

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



the day. On the return of General Pillow and myself to the private apartment of the general-in-chief, as before stated, the conversation was brief, and interrupted by the announcement of a flag. The remark made by me may, or may not, have been made before the reading of the complete paper. I cannot recollect.

Question by prosecution. Is the witness certain, that at the second reading of the instructions for the American commissioners, the demand for the surrender of Chapultepec was not included?

Answer. I answer no; I am not certain. I stated that, according to my impression and the best of my belief, it was not there; and added, that if there, it did not catch my attention or my ear.

Question by prosecution. Can the witness recollect in what part of the paper the instructions respecting Chapultepec were inserted? was it in the middle or in the end of the paper?

Answer. I do not recollect.

Question by prosecution. In the conversation the witness says he held with the said Scott respecting the castle of Chapultepec, prior to the meeting between the two on the morning of the 22d of August, was there any thing said by either about demanding the surrender of that castle as one of the conditions of an armistice; and if so, state what were the respective opinions of the witness and said Scott—if their opinions were variant?

Answer. The conversations referred to between the witness and the general-in-chief, prior to the morning when preparing the instructions to the commissioners, did not refer to the armistice, but to the military qualities of the position. In regard to its local value, for instance, in reference to the command of Tacubaya, as covering depots and hospitals, &c., at that place, I believe I had the honor to coincide in opinion with the general-in-chief, but to differ with him in opinion in respect to its value in an ultimate attack upon the city. About the period of those conversations, the general-in-chief had not determined, so far as is within my knowledge, his precise front or point of attack upon the city; and remarked, on one occasion, while yet unresolved on the matter, that once in possession of the city the castle would fall, of course. I think the expression was, "fall by its isolation." That remark supposed an assault upon the city from a different quarter. I think that there might not have been more than one conversation on the subject, prior to the interview between the general-in-chief, General Pillow, and myself; subsequently, there were others. The conversation to which I particularly refer, was on that very morning brief and hurried.

Question by prosecution. When was it that the said Scott said to witness, that the possession of the city would cause the fall of Chapultepec? Was it before or after the morning of the eleventh of September, and was not the said Scott then endeavoring, by reconnoissances, to ascertain the eligibility of an attack on the south side?

Answer. The subject of Chapultepec, and an assault upon the city, should circumstances render it necessary, were the occasional subject of conversation during the armistice. The more particular

conversation, referred to in the question, must have occurred after the armistice was dissolved; and, from the very circumstances of the case, probably occurred between the eighth and twelfth. It was during the period when diligent reconnoissances were in operation upon several points, including the south side. I believe it was not until the tenth or eleventh, the day on which a conference was held at Piedad, that the point of attack was ultimately decided upon. Before proceeding to a meeting of the officers at Piedad, the general-in-chief instructed me to select points, in connexion with the ordnance and engineer officers, on which to place batteries to bear upon Chapultepec. I gave those officers the necessary instructions. They made their reports to the general-in-chief subsequently, and received his orders. This looked to an attack upon that front.

Question by prosecution. The witness has spoken of some hypothetical proposition to pass around the base of Chapultepec, in the first instance, instead of a direct attack upon the works that crowned the hill. By whom was that suggestion made, and what countenance, if any, did Major General Scott give to that suggestion?

Answer. I stated that the idea was thrown out, or a suggestion made, as I thought interrogatively, among other suggestions; my impression is that the remark referred to was made by the general-in-chief, not as a determination, or evincing a fixed purpose, but as a suggestion, in the sense I have stated. I have stated in my previous testimony, which I desire to repeat here, that the discussion upon the subject was not concluded, nor the details of the operation announced, while I was present?

Question by prosecution. Does the witness chance to remember that, about the breaking up of the interview at the said Scott's quarters, on the 12th of September, that one of two major generals present, before going to supper, said to the other, pleasantly, something to this effect; we will, from different points, enter and shake hands in the work, meaning Chapultepec?

Answer. I have heard of that remark being made. I have no doubt that it was made. I cannot recall having heard it myself, as I retired as soon as I received my instructions, being very much indisposed.

Question by prosecution. Will witness reflect, and say whether it was not Major General Quitman, who, in the hearing of the witness, said to Major General Pillow, playfully, we will meet in Chapultepec, and shake hands?

Answer. I cannot recall which of those two gentlemen made the remark; whether I heard it, or heard of it, only remembering it as evincing cordial co-operation. From the instant of the summons to another room, till I left the apartment, which could not exceed, if it reached one minute, my attention was occupied with receiving my orders for the following morning from the general-in-chief, which were expressed in two or three words.

Question by prosecution. Can the witness remember distinctly that the said Scott said, on that occasion, a word about shaking