

hands at the foot of Chapultepec, or of shaking hands between Major Generals Pillow and Quitman, any where except within Chapultepec?

Answer. I can recollect nothing about the conversation, or the expressions in the question, other than I have already stated.

Question by prosecution. Has not the witness already stated, as from the said Scott, something about the meeting of Major Generals Pillow and Quitman, at the foot of Chapultepec, and there shaking hands? may he not have mistaken what was said by one of those generals for what was said by the said Scott?

Answer. I may be mistaken. I speak to the best of my recollection.

Question by prosecution. Was, or was not, the witness present at the beginning of the interview at the said Scott's quarters, on the 12th of September, and who else were present?

Answer. I was present at the beginning of the interview, so far as Generals Pillow and Quitman were concerned. I think I reached head-quarters before either Generals Pillow or Quitman; certainly before the third; there were several of the staff present, when I arrived.

Question by prosecution. Did the said Scott invite witness to accompany him to Piedad, on the morning of the 11th of September last, and what was the bias of the said Scott's mind, in respect to the next point of attack?

Answer. The general-in-chief invited me to accompany him to Piedad, on the day mentioned, and excused me at my request, having many duties on hand, among others the special service with which he had charged me of fixing points for batteries. I had no doubt then, and was gratified to discover it, that it was his intention to assault that work by a cannonade, and I inferred, from the proposed operation, a disposition to make a final attack upon that front. It was an inference. I had no knowledge of the final determination until the return from Piedad.

Question by prosecution. What passed in that interview, on 12th September, between the said Pillow and the said Scott, respecting the attack from the west, with one or two brigades of the said Pillow's division, aided by a storming party from the first division, the fire of the heavy batteries, Nos. 1, 2, 3, and 4, and the simultaneous attack upon another side of the work by Major General Quitman's division, reinforced by Smith's brigade.

Answer. Among the several suggestions thrown out, and so far as I was present and heard, they were but suggestions, was that by the general-in-chief; that the main assault from the west should be with one brigade of General Pillow's division, in combination with the storming party of some two hundred and fifty men, taken from my division, and which had been previously organized. In the same connexion of suggestion, an attack by General Quitman's command, similarly combined with a storming party, to assault the other or south front. In the same connexion, the fire in the early morning of the batteries referred to, to be resumed and continued until the moment of making the assault, and I afterwards under-

stood that the cessation of the fire of the batteries was to be the signal for the assault. It was in reference to the first point, that I understood General Pillow to allude, when he expressed his desire to have his whole division. When General Quitman spoke, he differed in several points from the suggestions. When I separated from the parties, I had no distinct and clear idea of what were to be the details of the operation of the next morning, and hence it was, before leaving, that I asked the general-in-chief for orders for the government of my own command, and received them.

Question by prosecution. The witness has spoken of selecting sites for batteries against Chapultepec, on the morning of eleventh September; what does he chance to know of orders given about the same time for the collection of scaling ladders, and *prior* to the meeting at said Scott's quarters in the evening of the twelfth of September?

Answer. The general-in-chief charged me with the collection of the scaling ladders; I entered immediately upon the duty, giving the necessary instructions to Quartermaster Myers, of my division, who, in a short time, reported the number obtained. They were ladders obtained from the town, and to be used for scaling ladders, and where their length would permit were divided so as to increase the number. On visiting head-quarters that evening, I communicated the quartermaster's report. I think it was on the morning of the 12th that the order was given. It was subsequently to the fixing of the position of the batteries, and probably after they had opened their fire.

Question by prosecution. As far as the witness knew, had the said Scott any plan of attack, from the morning of the 11th September, until Chapultepec was carried, other than to take that place by cannonade, bombardment, and assault or escalade?

Answer. I knew of no plan, other than as I inferred the design of assaulting Chapultepec, by the cannonade on the 11th, and the subsequent announcement, (indicated by the collection of ladders, and the formation of storming parties,) on the evening of the 12th, to storm it next morning.

Question by prosecution. How much time, as far as the witness can recollect, was occupied by general head-quarters, between the battles of Molino del Rey and September 12th, in bringing distant troops nearer to Piedad and Tacubaya, in reconnoissances, and in establishing a general depôt at Mixcoac, including the removal of the sick and wounded, the spare ordnance and ordnance stores, and the baggage and supply trains, to that general depôt; and was not witness, and his own division, much occupied, also, in those operations, preliminary to some general attack upon the enemy?

Answer. I believe most of the time referred to—all, for aught I know—was occupied in the objects embraced in the first member of the question. In respect to the part of the question relating to my own division, I answer, yes.

The court then adjourned till Monday morning at 9 o'clock.

CITY OF MEXICO, *April 17, 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.

Lieutenant R. S. Ripley recalled, for defence:

Question by defence. Was witness present upon the mound, upon the 19th of August, when Lieutenant Lay passed that position; if so, he will state what he heard Mr. Lay announce; and if that communication was made loud enough to be distinctly heard at the position occupied by General Pillow?

Answer. I was present on the mound, on the 19th of August, when Mr. Lay came up and announced, from the foot of the mound, the near approach of General Scott, in a tone loud enough for me to hear. I think I was standing, at the time, near General Pillow.

Question by defence. How long after General Scott's arrival upon the field was it, before Mr. Lay returned to the mound?

Answer. I did not see Mr. Lay for half or three-quarters of an hour afterwards. When I next saw him, he was returning towards the mound, from the position occupied by Magruder's battery. I met him, I think, about half way to the position.

Question by prosecution. The witness has heretofore given, in his evidence, reasons for knowing or believing that Major General Pillow was not at said Scott's quarters on the 9th and 10th of September last, nor until the night of the 11th. He has also spoken of the said Pillow's passing from the battle-field of the 8th (Molino del Rey) to the hacienda San Borgia. Did not the said Pillow call at the said Scott's quarters, in Tacubaya, and there breakfast, lunch, or dine, before proceeding to the said hacienda, on the said 8th of September?

Answer. I think that I testified before, that I rode with General Pillow from Tacubaya, after the battle of Molino del Rey, to the hacienda San Borgia. I came in from the battle-field to Tacubaya by a different road from the one by which General Pillow came in; stopped some little time at the quarters of my own regiment; afterwards rode down to General Scott's quarters. General Pillow came from General Scott's quarters, shortly afterwards, mounted his horse, and rode off. I don't know what happened inside; I don't think I was in there. This was about two or three o'clock in the afternoon.

Lieutenant Rains recalled, for defence:

Question by defence. Was witness with General Pillow at Piedad; if so, he will state what report or message he bore, upon the 9th of September, from General Pillow to General Scott?

Answer. I was at Piedad, on the morning of the 9th of September, and was despatched by General Pillow to Tacubaya, with a message to General Scott, to detail the result of the reconnoissance made by General Pillow and myself. Having arrived at Tacubaya, I gave General Scott the information that the works of the enemy,

at the garita San Antonio, were in an incomplete state. I informed General Scott that there were two guns, in my opinion, which bore upon our position, with some two or three more at other points of the line of entrenchments; but that General Pillow considered there was a less number of guns than what I have stated; that the enemy had a very large force of laborers engaged in rapidly perfecting their line of works; consequently, General Pillow requested that the general-in-chief would come himself, if his time served, to look at the position of things; but, if he were not able to come himself, to send his engineers. The general-in-chief replied that he had already intended or resolved, not only to make a minute reconnoissance, in person, of the works in question, but also to send the most, if not all of the engineers, for the same purpose; and to inform General Pillow that he would follow me, at an early moment, to Piedad.

Question by defence. Witness will state if, after General Pillow established his head-quarters at Piedad, he was absent from that place, at any time, long enough to have gone to Tacubaya and back? He will also state what time, on the night of 11th September, General Pillow and his command left Piedad, preparatory to the assault upon Chapultepec, and what time they reached Tacubaya?

Answer. I am under the strong impression, though not altogether positive, that in the interval in question, General Pillow was not absent from Piedad a sufficient length of time to go Tacubaya and return. General Pillow's command left Piedad, about eight or nine o'clock, p. m., probably nearer nine than eight, for Tacubaya, where he and his command arrived, probably between ten and eleven.

Question by defence. Was witness himself at Piedad the whole time spoken of, from the morning of the ninth until the departure of General Pillow, on the night of the eleventh, with the exception of the trip to Tacubaya, already detailed by witness?

Answer. At Piedad or its neighborhood, it is my impression.

Question by defence. Witness will state whether or not, to his knowledge, General Pillow was absent from Piedad, on the night of the 9th, after or before supper?

Answer. I think he was not absent during the day of the 9th, or the night of the 9th. I feel pretty sure he was not absent on the night of the 9th.

Question by defence. Witness will state what he knows of General Pillow's views, in relation to the Tacubaya armistice, before that measure was consummated, and what (if he knows) induced General Pillow to address a note to General Scott on the subject of the armistice?

Answer. On the 22d of August last, General Pillow was returning from an interview with the commander-in-chief from Tacubaya to Mixcoac, and entered into the following conversation, in substance, with myself: "Well, an armistice has been determined on by General Scott, who is about to appoint commissioners to fix on its terms." I asked, "what are those terms?" The reply was that "Chapultepec was not to be required to be given up by the enemy,