

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 pedrigal; had not heard from them; had been lost in the pedrigal, 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,"

meaning the attack of Contreras, "was to be a failure," and that he called on you to witness "he had nothing to do with it;" did witness know that the order given that night by General Scott was but a renewal of the same *order of attack* which General Pillow had *previously* given?

Answer. I did not say "meaning the attack of Contreras;" I used no such words. I am ready to state what I understood him to mean by "this" if questioned to that effect. In answer to the last part of the question, I did not know it. I had never heard of any order of attack given by General Pillow; had I known it I should not have promised to bear witness that he had had nothing to do with it.

Question by defence. Did witness understand that, under the orders of General Scott, on the night of the 19th, that General Smith was to make his attack at three o'clock next morning.

Answer. Agreeably to the plan of General Smith, as explained by Captain Lee, the attack was, so far as I can recollect, to take place at three o'clock the next morning; and, so far as I can recollect, the plan was generally approved of by General Scott, and whatever orders he gave were in conformity with it. I do not, at this moment, retain any precise recollection of those orders, except the one sent to Colonel Ransom.

Question by defence. As General Pillow was known by witness to be at San Augustin, and intended, under General Scott's orders, to stay there that night, and as the attack that night was to take place at three o'clock next morning, how is it that witness regarded this pretended conversation as the "dying charge" of a man who expected to be killed next day.

Answer. That question implies that General Pillow was ordered by General Scott to remain at San Augustin that night, and by answering it without pointing out this fact, I should make myself a witness to that order having been given. I know of no such order, nor do I believe it was given, unless the offer of a bed can be construed into an order. That same offer was made to General Twiggs, who declined it and went off to the battle-field. In answer to the last part, I expected that there would be very hot work the next day, and took for granted that General Pillow would hurry to the command of his troops.

Question by defence. Did witness hear General Pillow express *any doubts* to General Scott of the movements explained by General Scott in the room where the conference was held?

Answer. I did not; nor approval of it. So far as I can recollect I did not hear a word from him on the subject.

Question by defence. At what time was the *confidential* conversation, referred to by witness as having taken place at Tacubaya, and was the conversation *private*, and was no person present except witness and General Pillow?

Answer. The time was one of the days after the eighth of September and before the eleventh. It may have been possibly late in the afternoon of the eighth, but I think it was on the day preceding the meeting at Piedad, that is to say, the tenth. It was most

strictly confidential, as appeared from the words that prefaced it. No one was present. This was at Tacubaya.

Question by defence. Will witness say if he saw General Pillow on the 8th of September, to hold any conversation with him after he left the battle field?

Answer. I have no recollection now of even seeing him on the 8th.

Question by defence. Witness has said, under the examination of the prosecution, that General Pillow said "if General Scott made many, or any more, such experiments as the battle of Molino del Rey, that we would have no army left;" and that he (witness) replied, "it was no experiment of General Scott's, and that he (witness) was a living witness, as long as he did live, to the fact;" what does witness mean by this expression?

Answer. By the expression of being a living witness, I meant that I should always be ready to testify to that fact, that it was no experiment of General Scott's; that I should be ready to testify to facts establishing the fact that it was no such experiment.

Question by defence. Witness will say whose experiment it was, if it was not General Scott's; and how it is, if General Scott gave the order for that battle, that he did not make that experiment; and what are the facts referred to, or intended to be spoken of, in the witness's last answer?

Answer. I did not call it anybody's experiment. In saying that it was not General Scott's experiment, I meant merely to repel the slur and insinuation cast upon him—and unjustly cast upon him—as I know, and as the person who puts the question subsequently told me he knew, for whatever there was disastrous in that day. The order given by General Scott, in regard to any operation on the morning of the 8th, was strictly and peremptorily confined to the destruction of the foundry as its sole object. I never knew him to evince so much anxiety on any point as on the one that nothing beyond the destruction of the foundry should be attempted.

Question by defence. Does the witness know the fact, that between nine and ten o'clock, on the night of the 7th of September, General Pillow communicated the fact to General Scott that the machinery had been removed from the foundry; and that if it had not, the machinery could be rendered powerless by turning off the water, (which could easily be done,) from which it derived its power; and does the witness know that the machinery was found in this city after we entered it?

Answer. I recollect that General Scott received, from a great many sources, information in regard to the existence and non-existence of the machinery in the building. I have no recollection of his having received any from General Pillow. If I knew it at the time, it has escaped my memory. With regard to turning off the water, the state of my mind, at present, is similar. It was, I think, mentioned by a number of persons, but I have no recollection of who they were. I do not know that the machinery was found in this city, though I have heard so, and have no doubt of it.

Question by defence. Will witness recollect that the information was given at supper that night; that Lieutenant Rogers, of the navy, was present, and General Pillow told General Scott we had come to Tacubaya expressly to communicate that fact?

Answer. With all those aids, I can recollect nothing about it; I recollect nothing of their supping there.

Major General Scott submits the following:

In respect to the last two questions put by Major General Pillow to the witness under cross-examination, Major General Scott, prosecutor, &c., made no objection and no remark, until the questions had been respectively answered by the witness. He now begs to remark, that the questions alluded to, refer to no point now under investigation; but, after assuming matters not proven before this court, go to try the merits or demerits of the battle of Molino del Rey; not only in respect to the conduct of the general-in-chief in ordering that attack upon the enemy, but, also, the conduct of the general officer who executed that order. The questions, therefore, can only serve to get up a side issue, which cannot have the least possible connexion with the issues actually before the court. I therefore respectfully move the court, not only to strike out the two questions, and the answers thereto, but further, to beg that the court, according to the practice of all military tribunals, will not allow future side issues to be made before this tribunal.

Respectfully submitted,

WINFIELD SCOTT.

In court, April 7, 1848.

General Pillow answers as follows:

Mr. President and gentlemen:

In answer to the written remarks, and motion of the prosecutor, Major General Pillow replies:

1st. That, in cross-examination, great latitude is always allowed; as the "*truth is often at the bottom of the well.*"

2d. The object of the proof is not to make side issues, or to assail anybody; but merely to sift the witness's testimony, and put his statements in shape to be met and disproved by others.

3d. The motion in the case is after the proof is recorded, without objection, the prosecutor having expressly waived any objection, as he says in his argument; and, by the written rule of this court, the motion should be made at the time the proof was offered.

Respectfully,

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

The court decided that the testimony now on the record should not be stricken out.

Question by defence. Witness has said, on a former occasion, that General Pillow sought to make him the depository of his confidence, and thus constitute him a party to a scheme of villainy,

&c. Did witness ever *object* to the reception of confidential matter from General Pillow; or did he ever intimate to General Pillow that he would not consent to become the recipient of his (General Pillow's) confidential views?

Answer. I had, at the time of receiving those confidences, no idea of the uses to which I was to be made subservient; and I did not know, until the expressions made use of by General Pillow were poured into my ear, what they were to be. I made no objections, but I never sought them, by any means whatever.

Question by defence. Does witness recollect that while his negotiations were still pending, under the armistice at Tacubaya, General Pillow addressed to the President of the United States a letter, opposing warmly, and earnestly, the agreement of witness to receive and send to his government a proposition of the Mexican commissioners, to make the country between the Nueces and the Rio Grande forever a neutral territory? Say if General Pillow did not show the letter to witness at Tacubaya, and, upon witness declining to read it, tell you concisely the views therein expressed, and offer to permit you to read it. State, if up to that time, the friendly relations of witness and General Pillow had been interrupted?

Answer. I have no recollection whatever of the letter mentioned, or of ever having heard of it. I do recollect, very well, a conversation between us, in which General Pillow entered at length upon his views on the subject referred to; explaining to me what he considered the position of the democratic party with regard to that point. I made very light of General Pillow's views, and limited myself to telling him that our views differed. With regard to the interruption of friendly relations, it was just about that time, a little previously, I believe, that I saw those underscored words in his report, to which I have already referred, and which made me perceive the alternative in which his confidence at San Augustin had placed me, viewed in connexion with that statement in his report.

Question by defence. Has the witness now disclosed all the *private* and *confidential* relations made to him by General Pillow, that may operate against General Pillow in this prosecution? Can he remember no other letter or letters he has written to the *American Senate* for the purpose of defeating General Pillow's nomination, or to the *Secretary of State*, or any other public functionary, and "to save them from deep and damning disgrace," by reason of their connexion with General Pillow?

Answer. With regard to the private and confidential disclosures, the two that I have stated became rooted in my memory, by incidents connecting themselves with them. I have a general impression that many minor matters have occurred exactly in keeping with those two, and if I were to tax my recollection, and had time for it, I might recollect the particulars. With regard to letters, I was interrupted by General Pillow on my first examination, when giving an account of them; and I don't recollect where I was stopped. The letter mentioned to Mr. Dix, of the Senate, is the