

wards Major General Pillow, that the witness speaks of at the moment the witness was re-ascending the hill?

Answer. It was the continual bursting of shells in the woods below, at the foot of the hill.

Question by prosecution. Does the witness know how long Major General Pillow remained at the foot of the hill, after the witness had delivered the message of Colonel Andrews?

Answer. I do not.

Question by prosecution. The witness has said that there was more danger at the foot of the hill than on the top. Is it his meaning that the danger, from the fire of the enemy, was greater where Major General Pillow lay, or greater in the grove further off?

Answer. It was equally so at the foot of the hill, as it was towards Molino del Rey.

Question by prosecution. Did the witness leave Lieutenant Rains, aid-de-camp, with Major General Pillow, or had the said Rains preceded the witness in going up to the castle?

Answer. I do not remember seeing Lieutenant Rains.

Question by defence. At the time General Pillow directed witness to have him carried forward, what did General Pillow say relative to his having wished to be taken forward some time before?

Answer. He told me that he had used some exertions to be carried forward previous to my going to him.

Captain C. Sprague, 9th infantry, for defence, duly sworn:

Question by defence. Was witness present at the storming of Chapultepec? If so, state whether he saw General Pillow after he was wounded, where it was, and what occurred between witness and General Pillow.

Answer. I was present at the storming of Chapultepec; my regiment was advancing through the woods; we had arrived very nearly at the base of the hill, when there was a momentary pause by all the troops, and a heavy fire of infantry was poured in upon the hill. Colonel Ransom had led somewhat in advance, and had arrived at the foot of the hill; he was standing pointing up the hill with his sword; I think he gave the order to cease the fire, as it endangered our own men, some of whom had already got up the hill; I then went back to stop the firing which was in my rear, as well as to bring the men from behind the trees, and on my return from that mission, I saw General Pillow standing, I think, alone; I don't know the exact distance from the foot of the hill; not a great distance; he appeared unable to walk; the troops were at the time rushing by him, and did not seem to heed him at all. I immediately went up to him, and asked him if he was hurt? He replied he was. I then attempted to assist him myself, but found I was unable; and he required my entire strength in the march, being so badly hurt, I suppose. I then directed some men to assist him, two, I think, which they did; they then took him to the foot of the hill, and seated him, I think, near the root of a tree. I then left him, and advanced with my regiment; when we arrived at the top of the hill, that is, a short distance outside of the ditch, they were

lying indiscriminately, the ninth, fifteenth, and voltigeurs, and did not advance, I suppose, for the want of ladders. I was then directed to go down, and report to General Pillow that there were no ladders on the top of the hill; I did so, and returned to my post.

Sergeant Lewis Bates, company E, sixth infantry, for defence, duly sworn:

Question by defence. Were you present at the storming of Chapultepec, on the 13th of September last?

Answer. I was.

Question by defence. State if you saw General Pillow that day; if so, where you saw him.

Answer. I saw General Pillow on the day stated, about sixty or seventy paces from the ditch, which is at the foot of the hill of Chapultepec.

Question by defence. Did you assist in carrying General Pillow up the hill?

Answer. Not individually; but I was present, and went up the hill with the men that did carry him.

Question by defence. Were the Mexicans firing from any part of the works on the top of the hill about the time General Pillow started up the hill?

Answer. Yes.

Question by defence. Did the firing continue whilst General Pillow was being carried up the hill, and where was General Pillow when the Mexican fire from the work ceased?

Answer. To the best of my opinion, when the firing ceased from the enemy, General Pillow was within sixty or seventy paces of the main gate going into Chapultepec.

Question by defence. Where was General Pillow laid after he was carried in the work; and about how long after General Pillow entered the work did General Scott arrive?

Answer. General Pillow was laid on a wall or breastwork, to the right from the main gate leading to the battery commanding the road leading from Tacubaya to the city of Mexico; the commander-in-chief entered the main gate twenty or twenty-five minutes after General Pillow had entered the works or laid down on the wall.

Question by defence. Who is the captain of the company to which you belong, and who commanded your company on the day mentioned?

Answer. On the day mentioned, I commanded company E myself. At that time Captain Hutler was the captain of the company, but not with the company.

Question by prosecution. Where was the witness's company at the time he was with Major General Pillow?

Answer. A part of the company was around me. The sixth infantry was ordered to the left around the hill, and part of the companies went up the hill and part round the hill. The companies got scattered, and I could not keep account of the company till we got into the castle.

Question by prosecution. How came the witness to be absent from the attack with part of his company, while the castle was yet resisting the American troops.

Answer. I was not absent. We only received the order after the attack had been commenced by the troops before us at the castle.

Question by prosecution. When Major General Pillow was going up the hill, and within seventy paces of the main gate, what firing from the enemy was it that the witness then heard?

Answer. After General Pillow was removed from the place where I first saw him, the firing from the enemy retreating from the part where the storming party first entered the castle. They kept up a scattering fire, which ceased when General Pillow was about the distance I stated in my answer previous.

Question by prosecution. Was the scattering fire the witness speaks of from the castle, or from the grove towards this city, outside of the castle?

Answer. It was from the castle.

Question by prosecution. Was Lieutenant Rains aid-de-camp with Major General Pillow, when the witness saw the said Pillow set out from the foot of the hill to go up towards the main gate of Chapultepec?

Answer. I don't recollect.

Question by prosecution. How many years has witness been in the American army, and has the witness ever deserted from the same?

Answer. I decline answering that question.

The court did not require the witness to answer.

Lieutenant Colonel J. E. Johnston, voltigeurs, for defence, duly sworn:

Question by defence. Was witness present at the storming of Chapultepec? If so, please state the occurrences that happened inside the work, under witness's own observation and direction, previously to his meeting General Pillow in the work? State, also, so far as witness knows, who was the first officer in the work who ranked the witness?

Answer. I was at the storming of Chapultepec. Those around me were employed in firing upon the enemy, in the woods between the castle and the battery, on the Tacubaya road, and on the troops within that battery. After the firing ceased, finding myself the senior officer, I was endeavoring to have the several regiments reformed. While this was going on, I saw General Pillow brought into the work by the main gate, the first officer who ranked me that I saw in the work.

Question by defence. How long did the American troops, in the work of Chapultepec, keep up the fire against the enemy at the base of the hill, inside the wall, and against the battery, after the work itself was carried?

Answer. It is very hard to judge of time under such circum-

stances; probably from five to ten minutes. I should think near ten minutes.

Question by defence. State what time, in connexion with the movements already detailed, did the troops under General Quitman's command come upon the hill, and when did the battery, on Tacubaya road, give way?

Answer. The last part of the question I can only answer. From the eastern end of Chapultepec, which our men reached last, I saw the head of General Quitman's command at the angle of the road, about one hundred and fifty yards in advance of the battery, and approaching the battery.

Question by prosecution. Had the castle been captured, and how long, before the witness saw Major General Pillow enter the gate of the castle?

Answer. The castle had been captured. I have stated, in a former answer, that General Pillow was brought in after the cessation of the firing. But there is nothing to mark the interval between the cessation of the fire and General Pillow's being brought in. That was the first strong point to me, after the cessation of the fire.

Question by prosecution. After the witness had, with a portion of the American forces, entered the west end of the works, or the castle of Chapultepec, how long was it before the cessation of the enemy's fire, in the direction of the grove to the west?

Answer. I suppose that from the time of our troops entering the west end, which I cannot tell precisely, as I did not see them, I suppose it must have been not less than fifteen minutes.

Question by prosecution. After the witness's entrance into the castle, how long was it before the cessation of the fire of the Mexican garrison within the works, towards the grove to the west?

Answer. It must have been something more than ten minutes. I spoke in the last answer of the time the troops entered on the west; now I speak of the time that I entered by the main gate, on the south side.

Question by prosecution. After the entrance of the witness within the ditch and wall, nearest to the castle of Chapultepec, about what time elapsed before the cessation of the enemy's fire from within the same limits, towards the grove, in the direction of Molino del Rey?

Answer. I was not on that side of the work at all. I entered it on the south side by the main gate. I thought, however, that the firing in that direction had ceased from the time that our troops crossed the parapet. The firing was to the south side, and from the terrace which separated the east end from the rest of the work. When I saw our troops inside, I had the impression that there was no firing in that direction.

Question by prosecution. Had, or not, the witness, some time after the battle of Molino del Rey, a conversation with Major General Pillow, respecting that battle, and if so, how did the said Pillow characterize that battle, and its effects upon Major General Scott?

Answer. I don't remember any such conversation. I think I might say more strongly that no such occurred.

Question by prosecution. Has, or not, the witness heard Major General Pillow say something of the battle of the Molino del Rey; that it was more or less successful, or disastrous, in its effect upon the mind or energies of Major General Scott?

Answer. I think I have just answered the question. I have never heard any such conversation.

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

CITY OF MEXICO, April 19, 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.

Captain T. Loeser, Pennsylvania volunteers, for defence, duly sworn:

Question by defence. Did witness see General Pillow carried in the work of Chapultepec, at the summit of the hill? If so, state where General Pillow was first laid, after entering the work?

Answer. On the morning of the 13th of September last, after we had entered the work, myself and command, I was returning under orders to collect some few of the men of our regiment that had remained back. In doing so, I met, within the walls of the work, the party bringing up General Pillow. I assisted in carrying him forward. He was carried to the wall of the bastion fronting Tacubaya, or nearly so. The angle of the wall fronting the city was on the general's left, within ten feet. At that time there was firing through the building, and some considerable firing from underneath the wall. A few moments after, I was, by the general commanding, ordered forward, and saw nothing more of General Pillow till I met him in the city.

Question by defence. After General Pillow was carried into the work at the main gate, was he laid upon the wall without ever being let down upon the ground?

Answer. After I met him he was not let down. He may have been before. I met him within the main gate.

Question by defence. How near the main gate did witness meet General Pillow?

Answer. The distance I could not exactly state. It was opposite the main doorway, going into the main building, within a very few feet.

Question by defence. Was, or was not, General Pillow inside the work, before the American national flag was hoisted; and what circumstance, if any, enables witness to recollect when the flag was hoisted?

Answer. A moment after I had met General Pillow and had hold

of the canvass or cloth on which he was laid, the flag was hoisted. I remember it, because there was two separate and distinct attempts made to raise the flag. The first failed on account of some fault in the halyards. At the same time there was displayed from the roof of a building a flag with a yellow ground. I do not know what flag it was.

Question by prosecution. Was the witness among the first who entered the last or immediate defences of Chapultepec, and if not, what troops preceded the witness in that entrance?

Answer. I was among the first who entered of General Quitman's division. My hand was upon the rim of the muzzle of the last piece that was fired from the work as I went over it. Captain Lovell ordered us forward in front of the New York regiment.

Question by prosecution. If witness had been sent under orders from the works to collect straggling men below, how came he to return, or to stop, on meeting with Major General Pillow.

Answer. I met the commanding officer of my regiment, who sent the orderly of my company down the hill, and I returned.

Question by prosecution. Had not the voltigeur regiment, the storming party under Captain Mackenzie, the 15th infantry, and other troops, preceded the entrance into the works of Chapultepec of the witness and his company.

Answer. We passed the voltigeurs under the trees inside the first wall. They at this time had their mountain howitzers with them. The 15th infantry I know nothing of. There were some troops in the works as we entered, but of what regiments I do not know. The rifles were detached from us and thrown to our right. I saw nothing of them until we reached the garita Belen.

Question by prosecution. Did the witness enter the main gate; and who was the commander of his regiment?

Answer. I did not; I entered over the angle of the second bastion, on the side towards Molino del Rey. Major Brindle was then in command of the regiment.

Question by prosecution. The witness has spoken of some firing about the time of meeting Major General Pillow. Was that firing from our troops, within the captured castle, or from any part of the enemy within the same castle; or, if there was, at that moment, any firing about the castle, from the enemy, did it, or not, proceed from the enemy in retreat, then outside the castle, in what is called *Montezuma's Garden*, below the hill and towards the city?

Answer. At the time we entered, there was firing through the hall at the extreme end of the building fronting the city. That firing was from the enemy. Below the wall there was also considerable firing; that also from the enemy and from the side towards the city.

Question by prosecution. Witness says, "when we entered," there was firing through the hall at the extreme end of the building fronting the city. What does witness mean by—at the time we entered? Does he mean when the witness originally entered the work, or what does he mean by the words, "when we entered?"

Answer. By the term *we*, I mean the time when we carried Gen-