

that evening, after his return, of the reconnoissance that he had made, and expressed his determination of moving down to Piedad the next morning?

Question by defence. Has witness any recollection of General Pillow having been absent from Piedad, after he first took possession of that place, until he left with his command upon the night of the eleventh; if so, where was he, and at what hour did he leave Piedad with his command upon the night of the eleventh of September?

Answer. I have no recollection of General Pillow being absent from Piedad from the morning of the ninth, when his troops took possession of the place, until the time his division left, about eight or nine o'clock at night on the eleventh of September, for Tacubaya, except to go to the advanced picket on the Nino Perdido road and the hacienda Nalvarte.

Question by defence. Did witness ever hear General Pillow, at any time on the nineteenth of August, express any doubts of the success of the American army against the entrenched camp of Contreras; if so, when and where?

Answer. I did not.

Question by defence. Does witness know what General Pillow's views were as to the Tacubaya armistice; was he in favor of or against that armistice; state all witness knows upon the subject.

Answer. On the twentieth of August, while riding from the hacienda San Antonio to Mixcoac, I asked General Pillow when he thought the army would move into the city. He replied, he was afraid that it would not get in there very soon, if at all. I inquired of him what could possibly be the reason. He said that, if he had his way, it would be in there very soon, but that he could not talk about it at that time. After returning from Tacubaya, about noon on the twenty-second, he spoke of the probability of an armistice, and expressed his strong opposition to it, to his staff and several other officers present, General Pierce amongst them. I had several conversations with him subsequently, during the completion of the armistice, and never heard him express but one opinion, which was that of opposition to the measure.

Question by defence. Has witness any knowledge of the time General Pillow was carried forward up the heights of Chapultepec, after he was wounded, and where he was laid when first carried in the work; if so, state what he knows on the subject.

Answer. I entered Chapultepec about the time the main body of the troops went in over the western wall. The area at the west end of the building was, at the time, full of our troops. I passed on through them, came into the front yard, which was, in comparison, free of our men; passed round towards the east end, came back and partially descended the road leading from the main gate, when several men, who had ranged themselves along the breast height on the side of the road, commenced returning a straggling fire, which was delivered on the troops on the road and in the castle by a party of the enemy then in the woods at the south east of the hill. Seeing some persons near the enemy, whom I took to be American

troops, and fearing that the fire from the road might injure them, I stopped this fire, and shouted to an officer who was coming up with a party of infantry, to go down and drive them out. As I called to this officer, who was some distance below me, I saw General Pillow being carried up from the round battery which was at the angle of the road. I went down and joined him. He was carried up through the main gate to the east end of the work, and placed upon the parapet at the south east corner, just over a platform for a piece of artillery. When I first saw General Pillow, judging from the circumstances, I suppose it to have been ten or twelve minutes after the work was first entered.

Question by defence. Witness will state if he knew how long General Pillow laid upon the parapet, and where he was moved to from the parapet.

Answer. He laid upon the parapet from thirty to forty-five minutes. I was absent from him at the time he was moved from the parapet, and when I next saw him he was at the foot of the stairs, inside the building.

Question by defence. Passing into the main entrance leading to the back yard of the building, did he necessarily pass by or near the shelter which stood adjoining the front wing of the building?

Answer. Yes. He must necessarily have passed by that shelter, and, I think, through that entrance, as the apertures in the splinter proof in front of the building were too narrow to admit of a party, such as was carrying General Pillow at the time I saw him, to pass through at one time.

Question by defence. At the time General Pillow entered the work, had the national flag been run up on the castle or not?

Answer. It was not. It was not hoisted for five or ten minutes afterwards.

Question by defence. Witness has stated that he did not recollect that General Pillow was absent from Piedad after it was occupied, until his troops left for Tacubaya, on the night of the eleventh; from witness's position, would he, or not, in all probability, have known it, if General Pillow had been absent long enough to go to Tacubaya?

Answer. I should have known, in all probability, if he had been absent long enough to go to Tacubaya.

Question by defence. Witness will state, as concisely as he can, what troops carried Chapultepec, and at what time the battery assailed by General Quitman's command was carried; was it before or after Chapultepec was carried by General Pillow's command?

Answer. The troops who were in advance, when I entered the work, were the three regiments of General's Pillow's division and McKenzie's storming party, all under General Pillow's command. I have no personal knowledge when the battery assailed by Quitman's command was carried.

Question by defence. Does witness know anything of General Pillow's having given orders while wounded at Chapultepec, for the advance of his (General Pillow's) command under Generals Worth

and Quitman, before General Scott arrived at Chapultepec upon the thirteenth of September, 1847?

Answer. I know that General Quitman, some ten minutes after General Pillow had been laid upon the parapet, rode up to General Pillow, and, after some conversation, said he was going to push on, and requested General Pillow would allow his troops to go on with him. General Pillow assented to it, and directed me to get the troops together and order them off with General Quitman; while engaged in doing so, which was very difficult, there being great confusion at the time, General Cadwalader addressed the troops from the window of the building. One regiment of General Pillow's division, I think it was the voltigeurs, moved partially down the road, and halted where the stragglers were being collected and joining the regiment; others were forming in the yard, and, I think, about that time, or soon after, General Scott rode up.

*Cross-examination.*

Question by prosecution. At about what hour of the 19th of August last did the fire of the enemy's batteries at Contreras open upon our troops; when was the work on the road broken off, or at about what hour did the battle commence?

Answer. I think the fire opened upon our troops about half past twelve or one o'clock, some time before the work was broken off; this fire was occasional and at exceedingly long intervals. I should think it could not be said the battle commenced until a little after one. This is my impression, as I took no note of the times of these occurrences.

Question by prosecution. How long was it after the battle commenced before the arrival of Major General Scott, and if the witness can recollect, how long was it after the return of Captain Hooker before the arrival of the said Scott.

Answer. I should say it was two hours and a half or three hours, perhaps more, after the commencement of the movement of the troops with a view to attack the enemy, before General Scott arrived on the field. I do not recollect the exact time when Captain Hooker arrived, or of seeing him coming up. I think from twenty minutes to half an hour before the arrival of General Scott; I had a short conversation with Captain Hooker concerning some of the movements.

Question by prosecution. Did the witness precede Captain Hooker in the visit to the said Scott at San Augustin, in the afternoon of the 19th of August, and also, in his return to Major General Pillow.

Answer. My visit to General Scott, the only one which I made that day, was about 9 o'clock in the morning. I returned immediately, and did not return to San Augustin until about 7 o'clock, on the morning of the 20th.

Question by prosecution. When the witness met the said Scott, on the 9th of September, was the latter already on his way to Piedad to make reconnoissance at and beyond that village?

Answer. He was coming on the road from his quarters to Piedad, and, I suppose, to make reconnoissance, as I had understood from Lieutenant Rains, who had returned to Piedad some two hours before I left, that General Scott might be momentarily expected, to examine the works. He was, at the time I met him, between the two plazas, towards the south of Tacubaya.

Question by prosecution. Witness thinks that Major General Pillow made no visit from Piedad to general head-quarters, at Tacubaya, between the 8th and 11th of September last; is the witness sure that the said Pillow did not dine or sup at said Scott's quarters, in that time, and before the evening of the 11th?

Answer. I can state the particular times at which I was absent from General Pillow, at Piedad, more than a very few moments. On the morning of the 9th, during the time I went to Tacubaya, to which I have already referred; and also that evening, from about 8 o'clock, after supper, when I was absent until late at night. The next morning I was awakened by General Pillow, very early; and from about half-past 8, until 10, or some few moments after, I was absent from General Pillow, reconnoitring on the San Antonio road. That day he dined and supped at Piedad, and slept there that night. On the 11th, he was at Piedad, until his troops moved to Tacubaya. I was with General Pillow, or near him, during all the time he was at Piedad, with the exception of the periods I have mentioned. I was sometimes absent from him for a few moments; of course, during those intervals of absence, I have no knowledge of what he did.

Question by prosecution. The witness says he first saw Major General Pillow coming up the heights of Chapultepec, in the forenoon of the 13th of September last, ten or twelve minutes after the castle had been occupied by our troops. How long had the castle, then been captured by the American forces; and, in the meantime, had there been any fire from the body of the castle, in the direction of the said Pillow's approach?

Answer. It was ten or twelve minutes after the capture of the castle. I conceive the castle to have been captured from the time the troops first entered it. There had been a good deal of straggling firing from the windows, roof, and other positions, towards the west end of Chapultepec, as well as from the side of the hill and the woods, to the south, toward the west, delivered by the retreating enemy in the meantime. If, by the body of the castle, is meant the works proper, excluding the house, there was very little, if any, from the body of the castle, according to my recollection.

Question by prosecution. After the castle of Chapultepec had been carried by our troops, was there, or not, a delay of many minutes before any American flag could be hoisted on the top of that work, in place of the Mexican flag?

Answer. Certainly there was. I don't think the national flag, proper, went up for ten or twenty minutes after General Pillow came into the work.

Question by prosecution. Did the witness keep, at the time, any

written record of the events, days and hours, of matters to which he has testified before this court?

Answer. No. I have stated, in my testimony, whenever time has been concerned, that it was my impression; and that I had taken no steps, and had no means of recollecting the precise length of the time which elapsed between occurrences.

Question by prosecution. What does the witness know of any personal combat between Major General Pillow and a Mexican officer or man, in or about the fields of battle in this basin, in August last; or does the witness know anything of the said Pillow's having slain, with his own hand, any hostile Mexican about that time?

Answer. I know nothing personally; I saw no combat. I have a recollection that, shortly after I met General Pillow on the road from the tête de pont towards the portcullis, on the 20th of August, he mentioned to me, casually, that he had shot a Mexican officer, or something to that effect. That was all that was said upon this subject; and I never heard it again from General Pillow, nor do I think I ever thought of it, until charges were preferred against him by General Scott.

Question by prosecution. Was it not on the appearance of the Leonidas letter in the capital, in print, and before charges and specifications were preferred against Major General Pillow, that the witness heard the said Pillow speak of having slain a Mexican?

Answer. I don't think it was. I recollect the interview when it was first mentioned, which was just after the charges had been received from General Scott. General Pillow was asking what I knew about certain points, and I told him I knew nothing about that, of any consequence; when he said he had shot a Mexican officer.

Question by defence. At the time you speak of having been absent from Piedad, was General Pillow there when you left and returned?

Answer. He was there when I left and returned, from the intervals of absence, to my knowledge, except when I came back on the night of the 9th, when I came in and went to bed immediately. General Pillow's room was beyond mine; he had to pass through mine to get to his, and of course I did not see him.

Question by defence. What time did you come in, on the night of the 9th of September, and what had witness been engaged at during that night?

Answer. I came in between two and three o'clock in the morning. I had been engaged in rebuilding the bridge near the advanced picket, on the Niño Perdido road.

Question by defence. If witness was absent only between the hours of eight o'clock at night, on the 9th, and two and three o'clock in the morning, and from eight till ten o'clock, on the 10th, and on the trip to Tacubaya, can witness see how General Pillow could have supped or dined at General Scott's quarters, at Tacubaya, during your absence?

Answer. I cannot, unless he went over there after I left him, at eight o'clock, on the 9th, which was after supper at Piedad.

Question by defence. Does witness know when and where Lieutenant Reno was wounded; if so, state; and where General Pillow was at that time?

Answer. I don't know.

General Pillow laid before the court the official reports of Santa Anna, (printed,) marked S.

Major General Worth, for defence, duly sworn:

Question by defence. Witness will please state whether, or not, he knows what the views of General Pillow were in relation to the Tacubaya armistice, *before said armistice was entered into*; also, whether General Scott was made acquainted with General Pillow's views on this subject, and were said views in favor of, or opposed to, the armistice?

Answer. I answer that, on the morning of the day on which the commissioners were named and instructed, I was, by invitation, at the head-quarters of the general-in-chief. Shortly after my reaching there, General Pillow arrived, whether by accident or invitation, I know not. The general-in-chief read to General Pillow and myself the instructions to be given to the commissioners, so far as they were written. Being incomplete, the general-in-chief desired us to retire, for a short time, until he had completed the paper. While out, General Pillow and myself had some conversation upon the subject generally, in which he expressed himself unfriendly to an armistice. Not coinciding in the opinions he expressed in that particular point, I briefly gave the reasons, from the information I had received, why it might be all very proper. I don't know whether General Scott was, or was not, made acquainted with the views of General Pillow, of my own knowledge.

Question by defence. State the substance of the conversation which occurred in the interview referred to in your last answer; state, also, what witness and General Pillow finally agreed as being, in your and his opinion, proper, and whether these views were, by agreement of witness and General Pillow, made known by the witness to General Scott?

Answer. I have already stated a part of the conversation which took place when we retired from the room. General Pillow urged the opinion that, if an armistice were concluded, the city of Mexico and Chapultepec should be given up as guarantees. In respect to the first, (the city of Mexico,) for the same reasons that induced me to suppose that an armistice might be proper, I also differed with him. As to the latter part, I coincided with his opinion, as it was also my own, and expressed a hope that it might be made a condition. There was no agreement between us, in the ordinary sense of the word; but General Pillow intimated a wish that I would express that opinion to the general-in-chief—I refer simply to the fortress of Chapultepec—to which I assented. On returning to the private apartment of the general-in-chief, which we did

shortly after, either the part added to the paper, or the whole paper, was read to us. My impression is the general-in-chief read the whole paper as completed. After which, when a suitable occasion occurred, I expressed the hope that the possession of Chapultepec might be made a condition, a *sine qua non*. I quote the very words I used. It is my impression, though it is a point on which I cannot be positive, that I used the expression "we hope." The impression is strong on my mind, and the more so, from the conversation which just preceded it. There was a rapid conversation between the parties after this, which was soon after interrupted by the arrival of the commissioners to be appointed.

Question by defence. Was General Pillow present at the time you expressed the hope to General Scott, that "we hoped he would demand the surrender of Chapultepec," as a condition, a "*sine qua non*?"

Answer. Yes.

Question by defence. Will witness recollect whether it was the arrival of the American, or the Mexican commissioners, which interrupted the conversation mentioned in the last answer?

Answer. I refer to General Quitman, General Pierce, and General Smith, whom I knew to have been designated to constitute the commission.

Question by defence. Witness will please state if he has any knowledge that General Pillow sought, or desired a position as commissioner to negotiate the Tacubaya armistice? State, also, if witness heard any conversation between General Scott and General Pillow on this subject, about the time the commissioners were being selected by General Scott? If so, state what such conversation was?

Answer. I have no knowledge that General Pillow sought or desired a place on that commission. There was a conversation at an earlier hour of the morning, principally by the general-in-chief, in regard to the composition of that commission, in course of which, the general-in-chief remarked that he had probably offended two of the commanders of regular divisions by not including them in that commission, referring to the commanders of the second and third divisions, without naming them; while this conversation was going on, and towards the close of it, General Pillow entered the room, when the general-in-chief addressed himself to him, as I thought at the time, jocularly or playfully, and, "I suppose I have offended, or made an enemy of you too;" whereupon, General Pillow intimated that he did not understand the remark of the general-in-chief. The general then rapidly ran over the conversation, and explained to General Pillow that for certain reasons, he had not included in the commission so and so. To which General Pillow replied that he had no desire to be on the commission, but was ready cheerfully to obey any orders the general-in-chief had for him. The latter part of the conversation was, in my mind at the time, jocular and playful.

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

CITY OF MEXICO, April 15, 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.

Major General Worth under examination:

General Worth said that, in his answer to the question, of whether it was the American commissioners, or the Mexican commissioners, who interrupted the conversation between Generals Scott and Pillow and himself, he had blended together two interviews. That a flag was announced, and perhaps in that connexion, the name of the Mexican commission or commissioners. The American commissioners did not arrive until some later hour in the day, when he was also present at the quarters of the general-in-chief.

Question by defence. At the time the conversation occurred, which witness has related, about the appointment of commissioners, witness will state if he heard General Pillow say to General Scott that he had done right to select General Quitman as one of the commissioners?

Answer. Yes; It was in reply, however, to some remarks of the general-in-chief upon the appointment of General Quitman. I do not know that the words used were, "he had done right," but there was an expression of approval. He signified assent and gratification.

Question by defence. Was witness present at General Scott's quarters at Tacubaya, on the night of the 12th of September, at a conference of general officers then held, in relation to the attack upon Chapultepec the following morning; if so, please state what were the views of General Scott and Pillow, respectively, on this subject?

Answer. I was present with several other general officers, at the quarters of the general-in-chief, the evening preceding the attack upon Chapultepec and the entrance into the city. The reference to the operations proposed for the next day was introduced by some remark from the general-in-chief, followed by explanations and the exhibition of a diagram by one of the engineers, I think, by Captain Lee. There were several points discussed or remarked upon, more particularly addressed, as I conceived, to Generals Pillow and Quitman, who were to immediately participate in the assault upon Chapultepec. The idea was suggested in the course of the conversation, whether as an intention, or hypothetically, I cannot now say, whether the attack should be direct upon the work, or by enveloping it by passing round the base on either side, in the first instance. After the general-in-chief and the engineer officer who followed him in explanation of the diagram, General Pillow entered into the discussion or conversation. He strenuously urged direct attack with his division, (I speak of his division because I supposed it was to be a combined operation of himself