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.

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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 Leondias 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.

Statement No. 1 is in the following words: "General Pillow, seeing five or six thousand men advancing from the city to re-inforce the enemy, who he apprehended would fall upon General Cadwalader's rear, detached from General Pierce's brigade Colonel Morgan's regiment, (which was yet within reach,) and ordered it instantly to the support of General Cadwalader;" which statement the specification denies, averring that the order in question was given by General Scott.

The court finds that the only order to cross the pedrigal to the left of Valencia's entrenched camp at Padierna, received by Colonel Morgan's regiment, was delivered by Captain Hooker, assistant adjutant general, on duty with general Pillow; and is of opinion, upon all the evidence submitted, that the order emanated from General Pillow, although General Scott, after he arrived, not knowing this order had already been given, repeated it to General Pillow.

There is much contradictory testimony on the question whether or not General Scott had arrived before Colonel Morgan's regiment commenced its movement under this order, but the court, considering the impossibility of exact uniformity of recollection on such a point under the circumstances of the moment, does not regard this fact as impeaching the good faith of any of the witneses.

Accordingly the court is of opinion that upon this point the specification is not substantiated.

Statement No. 2 is in these words: "Late in the evening General Scott came upon the field, and brought with him General Shields's brigade of volunteers, whom he advanced to the support of the forces under General Cadwalader, but it was so late that they did not get into position until in the night;" which statement the specification contradicts in each of its three clauses.

The court finds that, as commonly occurs in regard to such a point under such circumstances, there is much difference of statement among the several witnesses examined upon the question at what precise moment of time General Scott arrived at the position on the hill of Zacatepec, overlooking the field of Contreras, varying from 3 o'clock to 4 o'clock and 25 minutes, p. m.; but the weight of evidence would be to make it not later than 4 o'clock, p. m. That General Shields's brigade, previously in march from San Augustin, was hurried up by order of General Scott, given after his arrival, and transmitted through Lieutenant Williams, an officer of his staff, and seems, from the evidence, to have come up an hour or an hour and a half after General Scott, and that the brigade was in bivouac about 8 o'clock, p. m., at a point two or three hundred yards short of Ensalda, reported to General Smith at 10 o'clock, and was then ordered into and took its position for the night in an orchard at Ensalda, and near San Geromino.

While it appears, therefore, that the language of the first and second clause is inaccurate, yet the court is not satisfied that in this there was any intentional misstatement on the part of General Pillow.

Statement No. 3 is in these words: "The next morning, before daylight, the brigade of General Pierce advanced in execution of

the original order of battle, renewed the assault, &c.," and the specification charges that these words falsely imply that this movement was made by order of General Pillow.

The court finds that, in the passage quoted, General Pillow intended to claim, not that the movement of General Pierce's command on the morning of the 20th was made in obedience to any specific order given by him, but in execution of an assumed original plan of battle, conceived by him on the 19th; and the court further finds that the movement was made by order of General Scott, and not in execution of any order given, or plan of battle conceived by General Pillow.

Statement No. 4 is in these words: "Having achieved this signal victory, General Pillow immediately resolved to pursue the retreating forces of the enemy," and the original paper proceeds, "and, while the troops were flushed with victory, give battle to a large force still in San Angel, which he did, and drove them before him," which the specification contradicts.

The court finds that General Pillow, after endeavoring ineffectually to cross the pedrigal, slept at San Augustin, on the night of the 19th, by direction of General Scott, and reached Valencia's entrenched camp at Padierna, on the morning of the 20th, about thirty minutes after the American forces under the command of General Smith had carried it, and the enemy were in retreat pursued by order of General Smith; when General Pillow, having assumed command as the senior officer in the place of General Twiggs previously present, proceeded to the head of the column of pursuit, which he reached between San Geronimo and San Angel, and nearer the latter.

And the court is of opinion that the statement is not substantiated by the evidence submitted.

The court pass over the 5th, 6th, and 7th particulars, as not found in paper No. 1.

And in regard to No. 8, although it is evidently framed on a certain interpolated publication of the New Orleans Picayune, and erroneously charges in detail a single combat between General Pillow and a Mexican officer as occurring at Contreras, which is not found either in the Leonidas letter or in paper No. 1, yet as evidence was submitted in regard to a statement in No. 1, to the effect that General Pillow had, with his pistol, shot a Mexican officer at Churubusco, the court has examined that point, and finds that, upon the evidence, General Pillow did discharge his pistol at a Mexican officer, who may have fallen by the shot, although it seems most probable that the officer fell in consequence of a musket shot, or shots fired by others.

The third specification consists of a series of statements in which the substantive allegation of the prosecution seems to be that General Pillow, in his report of the battles of Contreras and Churubusco, dated August 24, 1847, had erroneously claimed that the plan of assault, by which Valencia's camp, near Padierna, was attacked and carried, on the 20th, under the immediate orders of General Smith, approved and co-operated in by General Scott, was

the same which he (General Pillow) had himself conceived and directed to be executed on the 19th; that he had disclaimed this on the same 19th; and that, in subsequent correspondence with General Scott, he had sought, by improper consideration, to induce General Scott to suffer said claim to stand in said report of August 24th.

The passages in General Pillow's report touching this claim are as follows:

1. For this purpose, I ordered General Twiggs to advance with his finely disciplined division, and with one brigade to assault the enemy's works in front, and, with the other, to turn his left flank and assail it in reverse.

2. During the night, Brigadier General Smith disposed the forces present to renew the action at daylight, and complete the original order of attack, &c.

3. Brigadier General Twiggs, next in command to myself, and charged with the immediate execution of my order of battle, was distinguished, &c.

The material passage in the correspondence is the following: "I have not changed my 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 Twiggs, and as it would place me in the awkward position of having gone into battle without any order of battle, or the forces in position of having disregarded my orders, I ask your indulgence in permitting my report to stand unaltered as to that statement."

It appears that, on the afternoon of the 19th, General Pillow being the senior officer present at the hill of Zacatepec, in front of the battle field of Contreras, ordered first Colonel Riley's brigade across the pedrigal to the left of Valencia's entrenched camp, then General Cadwalader's brigade to support Colonel Riley, and then Colonel Morgan's regiment to support General Cadwalader, before the arrival of General Scott on the ground; and the movement of these troops on the 19th was of great importance, in enabling our forces to occupy San Geronimo, to check the advance of re-enforcements to the enemy from the city of Mexico, and to be in a position to be employed successfully the next morning; but it does not appear that any specific plan of battle was communicated by General Pillow either to Colonel Riley, General Cadwalader, or Colonel Morgan; and although the idea of a simultaneous movement on two or more points of Valencia's camp seems, by the testimony, to have been entertained by General Pillow—as indicated in his suggestion to General Twiggs—and also to have been entertained by General Cadwalader, Colonel Riley and other officers, on the afternoon of the 19th, and was the natural consequence of the relative position of the American and Mexican forces, of the nature of the ground, and of the purpose of General Scott to advances from San Augustin towards San Angel, as set forth in his order of the 19th August, yet General Pillow at one time gave an order for recalling Colonel Riley, and it is in evidence that General Pillow expressed doubts in the evening of the 19th of any successful movements against Valencia's camp, and the combined attack thereon did not receive a definite shape until undertaken by General Smith.

It further appears, from the evidencc submitted, that the successful assault on Valencia's entrenehed camp at Padierna was immediately planned, and it was executed by General Smith who had crossed the pedrigal on the 19th, and taken position at San Geronimo, on his own conception, without specific orders from any superior officer whatever, and who executed the assault, after reporting his intentions to General Scott, the latter approving the plan, and adopting it by ordering the movement of a part of General Pierce's brigade in front, as suggested by General Smith, through Captain Lee, but not being able to communicate this approval to General Smith.

And the court is therefore of opinion that, while General Pillow in his report claims the merit of having on the 19th originated a plan of battle, the same as that executed by General Smith at Contreras on the 20th, and to have given orders to the same effect to General Twiggs on the 19th, this claim is not sustained by the evidence submitted.

The court, also, while it is disposed to give General Pillow the benefit of the erroneous impression under which he appears to have labored, that the operations conducted by General Smith on the 20th, were in completion of a plan of his (General Pillow's) conceived on the 19th, yet condemns the arguments presented to General Scott by General Pillow in the letter quoted.

The fourth specification of the second charge alleges that General Pillow had, subsequently to the battle of Molino del Rey, declared in the presence of certain officers of the American army that General Scott seemed stunned or paralyzed by what he (General P.) called the disaster of that occasion, and that General Scott would not have undertaken the assault on Chapultepec, but for the interposition of him, (General P.,) and proceeds to negative these imputed declarations.

The court does not fmd, by the evidence before it, that General Pillow ever said that but for his interposition General Scott would not have undertaken to carry the castle of Chapultepec, and therefore does not deem it necessary to go into the negative matter in the specification on this point.

It appears that some time after the occupation of the city of Mexico by the American forces, General Pillow did express the opinion that General Scott had for the moment seemed to be paralyzed by the affair of Molino del Rey; and the court think this opinion was an erroneous one; but they are not satisfied that this declaration, under the circumstances proved, was made with any improper motive or purpose.

The fifth specification charges that General Pillow falsely stated in his official report of the 18th of September, 1847, that, although wounded in the attack on the castle of Chapultepec, "he never-

theless caused himself to be borne along with the continued attack or assault upon the castle."

The court does not find that any statement in these precise terms is contained in said report.

The report says: "After being wounded, I caused some of my soldiers to carry me forward to the top of the hill, where I had the proud satisfaction of witnessing the consummation of this glorious victory, and saw the stars and stripes raised aloft upon its formidable work."

And it fully appears by the evidence that, after being wounded at the foot of the hill, General Pillow did cause himself to be carried to the top of the hill, and into the castle, which he entered between fifteen and thirty minutes after the storming party, and in season, as stated in his report, to witness the hoisting of the national flag on Chapultepec.

And the court is of opinion that the specification is not sustained by the evidence.

Specification 6th sets forth in substance that General Pillow had, in a certain letter to the Secretary of War opposed General Scott's views in regard to the armistice concluded the 23d of August, 1847, and charges this to be untrue, and that on the morning of the 22d of August said Pillow was in favor of the armistice, and insidiously sent in a letter of objection, not until the next day, and after its conclusion.

It does not appear that General Pillow was at any time in favor of the conclusion of an armistice, unless accompanied by the condition of the previous surrender of Chapultepec, and it does appear that his objection was communicated to General Scott orally, through General Worth, on the morning of the 22d, and before the negotiation of the armistice; and it further appears that the letter in question, though misdated the 23, was actually written on the 22d, and conveyed to the quarters of General Scott, and delivered to one of his staff by General Pierce on the 22d, and before the negociation of the armistice, though it may possibly not have been read on that day by General Scott.

And the court is of opinion that the evidence submitted does not sustain the specification.

The seventh specification is founded on a certain alleged conversation between General Pillow and Mr. Freaner, the correspondent of the Delta, in the presence of General Pierce, in which conversation, General Pillow expressed an interest for that paper, and an intention to endeavor to increase its circulation and influence. And the eighth specification is founded on a certain alleged conversation with Mr. Peoples, publisher of the American Star, which conversation appears to have occurred in substance as set forth in the specification.

But the court is not satisfied that either of the conversations proved had an improper object.

On reviewing the whole case, it will be seen that the points on which the conduct of General Pillow had been disapproved by the court are, his claiming, in certain passages of the paper No. 1, and

in his official report of the battles of Contreras and Churubusco, a larger degree of participation in the merit of the movements appertaining to the battle of Contreras, than is substantiated by the evidence, or he is entitled to; and also the language above quoted, in which that claim is referred to in a letter to General Scott.

But as the movements actually ordered by General Pillow at Contreras on the 19th were emphatically approved by General Scott at the time, and as the conduct of General Pillow, in the brilliant series of military operations carried on to such triumphant issue by General Scott in the valley of Mexico, appears by the several official reports of the latter, and otherwise, to have been highly meritorious,—from these and other considerations, the court is of opinion that no further proceedings against General Pillow in the case are called for by the interest of the public service.

N. TOWSON,
Brevet Brig. Gen., President.

S. C. RIDGELY,
Capt. 4th artillery, judge and recorder.

WAR DEPARTMENT,
Washington, July 7, 1848.

The President has examined the record of proceedings of the court of inquiry, of which Brevet Brigadier General Nathan Towson is president, in the matter of certain charges and specifications preferred by Major General Winfield Scott against Major General Gideon J. Pillow, both of the United States army, which court convened at the city of Mexico, on the 16th day of March, 1848, and reported its proceedings to the Secretary of War, at Washington, on the 1st day of July, 1848. The court expresses the opinion that "no further proceedings against General Pillow in the case are called for by the interest of the public service."

It appears from the evidence, as set forth in the record of the court, as well as by the official reports of the general-in-chief commanding the army, that the military conduct and services of Major General Pillow, in the war with Mexico, have been gallant and "highly meritorious."

The President finding, on a careful review of the whole evidence, that there is nothing established to sustain the charge of "a violation of a general regulation or standing order for the army"—nothing in the conduct of General Pillow, nor in his correspondence with the general-in-chief of the army, "unbecoming an officer and a gentleman," concurs with the court in their conclusion that "no further proceedings against General Pillow in the case are called for by the interest of the public service," and he accordingly directs that no further proceedings be had in the case.

By order of the President:

W. L. MARCY,
Secretary of War.

PROCEEDINGS

OF A

COURT OF INQUIRY,

CONVENED OCTOBER 23, 1847.

IN THE

CITY OF MEXICO.