that time.

Question by defence. Did you send off any package to the United States, except one, after the 31st August, until after hostilities were resumed?

Answer. I think not, but I do not recollect. Mr. Freamer invariably, I believe, called on me during the last moments before the departure of his courier, and, when I had any thing to send on my own account, or that of others, it was put into his package, which package was generally made up in my presence, and sealed and sent off immediately.

Question by defence. You have said that you returned to General Pillow one package of letters; state if the package of letters returned to me was not returned to me in the city, late in September, by Lieutenant Rogers of the navy, who went for them by my directions?

Answer. The mention of Midshipman Rogers's name revives the recollection of his having called upon me, a very indistinct recollection, in the name of General Pillow, for some letter or letters, which had been placed in my hands in some manner, I don't recollect; I can't say whether it was in the city of Mexico, or before we reached here, so very indistinct is my recollection. If it were in the city of Mexico, the letter or letters returned by him were, I feel satisfied, different from the parcel mentioned in my former answer.

Question by defence. By whom, or where, did you receive the package referred to in the note read by you; also, how many letters were in that package, as near as you can recollect?

Answer. I don't recollect by whom—Tacubaya the where; I think there were at least half a dozen letters, perhaps more.

Question by defence. Did you not receive that package from Lt. Ripley, and return a card with the endorsement "O. K., they shall go?"

Answer. I do not recollect, but the mention of "O. K." being a being a peculiarity of mine, as a short way of writing notes, renders it quite probable that it did occur.

Question by defence. Did you or not, show the note you have

read, and did you, or not, also furnish the paper marked No. 1 to General Scott.

Answer. This paper No 1, was furnished by me to General Scott. That note received from General Pillow on the 31st August, was either read to General Scott or shown to him or I told him of its nature, I do not recollect which of these three happened.

Question by defence. Did you suggest to Mr. Freaner the necessity of writing to the Delta office, to preserve the original Leonidas letter, and did you also suggest to him to bring back that letter on his return from Washington, as the bearer of your despatches?

Answer. I made no such suggestion, and I regretted exceedingly after his departure that I had not made it.

Question by defence. Do you entertain feelings of hostility and prejudice against myself?

Answer. With regard to prejudice, the only prejudice that ever existed in my mind with regard to the person who puts the question, was prejudice in his favor. The only feelings of hostility which I entertain, are those arising from a studied attempt on his part to avail himself of the position, in which I have been placed towards him by his friend, Mr. Polk, to make me the accomplice and tool in a scheme of imposture and villany, of imposture towards our whole country, and villany towards individual officers of this army, the most audacious by far that I have ever had any knowledge of. I have no personal hostility against him or any body else, my hostility is against villany.

Question by defence. Have you not written a letter, or letters, calculated and intended to injure me, and to whom?

Answer. I have written no letters to any press, or to any person connected with any press, or intended to influence the mind of any person connected with any press. I have written letters which, in one sense of the word injure, were calculated to make his character known, and therefore to injure him. The first of those letters was written to my family, in Washington. It contained a message for Mr. Buchanan, the Secretary of State, dictated by feelings of kindness towards him and the desire to save him, Mr. Buchanan, from disgrace. The second letter in order of date, so far as I can recollect it, was immediately after or immediately before this one, was written about 3½ o'clock, a. m., preceding the departure of the train by which Generals Quitman and Shields left here, after I had been at work all day and all night writing. It was addressed to General Dix, of the Senate, and addressed to him solely, because he was the only member of the Military Committee in that body whose name I knew. It was enclosed to my family, with these instructions, "Take a copy of this letter, so soon as you know of General Dix's arrival in Washington, direct it, seal it, and send it to the post office. One week exactly, after that time, send for Mr. Buchanan, the Secretary of State, and show him the copy." The letter was conceived, as well as I can recollect, in the following terms; I give the substance: "Beware of precipitancy in your confirmations of general's nominations in this quarter. If you neglect this caution it can only serve to

involve the Senate in disgrace, a deep, damning, ineffable disgrace, which no earthly power, nor all earthly powers combined can avert." This was the substance of the letter, so far as I can recollect, and the terms. There was a postscript to it, desiring that if my friend Robert Dale Owen, of Indiana, was in Washington, to show it to him. The third letter was a long despatch to the Department of State, an official paper, which was sure to go immediately into the hands of the President, and whom I thought it might save from the infatuation he was laboring under, by startling and alarming him, if in no other way. In that official despatch, after speaking of—

General Pillow here objected to his giving the substance of the letters.

Question by defence. The nomination of what general officers was your letter to General Dix intended to affect?

Answer. It was intended to affect that of Major General Gidson J. Pillow, whose confirmation, I had no doubt, it would be attempted to hurry through, to surprise the Senate. I deemed a general caution, however, sufficient for the purpose.

Question by defence. Did you in the official letter to the Secretary of State, alluded to, use the following language in reference to myself, viz: "Of these two dupes, the one was Santa Anna, the other most worthy compeer of Santa Anna, so far as he can be made so, by the same low craving for distinction, and the same happy facility in deviating from the ways of truth, and in being deaf to the dictates of common justice and common honesty while pursuing his object; a person, in fine, whose character in regard to the reach of his mind, and the tone of his mind, was most felicitously and accurately sketched by a friend of mine, in these words: 'it is such as to qualify him for shining at a county court bar, in defence of a fellow charged with horse stealing, particularly if the case were a bad one and required dexterous tampering with witnesses.'"?

Answer. Although I cannot pretend to be certain of the words, I have no doubt he has been furnished with an accurate copy of them; and those were the words, so far as my memory can be relied on.

Question by defence. Did you, in that same letter, use the following language in reference to myself? viz: "But most grievously would he have erred if Major General Gideon J. Pillow is to be relied upon as an exponent of the views of our government. This person, then the *second in command of this army*, took occasion to have a *diplomatic* conversation with a gentleman belonging to one of the foreign legations here, who, with expressions of surprise, repeated it to me directly after. General Pillow having expressed great dissatisfaction at the armistice [*which he had been in favor of before it was entered into*] had been answered by explanations of its indispensableness to negotiation. These appearing not to have any weight with him, the gentleman in question was led to say, 'Why, I thought the object of your government in this war, was a treaty of peace.' 'True,' replied General Pillow, 'that is

the object of the war, but the object of this campaign was to capture the capital and then make peace.”

Answer. I have no doubt these were the words I used.

Question by defence. Did you not in the same letter make use of the following language in reference to myself? viz:

“This was from the individual then, as I have already observed, *second in rank in this army*, and who, in the event of the death or disability of General Scott, would have succeeded to the command! An individual who gives himself out as the maker of the President, [by having produced his nomination at the Baltimore convention,] and the President’s *other self*. A pretension, which I have reason to believe, but too well founded. Justice towards Mr. Polk, and respect for truth alike, require however that I should not utter this belief, without at the same time expressing my perfect conviction that the identity referred to extends no further than the point to which it is carried by a blind confidence, on the part of the President, in the understanding and principles of a man, who, of all that I have ever known, is the most unworthy of confidence. Beyond this point the identity goes not. There is not the slightest resemblance between their characters in any one respect.”

I can’t be positive about the words, but the substance is correct, and I have no doubt the copy is a correct one.

Question by defence. Did you not, in the same letter, make use of the following language in reference to myself, viz:

“Of all this the President knew nothing; and the supposition by which he allowed himself to be governed, [under the influence, doubtless, of private representations from an intriguer, who, to the deep disgrace of our country, as she will ere long deeply feel, on beholding the picture, faint though it will be, of the unimaginable and incomprehensible baseness of his character—pollutes this glorious army by his presence,] made the state of things in this country *entirely the reverse of that which actually exists*, and which already existed when his determination was formed. Had he known the truth, had he formed the faintest conception of it, had he so much as dreamed of the possibility of a state of things here, approaching in the remotest degree to that which actually existed, he could not have believed that the continuance of this mission could do ‘much harm,’ unless, indeed, the indefinite protraction of the war was aimed at?”

Answer. With reference to the sense of that passage, that is a garbled extract, not conveying the exact ideas that the whole passage would give. With regard to the words, I have no doubt the copy is correct.

Question by defence. To whom did you show the letter to the Secretary of State, before you sent it off from the city, or after?

Answer. To the best of my recollection, I did not show it to any body before I sent it from the city. It was my own work entirely, written without consultation with any human being, or showing it to any human being. After it was sent, I showed the letter, or parts of it, for it was a very long despatch, to General Scott and to General Persifer F. Smith. The despatch chiefly related to the

question of peace, and that was my reason for showing it to them. It was my despatch announcing my intention of remaining in Mexico to make a treaty of peace, and giving my reasons for so remaining.

Question by defence. Did you show General Scott and General Smith that part of the letter which has been laid before you, relating to myself?

Answer. That I cannot recollect; the letter was on a great many sheets. My motive for showing parts of the letter to them, was that they might understand my position with reference to the affairs of the nation. Whether the sheets, containing those passages, went into their hands or not, I can’t say. There is nothing to fix it in my memory. Those passages were mere incidents to the main objects of the letter.

Question by defence. Since about what date has the hostility, alluded to in your testimony, been entertained by you?

Answer. Since his character became completely, or almost completely, revealed to me. The thing was of gradual growth. I can’t fix the day. I will try and fix the period. It was at Tacubaya, during the early part of our stay there, that I became aware that he had placed me in the alternative of being an accomplice and tool in villainy or exposing him to the country, if he should persist in a statement which he had made. I hoped, however, at that time that this necessity would be avoided. My mind was then made up, if the necessity presented itself, to meet it. From that time on, events occurred, darkening the shade of his character, and increasing the feeling referred to. It has increased to this day. It may go on increasing forever, as long as I live, although that is scarcely possible.

Question by defence. Did the villainy of which you speak in your last answer, relate to your views about the armistice and the negotiations which preceded it, and my opposition to them; if not, to what scheme of villainy do you allude in your answer to the last question?

Answer. With regard to the armistice, and the course of events under it, there was a little of the developments of character to which I have referred, in answer to the preceding question. They, however, had very little influence. The scheme of imposture was the imposture of passing himself off upon the country for a skillful general and able commander. The way in which I was to be made an accomplice in that game, or tool in it, and thus help to deceive the country, and commit injustice to individuals, was this: Availing himself of the relations established between us by the President, to which I have referred before, of the character which I have enjoyed with those who know me, of great discretion, he would make me the confidential depository of his views, in anticipation of events, so that in case of failure in the operations which took place, I should be a living witness, and bound to come forward as such at his call, to the fact that his military genius had penetrated through the whole thing, and that he had been opposed to every thing that failed. This game was played by him throughout, as I afterwards, on reflection, perceived.

Question by prosecution. Will the witness please state whether Major General Scott had any agency or part whatever in advising or suggesting the letters written by him, of which mention has been made in the evidence given by the witness, respecting Major General Pillow?

Answer. Major General Scott, nor any other human being, has ever been counselled with or spoken to concerning those letters, or any one determination taken by me, on any subject, since I have been in Mexico. The first intimation that any friend of mine ever had upon any determination taken by me, was after that determination had assumed a shape, which neither he nor any other human being could have changed.

Question by prosecution. The witness has spoken of letters transmitted by him from Major General Pillow, through Mr. Freaner's express, for the gulf coast and the United States: did Major General Scott, at Tacubaya, between his arrival there, say August 21, and the resumption of hostilities, say September 7, ask you or Mr. Freaner, to your knowledge, to transmit any letter or package for the United States, from said Scott, by Freaner's express, or any other? Please add, if you know, how the said Scott was occupied about the period given above.

Answer. To the best of my recollection, he did not, during that period; and I have a very positive general recollection that nothing ever was transmitted by him through me or through Mr. Freaner, to my knowledge, except communications to the War Department, and a very small number of letters to Mrs. Scott; which letters were written on a quarter sheet of paper, apparently, for it was an object to economize space. I know that the whole time of General Scott, during the period referred to, except such part of that time as was consumed in intercourse with officers, was employed in drawing up his report, studying the sub-reports, comparing them, and obtaining information upon points in which they conflicted, calling in officers for the purpose.

Question by prosecution. If the witness has not already stated to the court, will he add how he became possessed of the paper marked by the court No. 1?

Answer. When the Leonidas letter first appeared here, I went, one forenoon, in quest of a wafer, or ink, or something or other, into the room at general head-quarters, occupied as an office by the aids and military secretary. There were a number of young officers there—some five or six, or more—including the aids, or some of them, and the military secretary. By some one or more of them I was greeted with the question: "Mr. Trist, have you seen Leonidas?" I answered negatively; and asked what was Leonidas? They answered: "O, it is an account of the battles of Contreras and Cherubusco, and it's worth reading—read it;" which I declined doing, on the ground of want of time—I was engaged. One of them put the paper into my hand, saying: "Read it; it is curious;" or words to that effect. My eye lighted somewhere on the middle of the letter, and, after reading a few sentences, in one of which the amazement of the martinets was stated, I threw the paper down,

and said: "I have had enough of Leonidas." That same day Mr. Freaner called on me, as he was in the habit of doing almost daily, to give me such Mexican news as he had collected. After he had given me that news, I asked him if he "had seen that rascally string of fabrications under the signature of Leonidas?" He answered either that he had, or that he had heard of it, I don't recollect which; and that he had a paper in his possession, which he had received from General Pillow at Mixcoac, and which he meant to show me. Either the next day, or very soon after, he came, and brought with him this paper; and, after I had examined it, he asked me to take care of it for him.

Question by court. What is the date of the despatch to the Secretary of State, described in the cross-examination?

Answer. My impression is that it is the 6th of December. I can, however, ascertain.

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

Mexico, March 23, 1848.

The court met pursuant to adjournment. Present, all the members, and the judge advocate and recorder.

Major General Pillow before the court.

Major General Scott present.

Colonel B. Riley duly sworn.

Question by prosecution. How far is witness acquainted with the hand-writing of Major General Pillow?

Answer. I am not acquainted with it at all; I don't know that I ever saw his hand-writing, except in a note addressed to me, a part of which I saw him write.

Question by prosecution. Does the witness mean to say that, after seeing Major General Pillow write a part of a letter, addressed by Major General Pillow to the witness, that the witness is not at all acquainted with the hand-writing of that general?

Answer. I never saw his hand-writing, except in this note, and am perfectly ignorant of his hand-writing, except in that note.

Brigadier General Cadwalader duly sworn:

Question by prosecution. How far is the witness acquainted with the handwriting of General Pillow?

Answer. I am familiar with the general character of his hand-writing; not so intimately as many others.

Question by prosecution. Will the witness examine No. 3, and see if there be any interlineations in that paper, in the handwriting of General Pillow?

Answer. I don't see anything in the scattered words in this paper that strikes me as the handwriting of General Pillow. I am not sufficiently intimate with his handwriting to judge of isolated words.