

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

and General Quitman,) and expressed the desire to conduct the attack with his whole division. When I left the apartment, which I did on the gentlemen being summoned to another room, to my knowledge, the details of the attack had not been definitively settled. Having occasion to retire to my quarters, on taking leave, I asked the general-in-chief for orders for my own government, which I received. General Quitman also participated in the conversation.

Question by defence. Did witness understand, that agreeably to General Scott's proposed plan of attack, that General Quitman was to move upon one road and General Pillow upon the other road surrounding Chapultepec? Was it to this movement of *first cutting off* this work, which you understood General Pillow as opposing so warmly, and as insisting upon making a direct attack upon the work itself?

Answer. Referring to my preceding answer, as to the nature of the conversation, according to my recollection, as to whether the proposed movement around the work was other than a suggestion for consideration, in which light I apprehend it should be understood, I consider the wish of General Pillow to make a direct attack upon Chapultepec, and with his whole division, as combatting that suggestion. The question speaks of *plan*, and I use the word *suggestion*, not regarding any thing as a plan until determined upon. I have already stated that when I retired, there had been no definitive settlement of the details of the attack.

Question by defence. Does witness recollect to have heard General Scott say he wished Generals Pillow and Quitman to shake hands at the junction of the roads around Chapultepec, and to make that work feel its *isolation*?

Answer. There was some such expression uttered; I am not prepared to say that the language was uttered as a wish, but rather as an interrogatory. There were several ideas thrown out as to the different modes of attack. According to my present impression, the suggestions of neither of the parties, thrown out in the first instance, in the form in which I have stated, was wholly acceptable to the other. I understood, subsequently, as doubtless was the case, that the discussion was resumed, and the details of the attack definitively settled.

Question by defence. Did General Pillow, in this conversation, say there was a battery on Quitman's road, and one upon his, General Pillow's, road, both of which would have to be carried by the bayonet, and *could not be flanked*; and did witness hear General Pillow ask General Scott, *why fight three battles instead of one*?

Answer. General Pillow remarked that there were batteries on both roads, a fact which, I believe, we all knew. He used the expression, while expressing his desire for the direct attack, and for his whole division to be engaged; and probably in reference to the suggestion of enveloping the work in the first instance, "why fight two or three battles," I don't remember which, and whether that remark was addressed to the general-in-chief or to General Quitman particularly, I am unable to say. The latter officer occasionally

joined in the conversation. The remark was made by General Pillow or General Quitman, speaking of the nature of the ground, that the batteries could not be turned.

Question by defence. After the victories of Contreras and Churubusco, was the city of Mexico in the power of the American army, and could that city have been then carried or captured on the 20th of August, with little comparative additional loss to the American army?

The question being under consideration by the court.

General Pillow offered the following:

The question now presented is deemed both natural and relevant.

In the appeal of General Pillow to the government, found in the letter to the Secretary of War, (already in evidence before the court and introduced by the prosecutor,) he states, as a *matter of fact*, that the city of Mexico was in the power of the American army, after the victories of Contreras and Churubusco, which were won at the cost of the blood of one thousand and sixty-four men of the army. He further says, he opposed the armistice, as surrendering the advantages of these victories, and allowing the enemy time to recover from his defeat, without requiring any guarantees of the enemy's good faith, and that in his (General Pillow's) course in regard to this question, was, in his opinion, to be found the *true motive* of the injustice done himself by the general-in-chief, in the proceeding from which that appeal was prayed. For this statement in the said appeal, General Pillow was arrested, upon the ground, in part, that it was *disrespectful*. It could not be *disrespectful* if the *facts*, as stated, were true.

It, therefore, becomes important to show that these facts, as there stated, are true.

This appeal for which General Pillow was arrested was a matter of right secured to him by law, and his wrongful arrest for the exercise of a clear legal right, by appealing from injustice, is a matter directly connected with the charges in this case, ordered to be investigated, and therefore comes clearly within the order of the government directing this investigation. As such, this proof is offered.

Respectfully submitted:

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

General Scott replied as follows:

Mr. President and gentlemen of the court:

I have no objection to the question propounded to the witness, other than that it will necessarily force me, as prosecutor and late commander, to go into the *merits* of the Tacubaya armistice, which

is in no degree involved in any specification now under investigation before this court.

Respectfully submitted:

WINFIELD SCOTT.

In court, April 15, 1848.

The court then decided that the question should not be put.

*Cross-examination.*

Question by prosecution. Did the interview, in the morning of the 22d of August last, between the three generals mentioned by the witness, take place before or after commissioners were designated, on the part of the American army, to treat on the subject of an armistice?

Answer. It took place before the commissioners on the part of the American army had been announced, but not before they had been, in part, determined upon, as the general-in-chief, on my joining him, informed me, that I was to be one, and named another, and was hesitating between two or three persons, as to the third.

Question by prosecution. Did, or not, Major General Scott, on the occasion referred to, give some friendly explanation to the witness and Major General Pillow why the said Scott had not appointed them, the second and third in rank present of the American army, commissioners to meet Mexican commissioners on the subject of an armistice? and if so, did the said Scott show any knowledge in his remarks of the said Pillow's opposition to an armistice?

Answer. The general-in-chief addressed himself to General Pillow, on the occasion and in the manner I have already stated, explanatory of the reason why he had not named him on the commission; I did not consider his remarks on that occasion at all applicable to myself, inasmuch as I had been named, in the first instance, at the head of the commission, and ceased to be there by my own act. It is proper I should add that I was not taken off the commission by my own act, because of any reluctance to the duty, but on entirely different grounds. General Scott showed no knowledge, in his remarks to General Pillow, of his (General Pillow's) opposition to the armistice, according to my observation; I did not remark or know of any.

Question by prosecution. At any reading of the instructions did Major General Pillow join in the wish or hope mentioned by the witness, or did the latter expressly call the attention of the said Scott to the said Pillow's concurrence with the witness in respect to Chapultepec?

Answer. At the reading of the complete instructions, (as I supposed them to be complete at the time,) on my expressing the hope in respect to Chapultepec, I did not call the attention of the general-in-chief to the opinions of General Pillow; but, immediately after my remark, General Pillow did express the same or similar sentiments in very much the same form and manner.

Question by prosecution. In the written instructions for the American commissioners, read to the witness, was not the demand for the surrender of Chapultepec included, and this before the said Scott had received any suggestion to that effect from any source known to the witness?

Answer. In the instructions prepared for the commissioners, and read to General Pillow and myself in the morning, there was not, to my recollection, a demand for the surrender of Chapultepec; but before separating from the general-in-chief, and after the conversation previously related, he either stated distinctly or intimated his intention to make such a demand. At the meeting with the commissioners and the general-in-chief later in the day I was present, and remained present by his request, and heard him read over the instructions to the commissioners, accompanied by necessary explanations. In those instructions, then read, there was a demand for the surrender of Chapultepec, or that its occupation should be a condition; in respect to which special explanations and instructions were given to the commissioners by the general-in-chief.

Question by prosecution. When the said Scott read to witness the part of his instructions he had already written when the witness first came in, did not the said Scott say he would soon complete the paper; and at the next reading of the same paper to witness, and Major General Pillow, did not that paper distinctly contain the demand for the surrender of Chapultepec? And, further, was not this second reading before, as far as the witness knows or believes, any remark had been made by the witness or the said Pillow to the said Scott on the subject of Chapultepec?

Answer. As I have already stated, to the best of my recollection, I repeat that the demand for the surrender of Chapultepec was not in those instructions at the reading of the complete paper; that if so, it did not catch my ear or attention. Had I been aware of its being there, I should certainly not have intruded the expression of the hope, on returning to the room, that such should be made a condition. That the subject of Chapultepec, in its military aspect, had been one of several conversations between the general-in-chief and myself prior to this meeting, and much occupied his thoughts, is within my recollection, but I have no knowledge on which to found the belief of his intention to make it a condition of the armistice until subsequently to the first conversation referred to in my testimony.

Question by prosecution. At the second reading of the paper in question, the witness will please reflect and say, whether the passage, respecting the surrender of Chapultepec, had not been added to the paper, and whether the remark of witness, and that of Major General Pillow, respecting Chapultepec, were not then and there made, before the said Scott had read the complete paper?

Answer. I have stated, according to my best recollection, the order of events in respect to that matter. My impression and belief are as I have stated. I can recall no knowledge of the intention of the general-in-chief to make that demand a condition, until hearing the instructions read to the commissioner in a later part of