

Answer. I recollect General Pillow having spoken of the positions of Cadwalader's brigade, and Riley's brigade, and of Morgan's regiment being in reserve. I think that General Scott and General Pillow had conversations two or three times that evening. I was not present all the time; I was not within ear-shot all the time. I recollect that a note was received by General Pillow from General Cadwalader, stating the advance of the Mexican force, and some conversation passed between them on that note. It is impossible for me to remember everything that was said.

Question by defence. What was the position of Morgan's regiment; where was it in reference to the position we occupied on the hill; was it in motion or stationary?

Answer. I think it was stationary. I recollect that shortly after, a staff officer, who had been attached to Magruder's battery, came up, and asked what troops these were that were moving off, and I said that it was Morgan's regiment moving to the hamlet. I have no distinct recollection of seeing the regiment until it was in motion. My impression is that it was near Taylor's battery. This battery was between us and the field, and near the corn field.

Question by defence. Did you hear General Scott ask General Pillow what bayonets those were; (pointing, at the same time, to some bayonets which were seen in motion on the pedregal;) and did you hear my reply, that it was Morgan's regiment, which had been detached from Pierce's brigade, when I saw the large reinforcements of the enemy coming up from the city, and that I had then ordered that regiment to the support of Cadwalader, who was at the village of Ensalda?

Answer. No; I don't recollect that. I recollect something about a question of what regiment or what troops those were, referring to Morgan's regiment. I am not certain, however, what words were used, nor can I state the point of time when this conversation occurred. I do not recollect anything about the conversation in the last part of the question.

Question by defence. You say you did not hear the order given by General Scott to General Pillow as to the movement of Morgan's regiment. As you did not hear the order given, may you not be mistaken in supposing such an order was given?

Answer. I think not; my impression was derived from the regiment moving after we came upon the field, and I was convinced that no order was given after General Scott came on the field except by him. I said, moreover, that I did not recollect to have heard the order given. I may have heard it.

Question by defence. May not the order to Morgan's regiment have been given for this movement before General Scott reached the field of action?

Answer. I think not; it was sometime after we reached the field of action that Lieutenant Lay, the staff officer referred to in an answer to a previous question, returned from Magruder's battery and asked me the question, what troops are those that are moving?

General orders No. 258 presented by witness, marked M.
The court then adjourned until to-morrow morning at 9 o'clock.

MEXICO, March 30, 1848.

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

Major General Pillow before the court.

Major General Scott present.

Captain J. D. Blanding, South Carolina volunteers, for prosecution, duly sworn:

Charge.—First specification.

Question by prosecution. About what hour did the late Colonel Butler leave San Augustin the 19th of August last with his regiment, the South Carolina volunteers, and does witness chance to know whether the colonel dined at San Augustin that day, and at about what hour, and what the witness knows of another meal, breakfast, taken by the late colonel at San Angel the morning of the following day?

Answer. Colonel Butler left San Augustin about 3 o'clock, p. m., perhaps 3½ o'clock, on the 19th of August. He took a lunch about 9 or 10 o'clock, on the 19th in his own quarters, then left his quarters and did not return until his regiment was about leaving. Whether he dined with any one between those hours I do not know. When he returned to his quarters he did not take anything to eat before starting to join General Pillow. At San Angel, about 9 or 10 o'clock on the morning of the 20th, he took a cup of chocolate in company with General Shields, Captain Page, Captain William Blanding, and the witness.

Question by prosecution. Does the witness chance to know whether Paymaster Burns was present at both or either of the meals mentioned by the witness?

Answer. He was present at neither of them. I will add that he may have been in the room at San Augustin before and after, but not at the meal. He was not at San Angel.

Captain H. L. Scott under cross-examination:

Question by defence. In the conversation relative to the disposition of the forces, which was referred to between General Scott and General Pillow, did General Pillow state to General Scott *his orders* to and *disposition* of the forces, and did General Scott approve those orders and dispositions?

Answer. I think that the positions that the troops occupied at the time were stated generally and that General Scott did approve. I can't say that I heard General Pillow state what orders he had given, but I took for granted that the troops were in their respective positions by his orders.

Question by defence. Did the witness hear General Scott tender General Pillow, while we were all on the mound on the 19th, the use of his, General Scott's, staff?

Answer. I think I did very early after we came upon the field; I have a very indistinct recollection of it, however.

Question by defence. Does the witness know the special orders General Scott had given General Pillow, in the event of an engagement on the 19th becoming serious or general, or in the event the enemy was found in the way of constructing the road?

Answer. I do not.

General Scott here asked that he might be permitted to admit that he had, to the best of his belief, tendered the use of his staff to General Pillow, and further said: On both cases alluded to in the last question I reminded General Pillow that he would be the senior in my absence, that is, senior to Brigadier General Twiggs, and would assume the command of both divisions, although the written general order of that morning assigned the duty of constructing the road to Pillow's division, and of covering the operation to Twiggs' division. I would add that I approved of the orders given by him as far as I knew of them, and of the dispositions of the troops which I saw, or which were explained to me.

Question by defence. Has the witness copies of official notes sent General Pillow by General Scott upon the field of battle upon the 19th of August?

Answer. No.

Question by defence. Witness will state if, on the night of the 19th, at San Augustin, General Pillow did not express his determination to return to the field of battle *that* night, and if General Scott did not peremptorily order him to stay at his quarters, saying he was too much exhausted to return?

Answer. I do not recollect that General Pillow expressed that determination; but I do recollect that General Scott desired General Pillow to remain at San Augustin that night. I do not recollect upon what grounds he made that request. I know that General Twiggs and Captain Lee expressed a determination to return, and they did return.

Question by defence. Witness will state if two squadrons of dragoons were not placed under General Pillow's command by order of General Scott, in the battle of Churubusco?

Answer. I do not know the fact, although I have seen it stated in the official reports.

Question by defence. Will witness state if he in person, as acting assisting adjutant general, delivered General Pillow the order under which he was arrested. Will he state, also, if at that time General Pillow told him that important fact, that he had not forwarded to the Secretary of War the duplicate copy of his appeal, as was stated in the postscript to said appeal, and would not do so?

Answer. I did deliver to General Pillow in person the letter of arrest. General Pillow did show me what he informed me was the duplicate of the letter to the Secretary of War, which had been sent to General Scott. General Pillow also informed me that that duplicate copy had not been sent to the Secretary of War by him; but he stated as a reason for not having done so, that no opportunity had occurred for forwarding it, no mail had left, and the impression left on my mind by the conversation was that the said duplicate copy would be forwarded whenever the mail did leave.

Question by defence. Did I also say to you in that conversation that General Scott had in his hands the original appeal. State also if you communicated this conversation to General Scott.

Answer. General Pillow did state that General Scott had in his hands the original appeal, and I did communicate the conversation to General Scott.

Question by defence. Witness will examine the two papers here presented; one purporting to be the order of arrest—the other an official answer from yourself, as acting assistant adjutant general, to a communication of mine; say if they are correct copies of the originals?

Answer. They appear to be copies, and I have no doubt they are correct. (See papers marked M and N.)

Question by defence. Witness will examine the papers here shown him, and say if the one is the original appeal, and the others letters of General Pillow, and answers thereto from Gen. Scott.

Answer. This is the original paper, (appeal,) I have no doubt. This letter, dated city of Mexico, November 2, from General Pillow to myself, I have no doubt, is a true copy. Another letter in reply, dated November 6, from me is, I have no doubt, a true copy. (See papers marked O.)

Question by prosecution. Witness will look over the beginning of specification 2d, and say, as far as he recollects, how Major General Scott was mainly employed, from about August 23d last up to sending off the general report of the operations of August 19 and 20, and about what time was that general report by the said Scott sent off? And does the witness recollect anything of the said Scott being delayed in making that general report, waiting for the sub-reports?

Answer. I know that about that time General Scott was engaged in collecting information, both orally and written. I think his report was forwarded about the 4th of September, or about the 4th, 5th or 6th, perhaps; I cannot tell exactly the date; and during the time antecedent to sending off the report, he was engaged in preparing that report, and in matters relating to the armistice. I may add, also, that delays did occur in forwarding to my office the sub-reports, upon which the general report was based.

Question by prosecution. Has not the witness reason to know, or to believe, that the first and second expresses charged with bearing the said Scott's general report, original and duplicate, of the operations in this basin up to about the 7th of September, were captured by the enemy, although the said bearers were furnished with passports, according to the armistice by the Mexican executive authority?

Answer. Yes; I believe that they were. We know they never reached Washington, and we heard that they had been captured, one a very short distance from Tacubaya.

Major General Scott here desired that his admission might be recorded "that he was not delayed in making his own general report

for the report of Major General Pillow, which was received in time, and certainly within three or five days of its date.

Lieutenant T. Williams, fourth artillery, for prosecution, duly sworn:

Specification 1st, charge 2d, 1st head, says:

General Scott arrived on the field of Contreras a little after 3 o'clock in the afternoon of the 19th of August. Ascending the mound which overlooked the field of battle, he was met by General Pillow, when in a hurried conversation, on the part of both, in which, I think, allusion was made to Colonel Morgan's regiment; I did not hear the whole conversation distinctly; I heard General Scott order General Pillow to push forward Morgan's regiment, which, to the best of my recollection, was then in reserve, towards the village of Ensalda or San Geronimo. Some time afterwards, in speaking of that position, I heard General Scott say that it must be held. I think that General Shields's brigade arrived upon the ground about an hour and a half after the general-in-chief. I think my recollection is correct, inasmuch as I was sent back to hurry up that brigade, which had been a good deal retarded in its march by the broken character of the ground.

Question by prosecution. Does the witness recollect whether it was ascending the hill, on its top, or on the slope towards the enemy, that the conversation witness has alluded to occurred; whether he heard Major General Pillow point to, and explain to Major General Scott, the position of Colonel Morgan's regiment, or the 15th infantry occupied, and in which of those positions about the hill the said Scott gave his request or order to the said Pillow to push forward the said regiment to the support of Brigadier General Cadwalader, on the hamlet of San Geronimo?

Answer. I think it was ascending the hill, in which I heard General Pillow make some allusion to Colonel Morgan's regiment; whether it was in motion or in reserve, I do not recollect. My impression was that it was in reserve at the time, and posted in the corn-field, and near to, and this side of Taylor's battery. It was at that moment of time that General Scott gave the order to advance that regiment, to the best of my recollection.

Question by prosecution. Did, or not, the witness observe or see the regiment, said to be Colonel Morgan's, in position about the time spoken of, this, before the regiment got into motion, and before or after the witness was sent back to hurry up Shields's brigade, or to find and report how far the brigade had advanced?

Answer. I don't recollect to have seen the regiment in position, but I recollect to have seen it in motion soon after the order was given by General Scott. This was some time before I was sent back to hurry up Shields's brigade.

Question by prosecution. Did the witness chance to hear any conversation or remarks between the two major generals, respecting the American forces already said to be at San Geronimo, and the forces of the enemy seen, or said to be seen, coming up from the capitol; and was, or not, the request to push forward Morgan's regiment

the result of such conversation or remarks, if the witness chanced to hear that conversation or those remarks?

Answer. I have no distinct recollection of having heard any conversation between General Scott and General Pillow on those subjects.

Question by prosecution. Were not the two major generals, most of the time you were present, actively engaged in observing themselves, and, by means of staff officers, the positions and movements of the two contending armies, and were not many spy glasses pointed to those positions and movements?

Answer. Yes.

Question by defence. Did witness hear, and does he recollect, the reply of General Pillow when General Scott ordered him to advance Morgan's regiment; if yea, what was it?

Answer. I don't recollect any reply being made, anything more than a simple assent. The only part of the conversation I heard was the allusion made by General Pillow to Morgan's regiment, (what that allusion was I don't know,) and General Scott's order which followed.

Question by defence. Can the witness say that General Pillow did not reply to General Scott that he had already ordered Morgan to the support of Cadwalader, and that it was then *en route*, and pointed it out moving in the pedrigal?

Answer. I can't say that I heard General Pillow do anything more than allude to the regiment, and I think I saw him point to the position where the regiment was at the time. Not seeing the regiment at that moment, I am unable to say whether it was in movement or position.

Question by defence. Did you look at your watch to see what time General Scott arrived upon the field, or to see how long after he arrived that General Shields's brigade arrived?

Answer. I did not. I know that we took a very early dinner, about one o'clock, and, judging from the distance, we could not have been more than two hours in going it, although it was a rough road. That is my mode of computing the time.

Question by defence. Did the witness say Morgan's regiment was in the field at the time he saw it, in his answer above given, and was it at that time in motion?

Answer. I have stated before that my impression was, that at the time of the conversation between General Scott and General Pillow the regiment was in reserve; that it might have been in movement. When I first saw the regiment, which was very soon after General Scott's order was given, it was in movement; and I recollect thinking at the moment how promptly that order had been executed.

Question by defence. When you first saw Morgan's regiment in motion, how was it moving, and how long was this after you first met General Pillow on the slope of the hill?

Answer. When I first saw it, it was moving in a very irregular manner towards the village, the nature of the ground not permitting a straight course; and it was very soon after we first met General Pillow on the hill—a very few moments.

Question by defence. How far was Morgan's regiment from our position at the time you saw it in motion?

Answer. I think it was just beyond the position of Captain Taylor's battery, not very far beyond that battery. It was in the vicinity of the battery.

Question by defence. Do you remember, that immediately upon General Scott's arrival upon the mound, or hill, Major General Pillow pointed out to him the large reinforcements of the enemy then coming up from the city?

Answer. It was not immediately. It was some moments after, that I saw several persons, staff officers and others, pointing towards the advancing columns of the enemy; and my impression is that General Pillow was in the number. I consider that we were all spectators alike, each one pointing out to his neighbor what he saw.

Question by defence. Did you hear General Scott, very soon after he arrived upon the mound, ask General Pillow what bayonets those were passing through the pedregal, and that General Pillow replied, it was Morgan's regiment?

Answer. It was some time after Morgan's regiment had marched, that I heard General Scott ask General Pillow what troops those were, pointing in the direction of troops in movement. To which General Pillow replied, Morgan's regiment. I was deceived myself in looking at the troops, who appeared to be coming from the village instead of going towards it. I did not know but that they might have been a body of the enemy who had introduced themselves between our position and the village. It was all explained, however, when I came to go over the ground, to see that it was impossible for troops to approach any given point in a right line. They were obliged to zig-zag.

Question by defence. Was it on the south side of the mound that General Scott came up, and was it on that side of the hill that General Pillow met him?

Answer. I think it was on the south side.

Question by defence. From the south side of the hill, where the two generals met, was it possible to see the reinforcements coming from the city on the north side of the hill?

Answer. When I first saw the reinforcements, I had advanced up the hill a considerable distance, and stood in a group with others looking at the approach of the enemy. I did not observe at the time the configuration of the hill with sufficient minuteness, nor its bearings towards the enemy, to be able to say whether it was possible to see the columns of the enemy advancing from the point where the generals first met.

Question by defence. If General Scott could not, from the position where we met, see the reinforcements on the other side of the hill, must not General Scott necessarily have gotten the information of their approach from General Pillow?

Answer. Not necessarily; he might have gotten it from anybody else he chanced to meet.

Question by prosecution. About what distance was the regiment from the position of the two major generals, at the time he first

saw it, to the corn-field or to Taylor's battery, and how much time in seconds, minutes, or other portions of an hour, was it before witness saw Morgan's regiment in movement?

Answer. I can make only a mere guess on any part of that question. I can state my impressions. I think it might have been 200 yards from the hill when I first saw it, or more, and when I first saw it in movement I can scarcely say how much time had elapsed. I can recollect what my impression was, namely, that the regiment had moved with great promptness after the order had been given.

Question by prosecution. Judging from the distance, had time enough, or not, elapsed to allow a staff officer to go to the regiment, and put it in motion.

Answer. I think there had.

Question by prosecution. Has the witness seen, or been upon, the hill in question since the afternoon of August 19; and did not the principal conversations between the major generals take place on the slope towards the enemy's entrenched camp, and which also looked towards the road from the capital to the said camp?

Answer. I have not been on the hill or any part of the field of Contreras since the 20th of August. I recollect distinctly to have seen Major Generals Scott and Pillow, on the day of the 19th, mostly together on that part of the hill looking towards the enemy, conversing from time to time. From that part of the hill the columns of the enemy advancing from the capital could be seen.

Question by prosecution. Did the witness again see Morgan's regiment in motion after the witness had returned from his mission to Brigadier General Shields; and how much time had elapsed between his first seeing the regiment and his seeing it after the return of witness from the said Shields?

Answer. I have no recollection of having seen the regiment after my return. I returned with General Shields. I think I was absent about one and a half hours. I had to wait for General Shields.

General Scott desired to have his testimony recorded, as follows:

On the subject of the movement of Morgan's regiment I was reminded, and admitted this morning in court, that I was met by Captain Hooker, somewhere not far from the mound, in the direction of San Augustin, and by him conducted, by the easiest part of the hill, until we met Major General Pillow himself. Conversation rapidly ensued, and was rapidly resumed, from time to time, between the two major generals. The said Pillow pointed out to me the several positions occupied by the troops then under his immediate command. Many of those troops were seen in part or in whole. Other portions of the same troops were hidden by the accidents of the ground; such as bottoms, chasms, trees, and bushes. The nearest body of troops, except Harney's cavalry, was seen at or in a field of corn, distant from the foot of the hill some hundreds of yards, from 250 to 350. I asked, or Major General Pillow voluntarily told me, what troops those were about that corn-field; and learned that, besides Taylor's battery of 6-pounders,

which could not get near enough, on account of the difficulties of the ground, to be effective against the enemy; that Morgan's regiment, 15th infantry, was detached from its brigade, and held that position either in reserve or waiting for orders. And those were the troops we both could distinctly see at that field. Observing myself the movements of the enemy, and having those movements reported to me almost every moment by those who had glasses in their hands, of which Major General Pillow had previously given me some account. I suggested in conversation to the said Pillow whether, from what he had already told me of the troops which had passed the pedrigal, and were then supposed to have reached the hamlet that we could partially see, if it was not time to push forward Morgan to support Brigadier General Cadwalader, supposed, with a part or the whole of his brigade, to be already at the hamlet. Major General Pillow, whose information I was desirous to profit by, he having been longer upon the ground, seeming to think well of the suggestion, and both of us continuing to observe the advance of heavy bodies of troops from the capital to the said hamlet, I desired him, in language the most courteous, in the way of orders, to despatch the said regiment to the said hamlet. The regiment was soon in motion; that is, at the end of some 12 or 20 minutes; the ground being exceedingly difficult, as I afterwards learned, much more so than I then had any knowledge of. I sometime later observed, through some glade or opening in the bushes which covered the pedrigal, a body of troops winding its way first to the one hand and then to the other, to avoid, as I have since known, difficulties in the route. Not being able to determine at the instant in what direction that body of troops were marching, and supposing that, if it were Morgan's regiment, it had made but little progress in the advance, I turned to several persons about me, and very probably to Major General Pillow, and asked what troops those were, and was told that it was Morgan's regiment. This latter conversation, or those orders, inquiries, and remarks, all occurred, not on the top of the hill nor on the side next to San Augustin, but on a secondary hill or slope distinctly overlooking the enemy's entrenched camp, the hamlet, and the road leading up to both from the capital.

The court then adjourned until to-morrow, at 9 o'clock.

MEXICO, March 31, 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 continued his evidence:

Major General Pillow proposed to me at the mound, the point of observation that overlooked the field of battle, and I very readily concurred, that he should follow the troops which had passed the pedrigal, in the direction of the hamlet, and to the enemy's left.

This, a little before dark; perhaps a little before sundown. An half an hour later I began to doubt, and still more, an hour or two hours later, whether the said Pillow would be able to pass the pedrigal at all in the dark, because I had despatched several staff officers—at least two, besides Captain Kearny—who had, within the space of two hours, and after dark, successively returned, (some of them,) and reported to me that each had found it impracticable to penetrate far into the pedrigal during the darkness. Accordingly, long before the said Pillow came to me in the night, at San Augustin, I had concluded that he, also, would fail to get over to the hamlet. At some hour of the night—I think nearer 11 than 10 o'clock—the said Pillow came into my quarters at San Augustin, where I had preceded him, perhaps, two hours. With him came several of the staff officers, and Brigadier General Twiggs; and all who spoke on the subject concurred in the same report—that it had been found impracticable to get over the ground in question.

Captain Lee, engineers, came to me from the hamlet, with a message from Brigadier General Smith, I think, about the same time; he having passed over the difficult ground by daylight, found it just possible to return to San Augustin in the dark; the greatest feat of physical and moral courage performed by any individual, in my knowledge, pending the campaign. The said Pillow, Twiggs, and Lee, were all equally earnest in the desire to return the same night to the edge of the pedrigal, in front of the enemy, next to San Augustin; and I permitted—nay, directed—said Lee to go back, charged with the execution of certain orders, and the said Twiggs was allowed to accompany him; but insisted that the said Pillow should remain for the night, and that, if necessary, I should positively command him to do so. I think it was then as late as midnight. There was a cold rain, and a heavy one falling, and the night was exceedingly dark.

Question by defence. In witness's official report, dated 19th August, 1847, is the following passage, viz: "From an eminence, soon after arriving near the scene, I observed the church and hamlet, Contreras, (or Ensalda,) on the road leading up from the capital, through the entrenched camp, to Magdalena; and seeing, at the same time, the stream of reinforcements advancing by that road from the city, I ordered (through Major General Pillow) Colonel Morgan, with his regiment, the 15th, till then held in reserve by Pillow, to move forward and occupy Contreras and Ensalda; being persuaded, if occupied, it would arrest the enemy's reinforcement, and ultimately decide the battle." Did the result of that battle prove the correctness of the opinion of witness, as expressed in the same passage of his official report?

Answer. I think it did. I did not mean to say, in that report, that I was the only person observing the movements of the enemy, and the positions of the two armies; for, as I said before, in answer to questions, I profited by inquiries made of Major General Pillow, and others, as much, at least, as by what I could see with my own eyes, before coming to definite conclusions.

Question by defence. In viewing the field of battle from the