

And when the said Clarke, called as above, had proceeded to the extent of some sentences in answer to a question propounded through the judge advocate, by the said prosecutor, and had evidently shown that he was acquainted with the facts sought for by the question on the record, the said Pillow, the defendant, interposed an objection to the question, or to the answer, if not to both.

Hereupon the court was cleared, and decided to stop the witness's further answer to the said question.

Against that decision, the said Scott protests on these grounds:

1. The said Burns offered his paper to the court, in his capacity of a sworn witness; which paper being read in open court, and, with all the benefit to the said Burns sought by him is, or ought to be, on the records of the court.
2. The said Scott ought, as prosecutor, to be allowed to contradict, by competent evidence, any solemn declaration made in the said paper in common with any other assertion made by the said Burns, as a witness, before this or any other court; and
3. That, being cut off from that, as the said Scott believes legal resource, he is, to that extent, deprived of the means of attaining the ends of public justice sought for in the institution of this court.

Respectfully submitted:

WINFIELD SCOTT.

MEXICO, April 5, 1848.

The court then made the following decision:

The court will not hereafter receive any protest against any decision it may make; but the parties will be heard in writing, if they desire it, upon any question pending, before the same shall have been decided.

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

CITY OF MEXICO, April 6, 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.

Mr. J. H. Peoples duly sworn:

Question by prosecution, Did the witness receive, some time in October last, a letter from Major General Pillow respecting an article, then recently printed, signed Leonidas; and if so, produce that letter. And had the witness, about the same time, any particular conversation with the said Pillow on that subject, as also on the course of the newspaper called the American Star, of which the witness was an editor; and if so, state the particular conversation or conversations?

Answer. I received a note from General Pillow, at his own house, on the 22d of October. I believe I had given notice on that day or the day previous, that I would republish the Leonidas letter, with such comments as I thought the production merited. During that day General Pillow sent an orderly to my office, and requested that I would call on him in his quarters. I did so almost immediately. When I entered the room he either showed or handed me this note, saying that it was his intention, the day before, to publish it, under his signature, but that he had been advised not to do so; and he had sent for me on the subject of this letter and the Leonidas letter.

Letter read as follows, and annexed, marked R.

CITY OF MEXICO,

October 21, 1847.

Messrs. EDITORS: Having seen a letter in the Picayune of the 26th ultimo, signed "Leonidas" I feel it my duty to say I know nothing of this letter or of its author. If there are any who are disposed to attribute it to me, or who suppose I have given it my sanction, they are as *illiberal* as they are *unjust*.

All candid men who know me must be satisfied that I would not myself, nor would I allow any friend, to commit such an act of folly. I am willing to be judged by my written reports; but I utterly protest against the *injustice* of being held responsible for the anonymous letters of friends or enemies. Very respectfully,  
Signed—(signature erased,) Gid. J. Pillow, (also erased.)

Messrs. EDITORS: Please insert the above, and have your account presented me, (initialled) G. J. P. Addressed to editors Star.

The conversation afterwards turned to the Leonidas letter, and I think General Pillow asked me if I had read it, or what I thought of it. I remarked, in my opinion, it was a letter that would do the general a great deal of harm. He asked me, I believe, if there were no truths in the statement. I do not know that the word "truth" was used, but I understood it so. I do not recollect my reply, but I ended by saying, still I thought it would do him infinite harm. He asked me what sort of notice I intended to preface it with. I answered that I had written nothing yet. "Well," says he, "I have confidence enough in you to believe that I shall be justly dealt by," or "that you will do me justice." "You must recollect, as I said before, (alluding, I suppose, to a conversation in Puebla,) that I never forget my friends or forgive my enemies." At that time the late Captain Smith, third infantry, came in, and the conversation stopped. After Captain Smith went out of the room, I asked General Pillow to allow me to take that letter which he had addressed to me, but not sent to me; that I could shape the contradiction authorized by him from that letter. He reminded me again, when I got up to leave the room, that he was second in command, and that if General Scott should go home or anything happen to him, he (General Pillow) would command the army.



Question by prosecution. The name of Major General Pillow at the foot of the letter presented by the witness is cancelled, and also the postscript to the letter, but not the initials to the postscript. Who made these cancellations, if the witness chanced to know?

Answer. I do not know. They were there when the letter was handed to me. I suppose that after he declined publishing it, he scratched out the name.

Lieutenant J. Tilton, voltigeurs, duly sworn:

Question by prosecution. Has the witness chanced to hear Major General Pillow, since the entry of the American army in the city, speak of the effects of the battle of Molino del Rey upon the energies of Major General Scott, and that the said Scott, subsequent to the battle, required to be stimulated to further action by the said Pillow? If so, give the remarks of the said Pillow on those subjects.

Answer. On or about the 22d of September I, together with another officer, paid a visit of ceremony to Major General Pillow. Upon that occasion the conversation turned upon the battles preceding our entrance into the city. Major General Pillow stated to us that the battle of Molino del Rey was an unfortunate affair. He informed us that we had lost eight hundred and sixty men, which loss, I understood him, that *we*, that is, the superior officers, as I understood him, (that was the idea that I received,) had sedulously concealed from the army for fear of dispiriting the men; and that Major General Scott had been stunned, or paralyzed, by the loss; and consequently upon himself, as second in command, had devolved the subsequent movement, or words to that effect. I do not remember the exact words, but that was the idea I received. I was also given to understand, at the same time, by General Pillow, that the conception, as well as the execution, of the assault upon Chapultepec, originated with himself; with the exception of some general compliments to the regiment of voltigeurs and ourselves, the officers, of it, that was all of the conversation or statement that I recollect.

Question by defence. Witness will state who was present with him when the conversation was held, which he detailed to him; and where was General Pillow, and what was his condition?

Answer. Captain Barnard of the voltigeurs accompanied me; there were one or two officers there when we arrived, whom I do not know; and also a citizen with some English books; General Pillow was in bed, apparently suffering from the effects of his wound.

Question by defence. Where witness speaks of General Pillow's remark that we had lost eight hundred and sixty men, did General Pillow say there were that many killed and wounded?

Answer. My recollection is, that the word used was "lost." My understanding of it was killed and wounded, or disabled for the subsequent engagements.

Question by defence. Witness will state if, in speaking of the

conception of the attack upon Chapultepec, General Pillow did not say that General Scott's plan of attack upon that work was, that General Pillow with his division should march along and attack the enemy, and battery stationed on the road north of Chapultepec, and that General Quitman should march along the road leading from Tacubaya on the south of that work, and attack the battery on that road; that Generals Pillow and Quitman should shake hands at the junction of these roads, and make Chapultepec feel its isolation; and then that both commands should attack Chapultepec;—which plan of attack, he, General Pillow, had opposed so warmly that General Scott gave up his plan; and that the plan of attack that was carried into successful operation, on his, Pillow's, side of the work, was his own, Pillow's; was this the substance of the conversation about the conception of the attack?

Answer. No, sir; I have no recollection of that plan; with regard to shaking hands I have not the slightest; I have never heard the expression before. My understanding was, that the plan, as well as the attack, was General Pillow's, and that I believed. The details of the attack I did not understand, and perhaps do not now.

Question by defence. Did you understand that General Pillow was speaking of the plan of attack upon which his own division carried that work upon the final assault?

Answer. At the time I understood that no other division was in the attack upon Chapultepec proper; that General Pillow's division alone carried that work. That was my idea at the time. We were speaking of the assault upon Chapultepec and the works connected with it. I understood the plan to refer to the assault upon the work, which I believed to be made solely by General Pillow's division. Major General Pillow stated that whilst he was lying wounded at the foot of the hill, he there received an order to carry the work at all hazards from General Scott, and this helped to induce me to believe that that division had the main assault.

Question by defence. Was the witness with the voltigeur regiment in that assault upon Chapultepec, and were you among the first who entered that work, and was that regiment in the advance in this assault?

Answer. Upon the western side, where we went up, the storming party of infantry formed with us at the foot of the hill. Being struck down myself at that place, I know not which started first, but upon overtaking them a few minutes after I recovered, I found them pell-mell; upon a second rush the voltigeurs got the advance. The first ladders were planted by the men under my command by my order, and the five first who went up I know to be voltigeurs. Being the fifth myself, I saw nothing behind; the voltigeurs were certainly the first men in that part of the work. I saw none others there when we got in; what happened on the other side of the hill I know nothing of.

Question by defence. Witness has spoken of the storming party of infantry; does he mean the ninth and fifteenth infantry of General Pillow's division?



Answer. No; I mean the two hundred and fifty regulars of the old regiments, under a captain whose name I cannot recall, and who died afterwards in this city. When I stated that they formed with us I meant that we were ordered to wait, until they came up, and then a rush was made.

General Pillow moves to exclude the following passage of the witness's testimony, viz: "And consequently upon himself, as second in command, had devolved the subsequent movements, or words to that effect. I don't remember the exact words, but that was the idea I received;" upon the ground that there is no matter in the charges and specifications to which it has reference, and it is therefore irrelevant and improper to go upon the record as proof. The witness's testimony was recorded before its character and irrelevancy were manifest to the undersigned.

GID. J. PILLOW,  
Major General U. S. A.

*General Scott's reply.*

MR. PRESIDENT AND GENTLEMEN OF THE COURT: In reply to the motion just made by Major General Pillow, the defendant before the court, in respect to a part of the testimony of Lieutenant Tilton, a witness on the part of the prosecution, Major General Scott, the prosecutor, begs to say that he believes the evidence to be legal, relevant, and material to the support of the fourth specification, second charge, now under consideration.

Nothing is here said in particular of the legality and materiality of the evidence, as those points do not appear to be objected to by the defendant. I shall, therefore, limit myself to the remaining point—*relevancy*. The specification alleges, in substance, that the said Pillow claimed that, in consequence of the stunned or paralyzed state of the said Scott's energies, consequent upon the result of the battle of the Molino del Rey, the said Scott would not have undertaken, or ordered, the attack on the castle or fort of Chapultepec, but for his, the said Pillow's, interposition; and the testimony of the said witness, giving the declaration of the said Pillow, is substantially to the effect of the allegation.

Respectfully submitted,  
WINFIELD SCOTT.

In court, April 6, 1848. The motion was then overruled by the court.

Question by defence. Did the witness know that Generals Worth, Quitman, and Twiggs, all had divisions, which they commanded in the operations of the army, after the battle of Molino del Rey; and did witness understand General Pillow as claiming to be in command of those other three divisions, as well as his own, or did witness understand General Pillow as referring to his own division, in the conversation already detailed about command?

Answer. My understanding was, that General Pillow commanded his own division alone; but, in the absence or disability of Gen-

eral Scott, would exercise a general command over all other officers in the army.

Question by defence. Witness has said that General Pillow expressed the opinion that General Scott's energies appeared paralyzed, as he thought, by the great and unexpected loss at Molino del Rey. Did witness intend to be understood as saying that the command of the whole army, in consequence, devolved upon him, or that General Pillow claimed to have conceived the particular plan of attack, which his own division executed in the assault upon Chapultepec, upon the thirteenth of September?

Answer. I did not understand him to say that the command of the army had devolved upon him; but that in the then stunned and paralyzed state of General Scott, General Pillow's suggestions and advice had been followed; and that the particular plan and execution of the assault upon Chapultepec was exclusively his own. That was my understanding.

Question by defence. Did General Pillow, in the conversation you refer to, say that General Scott gave him no special orders as to the plan of attack upon Chapultepec, so far as his division was concerned? Did General Pillow say General Scott left him (Pillow) to exercise his own discretion as to the disposition of the forces of his own command?

Answer. The only order he said anything about having received from General Scott was, that he received, after he was wounded, "to carry the place at all hazards," to my recollection.

Question by defence. Did you understand General Pillow, when speaking of the plan of attack upon Chapultepec, all the time as having reference to the plan of attack which was pursued in the attack by his own division?

Answer. Yes; I understood that.

Question by prosecution. Does the witness chance to know on what part of the field Major General Pillow was, at the moment the castle of Chapultepec was carried by the American troops; and how long it was after that event, before the said Pillow came or was brought to the top of the hill, or to the captured castle?

Answer. I do not know where General Pillow was at the time the place was carried. He gave us the order to enter the woods, and then I lost sight of him. I saw him brought into the castle in a blanket, by four men, wounded, some ten or twelve minutes after we had entered it: that is the time to the best of my belief.

Mr. N. P. Trist, recalled:

Question by prosecution. Was, or was not, the witness in Major General Scott's room at San Augustin, in the night of the 19th of August last, when Major General Pillow and other officers were present; if so, please give the names of the principal officers, in rank, who were present, and add any remarks the witness heard from the two major generals, in the hearing of each other and the witness, respecting the impending operations about and against the enemy's entrenched camp at Contreras? Also, please give any separate conversation, after leaving said Scott's room, between the



said Pillow and witness, respecting the said operations, either that night or early the following morning?

Answer. I was in General Scott's room on the night of the 19th of August last, from the time when he got back to San Augustin, until he was ready to go to bed, late in the night. During that period I was absent from his room but a few moments at a time, and I think but on one occasion. Besides General Scott, there were Generals Pillow and Twiggs, who came in together late in the night; and among the officers present, the number of which was quite large at different times in the night, were Captain Lee and Lieutenant Stephens, of the engineers—I recollect those two particularly—the officers of the general's staff, probably all, some I know. The only conversation that I recollect, after the two general officers came in, related to the plan of attack on Valencia's entrenched camp, of which Captain Lee had brought intelligence from General Smith previously to the arrival of Generals Pillow and Twiggs. Captain Lee had explained not only the plan but a great many details respecting the relative position of the forces and the accidents of the ground about them; and after those generals had come in, General Scott made that whole matter a subject of explanation to them. The only remarks on their part, that I recollect, was one from General Twiggs, echoing an expression of great confidence in General Smith, and in the result of anything undertaken by him. If General Pillow made any remark it has made no impression on my memory. The company dropped off, until at a very late hour of the night preparations were made by General Scott to go to bed—a bed having been made in his room, also, for General Pillow. Upon my leaving the room for my own, General Pillow followed me, and went with me into my own room. He then, in a very solemn tone, said to me, "this is going to be a failure." I answered, that certainly things had not looked very bright at night-fall, but my own spirits had been very much raised by Captain Lee's arrival and what he brought with him. General Pillow did not notice my remark, but, in a tone and manner implying that I had interrupted him, went on to say, "and I call upon you now to remember, and bear me witness hereafter, that I have had nothing to do with it." At that time I looked upon these words as the dying charge of a man who expected to be killed the next day. And in a manner corresponding to that impression, I made him the promise, saying, as well as I can recollect, "I will not forget." He then began some further remarks in the same strain, giving his views of what ought to be done. These remarks made no sort of impression on my memory. I attached no sort of consequence to his views; and I interrupted them by saying he had better return to General Scott's room; that it was late, and he would keep the general waiting. This is all that I recollect at this moment on the subject.

Question by prosecution. Does the witness remember any orders given the night of the nineteenth of August last, by the said Scott to Captain Lee, respecting the renewed attack next morning upon the enemy's entrenched camp at Contreras, and what remarks, if

any, did Major General Pillow then make on the subject of the orders then given to the said Lee?

Answer. I recollect that Captain Lee was despatched with orders to Colonel Ransom, as the senior officer present, with the troops of General Pillow's division on hither side of the road that General Smith and others had crossed. The order required that some scattered troops, small bodies, which had been reported as being in the neighborhood of Colonel Ransom's command, should be collected and united with it; and that by those troops, a feint or an attack, according to circumstances, should be made upon Valencia's front, agreeably to the request sent by General Smith, through Captain Lee. I have no recollection whatever of any remarks made by General Pillow.

Question by prosecution. Was the witness present at a meeting of many generals and other officers of the army at Piedad, about the eleventh of September last; were Major Generals Scott and Pillow at that meeting; and if so, the witness will please state what were the views and plans of those two major generals respecting an attack the next morning, upon the enemy's works at Chapultepec, and the gate of San Antonio? Also, whether the witness had any particular conversation, and to what effect, apart with the said Pillow about the same time, on the subject of the best time for the next attack upon the enemy or his works?

Answer. I was at that meeting at Piedad; General Scott took a chair and said, either at the time of taking it, or subsequently, that he would not rise from it until he had made up his mind as to which of the two points should be attacked the next morning. He went into a very detailed exposition of his views, showing his own preference for taking Chapultepec as the point of attack, and concluded with a general request to all the officers present that they would give their views. If General Pillow gave his, which I think he did, to a very limited extent, they made no impression on my mind then, and have left none on my memory. I recollect that he said very little; that he was quite reserved on the subject. About the same time after the affair of the eighth, and before the attack was commenced on Chapultepec, I had a visit from General Pillow in my room at General Scott's quarters. He had been with General Scott, I believe, and seemed a little irritated when he came in. He began by assurances of his friendly regard for me personally—for myself, by way of contra-distinction to General Scott, and went on with a remark, after referring to the Molino del Rey disaster, if he makes many more such experiments, or any more such experiments, he will have no army left. I interrupted him there, by saying it was no experiment of General Scott's; that I knew it was not, and was a living witness to it, as long as I lived. I made some other remarks, somewhat at length, but I need not repeat them; when he, General Pillow, resumed, by expressing it as his very decided opinion, that there should be no more active operations until the army was reinforced. He then entered again upon his views and plans, as he called them, which amounted to occupying positions, some new and some old. The only addition that I recollect to



those already occupied, was Mexicalcingo. After listening for a while with such patience as I could command, I observed that it was too late to talk about new plans now; "that the ball had been opened and must be danced out." I think I made use of these words. One thing that I forgot to state at the commencement of the conversation is, that before he began to speak about his military plans, he remarked, "I am going to speak to you now in the strictest confidence." That is the only time I recollect of his specially making any such injunction as those words implied.

Question by prosecution. The witness has spoken of the disaster or disasters of the eighth. What does the witness mean by "the eighth," and is the word "disaster" or "disasters" the witness's own term respecting the eighth, or that of another?

Answer. It was, as far as my memory can be relied on, the word used by General Pillow. By the eighth, I mean the attack on Molino del Rey, and the operations of that day included. I will add that the word used by General Pillow had reference to the great loss on that day. It was either "disaster," or an equivalent term, and I think "disaster" was the word used.

Question by prosecution. Were the witness and the said Scott living together, throughout the month of September last; had they, at meals, and other times, frequent conversations, respecting military operations, pending and intended; and what, according to witness's observations, were the state of said Scott's spirits and resolution, or want of resolution about that time?

Answer. We were living together throughout that month. I was a listener to a great many conversations between General Scott and other officers; and sometimes ventured a remark. Occasionally General Scott explained his views to myself individually; with regard to the state of his mind and spirits, he was very much grieved, and repeatedly expressed that grief, at the loss we had met with; referring sometimes to particular individuals, as valuable men to the country, and persons between whom and himself there existed a strong personal attachment. I recollect, in particular, Martin Scott, as one of those. His mind, in other respects, was precisely what I have always known it to be, in regard to all operations of the army—busy all day in reviewing reports, and in comparing views—clear and collected. If there was any difference between his condition then, and on former occasions, he was more animated.

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

CITY OF MEXICO, April 7, 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 Taylor said that he wished to explain the answer he had given on his examination to the question by defence: "If General Pillow had not been at the position occupied by the American troops across the pedregal; had not heard from them; had been lost in the pedregal, in his efforts to cross to the village; can witness conceive to what General Pillow alluded, when he said things looked gloomy? Could he have alluded to the gloomy prospects before the army, (which had met with no reverse or disaster,) or to the prospect before himself that night?" That his knowledge, to which he testified in that answer, was derived from the whole conversation between General Pillow and himself. I would substitute, "that he alluded to the condition of things in respect to our troops," in place of, "he alluded to the position of the enemy, in all respects, and the inability of our troops to dislodge them."

Mr. N. P. Trist, under cross-examination:

Question by defence. In your examination, on behalf of the prosecution, witness said General Pillow followed him into his room on the night of the nineteenth of August, and there held certain conversation with witness. Was no one present at this interview, and was it entirely private?

Answer. It was entirely in private; he closed the door after him.

Question by defence. When did you disclose this conversation to General Scott; was it before his charges were preferred, and how long before?

Answer. I disclosed it to General Scott soon after his position, with reference to General Pillow, had become decided, as arising out of the correspondence between them in regard to misstatements contained in General Pillow's reports. It was in General Scott's parlor. Colonel Hitchcock, I know, was present; and I think some other officers. I do not recollect whom. Mention was made of the underscored words in General Pillow's report, claiming the whole credit of Contreras. I rose from my seat, and said, "now, gentlemen, I will astound you, by stating a thing I had determined to bear witness to, to the country; but had not expected to do so on this occasion." I then stated the conduct of General Pillow at San Augustine that night.

Question by defence. Did General Pillow's report claim the whole credit of Contreras?

Answer. I so understood it; the whole credit, except the execution; the whole credit that a general officer could have, the credit of planning it.

Question by defence. You say General Pillow told you "this,"