

also, if on the evening of the 11th, when the consultation was held at *Piedad*, the enemy had not then in position eleven pieces of artillery, seven commanding the approach from *Piedad* and four pieces in works flanking on the left this position?

Answer. On the morning of the 9th there were several guns in position. I had seen guns there before, on the evening of the 8th; on the morning of the 9th there were at least two, and if I can find my notes I can tell the exact number. The batteries across the San Antonio road and in the field towards the Nino Perdido gate were in existence; the curtains connecting them were under construction. I do not recollect whether the batteries were completed or not. I do not recollect of seeing men at work upon them. On the evening of the 11th I think there were at least eleven guns. When I first counted the guns on that line I think there were five in position, and from day to day others were added.

Question by defence. If the attack had been made on the 9th or 10th September upon the work in front of the San Antonio garita would that work, in your opinion, have been greatly more easily taken then than it would have been on the evening of the 11th when the consultation was held?

Answer. I think it would have been much more easily taken on the 9th or 10th than any time afterwards.

Question by defence. Will witness state if the only remark made at this consultation by General Pillow was not to ask General Scott the following question, viz: "Suppose you had taken Chapultepec, what is then your plan; will not the citadel be in the way, and is it not a formidable work?"

Answer. I don't recollect the remark as quoted by General Pillow, but the impression on my mind is what I have stated. I only remember a few remarks more, in the shape of questions to the General. I remember that General Twiggs was in favor of the attack on Chapultepec.

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

MEXICO, April 1, 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.

Brigadier General Cadwalader, for the prosecution, recalled:

Question by prosecution. What troops, as far as the witness knows, were under the immediate command of Major General Pillow in the battles or operations about Churubusco on the 20th of August last?

Answer. General Pillow was with and in immediate command of my brigade; the other brigade of his division was detached. I

know that after the battle General Pillow passed on with some cavalry.

Question by prosecution. As far as the witness knows, was General Pillow engaged in any conflict with the enemy on the said 20th August other than the operations against the works about Churubusco?

Answer. None, that I saw.

Question by prosecution. Was the witness present at the *Piedad*, September 11, 1847, at a conference held by Major General Scott with many other general officers, commanders of brigades, and staff officers, respecting a very early attack upon this capital, either by the way of the gate of San Antonio, or by the way of Chapultepec, and if so, state substantially the views and preferences of Generals Pillow and Scott in respect to those points?

Answer. I was present at that meeting. General Scott submitted his views, and invited any remarks from any of the officers present, saying that he was thinking aloud, and invited their opinions. General Scott inclined to decide upon the attack of Chapultepec, and invited suggestions from the officers present. I have no recollection of much having been said by any body upon the subject. Engineers were invited to speak and give some explanations in regard to their examinations; they did so, but declined to give any opinion or decision of the point to be attacked. We all seemed to be listeners. General Scott said that in fifteen minutes he would, unless his opinions were changed, decide upon the attack on the following day, of either the San Antonio road or the castle of Chapultepec. I don't remember that either General Pillow or any other officer said much on the subject, except in the way of making inquiries. I remember one inquiry General Pillow made, and that was, what were the plans of the general after taking Chapultepec.

Question by prosecution. The witness has said that but little was said by any body. Does he mean in *reply* to Major General Scott, or by the said Scott inclusively; and about how long was the said Scott occupied in stating the numbers and means of the American army, and his own views and preferences?

Answer. I have reference to others than General Scott. But little was said by others upon the invitation by General Scott to make suggestions to him. We were mostly listeners while he explained his views. I should think that General Scott was occupied about twenty minutes in stating his views, and the strength of the American army.

Question by prosecution. Does the witness chance to remember the position of Major General Pillow, at the time Chapultepec was carried, on the 13th of September last, and how long it was after that success, before the said Pillow came upon the hill, or was brought upon it?

Answer. General Pillow having been wounded, I did not see him at the time Chapultepec was carried; I therefore do not know his position at that moment. The first I saw of him was upon the end of the wall, by the main entrance, and to the right as you enter the

main gate, as I came out of the building, about twenty minutes after it had fallen. How long he had been on the hill I don't know.

Question by prosecution. Was the witness's seeing or meeting with Major General Pillow, after witness had addressed the troops from the castle?

Answer. It was subsequently.

Question by defence. Witness will state if he was in the battle of Contreras in command of a brigade, and what orders he received on the 19th from Major General Pillow, before he engaged in that battle?

Answer. I was, and received an order from General Pillow to march with my brigade to the support of Colonel Riley, who was then crossing the pedrigal.

Question by defence. Were the orders of battle, and the orders given to the different commanders of brigades, explained to you at the time you received the orders, above referred to, of General Pillow?

Answer. I had been with General Pillow from the commencement of the battle, until I left to follow Colonel Riley, either by his side or within 50 yards of him. When Colonel Riley left, I understood that in consequence of the character of the ground in front of the enemy, he had been detached to get a more favorable position on the flank or in rear of Valencia's camp, and no particular instructions were given to me when I left. I understood that I was to follow and join Colonel Riley, and that the force would then act according to circumstances. It having been intended by the movement of Riley to make a demonstration upon the flank or rear of the enemy.

Question by defence. Did witness understand that the movement in sending Riley and himself to the rear, was to make a demonstration, or to make an attack upon the rear of the enemy?

Answer. I considered that the officer, upon his arrival in position, should either make a demonstration or attack, as circumstances might render expedient. It did not seem to be the intention to limit the discretion of the officer in command. He might either hold the position, or attack the enemy, as circumstances might render proper.

Question by defence. Did the witness see and know that Smith's brigade had attacked the enemy in front; that Riley had moved to turn the enemy's left, and gain his rear, and did witness understand that he was ordered to support Riley in that movement. Did he derive this understanding from General Pillow's instructions; say also if General Pillow directed him to make the church of the village of Ensalda his guide in passing the pedrigal?

Answer. I knew that Smith's brigade had attacked the enemy in front, and Riley was ordered to turn the enemy's left and gain his rear. I was ordered to support Riley in that movement, and I so understood the instructions of General Pillow. I do not remember whether he called my attention to the church as a guide. I followed the track of Colonel Riley.

Question by defence. Were you also instructed to cut off any

reinforcements which might make their appearance upon your right?

Answer. I do not remember anything being said upon the subject. But I would have considered it a point of duty to do so.

Question by defence. State whether, from what you saw of the movements of the different corps on the field on the 19th, and from your instructions from General Pillow, you understood that the plan of attack ordered by General Pillow was to attack the enemy in front and rear at the same time?

Answer. The attack had already been made in front. I don't remember anything definite that was said on the plan, but I supposed that it was manifest that the attack in front should be kept up and an attack made on the flank or rear, and I considered that it was obviously the intention of the general that that should be done if it was found to be practicable.

Question by defence. State what steps or movements, in execution of this plan of attack, were taken on the 19th of August, 1847, and whether under those orders Colonel Riley had gained the enemy's rear, and your command had secured the possession of the village of Ensalda?

Answer. The attack was made in front. Colonel Riley moved into the village on the enemy's left, and I followed him; he passed through the village. I observed the large force under Santa Anna coming towards the village from San Angel, in consequence of which I saw the necessity of holding that village instead of following Colonel Riley, and depending upon Colonel Riley's coming up to support me, on the attack by the enemy, which I supposed would be immediate. Colonel Riley, however, moved on through the village and was masked from my view, and my force held in check the force under Santa Anna, which did not pass my position.

Question by defence. Had the troops, by occupying the villages or hamlets in the rear or on the flank of Valencia's camp on the 19th, seized the only direct communication of the enemy to and from the capital, and must or must not, in your opinion, the secure holding of these positions have decided the day in favor of the American forces?

Answer. The position was on the road through which the troops to and from the city must pass, or make a long circuit near the mountains, and it also kept open the communication with our own forces; it was therefore a most important one.

Question by defence. What time did General Smith arrive at this village? was it before or after you took possession of that village?

Answer. About an hour after I had been in position, and Santa Anna's advance had been checked; General Smith arrived about half an hour before dark.

Question by defence. What time did General Shields's brigade arrive at the village of Ensalda? was it after dark; if so, how long after dark?

Answer. I never saw them, and don't know, except that it was late in the night.

Question by defence. State if the possession of that village, in your opinion, did not, by cutting off the enemy's reinforcements, render it almost absolutely certain that the renewed assault, as soon as daylight would admit of it, upon the entrenched camp, must prove successful?

Answer. Yes.

Question by defence. What, in your opinion, prevented the plan of attack to which you have already referred, from being carried into effect upon the 19th? Was it near the approach of night, and the appearance of the large reinforcements of the enemy?

Answer. The large reinforcements of the enemy fully occupied my command, and prevented any other movement till after dark. We remained in position to impede the advance of the enemy. I have no doubt that an attack would have been made that afternoon, if it had not been for the reinforcements of Santa Anna, which fully occupied me and prevented me from joining Colonel Riley. If I had joined him I should have availed myself of his command and of my own, and would have most certainly made the attack in fifteen minutes after we met. From the view I had of Valencia's camp afterwards, I have no doubt the attack would have been successful, for the work was a weaker one in the rear than I expected, and the same force carried it the next morning by an assault on the camp. The other forces had a powerful influence in producing the result.

Question by defence. Have you reason to believe that no additional means were thrown into Valencia's camp, after your seized the village before mentioned, and whether the holding of that village prevented reinforcements?

Answer. I am under the impression that no additional means were thrown into camp after we occupied the village, and the holding of that village prevented it. I am satisfied that the two brigades, Riley's and mine, were sufficient to carry Valencia's camp, had not Santa Anna's appearance prevented it.

Question by defence. Where were the reinforcements of the enemy on the morning of the 20th? where were they when you were in the occupancy of the village before mentioned, if you chance to know?

Answer. We moved out before it was day from the village to the attack, and we supposed that they were in their position; but, I believe, it is known that they had withdrawn to San Angel during the night.

Question by defence. Was there any conference of officers at the village of Ensalda, or other place, on the night of the 19th of August? Were yourself and Colonel Riley present? What was the result of that conference? Was it then and there determined to assault the camp next morning; and was the plan of attack then determined upon the original views of any individual officer, or those agreed upon in conference and adopted by General Smith?

Answer. I know of none. There was a conversation between General Smith, Captain Lee, and myself, Colonel Riley not being

present, I think, which resulted in a message from Gen. Smith to Gen. Scott, through Capt. Lee, giving Gen. Scott information of the attack on the camp the next morning, as it was thought too late to attack Santa Anna. This took place on the ground, and not at Ensalda. I considered the attack as the obvious result of the train of events which had preceded. It had been the intention of General Smith to attack the body of reinforcements under Santa Anna, and orders had already been issued to that effect, and that attack would have been made had there been half an hour more of light.

Question by defence. What was the plan of attack finally determined upon, and carried out, on the 20th? Was it to assault the camp of Valencia in rear, whilst an attack or diversion should be made in front?

Answer. It was.

Question by defence. Did General Pillow reach the field of operations after the work was carried; and had any of his division left the field? State also if, after he arrived, he made details from his own division to guard the prisoners?

Answer. He reached the field a short time after the work was carried. The part of the division which I had under my command was halted near the bridge, and in the road, when General Pillow came up. General Smith, with his division, cut across, and followed the retreating enemy on the road to San Angel, and did him much injury. After General Pillow arrived, I think there was a detail for the guard for the prisoners, but have no definite recollections of it.

Question by defence. Was the entire division of General Pillow engaged in the assault upon this work; a part in front, a part in rear, and a part present on the ground as a supporting force?

Answer. Four regiments were with me; the two others were not in my sight; but I understood that they were in front, the same position they occupied the day before.

Question by defence. State by whose orders General Pillow's division moved from the battle-field of Contreras? State also if, at that moment, the rear of Twiggs's division and Shields's brigade did not occupy the road to San Angel just in advance of Pillow's division, and within two or three hundred yards, and in full view, of the advance of Pillow's division?

Answer. Twiggs's division was in front, and General Pillow's division closed up in rear of Twiggs's division, and followed it to San Angel.

Question by defence. State what you know upon the subject of General Pillow's opinion about the armistice agreed upon at Tacubaya? Do you know whether he was in favor of that armistice or against it?

Answer. I heard him say at Mixcoac, in the presence of General Pierce, and on one or two occasions to myself, I heard him speak in opposition to it. This was before the armistice; I think on the very day the commissioners first met.

Question by defence. Have you a knowledge of the fact that General Pillow addressed a letter to General Scott urging him not

to grant the armistice until the capital or Chapultepec was surrendered, and sent by General Pierce on the first day the commissioners met?

Answer. I have no knowledge of it.

Question by prosecution. On being ordered to follow Riley's brigade, on 19th August last, and as senior officer, on coming up with that brigade, had the witness precise instructions to attack the enemy's left flank, or the rear of that flank, or to occupy the hamlet, or to take any other definite position; or did the witness march with any definite plan of operations received from Major General Pillow, or, in other words, did, or not, witness conceive himself as the senior officer then detached in the same direction, entirely at liberty to make his own plans, and to modify them according to circumstances?

Answer. The instructions were not precise, and I considered that my instructions left it discretionary with me, depending upon the character of the ground and circumstances. I had no instructions to attack the left flank, or the rear, or to occupy the hamlet, or to take any other definite position. I marched with no other plan of operations than I have mentioned. I did consider myself at liberty to make my own plans, and modify them with cause or reason.

Question by prosecution. At that conference, or those conferences, the witness has spoken of respecting an attack on the enemy's entrenched camp, or on the enemy's forces *outside*, did the senior officer, (Brigadier General Smith,) the witness, or other principal officers, cite or recall, as governing the conference in any degree, any original plan, or otherwise, of Major General Pillow, as applicable to the case or circumstances.

Answer. No.

Question by prosecution. How many minutes, or quarters of an hour had elapsed after the entrenched camp had been carried, the morning of August 20th last, before the arrival of Major General Pillow at that camp?

Answer. I can't speak very positively, but I should think it may have been about 20 minutes; I don't think it was more.

Question by prosecution. What did the witness chance to see or know of any personal combat between Major General Pillow and some Mexican officer, or other single Mexican, in or about Contreras, or Churubusco, on the 19th or 20th of August last?

Answer. I saw nothing of the kind.

Colonel E. A. Hitchcock, 3d infantry, duly sworn:

Question by prosecution. Does the witness chance to know at about what time Major General Scott and many of his staff arrived at the hill or mound, that overlooks the then entrenched camp at Contreras, some time in the day of August 19, 1847?

Answer. At the time referred to, I looked at my watch on dismounting from my horse, and it was just 3 o'clock, and I do not think it varied one minute from three.

Question by prosecution. Where was the witness; and was Major

General Scott and part of his staff with the witness when he dismounted and looked at his watch?

Answer. I believe it was at the position occupied by General Pillow on the mound which overlooked the field of battle; I was in company with General Scott, as were several other staff officers.

Question by defence. Do you know, or have you reason to believe you know, who is the author of the letter in the paper handed you, dated January 23, 1848; if so, who is he, and your reason for your opinion? (Marked Q.)

Answer. I state, in the first place, that I am ready and willing to answer the question; but I do not admit it to be a proper one. The letter is published in the Weekly Courier and Enquirer of March 1, 1848. The letter referred to is dated January 25, 1848, long subsequent to the termination of the campaign by which the American army entered this city. I had been throughout the campaign in the staff of Major General Scott as acting inspector general of the army, and I felt myself well acquainted with the principal movements of the army, and with many of the views and opinions of the commanding general, at times when it was not proper to speak of them publicly, lest they might reach the enemy. Some weeks after the American army entered this capital, I saw, as I believe most of the officers of the army did, several letters published in the United States, referring to the operations of the army; some of which I considered false as to the facts they presented, and vile as to the purpose for which they were written. I refer now to four letters, particularly to one published in New Orleans over the signature of *Leonidas*; one in Washington, signed *Veritas*; one in Philadelphia signed *Warren*, and one, I believe, in New York, the latter dated Mexico, October 26, 1847; when the letter referred to, October 26, appeared in this city, I considered it to be my duty to take some steps towards correcting the tendencies of these letters. Upon mature consideration, I determined to address a letter to a friend in New York, for the purpose of putting him in possession of such facts as I felt most assured of, and which I thought calculated to rebut the false impressions, as I considered them, which seemed likely to take possession of the public mind—expecting my friend to make use of those facts in any proper way; but without indicating any mode in particular. He, it seems by the paper in my hand, thought proper to publish the letter almost entire, and this is the letter, and I will express my regret that I have not more ability to do full justice to the subjects in the letter.

Question by defence. Who is the friend to whom you sent that letter?

Some objections being made to the question, the court was closed, and decided that the witness be not required to answer.

Question by defence. Had General Scott any knowledge that you had written the letter above referred to, or that you intended to write such letter?

Witness declined answering the question.

The court decided that the question should be answered.

Answer. He had no knowledge of my intentions to write such a letter, but after I had written the greater portion of it, I was anxious to avoid stating anything but what was strictly true, and I requested General Scott to allow me to read it to him. He objected to it quite positively, I might say somewhat abruptly. The next day he asked if I had the letter, and I supposed at the time that he was under the impression that he had perhaps too abruptly declined to hear the letter before, and that I might feel hurt at his refusal; he said he would hear it. I was particularly anxious about what I said of the Chalco route—anxious to avoid mistakes, and I intended to profit by any correction that he might make; I read that part of the letter and something beyond it, but I do not remember how much, but not the whole letter. General Scott made, I think, but one remark, which, as I did not think it important or necessary to my purpose, I did not use; and the whole letter as it stands is mine and mine exclusively.

Question by defence. Did you then read to General Scott that part of the letter relating to General Pillow?

Answer. The whole relating to General Pillow was not read to General Scott. I am not certain that any part of it was.

Question by defence. In writing the introductory letter to the intercepted Mexican letters, and in writing this letter—both of which are highly laudatory of General Scott—did you consider yourself, by public duty or private engagements, the historiographer of General Scott?

Answer. I do not admit the letters and the introduction are particularly laudatory of General Scott. My object in writing the letters was to do what I considered a simple act of justice. I thought that some one having a knowledge of the matter should make an effort to stem the tide of error, not to say falsehood, sought to be impressed upon the public mind by the letters to which I have already referred, and not perceiving any adequate effort from any other quarter, I thought I would try and do it myself. In writing the introduction, my object was not to laud General Scott, but to explain so much of the campaign as might make the intercepted letters acceptable or interesting to general readers. I supposed those letters might fall into the hands of persons who would not be familiar with the official reports, and who would be curious to know the general facts of the campaign.

The court then adjourned until Monday morning, at 9 o'clock.

MEXICO, April 3, 1848.

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

General Scott present.

Major General Pillow before the court.

Colonel E. A. Hitchcock under cross-examination:

General Pillow said the question last asked was not answered. He wanted a direct answer to the question.

The witness continues his answer: I state that I do not consider it an official duty, and I am under no private engagements to write accounts of the operations of the American army in this valley or in the late campaign; but I do consider it a public duty, a duty I owe to the army, to our country, to public history, to do what I can to prevent the misrepresentation of facts, and contribute to the means which may be necessary to enable the proper historian yet to be, to fulfil his duty to the world in a truthful manner. I consider myself in possession of some, I might say considerable, information about this campaign, and I feel entirely at liberty to publish it, and expect to exercise that liberty. If what I write has not my name to it, it is not because I am unwilling to put my name to it as answerable for what I state, but because I do not seek or desire to bring my name before the public.

Question by defence. Has witness been indemnified by the prosecutor, or promised any indemnity, for violating the regulations of the army in writing these letters?

Answer. I do not admit, as the question implies, that I have violated any regulations in writing the letter in question. I therefore do not consider that any indemnity could have been promised me, and I never sought for it or have received it, and no promise has been made of any sort in relation to it.

Question by defence. Will witness say whether, or not, General Scott has not recommended him to the government, or some of its officers, for a brevet, or has told him that he would do so?

Answer. Although I consider this question as designed for no purpose connected with the proceedings proper, unless otherwise ordered by the court, I shall answer it as follows: I do not know, nor do I believe, that Major General Scott has recommended me to the favorable notice of the government; but I do know that he has never spoken to me on the subject.

Question by defence. Have you not been informed that General Scott had recommended your name to the government for a brevet?

Answer. If that question is not already answered, when I say I do not believe, &c., I answer, I have *not* been so informed. I remark further, that I suppose the question to refer to a recent period, and not to the events of the Florida campaign, in relation to which events, I have been informed, that some measures were taken to procure a brevet for me; though the subject has not been mentioned for a long time, and was not in my mind when I commenced answering this question.

Question by defence. Did you not know, when you wrote the letter of the 23d January, 1848, that General Pillow was then under arrest, under charges preferred by Major General Scott, and awaiting his trial upon the very matters which, in part, constitute the subject matter of this letter?

Answer. I knew that General Pillow was under arrest, and that some of the matters referred in the letters, were probably em-