

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.

Question by court. In what part of the fortress of Chapultepec did you first see the howitzer taken by you?

Answer. I first saw the howitzer which I took within the main work, and on the principal face, near or at the place where a part of General Quitman's command entered the work.

Question by court. Was the piece taken by you, when placed in the wagon, covered for concealment?

Answer. No, it was not.

There being no desire on the part of the court or General Pillow to ask the witness further questions, he was dismissed, and, at General Pillow's request, *Corporal William B. Clarke*, 9th infantry, was called into court as a witness, and being duly sworn, made the following statement, viz:

Lieutenant Hodge, 9th infantry, and myself, took a small howitzer from its carriage at Chapultepec and placed it in General Pillow's wagon. I was requested by Lieutenant Hodge to help him to place the howitzer in the wagon; he said he had liberty, but did not say from whom, nor did he say anything about an order to put it in the wagon. Lieutenant Hodge told me, as we were putting it in the wagon, or as we were going to get it, that if I would take care of the howitzer until his wagon came up the next morning, he would give me a dollar. I said I would take care of it if I could, but was not certain I would be with the wagon all the time.

The same evening I found the howitzer was removed from that part of the wagon where we had put it; and, upon asking the driver about it, he told me if I would not say anything about it, he would tell me where it was. He then showed it to me, covered up in a different part of the wagon from that in which we had placed it, and said that it had been removed by Mr. Rogers's order. When I saw Mr. Rogers, next morning, I asked him what I should say to Lieutenant Hodge about the howitzer. He replied, say nothing; but I said I must, of necessity, say something, as Lieutenant Hodge had placed the piece in my charge, and had promised me a dollar for taking care of it. "Well," said Mr. Rogers, "I will give you the dollar, and you can say nothing to Lieutenant Hodge, or else tell him you don't know where the piece is." As far as I know, General Pillow had no participation or knowledge of the removal of the piece by Lieutenant Hodge and myself. I do not know what became of this howitzer; can't say whether it was brought to town or not. I got no pay from Lieutenant Hodge, nor any from Mr. Rogers, as they had promised.

Question by General Pillow. State whether or not any person marked the piece, by which it might be known; or did any one claim it, on account of the mark upon it?

Answer. Mr. Rogers told me, on the morning referred to, that he had marked the piece with his name, in chalk; but I did not see it marked. I understood him to say that he had marked the piece before Lieutenant Hodge took it, and therefore claimed it.

General Pillow, not wishing to question the witness further, the

investigation was continued, on the part of the court, by the following questions:

Question by judge advocate. Were you orderly to General Pillow, on September 13, when you took the howitzer?

Answer. Yes, I was.

Question by judge advocate. How did you fall in with Lieutenant Hodge at Chapultepec, and at what particular time and place?

Answer. I was orderly to General Pillow, as stated, and had remained with the wagons. After the wagons had come up, after Chapultepec was taken, and, I think, in the afternoon, I was standing near the general's wagon, in the yard of the main work, on the hill of Chapultepec, when Lieutenant Hodge came up to me, and asked me to help with the howitzer.

Question by judge advocate. For whom did you suppose you were assisting Lieutenant Hodge to secure the howitzer?

Answer. For himself.

The examination of the witness being then completed, the court adjourned, to meet to-morrow morning at 9 o'clock.

SECOND DAY.

MEXICO, October 24, 1848.

The court met pursuant to adjournment. Present, Brevet Major General Worth, Major General Quitman; Major General Pillow likewise in attendance.

The investigation was continued, on the part of General Pillow, by his calling into court, as a witness, Charles Reddick, a teamster in the service of the United States, who, being duly sworn, made the following statement:

On the day of the fight at Chapultepec, and in the afternoon, Mr. Welsh put one howitzer in my wagon, and, during my absence, a second howitzer was put in my wagon, but I don't know by whom. General Pillow's orderly, who had remained with the wagon, told me, when I came back to it, that this howitzer was put in the wagon by some officer, who had promised him, the orderly, one dollar to take care of it. He did not mention the officer's name. After this, the same evening, Mr. Rogers came to the wagon and told me to cover up the second howitzer, and not let it go out the wagon without letting him know. This howitzer had some letters on it; don't know what they were; they were stamped upon the upper side of the breach of the howitzer. Mr. Rogers said he had written his name on it in chalk; but I did not see any letters in chalk. One of these howitzers, the one that Mr. Rogers claimed, I took out of the wagon, when we came to Mexico, carried up stairs, in General Pillow's house, and put it under a bed in Mr. Rogers's room. I did this by Mr. Rogers's direction; he showed me the room where I put it. As far as I know, General Pillow knew nothing of my receiving or hauling this howitzer.