

had gone too far, I did not venture to approach General Scott upon the subject.

Question by prosecution. At what time did the witness leave the city of Mexico for the United States; about how many days did the interview of the witness with Major General Pillow occur before the witness left that country?

Answer. I left the city of Mexico on the 1st day of November. I think the interview occurred within three or four days preceding my departure. I recollect now that I had been informed of the appearance of the Leonidas letter in the army; but I think I had not seen a copy of it.

Question by prosecution. The witness has said that Major General Pillow, in the interview in question, spoke of, or alluded to, certain rumors in the army on the said Pillow's subject. Did the witness understand, from the words or the manner of the said Pillow, and the other circumstances, that the said Pillow included any rumors connecting him with the authorship of the Leonidas letter?

The question objected to, as follows:

General Pillow objects to the manner in which the question is prepared and shaped; *first*, it is *leading*, and is, therefore, *inadmissible*; secondly, it does not call for what was said by General Pillow, (which has already been detailed by witness,) but asks witness to put a construction upon the language of General Pillow, and to tell the court what the witness understood by that language was the allusion of General Pillow.

It is the province of the witness to state what was said, and that of the court to determine the meaning of that language; while the defence has every confidence both in the intelligence and correct intentions of the witness, and was not disposed to be captious and technical in his objections to proof, and was willing to waive, and did waive before this court, objections to the very question, yet since the prosecutor, by his remarks, concedes nothing to the motive prompting this course, indulges in insinuations and evinces feelings but little befitting his position as the commander-in-chief of the American army, the defence has determined to require the prosecutor to adhere to the rules of law, and to shape his questions accordingly. They do not stifle fair and legal investigation, and will lead to the full and fair development of truth.

Respectfully submitted:

GIDEON J. PILLOW,
Major General, United States Army.

General Scott presented the following reply:

Mr. President and gentlemen of the court:

I have, under the rule of the court, but little to add to what have orally said in support of the question last propounded to the witness, and can hardly suppose that that little is needed. Whatever impression a witness may derive from a party before a court,

either by words, signs, or gestures, interpreted by circumstances known to both, may be given in evidence against the party who so makes the communication or impression. The question now before the court seeks for that kind of evidence.

The prosecutor has indulged, in his oral remarks on the subject, no feeling, and much less any insinuations. He appeals to the court, and all who have heard those remarks, to repel the latter gratuitous accusation.

Respectfully submitted:

WINFIELD SCOTT.

The court closed and decided that the question should not be put.

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

FREDERICK, June 7, 1848.

Court met pursuant to adjournment: present, all the members, and the judge advocate and recorder.

Major General Scott in attendance.

Major General Pillow before the court.

Major General Quitman under examination:

Question by defence. Will witness please examine the original instructions to the commissioners, in relation to the Tacubaya armistice, and state whether or not there is anything therein contained in relation to the surrender of the castle of Chapultepec?

A member of the court objected to the question, and the objection was sustained.

The witness stated that on yesterday he had handed to the court the original written instructions to the American commissioners on the subject of the armistice with the Mexican authorities, in August last. That they were the only written instructions, but that verbal instructions were also given.

Question by defence. Witness will state if he was a member of the court of inquiry which investigated the howitzer case, and if the conversation detailed by witness was after the court had made its report, and before the result was made known in general orders?

Answer. It was after the decision of the court was made up, and before it was made public in general orders. I was a member of that court.

Question by defence. Witness will state if the conversation alluded to was introduced by General Pillow's remarking, that, as the court had disposed of the case, and could have nothing more to do with it, he conceived there could be no impropriety in the witness stating the character of the finding of the court, and that he (General Pillow) would be glad to know what was the finding

of the court, and if it in any way reflected upon him, (General Pillow?)

Answer. That was the substance of the commencement of General Pillow's conversation with me, at that interview.

Question by defence. Did General Pillow, in this conversation, and in connexion with this subject, say to witness that he had done all he could to avoid any difficulty with General Scott upon the subject of the howitzers, but that General Scott had unjustly reflected upon him, in the presence of a number of officers, about these guns; that he (General Pillow) had laid before General Scott the evidence of his innocence, and had General Scott still refused to do him justice, in consequence of which, he was forced to demand the court of inquiry?

Answer. I do not recollect the precise language used by General Pillow upon that occasion. He stated, in substance, that he had endeavored to remove from General Scott's mind impressions injurious to him, upon the subject of the removal of the two howitzers, and that notwithstanding these efforts, General Scott had persisted in his imputations against him, and had thus compelled him to demand a court of inquiry. That is, to the best of my recollection, the substance of his remarks on the subject matter of that question.

Question by defence. Witness will state if, in the further conversation, General Pillow traced General Scott's hostility to him; said that he had had a correspondence with General Scott about his official reports, upon the 2d and 3d October; that he (General Pillow) had made several alterations in his official report, against his conviction of the facts, to gratify General Scott, and to avoid a rupture with him; that after he had made these alterations, in deference to General Scott's wishes, that General Scott took offence, and said he would send the whole correspondence to the Secretary of War; and that he (General Pillow) was satisfied from this conduct of General Scott, and from his unjust reflections upon him about the howitzers, that General Scott's feelings were poisoned against him; that his confidence was abused by those around him, and that he thought if General Scott could be made properly to understand the facts, that he could avoid an extreme rupture with him?

Answer. I cannot answer the whole question affirmatively or negatively. I will, therefore, state in detail the substance of the conversation, as far as my recollection serves. General Pillow did speak of a correspondence with General Scott, upon the subject of his official report or reports, and stated that he had made several alterations to gratify General Scott, and that notwithstanding these alterations, made from deference to General Scott, that he understood that General Scott intended to communicate the whole correspondence to the Secretary of War; that he thought that my intervention with General Scott, and an explanation of his, General Pillow's, desire for a restoration of kind feelings between them, might prevail with General Scott. This is, to the best of my recollection, the substance of that portion of the con-

versation referred to in this inquiry; but the conversation also extended to other subjects.

Question by defence. Witness has said the conversation above detailed occurred about the last of October; that he left the city of Mexico on the 1st of November. Is he aware that General orders No. 349, reflecting upon General Pillow, and virtually charging upon General Pillow the authorship of the Leonidas letter, was not issued until the 12th of November, twelve days after he had left the city.

Answer. I am aware that the order referred to did not issue until after my departure from the city of Mexico. I am also aware that, at the time of this conversation, there was much conversation in the army, and many rumors upon the subject of General Pillow's being connected with letters that were written from Mexico upon the operations of the army.

Question by defence. Witness is desired, in view of all the facts to which his attention has been called in the cross-examination, to reflect a moment, and say if, at the time of this conversation, there had been other difficulties at that time between General Pillow and General Scott, and whether there was any talk about preferring charges against General Pillow, until after order 349; and whether the difficulties already detailed were those which constituted the subjects of difficulty, about which witness's interposition for reconciliation was sought by General Pillow?

Answer. The subject of General Pillow's connexion with a certain letter, directed to some newspaper in the United States, was about that time much talked of among that portion of the officers with whom I happened to meet, and I had before this interview learned from General Smith and others that it was the intention of General Scott to take official notice of this matter. I had never heard from General Scott, personally, any intention to prosecute this matter. I now recollect, since my attention is more particularly called to this subject, that General Pillow, in this conversation, inquired of me what was the character of the rumors in the army, and particularly whether I had seen a copy of the letter said to be interlined by him. I will state further that it may not have been the intention of General Pillow, in that conversation, to request my intervention to prevent a prosecution in relation to these rumors. Being, however, regarded by me at the time as important, I considered the intervention as desired in relation to all these difficulties between himself and General Scott.

Question by defence. Witness will state if the terms of the armistice, as agreed upon, met his own views, and why he signed them, and what General Scott himself said upon that subject.

The question was not allowed to be put by the court.

Question by prosecution. The witness has given in evidence the substance of what Major General Pillow said to the witness, in conversation, on the subject of a court of inquiry held at Mexico on the said Pillow, and at his instance, respecting the alleged removal and appropriation of certain howitzers, and of Major General Scott's censure of the said Pillow in respect to the howitzers. As