

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-

braced in the charges against him. I suppose him to have been waiting trial, though I now remember that the order for this court of inquiry was received here before the letter was completed. I was mistaken as to the reception of that order for the court at this place. I have confounded two events; the sending of the treaty home, and the sending of the armistice. The order was received between those two events. My letter was sent at the time the treaty went. At the time of writing the letter, whether General Pillow was waiting trial or not, I did not particularly reflect upon. I supposed him to be waiting trial.

Question by defence. When you submitted or read a part of this letter to General Scott, did he not object to its publication, as being contrary to every rule of military propriety, as conducing to prejudice the public mind against an officer under arrest awaiting trial?

Answer. I did not state to General Scott that the paper was intended directly for the press, nor was it so intended; hence I wrote with the freedom of mere epistolary writing. The object was to put the facts, as I understood them, in the hands of a friend, to enable him, by a proper use of them, to meet what I considered as misstatements already before the public. General Scott made no objection to my writing a letter, or to the use of it, as designed, which design I think I stated to him.

Question by defence. You have said your object was to correct error in the public mind, and have now just said this letter was not intended for publication; how, then, did you expect to correct these errors, which you profess to think had spread through the country by four published letters, if this was a private letter?

Answer. I have said and say again, that I expected my friend to use the contents of the letter, but did not expect him to publish the letter.

Question by defence. Did you, or did you not, expect your friend to publish in the newspapers the contents of your letter?

Answer. I did expect him to use the facts I communicated to him, by publishing them in his way.

Question by defence. Was that friend connected with any newspaper, or public press?

Answer. Not to my knowledge; I am quite sure he is not.

Question by defence. Pending these charges, did no principle of justice or courtesy, no sense of decency, no sentiments of honor, suggest to you that it was as improper as it was dishonorable, thus to assault, in an anonymous publication, an arrested officer about to be tried upon the very matters discussed in that communication?

Answer. Although I suppose the object of the question is obtained by putting it on record, I answer it, in the first place, no; that the inquiries which a court might make, would refer principally to one letter, known as the Leonidas letter, which, in fact, we had received at this place. Several letters or communications, from several parts of the United States, referring to the operations in this basin, calculated, as I believed, to mislead the public mind, I saw

no impropriety in endeavoring to stem the current likely to be created by these communications, and I wrote the letter in question, intending to contribute towards that object.

Question by defence. Had the witness never seen and read the charges against General Pillow; and did he not know that nearly all the matter of assault upon General Pillow, in his letter, was embraced in General Scott's charges against General Pillow?

Answer. I never read those charges when completed in their entire form, but read parts of them, and perhaps the whole by reading separate specifications, on separate sheets, at different times, when in course of preparation; I cannot say, without a careful comparison of the charges and the letter, in what respect they touch the same subjects.

Question by defence. Did the witness write, or assist in writing, or dictate any of those charges, or furnish the matter to General Scott for any of said charges?

Answer. I did not write, nor assist in writing, those charges; neither did I dictate any of those charges, nor did I furnish any matters, to the best of my recollection, to General Scott.

Question by defence. Did not the witness decline to take command of one of the most distinguished regiments in this army, as the army was about to resume active offensive operations, and accept a position (not recognized by law) in the staff of the commanding general, the duties of which position have not brought him under the fire of the enemy in this valley?

Answer. When I was at Brassos, or near it, in January a year ago, Major General Scott, in conversation with me, suggested a doubt whether Colonel Churchill, one of the inspectors general of the army would join him with the troops from General Taylor's division, and expressed a desire, in that event, I would join his staff as acting inspector general. I felt highly complimented by that conversation, and reflected upon the matter seriously. I knew that I should, by accepting the appointment, be withdrawn from the command of one of the finest regiments in the service, the instruction and discipline of which had previously, until a period of sickness separated me from it, been under my direction. I was proud of that regiment, and ready and willing to serve with it anywhere; but I knew that many new officers had been appointed to the army superior in rank to myself, and that my command would, in all probability, be merged into that of some of these officers. The fact that Col. Payne had accepted a similar situation, declining the command of 11 companies of artillery, organized as an infantry regiment, had its weight with me. I did not know at the time what special duties Major General Scott might have for me, but felt strong in my purpose of justifying the compliment I considered involved in the invitation or expressed desire. Whether I was to be under the enemy's fire or not did not occur to me; but I accepted the invitation of General Scott, and have been under the fire of the enemy; and whether I have obeyed his orders and answered his expectations, I shall leave him to say. I would add, that I consider this

question as designed to insult and irritate; and I say this on my oath.

Question by defence. Witness will state if Colonel Payne's acceptance of a similar position was not before the war commenced, and during a state of peace.

Answer. It was at Corpus Christi, where the army was concentrated, in view of a contingency, and for the purpose of meeting that contingency, to wit: the war with Mexico.

Question by defence. You have stated that your object in this publication was not to laud General Scott, now state if your object was not to assault and defame General Pillow.

Answer. That was not the object; and I probably should never have thought of writing the letters if it had not been for the publications already referred to in my testimony.

Question by defence. You say your object in writing these letters was to arrest the tide of error. Could you not do this by a statement of facts, without casting imputations upon General Pillow's personal character?

Answer. I have stated in my testimony that I wrote the letters in the freedom of epistolary correspondence, and I did not expect that my friend would publish the letter, and adopting the phraseology and style. I expected him to use what I considered the facts in that letter; and, so far as they might affect the character of General Pillow, that effect was the necessary consequence of communicating those facts.

Question by defence. Does the witness state upon his oath that all his statements in that letter, in reference to General Pillow, are facts?

Answer. I state upon my oath that I believed they substantially were facts; that I would not have written them had I believed otherwise. But the letter itself will show that they were chiefly derived from others, and not personally known to myself. On looking at the letter since it has been printed, I have observed two places in reference to General Pillow which, were I to write the letter at this time, I should perhaps modify or explain more at length.

Question by defence. If the statements in that letter in reference to General Pillow were derived from others, and were not known to you personally to be true, why did you in that letter refer to your position and to your character for veracity to sustain your statement?

Answer. Because my position has given me access to many persons who, I supposed, well informed personally of the matters derived from them, and embodied in the letter; and I believed that my friend, who has known me for many years, would rely upon my veracity, and would confide in my judgment in sifting the rumors and reports, and information, from various sources, to be had with the army, where they originated.

Question by defence. Did you mean, by appealing to your position and veracity, to sustain statements, of the truth of which you had not personal knowledge?

Answer. I answer, yes; so far as that position gives me a decisive advantage over my friend in New York, and enables me to give him a degree of assurance, I may say, infinitely above any anonymous correspondent. I expected this would fortify him in any statements he might think proper to make to the public; but the public, of course, would receive those statements, and examine them, in connexion with other statements, and judge of their accuracy either from internal evidence, or by such other means as may be customary under such circumstances.

Question by defence. What were your personal relations with General Scott, for some years prior to your acceptance of this position upon his staff, and what are your present personal relations with him?

Answer. For some years, commencing with the year 1836, I think, my friendly relations with Major General Scott were interrupted, and several passages occurred in which, I think, each looked upon the other with suspicion, and perhaps ill feeling. This was put an end to, in the most handsome manner possible, by Major General Scott, on his arrival at Brassos, something over a year ago; and I am now most happy to say that I believe he thinks me worthy of some degree of his confidence, and I am proud to feel that I am, to some extent, entitled to it.

Question by prosecution. Was the letter in question written at the instance, or by the request of Major General Scott, or had the said Scott any agency whatever in causing the letter in question to be written?

Answer. It was not written at his instance or suggestion, nor had he any agency in writing it.

Question by prosecution. When did witness first see the printed letter, of which he has acknowledged himself the author; and has the witness visited or conversed with Major General Scott since, or has the witness received any note or oral message from the said Scott since?

Answer. I think it was in the evening, four days ago. There has been no note or oral message from General Scott to me since, and I think I have not visited him since the reception of that letter in print. Since the letter was introduced into the court, I have designedly abstained from visiting him, having no doubt that such would be his desire. The letter has not been the subject of conversation between us; I believe there has been no conversation since, at all.

Question by prosecution. Did the witness ever tell the said Scott, or intimate to him, witness's intention to publish, or cause the letter to be published in any newspaper; or did the witness not say it was not for publication, or immediate publication?

Answer. I certainly did not tell him it was for publication, and I think I stated to him my intention of placing the facts in possession of my friend, to be used at his discretion.

Question by prosecution. Did the witness make known to Major General Scott that he had sent, or would send off the letter in question, by any particular conveyance, or at any particular time;

or that the witness meant to send off the paper at all, or to keep it for his own future use?

Answer. I have had no conversation whatever with General Scott, on the subject of that letter, since the reading of a part of it to him; and did not inform him of my intention to forward it, or that I had forwarded it, at any particular time, or by any particular conveyance.

Question by prosecution. Does the witness know, or has he reason to believe, that Major General Scott has made any recommendations whatever for *brevets*, but has been waiting, according to the heretofore practice in this war, to be asked for a list of names by the War Department; and that, in the meantime, the said Scott has written nothing on the subject, other than his general reports of battles, to the Secretary of War?

Answer. I have some reason to believe—very strong reasons—that General Scott has written nothing on the subject of *brevets* to the War Department; that his correspondence has been confined to matters purely official, and those only necessary for the successful command of the American troops in this country; and that he has been waiting, on the subject of *brevets*, in the manner indicated in the question.

Question by prosecution. Has, or has not, the witness seen, in some newspaper or newspapers published in Washington, District of Columbia, and other parts of the United States, the correspondence between Major General Scott and another general officer of this army, (Brevet Major General Worth,) certified by an *aid-de-camp* of the latter; on which correspondence, and the demand for the investigation of the said Scott's conduct, therein made, this court was, in part, ordered?

The court decided the question to be irrelevant.

Question by prosecution. In respect to the duties of inspector general, besides Colonel Churchhill, did or did not Major General Scott intimate to the witness that there was another field officer with Major General Taylor, to whom the said Scott had thought of tendering the place with him of acting inspector general, and that it was not until after it was known that that other field officer would not join the said Scott, that the latter said to the witness it was essential he should have a capable and experienced field officer with him, as acting inspector general, and that the witness must consent to take the place?

Answer. I think there was some conversation of the kind, but my memory is not clear upon the subject. General Scott's intimation that he desired me to be the inspector general, was conditional, and he deferred giving effect to it until some days after the arrival at Brassos of General Worth, from General Taylor's column.

Lieutenant G. W. Lay recalled for prosecution.

*First head, first specification.*

On the 19th of August last, General Scott and staff, including myself, moved from San Augustin towards the battle field, not later than 2, p. m.; I think, before that hour; I noted or inquired the hour before we took to horse. Before arriving at the rocky hills which leads towards the pedregal, I was sent to the front to observe what I could of the state of the field. The ground being bad, I did not get much ahead of General Scott; and when I passed the hill from which General Pillow and others were observing, General Scott could have been but little behind me, not over ten minutes' ride, certainly. I passed on to the position of Magruder's battery, and when I returned to the hill, I must have been gone about thirty minutes, by strict calculation from the nature of the ground and the pace of my horse, and some detentions. When I first passed the hill, I saw some infantry stationary near Taylor's battery. My subsequent knowledge of the field convinces me that it must have been Morgan's regiment. On returning to and ascending the hill, I saw a body of infantry in motion across the pedregal, not far advanced beyond the position of Taylor's battery, so little that they could have been in motion but a few minutes, (say ten,) as well as I could judge. When I joined General Scott, he pointed out to me those troops, and said that is Morgan's regiment which I have just sent to occupy the village between the enemy's works and his reinforcements, pointing out the Mexican force referred to. I give the substance and meaning of his words. General Pillow and General Scott were together at the time. I do not know whether General Pillow was attending to what passed between General Scott and myself, at the time, or whether he heard it. I cannot recollect how close General Pillow was to General Scott. I don't know that he was near enough to hear. He was in the same group.

Question by prosecution. Were the two major generals near enough to hear what was said by the one and the other; did Major General Scott speak in a whisper, in his ordinary tone of voice, or in a louder tone, and was Major General Pillow near enough to hear the said Scott?

Answer. With regard to the tone of the conversation, it certainly was not undertoned. I am myself in the habit of speaking loud, quite loud, when excited, and I have never remarked the contrary in General Scott. As to the exact distance between the two major generals, I cannot now speak positively. My impression is that all the persons in the group could have heard each other if paying attention. I recollect that a good deal of the conversation went on subsequent to what I have stated, between the two major generals, who were together observing the movements of the field. I remained for some time listening to, and perhaps taking part in, the conversation.

Question by defence. What position have you occupied during this campaign towards Major General Scott?

Answer. I have been his military secretary.

Question by defence. Have you, since the arrival of the army in this city, in the officer's club room, in presence of officers of the

army, made use of language to the following effect: "General Pillow is a liar, or a damned liar, and General Scott has in his possession, or at his command, papers to prove him a liar, and I have no objections to General Pillow's knowing that I have said so?"

Answer. I do not know that I have employed the coarse terms specified in the question. I have stated among friends that I did not believe General Pillow to be a man of veracity. I know not in what terms. I have also stated that I had seen a paper interlined, in General Pillow's handwriting, which was the substance of the Leonidas letter. I do not recollect of having mentioned General Scott's name in connexion with it. I have expressed very unfavorable opinions of General Pillow to General Scott, and to others, long before General Scott had ceased to regard General Pillow with kindness and confidence, and as far back as before landing at Vera Cruz. When I spoke of the paper, substantially identical with the Leonidas letter, I did say that I had no objection to the assertion being repeated as coming from me.

Question by the prosecution. When did witness's services commence, and when did they end as military secretary to General Scott?

Answer. I commenced my services on arriving at the Brassos from Saltillo, about a week after Major General Worth arrived there, sometime about the last week of January or the first week of February, 1847, and ended when Major General Scott was relieved by Major General Butler, about the 19th of February last.

Question by the prosecution. Has the witness any reason to know or believe that Major General Scott has ever heard of witness using harsh or abusive language in respect to Major General Pillow, either in public or private?

Answer. No, with the exception I am about to state, if it be an exception. At sea, before landing at Vera Cruz, in conversation with Major General Scott, I was led to say that I hoped he would pardon me for expressing to him frankly my opinions of some officers of rank now in the service; that I thought it was exceedingly important to him in the conduct of the campaign to have some idea of general officers that he had to work with; that I would state what I knew, or thought I knew, of them, and he would take it for what it was worth. In speaking of General Pillow I was afraid the general-in-chief would find himself mistaken if, in any crisis of the campaign, he should confide to him any important trust. This opinion was expressed in proper and decorous language, and General Scott expressed opinions very different from mine.

Captain George Deas, for prosecution, duly sworn:

Question by prosecution. Was the witness with the American operating forces against Contreras on the 19th of August last, and in what capacity?

Answer. I was assistant adjutant general to the second brigade of General Pillow's division, and present at that battle.

Question by prosecution. Did the witness chance to be made the bearer of any order from Major General Pillow that afternoon, if so, how, to whom, and what was the character of that order?

Answer. I received an order from General Pillow for Colonel Riley on the afternoon of the 19th of August; General Pillow had none of his staff in his immediate neighborhood at the time he wished to send the order, and I volunteered my services to carry it. The order was for Colonel Riley, who was advancing over the pedrigal towards the left of the enemy's camp. The order was for Colonel Riley to return with his brigade to the support of General Smith, whose skirmishes in front of Contreras had driven the light troops of the enemy back.

Question by prosecution. Did the witness deliver the order to Colonel Riley, and, if not, why was the order not delivered?

Answer. I did not deliver the order to Colonel Riley: on arriving at the end of the corn-field, where the pedrigal begins, I found it impossible to get my horse any farther, and I there met Lieutenant Brooks, who was acting, I believe, as a volunteer on the staff of Colonel Riley. He was the acting assistant adjutant general of General Twiggs's division, and knowing him to be a staff officer I communicated to him the nature of my orders for Colonel Riley. He was standing on quite an elevated spot, and told me it would be quite impossible for me to get my horse any further, and that it would be equally impossible to overtake Colonel Riley on foot, as he had already passed some distance over the pedrigal, and begged me to come up to where he was and see what good ground there was for operating on the enemy's left. I dismounted and went up and had a few moments' conversation with him, examining the pedrigal and the ground on the left of the enemy. Believing it to be perfectly practicable for infantry to pass over, I rode back at speed where General Pillow was, and communicated to him what I had done, and my observations. General Cadwalader had by this time left General Pillow and gone off a very short distance, fifty yards perhaps. General Pillow instantly ordered me to put the brigade in motion to the support of Colonel Riley, and to communicate that as his orders to General Cadwalader, all which was done without a moment's delay.

Question by defence. Please state what circumstances, in your judgment, caused General Pillow to send the order in question to Colonel Riley, what conversation you held with him, General Pillow, or heard, just previously to his giving the order?

Answer. I stated to General Pillow that our light troops had driven the skirmishers out of the bushes and from the broken grounds in front of their entrenched camp, and nearly half a mile in rear of their first position, and his close attention was immediately called to that point. It was at that instant that he gave the order in reference to Riley's brigade.

Question by defence. Were the appearances at that moment such as to render it probable the position might be carried by the front attack?

Answer. They were; for the reason that the difficulties that were subsequently found were not visible from that point.

The court adjourned until to-morrow morning at 9 o'clock, a. m.