

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.

Captain Hooker, assistant adjutant general, duly sworn:

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

Answer. Ever since I have been on duty with General Pillow, (about the 1st of August,) I have had many opportunities of observing his writing. I have seen a great deal of his writing in that time.

Question by prosecution. The witness will please look at the paper marked 3 by the court, and say whether there be words in it in the handwriting of Major General Pillow?

Answer. I have looked over the letter carefully, and believe that I have seen all the interlineations, but in none of them do I recognize the hand of General Pillow.

Question by defence. Have you, or not, been on duty in my staff, as adjutant general, from about August 1, last, until after my arrest? and say, if you are familiarly acquainted with my handwriting.

Answer. I was on duty, as assistant adjutant general, in the staff of General Pillow, from about the first of August until after his arrest; during that time scarcely a day passed that I did not see more or less of his handwriting.

General Scott here stated that he should rest the proof on the 1st charge and specification until the witnesses now in New Orleans could be had before the court, and proposed to proceed to the 7th specification of the second charge, as containing a kindred allegation.

The court preferred that, as far as possible, the evidence should be heard on each separate specification, both for the prosecution and defence.

*Defence on 1st charge and its specification.*

Lieutenant Colonel Duncan duly sworn:

Question by defence. Are you acquainted with the handwriting of Major General Pillow? state what opportunity you have had of knowing his handwriting.

Answer. I have frequently seen General Pillow write; I have read many papers which I knew to have been written by him. It is my opinion that I can select his handwriting from any number of written papers, without any previous knowledge of the particular paper of his, from its general character.

Question by defence. From that knowledge of his handwriting, is there, in your opinion, either in the body, or interlined, in paper No. 3, one word or letter in his handwriting; are you satisfied there is not?

Answer. This paper I have examined before—on yestereay and the day before, I think—both the body of the letter and the interlineations. The body of the letter, I have no hesitation in stating,

is not General Pillow's handwriting. The interlineations are detached and isolated, and cannot, therefore, be judged of with so much certainty. From my knowledge of General Pillow's handwriting, however, it is my opinion that those interlineations are not his. I have no doubt on the subject.

Question by prosecution. In the letter marked by the court No. 3, are the body of the letter and the interlineations in the same handwriting?

Answer. Judging from these interlineations, there would, at first, appear to be two or three hands; but some of the words interlined appear to have been made by the same hand, and the same pen, as the body of the letter. It is very hard to judge of detached words, and this is a mere opinion. Other words appear dissimilar to the writing of other interlineations.

Lieutenant G. W. Rains, 4th artillery, duly sworn:

Question by defence. Are you acquainted with the handwriting of General Pillow? State how long you have known it, and what opportunities you have had of becoming acquainted with it.

Answer. I am acquainted with the handwriting of General Pillow. I have been with him, as aid-de-camp, since the latter part of February, 1847, with the exception of some two or three months, in which I had the honor, temporarily, of being in the staff of the general-in-chief. From my position, I have had constant opportunities of becoming acquainted with General Pillow's handwriting.

Question by defence. Is there any word, or other portion of the paper No. 3, in your opinion, in his handwriting?

Answer. I am not able to recognize, in the few words interlined, or in the body of the letter itself, General Pillow's handwriting.

Question by prosecution. In that paper, are the interlineations and body of the letter in the same handwriting?

Answer. I think some of them are, and some are not.

Question by prosecution. Does the witness perceive any resemblance, more or less, between the interlineations and the writing of Major General Pillow?

General Pillow objected to the legality of the question.

The court decided that the question should not be put.

Question by prosecution. Does the witness know by whom, or through what channel, the said letter was transmitted from this neighborhood to the United States?

Answer. I had not the slightest knowledge whatever of the letter in any form or stage, until I saw it printed in one of the papers.

Major W. H. Polk, 3d dragoons, duly sworn:

Question by defence. Are you acquainted with the handwriting of General Pillow? What opportunities have you had of becoming acquainted with it?

Answer. I am well acquainted with the handwriting of General Pillow. I was a law student in his office for nearly two years. I have copied a great number of legal papers during that time. Since arriving in the city of Mexico, I have frequently seen his handwriting. I practised at the bar with General Pillow for four years, and frequently had occasion to examine legal documents in his handwriting.

Question by defence. From that knowledge is there one word or letter in the paper No. 3 in my handwriting, in your opinion?

Answer. I do not believe that any one of the interlineations, or the body of the paper, are in the handwriting of General Pillow. I have no doubt on the subject.

Question by prosecution. Does the witness, or not, find a strong resemblance between some of the words interlined in the paper in question and the handwriting of Major General Pillow?

Answer. Not more than an ordinary resemblance between handwriting generally.

Lieutenant R. S. Ripley, artillery, duly sworn:

Question by defence. Are you acquainted with the handwriting of General Pillow? State your opportunity of becoming acquainted with it?

Answer. I am acquainted with the handwriting of General Pillow, having been on his personal staff since August 6, 1847, during which time I have seen and copied almost every official paper which has proceeded from him.

Question by defence. From your knowledge of his handwriting state if any portion of paper No. 3 is, in your opinion, in his handwriting?

Answer. I do not see a word, either in the body of the letter or in the interlineations, that is in his handwriting.

Question by defence. State if you carried and delivered to Mr. Trist, in person, a package of letters with a sealed note while he was at Tacubaya, and what you brought back to me in answer at Mixcoac, about 31st August, 1847?

Answer. On or about the 31st August, 1847, General Pillow directed me to ride from Mixcoac to Tacubaya, early in the morning, and to deliver a note, which I think was sealed, with a package of letters to Mr. Trist. I did so, and found Mr. Trist in his private room at his toilet, and delivered both note and package to him. He wrote an answer, with a pencil, the following words—

General Scott here interposed, and said that the note should be produced.

General Pillow said he did not know where the paper was, or whether it was in existence or not; that he had not set any value on the note, and knew not what had become of it.

General Scott objected to the reception of parole evidence of the contents of the note, upon the affidavit of the party interested in offering the evidence, that the note was not in existence.

The court decided that it would receive parole evidence on the

affidavit of the party that the note was not in existence, or in his possession.

The affidavit annexed (E) was then filed.

Witness continued. Or to the following effect, "O. K." "You, being a democrat, can understand what that means." "They shall go." Signed it with his name or initials, I don't recollect which. This note was open, and I saw it both then and after I had delivered it to General Pillow.

Question by defence. State whether said package was ever sent off by Mr. Trist, and what further knowledge you have of said package of letters; state dates as well as you can?

Answer. I supposed, for some time, that the package had been sent; but subsequently to General Pillow's having moved his quarters into this city, which took place on the 15th of September, 1847, about a week, I saw, lying on a table in General Pillow's quarters, the same package which I had delivered to Mr. Trist; it was in the room next to the one occupied by Midshipman Rogers.

Question by defence. State how the package was done up, and whether it had ever been opened, so far as appeared, and how many letters it contained, as well as you can?

Answer. The package was a small one, the usual size of letters; and most of the letters were in yellow envelopes, tied firmly around the middle of the letters with red tape. When I saw the package in the city of Mexico, it was apparently in the same state. It originally and at the time contained about a half a dozen letters.

Question by defence. State if you know how those letters were sent off afterwards, and at what date?

Answer. I have a knowledge that they were intended to be sent by a Mr. Holtzinger, a friend of Midshipman Rogers, and believe they did go by him, about the 20th or 21st September. Mr. Rogers is now in the United States.

Question by prosecution. Will the witness, if he has not done so, look particularly at the word "General," interlined on that paper, No. 3, fourth page, and give his opinion of that word in particular?

Answer. I see the word "General" on the fourth page of the paper marked (three) 3, and had I ever seen or had anything to do with this paper before it came into this court, or were the word shown to me isolated, I should state that it was my opinion that that word had been written by myself; as it appears very much like my writing when I use a steel pen and insert words in the way this is inserted.

Question by prosecution. Does the witness chance to know by whom and through what channel the paper marked, by the court No. 3, (*the Leonidas letter*), was transmitted from the basin of Mexico to the United States?

Answer. I do not.

Question by prosecution. By what marks or other peculiarity did the witness know that the package he saw lying in some room of Major General Pillow's quarters, in September, was the precise