

Proceedings of a court of inquiry, convened October 23, 1847, in virtue of the following order, to wit:

GENERAL ORDERS, } HEAD-QUARTERS OF THE ARMY,
No. 319. } Mexico, October 22, 1847.

At the instance of Major General G. J. Pillow, a court of inquiry will assemble at the palace, or such other place in this city as may be designated by the president of the court, to-morrow morning, at 9 o'clock.

The court will investigate and report the facts and circumstances connected with the removal of two small howitzers, on the 14th of September, from Chapultepec—stating by whom removed, and whether with the knowledge of Major General Pillow, and also give their opinion upon the facts which may be developed.

Members.—Brevet Major General W. J. Worth, Major General J. A. Quitman, Brigadier General D. E. Twiggs.

First Lieutenant R. P. Hammond, 3d artillery, is appointed the judge advocate of the court.

By command of Major General Scott:

H. L. SCOTT,
A. A. A. G.

MEXICO, October 23, 1847.

The court met pursuant to the above order. Present: Brevet Maj. Gen. W. J. Worth, Major Gen. J. A. Quitman, Brigadier General D. E. Twiggs, and Lieutenant R. P. Hammond, 3d artillery, judge advocate. Major General G. J. Pillow also in attendance.

The order convening the court was first read, and Major General Pillow was then asked if he had any objection to any member named in the order, to which he replied in the negative, and the court was duly sworn by the judge advocate, and the judge advocate duly sworn by the president of the court, and the court then proceeded to the following investigation:

Mr. J. F. Welsh, a citizen of the United States, and a follower of the American army in Mexico, was called into court as a witness, at the request of Major General Pillow, and being duly sworn in the presence of the court, answered, as follows to the questions asked him.

Question by General Pillow. State, if you know, who removed two small howitzers from their carriages at Chapultepec, when they were removed and where deposited?

Answer. I had one small howitzer removed from its carriage at Chapultepec, on the morning of the thirteenth of September. I do not know, from my personal knowledge, who removed the other. I saw the other early in the morning on its carriage,

and in an hour after I observed that it was removed. It was taken from the carriage before the one which I removed. The one which I removed, I placed in the hands of the teamster who drove General Pillow's wagon, and told him I would pay him to haul it to town for me. I did not see the howitzer placed in the wagon, although I saw it after it was in the wagon.

Question by General Pillow. Was one howitzer brought to Mexico for you; did you claim it as a trophy, and did you pay the teamster for hauling it in?

Answer. After Chapultepec had fallen, on September 13, being desirous of getting some memento or trophy from it, I concluded I would take one of the small howitzers referred to, and carry it home to deposit it in the National Institute at Washington. I did take one as a trophy, and paid the teamster three dollars to haul it to town. The teamster delivered it to me in Mexico a day or two after I came to the city, on or about September 15, I think, and I kept it in my possession until I heard of the order of the commander-in-chief about trophies, when, in compliance with that order, I turned in the howitzer to Captain Huger, chief of ordnance.

Question by General Pillow. State whether, or not, General Pillow was informed, or had any knowledge, of its removal; state also the condition Major General Pillow was then in, and where he was?

Answer. Major General Pillow had no knowledge of the removal, by myself, of the howitzer from Chapultepec, nor was he, in any manner, advised with, or consulted, upon the subject by me. I took the howitzer of my own accord, and for the purpose before stated. When I first saw General Pillow after he was wounded, on September 13, he was in the castle of Chapultepec, suffering much from the wound he had received in his leg, and could not have been properly consulted upon the subject of the howitzer, or any other subject, in my opinion. Nor would I have consulted him about this howitzer had he been well, as I believed, in securing it, I was only doing as many others had done.

Question by General Pillow. Was the other howitzer removed to town on the same wagon, and at the same time, with yours, or not?

Answer. To the best of my knowledge it was.

The questions by Major General Pillow here ceased, and the investigation continued, on the part of the court, by the judge advocate, as follows:

Question by judge advocate. In what capacity or employment are you a follower of the army in Mexico?

Answer. I have no employment, and am serving in no capacity with the American army in Mexico. I came out here as an amateur in company with Colonel Ramsay, of the 11th infantry, and Lieutenant Steever, quartermaster of that regiment, from Pittsburg, in the United States, to Puebla, in Mexico, assisting Lieutenant Steever in writing, but not employed for hire. From Puebla to Mexico, I accompanied the division of Major General Pillow, but

not engaged or employed in any way whatever. I had received the appointment of sutler for the 11th infantry from Colonel Ramsay, but was disappointed in my goods, and then accompanied the army as I have stated.

Question by judge advocate. Have you at any time since you left Puebla been a member of General Pillow's mess, or have you acted in any way upon his staff, as an aid-de-camp or otherwise?

Answer. I have never been a member of General Pillow's mess, nor have I in any way acted for him as an aid-de-camp from Puebla to Mexico. Whilst General Pillow was stationed at Mixcoac, his interpreter, Mr. Jewett, was absent, and in his stead, and by his, Jewett's request, I provided for General Pillow's mess, as Jewett had done.

Question by judge advocate. Did you accompany the march of General Pillow's command, during the movements from Mixcoac, preceding the attack upon Chapultepec, and during that march were you still acting as provider of the mess, on the 12th and 13th of September last?

Answer. I did accompany General Pillow's command during the movements specified in the question, but not as the provider of his mess. I was with the light battery of Captain Magruder, by Captain Magruder's consent.

Question by judge advocate. State to the court about what time you first spoke with General Pillow about this howitzer, and, as near as you can recollect, the substance of that conversation, so far as the howitzer was concerned?

Answer. Never before I had been sent for by General Pillow, after the order of General Scott, in reference to trophies, had issued. When I went to General Pillow, at his request, he asked me if I had a small howitzer, taken from Chapultepec—said that he had understood I had, and remarked that he had got into some difficulty about those howitzers, and that I must turn in the one I had. I said I would do so, and that I would go to General Scott and explain how I came by it; to which General Pillow remarked, "you must go immediately, sir;" I accordingly went, failed to see General Scott, but saw one of his staff officers, to whom I made the same statement, in substance, in respect to this howitzer, as I have now made. In the conversation with General Pillow above spoken of, he said that he had been told by his orderly and servant that I had the howitzer placed in the waggon and brought to town.

Question by judge advocate. State to the court about what time and where you first spoke with Mr. Rogers of the navy, in respect to these howitzers, and, as near as you can recollect, the substance of that conversation; also state the time and nature of any subsequent conversation, or transaction, between Mr. Rogers of the navy and yourself, relative to these howitzers?

Answer. The first conversation I ever had with Mr. Rogers about these howitzers, was on the day of the conversation with General Pillow above referred to. I had known, before that time, that Mr. Rogers had taken from Chapultepec one of those howitzers, though he had not told me so. I met Mr. Rogers on the

street, after I had seen General Pillow, on the day referred to. Rogers asked me if I had seen General Pillow. I answered, yes; and asked, in return, what was to be done about those howitzers; to which he replied that he would see some captain—Captain Huger, I think—and endeavor to get his permission to keep his howitzer, and to take it home, if he could. I have had no conversation, or transaction, with him since about the howitzers. Rogers, when I met him on the street, seemed surprised that the order had been made by General Scott about the howitzers; seemed surprised that General Scott should know anything about it. He never intimated to me that General Pillow knew anything about it, nor did he then, in any way, directly or indirectly, intimate to me that General Pillow did not know anything about his, Rogers, having a howitzer.

Question by judge advocate. You have stated, in your reply to the last question, that you had known before that Mr. Rogers had taken one of the howitzers from Chapultepec, although he had not told you so; state, then, to the court in what way, and when, you derived that knowledge?

Answer. On the morning of the attack upon Chapultepec, and after it had fallen, two soldiers of the voltigeurs, who had in charge a Mexican prisoner, told me that Mr. Rogers had removed that howitzer from its carriage, pointing to the carriage; and, also, a teamster standing near told me the same thing—and, as well as I now recollect, another teamster, the same who had my howitzer in charge, told me that he had one, too, for Mr. Rogers, of the navy.

Question by judge advocate. You have said, in the beginning of your evidence to-day, that you had no personal knowledge of the removal of but one howitzer—state now to the court if you have ever made a written statement or certificate, in respect to these two howitzers, for General Pillow, and at his request?

Answer. Yes, I have.

Question by judge advocate. Can you state to the court, if it is your pleasure, why, in that written statement or certificate alluded to in the foregoing question, you have affirmed that you did *know personally* that Mr. Rogers had brought off the other howitzer, and, as you believe, under circumstances similar to those of the removal of the one by you—there being a discrepancy or difference, as to facts, between that written statement and your evidence here this morning?

Answer. From the information that I derived from the voltigeurs and teamsters, as above recorded, as also from my conversation with Rogers in the street, likewise recorded above, I felt enabled to say, in the aforesaid written statement, that I did personally know that Mr. Rogers had brought off the other howitzer, and under the same circumstances as myself. I had also seen the howitzer in the wagon with mine, and was told by the teamster that Mr. Rogers had caused it to be placed there; I am not positive that I saw both in the wagon at the same time.

Question by judge advocate. You have stated in your testimony this morning that Rogers, when he met you on the street, expressed his surprise that General Scott should have known anything about

the howitzers, but that he, Rogers, did not intimate to you, in any way, directly or indirectly, that General Pillow knew anything about them; can you state to the court, if it is your pleasure, why you have affirmed in the aforesaid written statement that Rogers, on the occasion of meeting you in the street, seemed surprised that General Pillow should know anything about the howitzers, and wondered how he found it out—thus setting forth an intimation on the part of Rogers to you that General Pillow knew nothing about his (Rogers) having a howitzer—there being a discrepancy or difference, as to facts, between your written statement and your evidence here this morning?

The witness here requested that his written statement might be read to the court. By direction of the court it was read, as recorded, in the following words and figures, to wit:

“MEXICO, October 17, 1847.

“While General Pillow was wholly disabled for duty from his wound received in storming Chapultepec, I caused to be removed from that place, as a trophy for myself, one of the small howitzers, captured in taking Chapultepec. General Pillow had no knowledge of my intention to take this piece as a trophy; nor did he know I had removed it. It was done without his knowledge, authority, or consent, either expressed or implied. I paid the teamster, who drove his baggage wagon, three dollars, to haul it to the city of Mexico for me. Lieutenant Rogers, of the navy, I *know personally* brought off the other howitzer, and, as I feel very confident, under circumstances precisely similar to those under which I brought mine, and at the same time. On the day that General Pillow communicated to me the special order of General Scott, in regard to these pieces, which was about the 8th or 9th instant, I met Mr. Rogers in the streets of the city; he asked me if I had seen General Pillow about the howitzers, and asked me how Pillow knew we had them? He further asked me who told him—had I done so? He then remarked, that he believed there was an effort making to get these pieces out of our possession for the benefit of some one else; he did not intimate that General Pillow knew anything about the pieces, but expressed surprise that he knew it, and wanted to know how he found it out.

“J. F. WELSH.

“Witness:

“S. JEWETT,

“J. HOOKER,

“Acting adjutant general.”

After the paper had been read, the witness desired to correct or explain his evidence before the court, and submitted, in writing, the following explanation or correction, viz:

“He (Rogers) never intimated to me that General Pillow knew that he had removed it, (the howitzer,) but expressed a surprise that he knew the fact; he did not intimate that he advised, or had

taken the piece under the direction or request of General Pillow, in any manner whatever, directly or indirectly.”

After this explanation or correction by the witness, the questions were continued as follows:

Question by judge advocate. Who wrote the certificate or written statement, in reference to the two howitzers, just read before the court, dated October 17, and signed by yourself?

Answer. It is in the handwriting of General Pillow; he wrote it.

Question by judge advocate. Was that statement written in your presence, and from your dictation; were the words taken down as you spoke them?

Answer. The statement or certificate was written by General Pillow in my presence. I first made a verbal statement to the General of all the facts; he wrote them down as they appear on the paper, and I signed it as my own, as it accorded accurately with my statement at the time.

Question by judge advocate. Was your verbal statement made in the presence of witnesses, and did General Pillow read over the written statement in presence of witnesses?

Answer. Mr. Jewett, General Pillow's interpreter, entered the room in which General Pillow and I were, whilst the said statement was being prepared, but whether he came in whilst I was stating the facts, or whilst General Pillow was writing, I cannot say. I am certain Mr. Jewett heard it read.

Question by judge advocate. When General Pillow had written the statement, and whilst he was reading it to you, was there any discussion between you in relation to any point or fact in the statement?

Answer. Nothing more than that I remarked that I wished the statement altered in its reference to my having taken the piece for myself. General Pillow said that was not material, was not the point in question. I stated, at that time, that it was taken by me for the purpose mentioned in my evidence to-day, and not for myself individually. The statement was not altered as I first wished. I did not persist in it. No doubt it would have been altered if I had desired. This was the only point of difference in respect to this statement, either at the time of being read or at any other time.

Question by court. Did you ask or procure the permission of any officer to take the howitzer from its carriage, or to remove it from Chapultepec?

Answer. No, I did not; nor was any officer present when it was dismounted or removed, to my knowledge.

Question by court. Did you, before the order about trophies, tell any officer that you had taken the gun; and if so, to whom did you communicate it?

Answer. I suppose fifty people knew that I had the piece before I received orders to turn it in, but I do not recollect that I told the fact to any officer. I named it to many others.

Question by court. Where was the gun stored in this city?

Answer. In the dwelling of Mr. Jewett, General Pillow's interpreter, where I then boarded, as now.