

MEXICO, April 4, 1848.

The court met pursuant to adjournment.

Present: All the members, and the judge advocate and recorder.

Major General Scott present.

Major General Pillow before the Court.

Captain H. L. Scott recalled:

Question by prosecution. Does the witness recollect who gave the order to Twiggs, on the 20th of August last, to advance from Coyoacan and to attack the church, or convent at Churubusco; who ordered Riley's brigade to follow and support Smith's brigade, and who ordered Shields's brigade to follow that of Pierce to our left, and the enemy's rear.

Answer. I gave the order by direction of General Scott to General Twiggs, on the twentieth of August, and General Scott gave the orders to Riley's brigade, and to Shields's brigade.

Question by prosecution. What recent information, if any, had been received at general head-quarters, about the 11th of September last, respecting the approach of reinforcements from the United States, or from the Rio Grande frontier?

Answer. There had been no information received, but I recollect that there was rumor in camp, of the advance of some thousand of men about as far as Jalapa. This rumor must have come, I suppose, from this city. It was during the armistice, and probably referred to Lally's detachment. We had, however, no information, official or otherwise.

Question by prosecution. About what time did the first reinforcements reach this basin, after our arrival in it?

Answer. It was after the first of November.

Brigadier General P. F. Smith, duly sworn:

Question by prosecution. By whose orders did the witness pass the pedrigal, near the enemy, on the afternoon of August 19th last; about what hour did he reach the hamlet called San Geronimo, that afternoon; what does the witness know of any plan or order of battle respecting an attack by the American forces on the enemy's left flank, rear or entrenched camp, coming from Major General Pillow, and by whom was the plan actually executed upon that camp, conceived, laid down and executed, on the morning of the twentieth of August?

Answer. My brigade was in General Twiggs's division. That division, by General Scott's order, communicated through General Twiggs to me, passed through San Augustin, and in front of General Pillow's division, to cover that division in making a road by which the army might reach the San Angel road, to turn the position at San Antonio. That was the explanation that accompanied the order for our movement through San Augustin and to the front of General Pillow. After passing a hill or mound to the right, we got under the fire of the enemy's position at Contreras. General Twiggs then ordered the advance, composed of two companies of

rifleman, to drive the skirmishers of the enemy, which were in the corn in front, and cover the engineers in their reconnoissance. While that was doing, Magruder's battery came to the front. On the report of the engineers, the battery was ordered to advance, and I was ordered with my brigade to support it. General Twiggs at the same time turned Taylor's battery and Riley's brigade off to the right, and they soon disappeared around the corn-field and into the pedrigal; one of the pieces of Magruder's battery got fast in a stone wall through which it was passing, which delayed us a few minutes. Just as we started again, General Pillow rode up. He asked me where General Twiggs was. I told him he had gone in that direction, (pointing to the right,) and he turned and went after him; at that very moment as he turned off, I entered the corn field, and could see no more of him.

The next I saw of either of these general officers—General Twiggs or General Pillow—was after the action, next morning. General Twiggs joined the division just as its head was marching out of the village of San Geronimo. General Pillow came up to the head of the column, where I was, just before entering San Angel, near some ruined arches of an aqueduct, on the left hand side going in.

The only orders I had received up to the time of General Pillow's turning off to the right to follow General Twiggs, was the first order of General Scott, in relation to the movement on to the San Angel road. The order of General Twiggs to move to the front and support Magruder's battery, with some orders of detail, in the meantime, from General Twiggs; General Pillow gave me no order at all. Magruder's battery moved forward, and occupied a position pointed out by the engineers, and I moved my brigade to the left, and in a position to support the battery. There was a very heavy fire from the enemy's artillery, and the attack directly in front would have occasioned a very great loss. To turn their position by our left, would not cut their line of retreat; and, seeing the church of the village between their position and the city, I determined to move round by our right into that village, and take possession of it. I called the officers of the battalions together to explain my object, and that I should execute it in a few minutes if no orders came up to the contrary. After waiting probably fifteen minutes longer, to see if any orders should come from the rear, I directed Captain Magruder to open again his fire, which had been pretty much silenced by the enemy, in order to cover my movement to the right. I then moved off by the right flank, filing round and then towards the village. I happened to come out from the pedrigal along with the rear of a regiment that was under the command of General Cadwalader. I do not know what regiment it was, but think, from other circumstances, that it was Morgan's regiment. It was more than an hour before sunset when we got on the open field on the right of the village. As we started from the position of Magruder's battery, we saw reinforcements coming out from the city. When we came out from the pedrigal, they were formed in considerable force between the village and San Angel,