

cut off the retreating forces of the enemy, while he ordered General Pillow to lead Cadwalader's brigade to advance and assault the enemy upon the right and in front.

"Twigg's division soon became desperately engaged with the enemy's left at Santa Martha. Pillow's division, in the effort to get to the battle ground, got entangled among some ditches, wide and waist deep in mud and water. The General dismounted from his horse, and, plunging through, called upon his column to follow him, which they nobly did. He advanced rapidly with it in front of the enemy's work, and, finding it would be cut down by the terrible fire of grape and cannister, which swept down the road, he turned it into the field on the right to attack the main battery on its left flank. Here his forces and General Worth's were joined, and went forward, and gallantly carried this work in conjunction.

"During the advance upon this work, the general himself was knocked to his knees by the concussion of a cannon ball, which brushed his head. In the course of the action, he shot a Mexican officer, and killed him with his pistol.

"The enemy's battery being taken, Pillow's and Worth's divisions pursued the enemy until they came under the fire of the enemy's guns from the battery at the very gate of the city.

"During the battle in which the first work, with twenty-two pieces of artillery, was taken, Santa Anna was present all the time upon the field of battle, commanding his forces in person.

"Our total loss was heavy—amounting, in killed and wounded, to about eight hundred; the enemy's, to near two thousand. In the two works, the enemy's forces amounted to at least thirty thousand men. His positions were remarkably strong and well fortified, and in every case he was driven out of his works at the point of the bayonet.

"The general's well devised plan of battle; his judicious disposition of his forces; his coolness and daring, during the whole of this terrible battle, is the subject of universal congratulation among his friends, and general remark with all.

"Very respectfully."

Which false and scandalous letter, article, or communication is, as far as it goes, almost an exact duplicate of the printed one, signed "Leonidas," the subject of the preceding specification, and therein alleged to have been dictated, or procured to be written by the said Pillow, in order by one, the other, or both of those letters, articles or communications, falsely to magnify his, the said Pillow's, own generalship, prowess and valor, at the expense of the other commanders who were in the same fields of Contreras and Churubusco, and at the expense of truth, justice and honor, in the same particulars designated in the preceding specification.

Specification 3. In this, that the said Major General Pillow having, in his official report, made to the general head-quarters of the

army in Mexico, dated at Mixcoac, August 24, 1847, on certain military operations in and about the battle-fields of Contreras and Cherubusco, the 19th and 20th of August, 1847, claimed for himself the merit of having given, prescribed or ordered the particular plan of battle or attack that was so successfully executed, early in the morning of the said 20th of August, upon the enemy's entrenched camp at Contreras, by Brevet Brigadier General Smith, the officers and men there and then under the command of the said Smith; and Major General Scott, the commanding general of the United States forces in Mexico, having, in two official notes, dated, respectively, the 2d and 3d of October, 1847, both addressed to the said Pillow, delicately called the attention of the said Pillow to many specified errors in the official reports of battles, addressed, as above, by the said Pillow, viz: his said report of August 24, 1847, and a second, dated September 18, 1847, respecting the said Pillow's military operations about and against Chapultepec, the 12th and 13th of September, 1847, in order that the said Pillow might correct the specified errors in the said official reports, before they were sent off by the said Scott to the Secretary of War; among which errors the said Scott had, in his official note to the said Pillow, dated the 3d of the said October, particularly specified the said claim of the said Pillow respecting the plan of battle or attack at Contreras. He, the said Pillow, did, the same day, in a note marked "private," reply to the said official note of the said Scott, in part, as follows:

"I have not changed the report in the last particular, indicated in your second note, as I do not see that that statement in my report can, in any possible degree, affect you; and knowing that the movement of the next morning did carry out my original orders to General Twigg, and as it would place me in the awkward position of having gone into battle without any order of battle, or the forces in the position of having disregarded my orders, I ask the indulgence of permitting my report to stand unaltered as to that statement—in which reply the said Pillow, whilst reiterating the said false claim, plainly endeavors to induce the said Scott to allow it to stand uncorrected, through considerations purely selfish and dishonest, and personal to the said Pillow and the said Scott, to wit: that the said false claim could not "affect" the said Scott, and its correction would place him, the said Pillow, in an "awkward position;" the conscious dishonesty of which endeavor being the more evident from the expressed willingness of the said Pillow, in his two replies, both of the 3d of said October, to the said two notes of the said Scott, dated, respectively, the 2d and 3d of the same month, to correct in the said Pillow's two reports, of the said August 24th and the said September 18th, many or most of the errors therein, which had been indicated by the said Scott and which might be supposed to "affect" the said Scott. And the said Pillow, soon after despatching the said reply, dated the 3d of the said October, did seek an interview with a third person, as a means of communicating with the said Scott and of influencing his mind on the subject of the said reply of the said Pillow; and he, the said

Pillow, at the interview, did declare to that third person that his said reply of the 3d of the said October—meaning the reply quoted above—was intended by him as strictly private and confidential, and would never have been written if the said Scott had allowed him, the said Pillow, the opportunity he had requested to converse freely with him, the said Scott, in private on the subject. And further, that the said false claim of merit set up by the said Pillow, in respect to the said plan of battle or attack, is purely an after thought and a deliberate invention on his part, is evident from the facts, that, in quitting the neighborhood of Contreras late in the evening of the said 19th of August, to pass the night at the town of San Augustin, from four to six miles off, the said Pillow, in order to secure himself from all blame consequent on the failure of any attack that might be made by the American forces, then at hand, upon the enemy's entrenched camp at Contreras the next morning, or from the failure of success in any movement which might be prosecuted the next morning by the said forces in that quarter—he, the said Pillow, did say and declare to an officer or officers of the American army that he, the said Pillow, was "going to the said Scott, to advise him to withdraw the said forces and direct them against some other point, as the enemy's entrenched camp at Contreras was too strong to be carried by the said forces," or words to that effect. And again, at a later hour the same night, at San Augustin, that said Pillow, after having had fully explained to him by the said Scott, in the presence of many Americans, the plan of the renewed attack upon Contreras for the following morning, as conceived and resolved upon by the said Brigadier General Smith, and reported to the said Scott through the engineer, Captain Lee—that is, the same plan, in all its material parts, which was successfully executed by the said Smith and others early the next morning—and after the said Lee had taken his departure from the said Scott, in the presence of the said Pillow, with the said Scott's orders for the co-operation in front of Contreras, while the said Smith should attack the left and rear of the enemy's entrenched camp at that place—the said Pillow did follow one of the party out of the room of the said Scott, and, when the two were alone, in allusion to the said renewed attack, so settled and agreed upon and explained, the said Pillow declared to that person, "this is going to be a failure; and I now call upon you to remember, and to bear me witness hereafter, that I have had nothing to do with it," or did utter words to that effect.

Specification 4. In this, that at some time, or times, since the capture of Chapultepec, September 13, 1847, by the forces of the United States, to wit: in the said month of September, or the month of October or November following, the said Major Gen. Pillow, in order to magnify his own generalship, zeal, and energy, has falsely stated, asserted, or insinuated, in the presence and hearing of one or more American officers, that, after the said month of September, Major General Scott, the commanding general of the American forces in Mexico, had become inert, indecisive, or stunned, at what he, the

said Pillow, called the disaster, or disasters, at the Molino del Rey, meaning the battle of the 8th of September, 1847, between a portion of the said forces and a large body of Mexican troops; and that the said Scott would not have undertaken, or ordered, the attack on the castle or fort of Chapultepec, that was carried on the 13th of said September, but for his, the said Pillow's, interposition; whereas, in the first place, the said Pillow well knew, in common with the principal officers of the American army, when making that false and infamous statement, assertion, or insinuation, that, as soon as the said Scott had declared the armistice with the enemy to be at an end, viz: from and after meridian of the 7th of the said September, the said Scott was in haste to recommence his approaches upon the enemy's capital; and that hence a reconnoissance of the enemy's cannon foundry, a part of the said Molino del Rey, was commenced in the afternoon of the same day, and the capture of the said mills made the day following, all by the orders of the said Scott; that, on the next day, the 9th of the said September, the said Scott reconnoitred, in person, two of the southern gates of the enemy's capital, particularly the gate called San Antonio; that the reconnoitings of the engineers of the American army were daringly pushed, from the afternoon of the 7th down to the afternoon of the 11th of the same month, by order of, and under precise instructions from, the said Scott, to whom each reconnoissance was regularly reported, and by whom each was maturely considered and discussed with the said engineers; and whereas, in the second place, at a conference held at Piedad, on the 11th of the said month, by the said Scott, with many commanders of divisions and brigades, and many staff officers, the said Pillow being present, the said Scott, after methodically and fully stating and explaining, according to his information and views, the duties and the power or abilities of the army then under his immediate command, together with the relative advantages and disadvantages of an attack, the next morning, upon the castle of Chapultepec, compared with an immediate attack on the said gate of San Antonio, expressing his own decided preference in favor of the former, and declaring it to be his fixed determination, before quitting the seat he, at the moment, occupied, to order an attack upon one or the other of those points for the following morning, (the morning of the 12th of the said September,) he, the said Scott, concluded the said address by saying, that, before definitively deciding between the said two points of attack, for the following morning, he would be happy to hear the suggestions of officers present, as to a choice between those points; whereupon the said Pillow, in the little that he said, under that invitation, did not manifest any desire that an attack should be early made upon either of the said points, or on any other, in the defences of the enemy's capital, faintly, however, intimating a slight preference in favor of selecting the gate of San Antonio, rather than the castle of Chapultepec, under the very limited proposition that had just been propounded and discussed by the said Scott, he, the said Pillow, having, at that very time, as the said Scott afterwards learned, privately secured at

least one responsible witness, by whom, in case of a disastrous issue to the then meditated attack upon one or more of the outer or immediate defences of the enemy's capital, he, the said Pillow, would be able to prove that he had declared to the said witness or witnesses, his, the said Pillow's, conviction, or opinion, to be altogether adverse to any offensive operations whatever, at that juncture, and decidedly in favor of taking up purely defensive positions at Mexicalcingo, and other villages, in the neighborhood of the enemy's capital, and of maintaining such purely defensive attitude for an indefinite period; that is to say, until the arrival of reinforcements from the United States, of the approach of which, even as near as Vera Cruz, no officer present at the said conference then had, or pretended to have, any intimation whatever, much less any definite assurance or information.

Specification 5. In this, that the said Major General Pillow, in his official report, dated at Mexico, September 18, 1847, and addressed to the general head-quarters of the United States' army, in Mexico, giving the details of the said Pillow's military operations on the 12th and 13th of the said month of September, at the head of a part of the American forces employed in the reduction of the enemy's castle of Chapultepec, falsely states, in the said report, in order to magnify his own zeal and heroism, that, although wounded in approaching the said castle, on the 13th of the said September, he, nevertheless, caused himself to be borne along with the continued attack, or assault, upon the said castle, evidently designing, by this part of the said report, to cause it to be believed that he was borne along in the face of the enemy's fire, and was up with the said castle, or on the top of the hill, at the moment of its capture by the American forces; whereas, the said Pillow, on receiving a contusion on one of his ankles, or insteps, near the edge of the grove from which he was emerging, and at the foot of the mound on which the said castle stands, placed himself near the same spot, at the foot of the said acclivity, about 230 yards from the nearest part of said castle, or its ditch, when and where he was covered from the fire of the enemy; the said Pillow did there remain until the said castle had been stormed, silenced, and carried by the said American forces.

Specification 6. In this, that the said Major General Pillow, in a duplicate or copy signed by his own hand and in his own name, of a communication to the Secretary of War, dated at the city of Mexico, November 15, 1847, sent to Major General Scott commanding the American army in Mexico, with a written notice endorsed and signed as above, saying—"I have forwarded duplicate copy of this directly to the secretary of war"—in which communication, accounting for the said Scott's supposed personal hostility to the said Pillow, the letter falsely asserts that he, the said Pillow, opposed with great warmth and zeal the general's (meaning the said Scott,) views in connection with the fatal armistice—mean the armistice agreed upon about the 23d of August, 1847, between

the said Scott and the President of the Mexican republic, and meaning that the said opposition had been known to the said Scott in time to influence the said Scott's views on the subject: whereas the said Pillow, on the morning of the 22d of the said August, when it was in question to appoint American commissioners to meet commissioners on the part of Mexico, to negotiate an armistice, was not only in favor of such negotiation, but was willing to become one of the American commissioners for that purpose; but, on the following day, after the said Pillow knew that the said commissioners of the two armies had agreed upon a temporary armistice, and that the said Scott had, on the part of the American army, ratified the same; the said Pillow insidiously sent in to the said Scott, a note recommending a change in some of the terms of the said armistice, and concluded the said note with the opinion that the said Scott ought, in preference, to have demanded a surrender of the Mexican capital, or at least the surrender of the castle of Chapultepec.

Reserving to myself the usual right of adding additional charges and specifications to the above, as well as the usual right of modifying the above charges and specifications at any time before the arraignment of the said Pillow. I respectfully ask the President of the United States to order a general court-martial for the trial of said Pillow. See Act, May 29, 1830, section 1—*Hetzels Military Laws*. p. 225.

Specification 7. In this, that the said Major General Pillow, at Mixcoac, near the capital of Mexico, on or about the 23d of August, 1847, that is, the same day on which the said Pillow delivered, in person, to James L. Freaner, esquire, the letter, article or communication, addressed to the "editors, New Orleans Delta," set forth in the second specification of this second charge preferred against the said Pillow; and previously to the delivery of the said letter, article or communication, to the said Freaner, set forth in that specification, the said Pillow, with a view corruptly to influence the mind of the said Freaner to his, the said Pillow's, dishonorable wishes and schemes, did, in the presence of an officer of the United States army, express to the said Freaner "a warm interest in the prosperity of the said *New Orleans Delta*;" for which newspaper the said Freaner was generally known, and particularly to the said Pillow, to be the agent and correspondent, accompanying the principal American army in Mexico; together with his, the said Pillow's, "determination to exert his influence in favor of the said newspaper," adding: "I mean to do something for the *Delta*—I mean to make it," or words to that effect; thereby corruptly intimating that the said Pillow had the money, or the political influence, with which greatly to benefit the said newspaper, if the said Freaner would yield himself to the wishes and schemes aforesaid.

Specification 8. In this, that the said Major General Pillow, in the city of Mexico, some time between the 21st and 30th of October,

1847, after a newspaper from the United States, containing the letter under the signature of "Leonidas," referred to in the first specification of this charge preferred against the said Pillow, had been received in the said city, and had there become the subject of much conversation; and after the firm of Peoples & Barnard, publishers or editors of the newspaper called the *Daily American Star*, published in the said city, had received a letter, dated October 21, 1847, from the said Pillow, denying that he knew anything of the said letter, signed "Leonidas," or of its author, the said Pillow did send for John H. Peoples, esquire, one of the said firm, to come to his, the said Pillow's, quarters in the said city; and did there hold with the said Peoples a long conversation, with a view corruptly to influence the said Peoples's mind, and, through that, future editorial notices in the said newspaper on the subject of the said Pillow, in his, the said Pillow's, favor; he, the said Pillow, did say, in that conversation to the said Peoples, among other things, as follows: "I never ask any one to puff me; but I have confidence enough in you to believe that you will do me justice. I never forget my friends. You will recollect that I am the second in command here, and that, if anything were to happen to General Scott, I should be general-in-chief," or did use words and declarations to that effect; the said Pillow thereby seeking and endeavoring corruptly to excite a sordid and base interest in the said Peoples, through the hopes and fears of the latter, by a prostituted use of high rank, its powers and influences.

The court then came to the following decision in the case.

FINDING AND OPINION OF THE COURT.

The first charge and its specification imputed to General Pillow the violation of a certain regulation of the army, in this, that Major General Pillow (as alleged) did write and despatch, or cause to be written and despatched, a certain letter with the signature of Leonidas for publication in the *New Orleans Delta*.

The court find that a paper purporting to give an account of the battle of Contreras and Churubusco, and addressed to the editor of the *New Orleans Delta*, was in consequence of a request from Mr. Freaner, correspondent of the *Delta*, drawn up by order of General Pillow, and given to Mr. Freaner, to be used as a memorandum or incorporated in an account of those battles, for transmission to and early publication in the United States, which paper, marked No. 1 in the proceedings of the court, was not made use of by Mr. Freaner in drawing up an account of those battles, nor was it transmitted to the United States, but remained in the possession of Mr. Freaner.

The court further find that an article written for the press and signed Leonidas, apparently in the handwriting of Paymaster Burns, and accompanied by a postscript signed by said Burns, was addressed to the editor of the *New Orleans Delta*, received by them, and

published in that newspaper on the 10th of September, 1847—without said postscript, and with sundry omissions and interlineations, made by Mr. Walker one of the editors of the *Delta*, which article consisted of the descriptive parts of paper No 1, with a few alterations and additions.

There is no direct evidence showing General Pillow's connexion with this article; and the proof mainly relied on by the prosecution is the close similarity between that article and the paper No 1.

Mr. Heistand, a clerk at the head-quarters of General Pillow, swears that he, by order of General Pillow, copied the paper No. 1 from what appeared to be a rough draft prepared by General Pillow of an official report to the general-in-chief. It is in evidence that General Pillow's office was accessible to the officers of his division, and the testimony of Major Burns would, if received as conclusive, completely exonerate General Pillow from all agency in or knowledge of the writing and publishing of the article signed Leonidas, which is the matter of charge.

Independently of this testimony, the court is of opinion that the similitude approaching to identity of the paper No. 1 to a great portion of the Leonidas letter, may have been caused by their being both derived from the rough draft spoken of by Mr. Heistand.

And in the absence of other evidence directly implicating General Pillow, the court is of opinion that the first charge with its specification is not established.

The second charge imputes to General Pillow conduct unbecoming an officer and a gentleman, with eight distinct subjects of specification.

The first specification is founded on the same matter as the first charge, alleging eight particulars of falsity in the Leonidas letter, and of course falls with the first charge.

The court finds that in drawing up the specification, the prosecutor has by mistake used other materials than the genuine Leonidas letter; the heads No. 7 and 8 being apparently taken in great part from a copy of the Leonidas letter reprinted with interpolations and exaggerations in the *New Orleans Picayune*, of the 16th of August, 1847.

The second specification of the second charge sets forth the paper No. 1, as prepared or authorized by General Pillow, and qualifies it in general terms as "false and scandalous," but without specifying the particulars of alleged falsity, but the evidence submitted under the first specification of the second charge is to be considered applicable to the same statements, so far as they occur in paper No. 1, the responsibility of which was admitted and assumed by General Pillow.

On carefully comparing the paper No. 1 with said particulars of the first specification of the second charge, it appears that four of these particulars, Nos. 1 to 4 inclusive, are contained in said No. 1, and that the remaining four, Nos. 5 to 8 inclusive, are not contained in it; and the attention of the court is thus called, in the first place, to the question how far the said statements Nos. 1 to 4 inclusive are true or false.