

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



only one, I am satisfied, that I ever wrote to a member of either House of Congress. I have already mentioned the only letters that I have the slightest recollection of, and I rely upon my memory on that point.

Answer. Captain B. Huger, ordnance, recalled for prosecution:

Question by prosecution. Did the witness chance to be in General Scott's room at San Augustin, in the night of the nineteenth of August last, when the said Scott gave certain instructions to Captain Lee, respecting some movement of troops early next morning; was Major General Pillow also present, and if so, what remark, or remarks, did the said Pillow make on the orders given to the said Lee, or on the subject to which such orders related?

Answer. I was in General Scott's quarters on the night of the 19th of August last, and I did hear all the orders and directions given; General Pillow was there also; but I do not recollect that he made any remarks on the orders given.

Question by prosecution. After the battles of the 20th of August last, did the witness chance to fall into any conversation with Major General Pillow, respecting the plan or plans of battle which had been executed that day, (20th of August;) and if so, state the substance of such conversation?

Answer. I had no conversation with General Pillow, discussing these subjects, but accidentally met him at the hacienda San Antonio, on the evening of the 20th of August, after the battles, and immediately rode up to him to congratulate him on his safety and the success of the day, which had turned out as well as we could have wished from the prospects of the previous night. The general replied, yes, sir; everything has gone very well; I had arranged all my plans, which have been successfully carried out, and General Scott was perfectly satisfied with it.

Question by prosecution. When, in September last, did the witness receive orders to select sites, in connexion with the late Captain Drum and others, for batteries to be placed against the castle of Chapultepec? That is, how long before the attack by batteries upon that castle was it that such orders were received?

Answer. The orders received by me to make reconnoissance for the batteries was on the morning of the 11th of September, just before General Scott left Tacubaya to go to Piedad, I believe. My directions were to select the sites, &c., and that the general would make up his mind before he returned about making the attack. On his return that evening, to Tacubaya, the erection of the batteries were determined on; the engineers instructed; accordingly, I was ordered to bring up the guns that night; and the batteries opened on the morning of the 12th.

Question by prosecution. Had the witness many official and other interviews with Major General Scott, between the seventh and twelfth of September last, and what was the impression received by the witness on those occasions, in respect to the said Scott's energy, or want of energy, compared with earlier occasions in the same campaign?

Answer. I had continued communications with General Scott during the time stated; and as the occasion required great energy, I think he always displayed as much or more of energy, both of mind and body; then I had observed, on lesser occasions. I observed the same energy as on all other occasions during the campaign.

Question by prosecution. Does the witness chance to know anything about the collection of scaling ladders for storming Chapultepec; and if any, say at about what time the collection of ladders was commenced?

Answer. I do know that scaling ladders were ordered, for I met some of the quartermaster's agents collecting them about Tacubaya, on the 11th of September, in the morning. At what time they received their orders, I do not know.

Question by prosecution. What did the witness understand, from the said Scott, to be the object in planting batteries against Chapultepec, or what did the witness learn, from the same source, to be the plan of attack upon that castle?

Answer. General Scott had asked my opinion of the effect of heavy guns upon the castle, and I gave my opinion, in which he concurred, that a very considerable effect could be produced on the castle by the fire of our heavy batteries; and, though we could not approach them so as to make any breach in the walls, that their fire would, no doubt, so annoy and harass the garrison, as greatly to facilitate its being carried by storm, which I understood to be his plan. These consultations occurred in the morning, before General Scott went to Piedad.

Lieutenant J. Beeman, 4th infantry, duly sworn:

Question by prosecution. Has the witness chanced, before the meeting of this court, to hear Paymaster Burns say anything of the authorship of a printed letter, signed Leonidas; and if so, state the substance of such remarks, of what was so said, and also the time, as nearly as memory may serve?

Answer. Some time in the course of the first few days after the entrance of the American army into this city, I met Major Burns at a public fonda, under the National theatre. He, without having any particular acquaintance with me, showed me a paper, in which were some verses, laudatory of General Pillow. Some time after this the Leonidas letter made its appearance. My mind then immediately reverted to this affair, from which, my impression was that Major Burns might be its author. Some time after the appearance of the Leonidas letter—I think about a month—I met Major Burns again, when he asked me if he had not shown me, before, these verses; and remarked that he had changed the tune of them, and either said he had, or was going, to send them to the United States for publication; remarking that, when they came back to this place from the United States, in the public prints, they would create a great excitement here. I replied: "Yes; as great an excitement as the Leonidas letter, I suppose," or something to that effect; to which he replied, that he did not write the Leonidas letter; that he believed he had been accused of it before. This was said in a serious



manner, as though he supposed I had taken the liberty to insinuate that he was the author.

Question by defence. Were those verses laudatory *only* of General Pillow; or were other officers also made to "hitch, in rhyme," in laudatory measure?

Answer. I do not remember a word of the verses, having paid little or no attention to them at the time. I only remember they were written to the tune of "Jim Crow," and that General Pillow's name was entered in the chorus.

Major S. B. Woods, 25th infantry, duly sworn:  
After some conversation, the witness retired for the present.

Lieutenant T. R. McConnell, 4th infantry, duly sworn:

Question by prosecution. Was the witness present at the capture of Chapultepec by the American troops; if so, did he chance to observe the time at which Major General Pillow came upon the hill, or was brought upon it, in respect to the capture of the castle; and give the time, if he can?

Answer. I was an officer of the storming party against Chapultepec, which was commenced by Captain Mackenzie, 2d artillery. It was at least twenty minutes after the place had fallen that I saw General Pillow, when he came up. I estimate the length of time by this circumstance: After everything was comparatively quiet—that is, when there was no enemy to be seen, except such as had been killed or made prisoners, and no firing to be heard upon or from Chapultepec—I collected some of my men together, and went out to search for and collect the killed and wounded of my command. Among the killed was Lieutenant A. P. Rodgers, of my regiment. I had his body taken up, and accompanied it myself to the building at Chapultepec. When I was near the building, I saw General Pillow borne along in a blanket by some soldiers. I remember it was at this time that they were carrying him along, for I stopped a moment to look at him; and, seeing that he did not appear to suffer much, and remembering a circumstance that happened some time previous, I passed on, thinking that he was but slightly hurt.

Question by prosecution. At what point about the hill was Major General Pillow when the witness first perceived him, and how far was that point from the body of the captured work?

Answer. I did not see General Pillow until he was inside of the work.

Question by defence. How long after the place fell was it before the national flag was hoisted?

Answer. I am not able to judge precisely as to the time; but I think that all the fighting was over when it was hoisted. I did not see it when it was first hoisted, and cannot tell exactly the time.

Question by defence. Which direction were they carrying General Pillow when you saw him?

Answer. They were taking him along towards a shed of planks laid up against the wall.

Question by defence. How long had the flag been hoisted before

General Pillow got in the work, or was it up before you saw General Pillow?

Answer. I do not remember whether it was before or after, but I think after the flag had been hoisted I saw him. I will add I am pretty positive of it. I am still further induced to believe it was after the flag was hoisted, from the fact that I saw Lieutenants Merchant and Pickett, of the eighth infantry, in the yard; the latter, I believe, was on the top of the building of Chapultepec when the national flag was raised.

Question by defence. In what direction were they carrying General Pillow; was it from the main gate; was it towards the east end of the building from the gate; or towards the main entrance of the castle; or towards the shelter in the direction of the west end of the building?

Answer. They were carrying him along almost parallel to the south wall of the building. The shed was about some ten or fifteen paces from the right of the main entrance of the castle as you enter it.

Question by defence. Had General Scott arrived before you saw General Pillow, or did he arrive afterwards?

Answer. I did not see General Scott at the time he came up. When I did see him, he was making some congratulatory remarks to our troops at the main gate. How long he had been there speaking I do not know.

Question by defence. Does the witness wish to be understood that they were carrying General Pillow towards the main building, or a shed near the main entrance to the building?

Answer. That they were carrying him to a shed near the main entrance to the building.

Question by defence. Was General Pillow put, by those who were carrying him, under or by the shed you speak of?

Answer. He was placed by the shed, and a yard or two from it, I am positive. When I say placed, I mean let down to the ground by the men who were carrying him. He may have been removed afterwards.

Question by defence. Did witness chance to notice what General Pillow was laid upon, by or near the shed?

Answer. He may have been laid upon a Mexican mat, as there were some around there; whether he was, or not, I don't know.

Question by defence. How close was witness to General Pillow when he noticed him?

Answer. In a yard or so.

Question by defence. Is witness sure General Pillow was being carried upon a blanket at the time his notice was attracted to him, and he stopped to look at him?

Answer. It was either or blanket a some piece of cloth made to answer the same purpose. I am very positive, however, that it was a blanket.

Lieutenant M. D. L. Simpson, 2d artillery, duly sworn:

Question by prosecution. Was the witness present at the capture



of Chapultepec by the American troops; if so, did he chance to observe the time at which Major General Pillow came upon the hill, or was brought upon it, in respect to the capture of the castle, and give the time?

Answer. I was present at the taking of the castle of Chapultepec, and at a certain time in the morning I saw General Pillow carried by me in the direction towards the castle. I had no watch to notice precisely the time of day, but, to the best of my knowledge, it was more than thirty minutes after the place had fallen. I judge of the time by the happening of certain events and the probable time between each one of them.

Question by prosecution. What events transpired between the capture of the said castle and the moment at which the witness first observed Major General Pillow in or about the place?

Answer. I entered the work, passing over the rounds of the second ladder, as its end rested upon the walls of the ditch. I passed immediately to the front of the building, and entered a door near the principal entrance of the castle, for the purpose of going into the interior of the building, which I found impossible, because the interior doors were locked or barricaded. I then went round towards that end of the building which is towards the Molino, and went into a room, where I found a number of pickaxes, shovels, and like instruments; some of these I distributed to soldiers near me, and directed them to go and break open the doors in the interior of the building. I followed them, and saw that it was done. The rooms were found to contain a number of Mexicans, who were taken prisoners. I then passed from the interior of the building to the outside, to the southwestern extremity, or that part which is towards Molino. Here a wounded soldier of my company accosted me, and desired me to render him some assistance. About the same time considerable noise was made by the capture of General Bravo, who was standing near by. After doing for the soldier all that was in my power to do, I passed to the opposite extremity of the castle, partly for two objects—curiosity, and to see if any Mexicans were concealed in that part of the building. I went leisurely through all the rooms, and returned to the area in front of the building. Not seeing any of my party here, I concluded they had gone on in pursuit of the enemy. I descended the hill, to overtake them. I advanced a little less than a quarter of a mile, or about that, upon the main aqueduct, stopping frequently to drive soldiers out of houses on the road, and to destroy the liquor which they contained. Not finding any of my party, I returned to Chapultepec; and, as I entered the work, General Pillow was carried by in what was, to the best of my recollection, a blanket. All this occupied, I think, more than thirty minutes.

Question by defence. Where was General Pillow when you first saw him—in or outside of the main gate?

Answer. He was inside of the main gate, and opposite to the northeastern part of the building.

Question by defence. Were they carrying General Pillow into the main building?

Answer. They were carrying him towards what is now an opening in that part of the building. I do not know whether there was an opening there then or not.

Question by defence. Was it towards what is now the main entrance, or opening, into the building?

Answer. It was not towards the main entrance that I saw him carried. The main entrance was then wholly or partially closed by long timbers, covered with sand.

Question by defence. When you first saw General Pillow, was it before or after the flag was hoisted?

Answer. I have no recollection of seeing a flag, of any description, upon the work.

Question by defence. Where was the entrance, of which you speak as the one at which they were carrying General Pillow; was it the entrance to some private room, or was it the entrance which passed through the building into the yard?

Answer. It was towards the entrance through the building into the back yard; whether it was then open, or not, I do not know.

Question by prosecution. Does the witness mean to say that no American flag had been hoisted, about the period the witness has spoken of in his testimony, or that the flag, if he saw any that forenoon, was hoisted after or before he first observed Major General Pillow in or about the castle?

Answer. I have no recollection of seeing any flag at all that day. I may have seen one, but I have no recollection of it.

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

CITY OF MEXICO, April 8, 1847.

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.

Lieutenant Colonel Gladden, South Carolina volunteers, recalled:

Question by prosecution. Does the witness chance to know where Major General Pillow personally was at the time the American arms captured the castle of Chapultepec, in September last, or how long it was after that capture before the said Pillow came, or was brought, upon that hill?

Answer. I do not know where he was when the castle fell. At the capture of Chupultepec I marched with the South Carolina volunteers into the walls which surrounded the castle, and after remaining there some ten or fifteen minutes, General Pillow was brought up on a blanket by some soldiers, along the road in front of the castle.

Question by prosecution. Had the castle fallen prior to witness's entrance into it, and what was about the interval after the capture before Major General Pillow was seen by the witness; also state the