

eral Scott. That appeared, at times, either between showers or from lightning. I forget which now.

Question by defence. Does witness recollect at whose suggestion the party determined to go to San Augustin, to report to General Scott that we had been unable to cross the pedrigal? Was it at General Pillow's or General Twiggs's?

Answer. I don't know.

Question by defence. Was witness in company with General Twiggs and Pillow when they returned to San Augustin, to report to General Scott the impracticability of crossing the pedrigal in the night?

Answer. On leaving the field, I remarked to General Pillow, that with his permission I would remain there. This was near where we came out of the pedrigal. General Pillow said that he would be absent but a short time, and he wanted me to go with him. I don't think I knew at that time what the object of going to San Augustin was, nor was I informed of it until we reached the position held by Captain Taylor's battery, when I think I heard General Pillow remark that he was going to report that he was not able to cross, and for any orders he might have. I think I could not have been present at the time it was determined to go to San Augustin, for I have no recollection about it. I accompanied Generals Pillow and Twiggs to San Augustin.

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

CITY OF MEXICO, *April 12, 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 J. Hooker under examination:

Question by defence. Witness will state, if he knows, whether or not, General Pillow intended to return to the field of battle upon the night of the 19th of August, after reporting to General Scott at San Augustin; if so, what prevented his doing so?

Answer. I know that General Pillow intended to return that night, and was prevented, I supposed, by the orders he received from Major General Scott, to remain in San Augustin. General Scott said to General Pillow: "you will remain here to-night," or words to that effect; which order was repeated.

Question by defence. Was witness at General Scott's quarters with General Pillow, on the night of the 19th of August; if so, state if he heard General Pillow, more than once, express the wish and determination to return to the field of operations, and what was said by General Scott?

Answer. I don't know what was expressed by General Pillow of

his determination to return. I don't remember the language that was made use of. He told me that he should return, and I heard nothing said by him to remove the impression that I was under, that he was to return. General Scott's order to General Pillow has already been recorded.

Question by defence. Was witness present, and did he hear a conversation between General Pillow and Captain Taylor on the night of the 19th of August, near the corn-field; if so, state what he heard said by General Pillow?

Answer. I was present at a conversation that took place between General Pillow, General Twiggs and Captain Taylor. I thought that I heard all the conversation, but as it was raining severely, and a number talking, I cannot state positively that I heard the whole of it. Captain Taylor asked General Pillow how matters were looking; and my impression is, that General Pillow told Captain Taylor that he found the enemy in a stronger position than he expected, and that the attack in front would have to be abandoned. There was more conversation, but I can't repeat it as it occurred. General Twiggs had something to say, but I forget what it was.

Question by defence. Where did witness and Lieutenant Rains sleep on the night of the nineteenth? State what time General Pillow, on his way to the field of battle upon the morning of the twentieth of August, called upon yourself and Lieutenant Rains, to go with him to the field of battle? Was it before or after sunrise; and did he wait for you or leave you that morning, and go to the field without you?

Answer. Mr. Rains and myself slept in a house, occupied at the time, I think, by General Quitman. The house was on the plaza at San Augustin, and near the road leading from General Scott's quarters to Contreras. General Pillow came in early in the morning; I can't tell whether it was before or after sunrise; I am inclined to think it was about sunrise. General Pillow said it was time to be off; but, I think, he did not start immediately. He may have been detained by Mr. Rains having his horse saddled; I don't know but by other causes. With regard to myself he did not wait for me. I had lost my horse and was some time in finding another to go on the field. I do not know the precise time General Pillow left, as I was not with him.

Question by defence. Does witness believe that on the nineteenth of August, he possessed the confidence of General Pillow in as high a degree as any one else known to witness? If so, state if General Pillow, at any time on the nineteenth, or during that night, expressed to witness, or any one else known to him, the least doubt or want of confidence in the success of the American arms, that day—that night—or next morning?

Answer. I believe that I enjoyed the full confidence of General Pillow all the time that I was on duty with him. From about four o'clock on the nineteenth, until I parted from him at General Scott's quarters, which was late at night, I was with him almost the entire time, and I am confident that I never heard him express a doubt or a word of despondency, with regard to the ultimate result of the

attack upon Contreras. I remarked this at the time, for almost every one that I had any conversation with, and myself included, did entertain serious apprehensions on the subject.

Question by defence. Where was witness immediately after the surrender of the convent fort of Churubusco? About what time and where did he part with General Pillow; and where did he next see him?

Answer. I parted with General Pillow on the road in front of the bridge head, and nearly opposite the convent. I left him under orders to go and receive the white flag which was displayed from the convent; and I do not know that I saw him again until I saw him on the opposite side of the bridge head.

Question by defence. At the time you parted with General Pillow to receive the white flag, does witness remember whether any other member of General Pillow's staff was then with him? If so, please state who it was?

Answer. I don't remember that any one of his staff was with him.

Question by defence. Does witness know what time the forces under General Pillow's command took possession of the village of Piedad?

Answer. The main force took possession on the morning of the ninth of September.

Question by defence. Does witness know, or has he reason to know, whether or not General Pillow visited Tacubaya after his troops took possession of Piedad, before the night of the eleventh? If so, please state.

Answer. I have no recollection of his having been absent while we were at Piedad.

Question by defence. Was witness sent by General Pillow, upon the ninth of September, to report to General Scott the condition of the line of works at and about the San Antonio garita?

Answer. I was not.

Question by defence. Did witness, on the ninth, tenth and eleventh of September, reconnoitre the enemy's lines in front of San Antonio garita? What was the comparative strength of those works on the several days mentioned?

Answer. I looked at the works every day while lying at Piedad—the ninth, tenth and eleventh, and could see very distinctly that they were extending their defences and strengthening them, and putting artillery in position. They had a large number of peons at work every day on the defences, and I could also see that the grounds were flooded, either by artificial means or by the rains, for the sheet of water on the left of the road, and between the enemy's work and the city—a field that we must have crossed if we attempted to take that work in rear—was much great on the eleventh than on the ninth. On the morning of the ninth, when I first looked at the work, I could see but one or two pieces of artillery. My recollection is not perfectly clear. I knew at the time, but am not positive now. On the night of the eleventh, when I last looked at the work, I could see many more pieces in position, and

several pieces on the road, which the enemy were taking in that direction.

Question by defence. Was witness present at a conference of officers on the 11th, at Piedad? If so, state what were the views of Major Generals Scott and Pillow in reference to an early attack upon the enemy, in the directions of San Antonio and Chapultepec?

Answer. I was present during the greater part of that conference. I am confident, from the views that were expressed by General Scott, that he was decidedly in favor of attacking Chapultepec. He called on a number of officers present to express their views in regard to the proper point of attack, whether Piedad or Chapultepec. Several of the officers present, General Pillow among the number, evinced a great desire for more information than they possessed on the subject. They appeared to be anxious to know what position we would occupy in regard to the city and the interior defences; after we gained possession of either one of those points. The difficulty appeared to be a want of knowledge of what was behind these two positions. General Pillow suggested or asked for information with regard to the citadel. Other officers present inquired as to the same fact, and suggested other difficulties on the Chapultepec route. Whether these suggestions were thrown out to elicit information or not, I cannot state; but they inclined me to the impression that they preferred the attack on Piedad. They inclined me very slightly to that impression. There was one officer present, of whose views I could speak with more certainty, which was Captain Lee, who preferred the attack on Piedad.

Question by defence. What does witness mean by the Piedad works?

Answer. I mean the work at the San Antonio garita.

Question by defence. Does witness chance to remember any prominent reasons advanced by General Scott in favor of attacking Chapultepec? If so, state them?

Answer. I know that General Scott said that he would have more elbow room if he had Chapultepec; and also, that he had reason to believe, or words to that effect, that he would be met by a white flag on taking it. I would also state that, during that conference, General Scott said to one of the engineers present, that Captain Huger said he thought he could reduce Chapultepec with his batteries in one day. This was stated in form of a question when the engineer said he had his doubts. I do not think of anything else at this time connected with the subject.

Question by defence. At what hour of the night of the 11th of September did General Pillow move with his command from Piedad to Tacubaya, preparatory to the operations upon Chapultepec?

Answer. I think we moved between nine and ten o'clock, at night. I took no note of the time. That is my impression.

Question by defence. Had witness any knowledge of General Pillow's views in relation to the Tacubaya armistice, before or

about the time it was entered into? If so, state whether General Pillow's views were in favor of, or opposed to, said armistice; and, if opposed, state, if he recollects, the grounds of General Pillow's opposition?

Answer. About two o'clock, I think it was, on the 22d of August, General Pillow returned from Tacubaya, and communicated to me the first information, of an official character, that I had received of the contemplated armistice. He stated that a commission was soon to be appointed to determine the terms of it. At the same time, he expressed himself decidedly opposed to the armistice, and immediately sat down and wrote a note, addressed to general Scott, in which he expressed his opposition to the proposed armistice. The note was written and read to me, before dining that day, at three o'clock, and it was copied after dinner. In conversation with General Pierce during dinner, and with all the officers of his staff, he expressed similar opinions. I think that same letter was handed to General Pierce the same afternoon to take to Tacubaya.

Question by defence. Is the letter shown to witness the letter alluded to in his testimony? The date of the letter is the *twenty-third*; does witness know it was *written on twenty-second*, and has he any knowledge when, and through what channel, said letter was transmitted to General Scott?

Answer. I think this is the same letter written on the twenty-second and transmitted to Tacubaya, through General Pierce, on the same afternoon.

Question by defence. Was General Pierce going to Tacubaya at that time, and for what purpose?

Answer. He left for Tacubaya. I don't remember for what purpose he was going.

Question by defence. Was or not General Pierce one of the commissioners to fix upon the terms of the armistice?

Answer. He was. My impression now is that he was going to Tacubaya, in obedience to orders. He had received an order, I believe, to go, and, I think, as a commissioner.

Question by defence. What knowledge has witness of General Pillow having continued to direct the operations of the forces, (after he was wounded,) which made the successful assault upon Chapultepec on the thirteenth of September; state, also, what forces carried that work; was it those under his command, or other forces; if other forces, state what forces they were?

Answer. On the morning of the thirteenth, three regiments from General Pillow's division, with a storming party from General Worth's division, were ordered to move to the assault of Chapultepec. Four companies of the voltigeur regiment, under Lieutenant Colonel Johnston, followed by the storming party under Captain Mackenzie, were the first troops put in motion. The balance of the voltigeur regiment, under Colonel Andrews, were the next to move to the attack. Colonel Johnston moved outside of the wall surrounding the grounds at the base of the hill at Chapultepec, the others passed through the Molino del Rey into the inside of

the walls. The ninth infantry followed the voltigeurs under Colonel Andrews, and formed line of battle directly after passing through the gate into this field at the base of Chapultepec. The fifteenth regiment of infantry followed the ninth and formed line on the ninth. In that order they moved forward to the attack. With slight interruptions they progressed until they reached the ditch enclosing a part of the work at the summit of Chapultepec, at which place, the fifteenth, the ninth, and a part of the voltigeur regiment, and the head of the storming party, under Captain Mackenzie, were stopped by the wall enclosing the summit of the hill. Many of these men entered the ditch, and many of them concealed themselves behind rocks which laid upon the surface of the ground. The voltigeurs that I refer to, more particularly a part of Colonel Andrews's party, appeared at this time to be under the command of Major Caldwell. Colonel Johnston's command was more to the right. The hill prevented me from seeing the main body of that command. While these troops were occupying this position, the fire from the crest of the work, directly in our front, ceased. I saw several pieces discharged in the air behind the breastwork, but the Mexicans appeared to be afraid to expose even their hands above the crest of the work. A fire, however, was delivered by the Mexicans from the roofs of the houses and from the windows, and at that time their right flank was occupied by the enemy. The fire did but little execution, as the shots were most of them high. The troops that I have named, or the main body of them, were kept in this position, I should think, at least fifteen minutes—it seemed to me much longer—waiting for the ladders to come up. When the assaulting column was put in motion, these ladders were in rear of the storming party. After waiting some time with the troops at the top of the hill, I went after the ladders.

In descending the hill, and nearly at the redan about half way up the hill, I saw the head of the second Pennsylvania regiment, the head of the South Carolina regiment, and what I took to be the New York regiment, for the colors were with that party, but which I have since been told were only two companies of the New York regiment, under Lieutenant Reid. The last named party were a little in advance of the others, but they were all moving up the hill and moving by a flank. These troops as I stood near the redan and facing down the hill were on my left; on my right was the head of Colonel Clarke's brigade. On reaching the foot of the hill, I found General Pillow wounded; I asked him where the ladders were, and said to him that we had more troops than were necessary at the top of the hill. I asked him for authority to take a regiment to attack the right flank of the enemy (my left.) He told me to take any regiment, and as the eighth was on its way up the hill, I took the sixth, which was directly in the rear of the eighth. On reaching the point on which the attack was intended to be made, we found that the ascent was very difficult; there was no cover, and that flank was occupied by the enemy, and they were firing very rapidly. I then directed Captain Hoffman to halt,

and move to the rear of Chapultepec with his command around the hill, the moment that he saw we had taken possession of the work on the top of the hill. I then returned to the troops who had been in advance, and reached the summit of the hill in time to see the first ladder planted to enter the work. It was planted in the bottom of the ditch, with one or two others; the others were laid across the ditch. The first man that I saw enter the work, and I think I saw the first one, was a private, I took to be of the voltigeur regiment; following him were officers and men rushing over the work in great rapidity. I think that the greater part of them belonged to General Pillow's division, and to the regiments of his division that I have before named. I think that the first officer that went into the work belonged to the voltigeur regiment, and I know that the first colors that entered the work were those of the voltigeur regiment. When I entered the work, and I was not among the foremost, the terreplein was clear of our troops, except those that had entered on the side of which I speak. We had a number of men shot belonging to our party by the cadets, they appeared to be, who were occupying the upper terreplein, the ground on the side of the work opposite to the point of our attack. They would not have fired upon us had an enemy been nearer to them than we were. I have said that the voltigeurs, ninth and fifteenth regiments, with a portion of the storming party, were the first as a body to enter Chapultepec; there may have been individuals of other regiments, but the regiments that I have named were started in advance, and they kept it until they reached the summit of the hill, where they were so densely crowded together, that it was impossible for any large body of men to pass through them.

Question by defence. Was General Pillow's wound slight or severe? State, also, if Doctor Slade (the surgeon who attended him) is dead, and if you knew the surgeon general of the army examined his wound, and what he said about it at the time?

Answer. General Pillow's wound seemed to be one that gave him a great deal of pain. Doctor Slade regarded it as a serious wound. The doctor is now dead. Some time after coming into town he was moved into town, on the 15th or 16th, I don't remember the day. I was present when the Surgeon General Lawson examined his wound, at which time he told General Pillow that he thought he could save his leg, but not his ankle.

Question by defence. Does witness know at what time the battery on the outside of the walls of Chapultepec on the Tacubaya road, which was attacked by General Quitman, fell; if so, state whether it was before or after Chapultepec was carried by General Pillow's division and forces under his command?

Answer. It fell after the work at the summit of Chapultepec fell.

*Cross-examination.*

Question by prosecution. Had General Scott finished his dinner, on the 19th of August, when witness left him at San Augustin; and did not the said Scott follow the witness closely to the field?

Answer. General Scott had finished his dinner, and he followed me within an hour, or a little more than an hour, I think; I probably rode faster than General Scott did.

Question by prosecution. Did, or not, the witness chance to see the said Scott, while the witness and said Scott were ascending the hill, going towards Contreras?

Answer. No.

Question by prosecution. How many times did you go to the 15th infantry, in the afternoon of 19th of August last, with orders from Major General Pillow?

Answer. I went but once.

Question by prosecution. Where was the 15th halted when you gave the order for its advance across the pedrigo to support Brigadier General Cadwalader?

Answer. It was halted near the route that was travelled over by the troops, between the hill and the corn-field. The left was rather nearer the hill than the right was to the corn-field.

Question by prosecution. Was the 15th infantry delayed or obstructed, in the beginning of its march, by other troops; and if so, by what troops; and how long was the regiment obstructed or delayed near the corn-field?

Answer. The regiment was not obstructed, after I delivered the order to Colonel Morgan, by any troops whatever.

Question by prosecution. How long had Morgan's regiment been in the pedrigo when the witness heard Major General Scott inquire of Major General Pillow what troops were those seen winding in the pedrigo?

Answer. The head of the regiment was on the pedrigo some time before the rear. The head of the regiment was out of sight and only the rear could be seen, when General Scott inquired what bayonets those were.

Question by prosecution. The witness is desired to reflect and say, whether he had gone from Major General Pillow's position on the hill, to the senior engineer; then, again, to give final orders to Morgan's regiment, and back to the said Pillow a second time, before the witness was ordered to meet Major General Scott in the direction of San Augustin?

Answer. On reporting to General Pillow on my return from San Augustin, I went forward to Major Smith, returned to General Pillow; soon after carried the order to Colonel Morgan and conducted his regiment to the pedrigo, returned to general Pillow, and was soon after sent by him to meet General Scott. His position was on the hill.

Question by prosecution. Did, or did not, the witness chance to see, whilst going to and returning from his senior engineer, a staff officer of General Scott, passing or re-passing the position of Colonel Morgan near the corn-field?

Answer. I think that the only staff officer of General Scott's, before I met him on the road, was Mr. Lay, who was the first to communicate, so far as I know, that General Scott was on his way to the field. My impression is, that I was standing on the hill

when Mr. Lay communicated this information; he being at the foot of the hill.

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

CITY OF MEXICO, *April 13, 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 J. Hooker under cross-examination:

Question by prosecution. To whom did Lieutenant Lay communicate that information, and was it before or after witness's return from the senior engineer?

Answer. I think it was communicated for the information of Major General Pillow, he being the senior officer there, and it was after I returned from Major Smith. I do not think that General Pillow's name was mentioned by Mr. Lay, but it was announced so that General Pillow could hear it, and also others in the neighborhood.

Question by prosecution. The witness says that, at the arrival of Lieutenant Lay, witness had already been to the senior engineer, then in advance. How far from Major General Pillow was that engineer in advance about that time?

Answer. I think that Major Smith may have been from one hundred to two hundred yards in rear of Magruder's battery, and that battery was fifteen or sixteen hundred yards from General Pillow. I stepped the distance, and made Magruder's battery eight hundred yards, and General Pillow's position twenty-three hundred from the work at Contreras.

Question by prosecution. Had the witness already ascended the hill to Major General Pillow, when Lieutenant Lay announced the arrival of Major General Scott?

Answer. To the best of my knowledge, I was standing by the side of Major General Pillow at the time the announcement was made.

Question by prosecution. How long after the arrival of Lieutenant Lay was it, before the witness was again despatched with orders to Morgan's regiment?

Answer. To the best of my recollection, Lieutenant Lay made this announcement after I had returned from Morgan's regiment. I will add, that if any doubt is entertained on the part of any person or member of the court, in regard to the time of Major General Scott's arrival on the field, I beg leave to refer them to his official report on the same subject, dated on the day of the battle.

Question by prosecution. Will the witness reflect again, and then say, if he remembers or not, circumstances like these: while

the party was looking towards the enemy, did not Major General Pillow separate himself, some paces from the said Scott, go to the left, and despatch the witness with orders to Colonel Morgan?

Answer. I was despatched by Major General Pillow with orders for Colonel Morgan before Major General Scott came on the field. I remember no such circumstances as those referred to in the question.

Question by prosecution. To what orders does the witness allude in his last answer?

Answer. The order for Colonel Morgan's regiment to move to the support of Cadwalader.

Question by prosecution. If the witness were near Major General Pillow, did the witness not hear Major General Scott offer his staff for the use of the said Pillow, and if so, was not that offer made before the witness was despatched to Colonel Morgan?

Answer. I heard General Scott say to General Pillow "my staff are at your disposal," or words to that effect. This was of course after General Scott arrived. It was after I was despatched to Colonel Morgan.

Question by prosecution. By what process of memory is it, that the witness knows precisely that it was Lieutenant Colonel Hitchcock and no other, who, on the inquiry for the hour of the afternoon, replied, looking at his watch, that it wanted a quarter to five o'clock, or was a quarter after five, and also say at the same time that the said Scott and staff had come up with Major General Pillow at four o'clock?

Answer. It is the ordinary process of memory.

Question by prosecution. If Major General Scott asked for the then hour, how did it happen that Lieutenant Colonel Hitchcock should have given that hour, and superfluously add the hour at which the said Scott arrived, and which was not asked for?

Answer. I suppose that Colonel Hitchcock read the time to those who were present before any one else, because his watch was more easily got at than any one else's. I think several watches were taken out at the time; but I don't remember any one speaking except him. So far as I know, the announcement by Colonel Hitchcock that General Scott arrived on the field at four o'clock, was voluntary.

Question by prosecution. Did the witness make, at or near the time in question, any written memorandum of what Lieutenant Colonel Hitchcock replied respecting the two different hours? if so, produce that memorandum.

Answer. I made no written memorandum.

Question by prosecution. If the witness's memory has been recently aided by conversations with others on the subject, state who are those persons.

Answer. It has not been aided by any person.

Question by prosecution. On separating, in the afternoon of the 19th of August, witness has said that Major General Pillow asked Major General Scott if he had any orders, and that the latter replied