

the witness was a member of the court of inquiry, he will please state, in general terms, whether the opinion of the court wholly exonerated the said Pillow from blame in that matter, or did that opinion in any degree censure or condemn the said Pillow for his conduct in respect to the said howitzers?

The court decided that the question should not be put.

Question by prosecution. In one of the cross-questions answered by the witness, it was assumed by the defence that Major General Scott had censured Major General Pillow in respect to the howitzers. Is the witness aware of any censure in conversation, in orders, or in any way other than in correspondence with the said Pillow, expressed by the said Scott upon the alleged conduct of the said Pillow in that matter?

Answer. I never heard of any other but that contained in the correspondence prior to the period of that conversation with General Pillow.

Question by prosecution. The witness has said that, in his interview with Major General Pillow in question, the said Pillow declared he had, to gratify Major General Scott, made certain alterations in his, the said Pillow's, official reports. Did the said Pillow show the witness the correspondence between the said Pillow and Scott on the subject of the alterations, or did the said Pillow say, on the occasion, that the said Scott had, out of kindness to the said Pillow, asked him to make the alterations for the sake of historical accuracy, and gave reasons why the alterations should be made on account of truth and the reputation of the said Pillow himself?

Answer. I do not think, and have no recollection of, the correspondence (the letters) having been shown to me; nor did General Pillow state the reasons why General Scott had desired him to change his report; he mentioned the fact of his having made the alterations at the request of General Scott; and, I think, stated that, in respect to the facts about which the alterations had been made, there was a difference of memory between him and General Scott in regard to some of the alterations.

Question by prosecution. In the same conversation did Major General Pillow inform the witness that among the alterations in the reports of the said Pillow, made on reasons submitted by the said Scott, there was one, viz: the erasure of an eulogy upon the said Scott, which the latter had desired might be erased, on the ground that if a junior might be permitted to praise his senior and commanding officer in an official report, it would carry with it the correlative right to censure such commander, which would be destructive of all military discipline?

Answer. He did not, in the conversation, allude to that alteration nor the reasons for which it was desired.

Brigadier General Shields duly sworn:

Question by prosecution. At about what hour did the witness, with his brigade, arrive at the mound overlooking the field of Con-

treras, where he found Major General Scott, on the 19th of August last?

Answer. I don't exactly recollect the hour, it was in the afternoon; however, I received orders on the afternoon of the 19th of August from General Quitman, then commanding the division, to select two regiments of my brigade, and proceed towards the field of battle, and report to General Scott; I selected the New York and South Carolina regiments, proceeded to the hill overlooking the field of battle, where I found General Scott, and reported to him accordingly.

Question by prosecution. At about what time in the morning of August 20th last did the witness first see Major General Pillow on or near the battle field of Contreras; was it before or after the victory of Contreras; and if after, how long was it after that victory?

Answer. The morning of the 20th; I could not recollect the hour at which I saw General Pillow; it was after the battle that I first saw General Pillow, and on the route between the battle field of Contreras and San Angel, while in pursuit of the Mexicans towards the city; General Pillow joined us on the route between Contreras and San Angel, I could not say where, and assumed command of that portion of the army.

Question by prosecution. At the time of first seeing Major General Pillow, at or near Contreras, had the pursuit of the retreating enemy, by the American troops, already commenced; and if so, what corps and commanders had marched in pursuit; also, how long before had that pursuit been commenced?

Answer. The pursuit had commenced before I saw General Pillow, and had been prosecuted for some time before. The corps were Twiggs's command, a portion of General Pillow's division, and two regiments of my brigade, as near as I recollect. I may have been mistaken about any portion of General Pillow's command having been along.

Question by prosecution. Did, or not, the witness receive any particular instructions from Major General Scott for the witness and his brigade, connected with the operations about and in the battles of Contreras and Churubusco, August 19th and 20th last; and if so, please state, generally, the character or objects of such instructions?

Answer. On reporting to General Scott, on the hill overlooking the battle field of Contreras, I received his orders, after pointing out the position of the enemy and the general position of the American forces, also the supposed position of Santa Anna with the main body of the Mexican army; General Scott designated the route that I was to pursue, in order to throw the force I commanded between the main body of the Mexican army under Santa Anna and the forces occupying the entrenched camp at Contreras. He gave me a point of direction, designated a tree that I was to take as my guide in passing over the low grounds, and also communicated orders to me that I was to convey to General Twiggs, in case I found him in the village. If I did not find General Twiggs, my instructions were to take command and aid Colonel

Riley in the effort to turn the enemy's position, which he had made once or twice that day, as I understood from General Scott, and in which he had failed to succeed, as I understood, for want of support. That is a general statement of the orders I received at Contreras. After the battle of Contreras, I pursued the enemy in accordance with the orders of General Twiggs; soon after General Pillow joined us and I received orders from him; I continued to receive orders from General Pillow until General Scott joined us and assumed the command. At the battle of Churubusco, I received my orders directly from Major General Scott; my recollection of the outline of the orders was, to take my brigade, pursue a route on our left on the field of Churubusco; on overtaking General Pierce and his command, to assume command of the whole, to turn the enemy's position if possible, to assault him in the rear if I could, and cut off his retreat, and to defer to the opinion of Captain Lee, who was sent with me for the selection of my ground.

Question by prosecution. In the conference and arrangements, in the night of August 19th last, between witness and other officers present, in and about the hamlet of Ensalda, was there any mention made by the witness, or other officer, of any plan or order of battle, emanating from Major General Pillow?

Answer. In reply to that question, I will state that I arrived at the village after the arrangements had been made for the attack upon the enemy. On arriving near the village, about dark, I met Captain Lee, who informed me that General Smith was then laying in the village, and that General Smith had made arrangements to turn the enemy and surprise them, about daylight; and Captain Lee informed me that he was on his way to report to General Scott, and, as I understood him, to receive General Scott's instructions, and endeavor to return with them that same night to General Smith's position. I furnished Captain Lee a guide to take him to General Scott's quarters, and he furnished me a guide to take me to General Smith's. On arriving at General Smith's quarters, perhaps at about one o'clock at night, I learned the arrangements that he, in consultation with other officers, had made for surprising the enemy in the morning, about day-break; and finding that General Smith had made all the preparations for the attack, and concurring with him in the arrangements he had made, I declined to interfere with his command. But I cannot state whether these arrangements were made in pursuance of General Scott's or General Pillow's orders. It was my impression, at the time, that they were made by General Smith himself, without any directions from either; and it was upon this ground that I declined to interfere with his command, in order to give him the honor of his own work.

Question by prosecution. Did the witness chance to hear, on reaching Ensalda, any general or other officer present say anything about any original or other plan of attack upon the enemy's entrenched camp, that had emanated from Major General Pillow?

Answer. I did not.

Question by prosecution. At what place or point did the said Scott overtake the witness, in the pursuit of the enemy, August 20th

last, and at about what hour; had there been any rencontre or combat with the enemy, up to that time, after the arrival of Major General Pillow; and did or not the witness receive any instructions from Major General Pillow, respecting the movements and attack upon the enemy about Churubusco, which were the same day made by the witness?

Answer. After General Pillow took command, as already stated, there was some scattering fire between our advance and the retreating Mexicans. General Pillow halted the army in San Angel. Here I understood from him—General Twiggs and myself were together—that his intention was to turn San Antonio; to place the Mexican force lying at that place between himself and General Worth, and thus cut them off from the city of Mexico. I understood that the army was put in motion by General Pillow for that purpose; but, before we reached Churubusco, General Scott arrived and assumed the command. The exact hour at which General Scott reached us, I could not state.

Question by prosecution. When the witness reported to Major General Scott on the mound before mentioned, what was about the height of the sun; was it mid, afternoon, or nearer to four o'clock than six?

Answer. I think it was nearer four o'clock.

Question by prosecution. Was the point at which the said Scott came up with the head of the army in the pursuit, after the victory of Contreras, San Angel or Coyoacan; was the army at the moment at a halt; also, at about what distance was the army at the moment from the church of Churubusco?

Answer. I think it was near Coyoacan; my position in the column was such that I could not tell at what time General Scott reached the head of the column. The army was at a halt at the moment. The army was not very far distant from the church of Churubusco. It would be impossible for me to give the exact distance.

Lieutenant Colonel J. Howard, 15th infantry, duly sworn:

Question by prosecution. Was the witness with his regiment on the evening of August nineteenth last, in front of Contreras? Did he chance to observe the arrival of Major General Scott on the mound overlooking Contreras, that afternoon, and where was the witness's regiment at that moment?

Answer. I was with my regiment on that occasion; I do not know at what time General Scott arrived.

Question by prosecution. Did the witness chance to hear any cheering from Colonel Harney's dragoons that afternoon, before and after the arrival of Brigadier General Shields's brigade, and where was the witness's regiment at the first and second cheering?

Answer. I think upon reflection I did hear cheering, and understood it was on the arrival of Major General Scott; I don't know what troops it was from. The regiment was standing in a field of barley, within range of the heavy guns at Contreras, and in front of what is called the mound.

Question by prosecution. Will the witness state, as accurately as his memory serves, how long his regiment remained in the field after the cheers that he heard?

Answer. I am really unable to say how long it was; I have no recollection as to the length of time. The regiment was at that time, as I understood, held in reserve and stood there a considerable time; how long I could not say.

Question by prosecution. Was, or not, the witness in the storming of Chapultepec; and if so, state his recollection of the point where Major General Pillow lay after being wounded, and the distance of that point from the castle of Chapultepec, or its ditch? Also, the point of time at which the said Pillow ascended the hill, in reference to the capture of the castle?

Answer. I was with the storming party that captured Chapultepec. I only know the point where General Pillow fell, from the information of Mr. Bennett, who told me he was with him at the time; from that point to the ditch was 210 paces. I only know that General Pillow was brought into the castle sometime after we had entered it. I do not know the exact time; but, in reference to certain things I had done, I should think it was thirty minutes, or more.

Question by prosecution. At the time of Major General Pillow's arrival at or in the castle of Chapultepec, had, or not, the fire of the enemy ceased, in the direction of his approach; and if so, when, or how long before, had that fire ceased?

Answer. The firing had ceased a considerable time when he was brought in. There was no firing on the castle—that is, there was no firing from the enemy towards us. After I passed from the south terrepleine to the north, the firing had ceased in front, and was only continued at the north by our own troops, who did not know that the castle was in our possession. The only resistance that I met with at the castle was at the west end, in coming over the ditch.

Question by prosecution. Does, or not, the witness mean to say that, at the moment Major General Pillow was brought into the castle of Chapultepec, the place had already been subdued and captured; and if so, how long had the place been captured? Also, how long before the said Pillow was brought in had the fire of the enemy ceased in the direction the said Pillow came in order to reach the castle?

Answer. I mean to say that, when he was brought in, the firing had ceased; and had ceased, I should think, thirty minutes, or more.

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

FREDERICK, June 8, 1848.

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

Major General Scott in attendance.
Major General Pillow before the court.

Lieutenant Colonel T. Howard, 15th infantry, under examination:

Question by prosecution. The witness will please state what he remembers of the hoisting of American colors on the castle of Chapultepec—both regimental colors and national standard; *the order of time* in which they were successively hoisted, and in reference to the arrival of Major General Pillow in the captured work; and, further, the place whence the national colors were obtained for the occasion?

Answer. After reaching the south terrepleine of the work, and being there perhaps two minutes, I saw the colors of the 15th, and another regimental standard waving on the top of the castle. The American ensign, that was subsequently hoisted, was sent for from Tacubaya. I do not know how long it was before the American ensign was hoisted. I did not see when it was hoisted. The regimental colors were on the castle some thirty minutes before General Pillow was brought in.

Question by defence. By what staff officer was the order for the 15th infantry to cross the pedregal delivered?

Answer. I suppose it was Captain Hooker. I saw him approach Colonel Morgan, who told me, immediately after, that he had orders to remove. I did not hear the order given.

Question by defence. Did Captain Hooker, after delivering the order, return immediately to the hill upon which General Pillow was stationed; if not, where did he go?

Answer. I don't know.

Question by defence. Where was the 15th regiment stationed at the time the order was delivered; was it then in the barley-field, immediately at the base of the mound?

Answer. It was.

Question by defence. Where was the regiment when witness heard the cheering, spoken of in one of his former answers; was it at the same place where the order was delivered?

Answer. I think it was.

Question by defence. In what direction from the regiment was the cheering; was it in front or rear of the regiment?

Answer. It was not in front, and I can't exactly say where it was; my impression is, however, that it was to our left and rear.

Question by defence. How far was the position of the regiment from the base of the hill occupied by General Pillow and his staff?

Answer. I should think about 100 yards. I could not say exactly.

Question by defence. Was the position of the regiment in full view of the hill referred to, and of the south side of the hill to the left of the regiment, for several hundred yards?

Answer. Perfectly so.

Question by defence. Was the regiment moved from the position already referred to, until it received orders to cross the pedregal;