

and that the army were not to have general access to this city." I replied, I was very sorry for it, that the general-in-chief had a very great popularity in the army, which would be raised to enthusiasm by his taking forcible possession of the city of Mexico; and I thought the armistice, particularly its terms, would not be received by the army with much favor. General Pillow replied that he thought so too; that he was opposed to any armistice, particularly one which did not require Chapultepec to be placed in our possession. I asked if he had expressed himself in these terms to the general-in-chief. He said he had not, or had not done so strongly—I don't recollect which, because the general-in-chief did not like opposition to his views. I replied that I thought it due to the general-in-chief, from the terms of intimacy which existed between them, that he should have expressed himself freely on the subject. He said then that he would write a note, giving his opinions in relation to the armistice, which he wished I should take to the commander-in-chief, as I could probably obtain an interview with him, having formerly been his aid-de-camp, and could express to General Scott, probably more clearly than the note would; his opinions on the subject. On our arrival at Mixcoac, General Pillow wrote a note and read it to me. I observed that it was useless for me to return to Tacubaya with the note, as the general-in-chief's time was so much occupied that I would have no means of obtaining a personal interview. By whom it was sent, if ever sent, I do not know.

Question by defence. Witness will examine the note before the court, and say if that be the note referred to in his testimony?

Answer. I judge this to be the same note. It is the same in substance. (Letter from General Pillow to General Scott, dated August 23, 1847.)

Question by defence. Witness will state, if he knows, what date said note was written?

Answer. I judge it to be on the twenty-second, because it was the day after we arrived at Mixcoac.

Question by defence. Was witness close to General Pillow's person when he was wounded at Chapultepec; if so, state if he picked up the ball with which he was wounded, and what was its size?

Answer. I was in about three or four yards of General Pillow at the time, and picked up the shot that struck him, which was a large sized grape shot, over an inch in diameter.

Question by defence. Witness will state if he left San Augustin, on the morning of 19th August, 1847, with General Pillow; and if so, state what time General Pillow and yourself left there that morning?

Answer. I did leave with General Pillow at the time in question. He had been delayed a few minutes, for the saddling of my horse, which had just been brought in, having been lost the day before. As I was awaked out of a sleep, and much engaged immediately afterwards, my attention was not called to the time of day, though my impression is that it was before sunrise.

Question by defence. Witness will state if he was separated from General Pillow in the battle of Churubusco, from the time witness was struck upon the head by the splinter of a rock, broke by a cannon ball, until after the battle was over; state also where witness found General Pillow; on which side of the "tete de pont" was it?

Answer. I was separated from General Pillow a few minutes before the time specified, and remained separated, for the reason that I could not find him afterwards, as I supposed he was on one side of the road, whereas he was on the other, after the occurrence in question. When I next saw him, it was at or near the portales, a short time after I returned from accompanying Kearny's charge a short distance.

Question by defence. Where was General Pillow placed when he was brought into the works at Chapultepec, until he was carried into the building?

Answer. I know nothing of it personally.

*Cross-examination.*

Question by prosecution. Had the witness, at the time he was sent by Major General Pillow to Major General Scott, at Tacubaya, on the subject of the defences at the gate of San Antonio, any previous information that the said works had already been, or were, under the examination of engineers from general headquarters?

Answer. I think they had been. I do not know that they were under examination at that moment.

Question by prosecution. Did witness learn, from Major General Pillow, in the conversation of twenty-second August last, that he, the said Pillow, had not been appointed one of the commissioners to negotiate an armistice; and what did the said Pillow further say, if anything, respecting the instructions which had been given, or would be given, to the American commissioners, by said Scott, on the subject of an armistice?

Answer. General Pillow told me he had not been appointed one of the commissioners; that he was not on the commission. He declined giving me any information, in regard to the instructions, at that time. I requested him to do so, but he declined. I do not know that what I have stated about Chapultepec, and the access to the city, was in the instructions or not; if so, he said nothing about it.

Question by prosecution. Was Brigadier General Pierce present when Major General Pillow produced the note, dated twenty-third August, addressed to the said Scott; and if so, was the note read by, or to, the said Pierce also?

Answer. I have no recollection of any connexion of General Pierce and the note, except from hearsay. He may have been present; if so, I have forgotten it. General Pierce was present that afternoon in our quarters. He lived in an adjoining room. I don't know whether he was present when the note was read.

Question by prosecution. Does the witness chance to know whether Mr. Freaner was present when the said note was produced and read at Mixcoac?

Answer. I do not recollect. I do not call it to mind. He may, or may not. He was at our quarters two or more times; and he may have been there at that time.

Question by prosecution. How long, as far as the witness can judge, had Valencia's entrenched camp been carried, before Major General Pillow arrived at that point, in the morning of the 20th of August last?

Answer. When we were at or near the foot of the mound, next to San Augustin, where the wagoners with their teams were clustered, not being able to get any further, we heard that there was a battle then going on. We passed the mound into the open field beyond, where we stopped for a few moments, when General Pillow observed the entrenchments with his spyglass; saw that our troops were in the work; when he despatched Mr. Ripley back, and we galloped as rapidly forward as we could to the entrenchments. This is the only way I can judge of the time.

Question by prosecution. Does the witness chance to know at what time, in reference to the capture of the main work, on the heights of Chapultepec, on the 13th of September last, Major General Pillow was brought up on the heights, or to the main work?

Answer. I can state that General Pillow, being at the foot of the hill at the time the assault was going on, there was a shout raised by our troops. I was requested by General Pillow to ascend the hill, where the assault was going on, and see what it meant. I did so rapidly, and arrived at the crest of the hill, in time to pass over with the rear troops into the work. The shout was raised on the rush of the troops. In the excitement of the moment, I continued on with the troops into the body of the work. In fact, went nearly to the east end of the work, before I recollected that I had to go back and report to General Pillow. I returned as rapidly as I could, for the men who crowded the way, in the direction I came to the foot of the hill. General Pillow had been removed, and was being carried up the hill. I missed him on the way, and it was some little time before I saw him in the work.

Question by prosecution. Had the Mexican garrison been subdued, captured, and driven out of Chapultepec, when the witness turned about to go to Major General Pillow?

Answer. It had. There was firing going on, but I took it to be our troops in the castle, on the enemy in the grove below, and a return fire from the enemy.

Question by prosecution. The witness has said, that returning from the castle of Chapultepec, in search of Major General Pillow, he missed him. Describe, as far as the witness can, the route he took in returning, and that taken by the said Pillow ascending the heights?

Answer. In arriving at the place where General Pillow had been at the foot of the hill, not finding him there, I first went to the left of the hill, (looking up the slope.) Finding that he had not

been taken in that direction, I returned to the place where he had been; and supposing that he might have been taken to the building of the Molino del Rey to have his wound dressed, I proceeded in that direction till I found such had not been the case. There was but one other path to get off by; that was the one leading up to the ramp which ascended the hill, which, hence, must have been the course in which he was carried.

Question by prosecution. Was there any fire from the enemy, upon, or in the direction of the witness, as he descended, or reascended the hill, at the time alluded to in witness's last answer?

Answer. None, necessarily, as I was on the western portion of the hill, where the fire had entirely ceased.

Question by prosecution. At what point, about the foot of the hill of Chapultepec, did the witness leave Major General Pillow, when the witness left him to go towards the castle?

Answer. I think a little to the right of the center of the base looking up the hill. If you draw a tangent to the hill parallel to the front of the wood, and call that the center, he was to the right of that point.

Question by prosecution. Does the witness chance to know that Major General Pillow, passing from the battle field of 8th September last, called at the quarters of the said Scott, in Tacubaya; and if so, how long did the said Pillow remain at the said quarters on that occasion?

Answer. My memory is indistinct; I know he called there, for I was with him; it is indistinct how long he remained there.

Question by prosecution. Did Major General Pillow remain at the said Scott's quarters on that occasion ten, twenty, or a greater or less number of minutes; and did, or not, the said Pillow breakfast, lunch, or dine there?

Answer. He did not breakfast there, to my knowledge, on the morning of the battle; I was behind when he entered Tacubaya; I think he lunched there after our return from the battle field; I am not certain, but that is my impression that we had something of a lunch. As regards the length of time, my memory, as I said before, is indistinct, but I think over or at least twenty minutes, if we lunched there.

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

Answer. Nothing, personally.

Question by defence. Where were the wagons of which witness spoke as being the place where General Pillow got the first intelligence that the battle was then being fought on the twentieth of August? Were they in the gorge at the base of the hill? State, also, if, from that place, the party rode as rapidly as possible to the position from which the enemy's works were observed with the glass.

Answer. I think the place referred to is at the commencement