

package the witness bore to Mr. Trist in August; and had the package been opened in the interval?

Answer. By the size of the package; by the kind of envelopes; by the manner in which it was done up; by one letter in it, in particular, addressed to the editors of the New Orleans Delta, which I saw in the package originally and at the subsequent period. The package apparently had not been opened, but as it was simply tied up and not sealed, I cannot say positively.

Paymaster A. W. Burns, United States army, for defence, duly sworn:

Question by defence. Examine the paper marked No. 3, signed Leonidas, and say if you have any knowledge of the author; and if so, who he is?

Answer. I am the author of that letter.

Question by defence. State if the entire letter is in your hand writing; the body of the letter, and the interlineations?

Answer. I believe it all is; I did not take a copy of the original letter, and I regret I did not do so.

Question by defence. State at whose request you wrote that letter, if at that of any one?

Answer. I wrote it at the request of no one.

Question by defence. State where you obtained the order of arrangement of the letter Leonidas?

Answer. I got it from a memorandum or partial report of General Pillow, giving the operations of his command on the 19th and 20th of August; I found it on his table.

Question by defence. Did you take a copy of that rough report, and was General Pillow present, or had he any knowledge that you took a copy?

Answer. I took a partial copy of it; General Pillow was not present, nor had he any knowledge of it.

Question by defence. Were you upon the field of battle on the 19th August; and were you assigned to duty as paymaster with General Pillow's division?

Answer. I was on the battle field, and assigned to his division as paymaster.

Question by defence. Had General Pillow any knowledge that you had written this letter until after its publication?

Answer. He had not.

Question by defence. Were you upon terms and relations of personal intimacy and friendship with General Pillow, and were you in the habit of visiting him, without ceremony; and how long have those relations existed?

Answer. I have been upon intimate relations with General Pillow ever since my first acquaintance with him at Camargo; I think in 1846.

Question by defence. Can you recollect through what channel the letter Leonidas was transmitted to the United States?

Answer. I cannot say positively as to that; General Pillow has frequently done me the kindness to forward a letter for me to my

family and friends; but about this letter, I cannot speak positively, whether he forwarded this one or not.

Question by defence. Did you, on different and frequent occasions, request me to forward your letters to the United States both to your family and friends? Have I always forwarded the letters you requested without any inquiry as to the letters?

Answer. He has.

Question by defence. Do you recollect whether or not he forwarded a letter to your wife, about the latter part of August, from Mixcoac? State, also, if he has, or not, forwarded many letters for you from this city.

Answer. He has done both.

Question by defence. State, if you know, that General Pillow was in the habit of forwarding letters for any of the officers of his division when he could do so?

Answer. I believe he has.

Question by defence. State, also, if you know, that General Pillow was in the habit of showing or reading his official reports to any of the officers of rank of his division, who wished to see them, and whether you have seen any of them?

Answer. I have seen them, and I believe all officers who desired, had access to them.

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

CITY OF MEXICO, *March 24, 1848.*

The court met. Present: all the members, and the judge advocate and recorder.

Major General Pillow before the court.

Major General Scott present.

Paymaster Burns under cross-examination:

Question by prosecution. Did the witness himself see the military operations described in Leonidas, or obtain any particulars orally from Major General Pillow, and what particulars?

Answer. On the 19th, I saw a portion of the operations, and I was on the field of battle on the 19th. I was not at the battle on the 20th. I have had no conversation with General Pillow on the subject. I have had frequent conversations with his staff on the subject, and heard them discuss the question with others.

Question by prosecution. Did the witness hand the Leonidas letter in person to Major General Pillow, to be forwarded; was it open or sealed, and was there no remark or explanation at the time, between the two, on the character of the package addressed to the Delta?

Answer. I cannot say that I handed the letter to General Pillow to be forwarded, and consequently there could not be any conversation on the subject. I wrote the letter, enveloped it, and sealed

it, and I think directed it. It is seven months since the thing was done.

Question by prosecution. Were there few or many opportunities, pending the armistice, for forwarding letters from this army to the United States, and cannot the witness remember the channel he adopted with respect to the Leonidas letter, at least into whose hands he placed that letter to be transmitted?

Answer. I can't say whether there were few or many, I supposed there were but few opportunities. I have heard of private expresses of the British Courier, and of subscriptions obtained for sending expresses by officers and others. I can't remember into whose hands I placed the Leonidas letter to be transmitted.

Question by prosecution. At whose instance, and for what reason, was the address of the Leonidas letter, to "the Editors of the Union, Washington, D. C.," as first written, cancelled at the top and bottom of that letter, and "the Editors of the New Orleans Delta" substituted in both places?

Answer. The words were cancelled at my own instance, and the reason was to give it publicity.

Question by prosecution. Would not the letter have had equal or greater publicity in the Union? Whence then the reason for changing the address?

Answer. I do not know the circulation of either of those papers. I am not a judge of that.

Question by prosecution. Was not the true reason for changing the address of the Leonidas letter, this, viz: finding that the twin paper, interlined by Major General Pillow, (No. 1, before the court,) and handed by him to Mr. Freaner, intended for the Delta, had not gone, or was not likely to go to that paper through Mr. Freaner? And if that was the true reason, did you not get the hint or information from the said Pillow; or from whom did you obtain it?

Answer. I did not. I never saw No. 1 until this moment, and never knew of its existence until after I had sent the other letter.

Question by prosecution. Did the witness mean to say, in his answer to a former question from the defence, that without the special authority or knowledge of Major General Pillow, he, the witness, entered the private office or apartment of the said Pillow, and purloined thence an important paper, or the copy of one?

Answer. I do say that I did enter that office, without the knowledge of General Pillow, and take a copy of a paper which I have alluded to in my former testimony.

Question by prosecution. Did Major General Pillow, on missing the paper, or learning that the witness had copied it, in August, make inquiry into the matter; rebuke or pardon the witness, then or since?

Answer. I never have heard of his having missed the paper; I did not take it out of the office. I know nothing about the matters in the remainder of the question, and cannot answer it.

Question by prosecution. As the memory of the witness seems excellent, in some particulars, will he rally that memory, and endeavor

again to answer, specifically, the latter part of the preceding question?

Answer. In answer to the last part of the preceding question, the witness says: I do not know that he did; I never had any such conversations.

Question by prosecution. In fact, has the witness any reason to believe that the paper in question, (the one copied by him,) had been designedly prepared and left by Major General Pillow, or by his directions, within the haunts of the witness, so that it might fall into witness's hands for publication?

Answer. I am satisfied it was not.

Question by prosecution. Was the paper, found and copied by the witness, on the private table of Major General Pillow alone, separated from other papers, or mixed up with others?

Answer. I took no particular notice of that fact. It was lying upon his own private table.

Question by prosecution. Was the paper found, as heretofore stated by the witness, a copy, with or without Major General Pillow's interlineations, substantially or identically the same with No. 1, now shown to the witness?

Answer. I cannot say it was. I stated yesterday that it appeared to be a memorandum, or partial report of the operations of his command, on the 19th and 20th of August.

Question by prosecution. Did the witness do more, in respect to the Leonidas letter, than copy and address the paper he found in Major General Pillow's private apartment or office?

Answer. I did.

Question by prosecution. In whose quarters or office did the witness write or copy the Leonidas letter?

Answer. I have stated before, I think, that in General Pillow's office I took a partial copy of this memorandum or report.

Question by prosecution. Where did the witness write or copy the article or letter signed Leonidas; and in what essential particulars, if any, did it vary from the copied paper?

Answer. I copied it in the office, as before stated. I cannot point out the differences, never having compared them with the original, from which I took the copy.

Question by prosecution. Was the witness secured against interruptions, whilst engaged in copying the paper in Major General Pillow's office, or did he feel secure against interruptions?

Answer. I never was interrupted, in any way, particular.

Question by prosecution. Who called the attention of the witness to the interlineations on the twin paper, No. 1, now before the court; or were they also on the paper the witness accidentally found in Major General Pillow's private office or apartment?

Answer. They were not; I never saw this paper before. This is the first time I have ever seen No. 1.

Question by prosecution. The witness is again asked—Were the interlineations, or any of them, on paper No. 1, also on the paper found on Major General Pillow's table?

Answer. I cannot say that they were.

Question by prosecution. When did the witness make the interlineations on the manuscript letter, signed Leonidas; or were they, or any one of them, copied from No. 1, also before the court?

Answer. They were never copied from No. 1; a paper which I say I never have seen before this day. I made the interlineations in the letter Leonidas after the letter was written.

Question by prosecution. The witness answers that the interlineations were made on Leonidas, after the letter was written. No doubt; but how long after, and at whose suggestion?

Answer. I can't say how long after; but they were made at no one's suggestion.

Question by prosecution. Did the witness write the Leonidas letter at one sitting, interlineations and all, or at several; and did he show the letter, in its progress, to anybody, and to whom?

Answer. I did not show it to anybody, I believe; I have no recollection of it. I wrote it at different times.

Question by prosecution. How many different pens, and shades of ink, did the witness employ, including interlineations, upon the Leonidas letter?

Answer. I can not say. I sometimes write with a steel pen—sometimes with a quill.

Question by prosecution. In how many different hands can the witness write for the body of a paper, and for interlining the same?

Answer. I can write various different hands. I can write a hand that would not be known by my most intimate acquaintances. My hand varies very much; it depends upon the pen I write with.

Question by prosecution. In writing the Leonidas letter, did the witness consider himself, by public duty or private engagement, the historiographer of Major General Pillow?

Answer. I did not.

Question by prosecution. Has the witness been indemnified in advance; promised future indemnity or pardon, for violating the standing regulations of the army against publications by an officer, like the letter of Leonidas?

Answer. He never has been promised any indemnity.

Question by prosecution. The witness says he has not been promised any indemnity. Will he say whether he has actually been indemnified?

Answer. He never has been indemnified; he never asked any consideration; I would scorn it.

Question by prosecution. Has the witness, since the printed letter of Leonidas appeared in this capital, ever denied its authorship, or all knowledge thereof?

Answer. I never have; if I have, it has been in a jocose way.

Question by prosecution. What hand has the witness had in certain papers got up for signature in the late 3d (or Pillow's) division, one for presenting a sword to that general, another respecting a personal conflict said to have occurred between that general and a Mexican in the battle of Contreras or Churubusco, or respecting a general address to the said Pillow on his conduct in those fields, and at Chapultepec?

Answer. I drew up the paper for presenting a sword to General Pillow. I know of no paper respecting the personal conflict between General Pillow and a Mexican officer. I have no recollection of any paper respecting an address to General Pillow on his conduct in the battles of Mexico.

Question by prosecution. Was the paper exhibited by the witness to Major General Pillow?

Answer. No; I think not.

Question by prosecution. Has not the witness written a letter, or letters, other than Leonidas, for publication at home, highly laudatory of Major General Pillow; and has not the witness shown one or more such letters to the said Pillow in manuscript, or forwarded open one or more such letters through him for publication at home, with or without his, the said Pillow's, corrections or approbation?

The witness asked the court if he should be compelled to answer the question.

After hearing the remarks of the parties, the court closed and decided that, if the witness should state that the answer to the question would tend to criminate him, he would not be required to answer.

The witness then declined answering the question upon the ground that the answer would tend to criminate him.

General Scott stated that he wished to place upon the record of the court the remarks he had made, and would present them to-morrow.

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

MEXICO, March 25, 1848.

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

General Scott present.

General Pillow before the court.

General Scott submitted the annexed paper, marked D. General Pillow read the annexed paper, marked (D, 1.)

Paymaster Burns, under cross-examination:

The witness said that he wished to correct an answer given yesterday by him, which might be misunderstood. The witness said, "I wish to state that the Leonidas letter was written in my own office."

Question by prosecution. How did it chance that the witness became attached, as paymaster, to the division of Major General Pillow? Was there any special request to that effect, and to whom, to bring about that association?

Answer. It was at my own request to Major Kirby.

Question by prosecution. The witness has said that he saw the