

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.

After I had unloaded the wagon at General Pillow's quarters, I drove it to Mr. Jewett's house. Mr. Jewett went with me and showed me the house. I recollect the house was on a street, crossing the main street in which General Pillow lived, and about three squares from it. I there took out the howitzer, carried it into the house, and put it in a room on the floor. I had nothing else to carry in the wagon to Mr. Jewett's house.

The way that I came to carry the howitzer to Mr. Jewett's house was, that after unloading at General Pillow's, I told Mr. Jewett, who was there, that I had a howitzer in the wagon which Mr. Welsh had put in, and I did not know what to do with it, and he told me that Mr. Welsh stopped at his house, and that I had better take it around there, which I did as I have said. General Pillow knew nothing about this, as far as I know.

When Mr. Welsh put the howitzer in the wagon at Chapultepec, I objected to it, and told him it would get me into some difficulty, but he said no, and promised to give me five dollars for hauling it; he did give me three—not five. I made the same objection to Mr. Rogers, and he promised to give me five dollars for hauling that one, but he has never done so. General Pillow was carried into Mexico on a litter, before the wagons went in, in advance of them. I never saw General Pillow, from the time they started to carry him from Chapultepec, until yesterday.

Major General Pillow, not wishing to ask this witness any further questions, the investigation was continued as follows, on the part of the court:

Question by judge advocate. Since you have been a teamster with General Pillow, has Mr. Welsh or Mr. Rogers been in the habit of giving you any orders about your wagon; had they ever put anything in the wagon before?

Answer. They had never put anything in the wagon before. Mr. Rogers had given me orders about hitching up, but never Mr. Welsh; the latter had several times shown me the house or place to stop the general's wagon.

Question by judge advocate. After you had made the objection to Mr. Welsh and Mr. Rogers, about hauling the howitzers, were you induced to bring them by the promise of the money, or for any different reason?

Answer. I was not induced to bring them by the promise of the money, but they both told me they had liberty to take them, and then I thought it was all right.

Question by judge advocate. Did they mention, either of them, from whom they had liberty?

Answer. No.

Question by judge advocate. Did either of them give you to understand or believe that they had General Pillow's authority or permission to bring those howitzers?

Answer. They did not mention General Pillow's name, nor use his authority in any way.

Question by judge advocate. Did any officer order your wagon to stop, because you had these howitzers in it?

Answer. When I was hitching up, the second or third day after the fight at Chapultepec, in the afternoon, and for the purpose of coming into Mexico, an officer ordered me not to start until he gave me orders. This was not an officer of General Pillow's staff; he did not give me General Pillow's orders to stop, but his own order. I do not know who this officer was. I do not know why he stopped me.

Question by judge advocate. Did he say anything to you about the howitzers, or did he examine the wagon?

Answer. He did not say anything to me about the howitzers, but he looked into the fore part of the wagon where the howitzers were, and could have seen them.

Question by judge advocate. After the officer stopped you, who directed you to go on?

Answer. This same officer, after I had finished hitching up, and had straightened out, returned to the wagon and told me I could go on.

Question by judge advocate. Have you been spoken to at any time, in the last week, about these howitzers, either by Mr. Welsh or Mr. Rogers?

Answer. I never heard a thing about these howitzers from the time I delivered them up, as stated, until yesterday morning, and have not spoken, either to Mr. Welsh or Mr. Rogers, about these howitzers in the last week.

Question by judge advocate. You say Welsh paid you three dollars; where was that payment made?

Answer. I can't fix the time, but I recollect it was about two days after I was paid off by Captain Montgomery, assistant quartermaster; Mr. Welsh met me in the street, and gave me the three dollars.

Question by General Pillow. After you were told at Chapultepec by the officer who had stopped your wagon, that you could go on, where did you go to, and what did you go for?

Answer. I went to Mixcoac for some trunks and clothes that had been left there, got them, and returned to Chapultepec, unhitched, and, in an hour or two, hitched up again, and came into town the same evening. I was mistaken, in a former answer, in saying that the officer ordered me to stop, as I was hitching up to come into Mexico; it was when I was fixing to go to Mixcoac that I was ordered to stop.

Question by General Pillow. At what hour in the day, forenoon, or afternoon, did you start for Mixcoac, and did you have anything else in your wagon but the howitzers?

Answer. It was, I think, about 9 o'clock in the morning; I had some few things in the wagon besides the howitzers—a mess-chest, and something else; but the wagon was not loaded. General Pillow's orderly went with me to Mixcoac.

General Pillow having no further question to ask this witness, and the court wishing to ask none others, this witness was dis-

missed, and *Passed Midshipman R. C. Rogers*, of the navy, was called into the court, at General Pillow's request, and being duly sworn, made the following statement:

The first that I knew about the howitzers, was on the evening of the 13th of September; the teamster of General Pillow's wagon, the same who has just testified before the court, informed me that two small howitzers had been placed in the wagon. I replied to him to let them remain there until I could see General Pillow. I then informed General Pillow, as well as I remember, the same afternoon, but it might have been next morning. I cannot say positively as to time, that the two howitzers were in his wagon. They were brought to town. I cannot say they, but one, as I saw but one; when General Pillow was brought to town, and when the wagon was being unloaded, I directed the teamster to remove the howitzer up stairs to my room. Nothing else occurred as to the howitzer, until the order of the general-in-chief was issued, in reference to the return of all pieces taken from the enemy—flags, &c. Then General Pillow sent for me, and, showing me this general order, asked me if I had one of the howitzers in my possession. I replied in the affirmative, when he directed me to return it, and to see the commander-in-chief, to prove that he had no participation in the removal of the two howitzers.

I returned the piece—one howitzer, in obedience to the order of General Scott, and by the direction of General Pillow.

Question by General Pillow. State whether or not, so far as you know, General Pillow had any knowledge of the removal of the howitzers from Chapultepec to the city, or of the disposition made of them after they were brought to the city?

Answer. Not that I am aware of.

Question by General Pillow. You state that one howitzer was taken to your room by your direction, be pleased to state whether or not you considered it as your trophy, in which no other person had any interest; and also state whether or not the howitzer was removed from General Pillow's quarters at the time you changed your quarters?

Answer. I did intend to retain it in event of its not being reclaimed by general orders, or by orders, as a trophy for myself, and when I changed my quarters from General Pillow's house to a different house, I moved it with me.

Question by General Pillow. Were you present on the night of the 14th, when I gave orders to Mr. Ripley and Mr. Rains to have the pieces removed from the wagon and placed in battery?

Answer. No, I do not think I was present; but, if I were, I did not hear the directions alluded to in the question.

Question by General Pillow. Do you remember how you first ascertained the howitzer was in my wagon; state, also, what conversation you had, if any, with the person who gave you the information; state if you promised to pay the teamster for hauling the piece to town?

Answer. The teamster gave me the information, and I had no

other conversation with him upon the subject at that time than what I have already stated. I did not promise the teamster, at any time, to pay him a reward for hauling the piece to town.

Question by General Pillow. State to the court the substance of any conversation you may have had with General Pillow's orderly about these howitzers—the time and place of its occurrence?

Answer. I had a conversation with him for the purpose of ascertaining who had placed the howitzers in the wagon. This was on the evening of the 13th. I asked him if he knew who had put the howitzers in the wagon, he said an officer, whose name he did not know, had placed one of them in his charge and had promised him some pay for taking care of it. I don't recollect how much. I did not offer the orderly anything to take care of it for me.

Question by General Pillow. At the time you reported to General Pillow that the two howitzers were in his wagon, did you state to him who had placed them in the wagon, and was he, or not, then enquiring about them?

Answer. I did not at that time, and General Pillow was not then engaged in any inquiry about those howitzers; but at a subsequent time, either the evening of the 13th, or next day, I don't recollect which, I informed him that I understood Mr. Welsh had placed them in the wagon for him, General Pillow, as I had understood either from the teamster or orderly, before referred to. Upon reflection too, I am positive, in connecting different facts together, that it was on the evening of the 13th that I informed General Pillow that the howitzers were in the wagon.

Question by General Pillow. Do you remember who was present when you reported that the howitzers were in the wagon?

Answer. It is my impression that nobody was present.

Major General Pillow not wishing to question this witness further, the investigation was continued on the part of the court, as follows:

Question by judge advocate. Were you serving during the action upon Chapultepec, for some time previous thereto, and for some days thereafter, upon the staff of Major General Pillow as an aid-de-camp; and if so, when did such official relation cease to exist?

Answer. I was serving upon General Pillow's staff as an aid-de-camp from the time we left Puebla until the army reached Mexico.

Question by judge advocate. When you first informed General Pillow, as you have stated, on the evening of the 13th of September, that the two howitzers were in the wagon, what was his reply or direction to you, if any, about the howitzers?

Answer. He replied very well, I think that I am entitled to them as trophies.

Question by judge advocate. When you next spoke to General Pillow about those howitzers, either on the evening of the 13th, or next day, and conveyed to him the information that Mr. Welsh

had placed them, as you had understood, in the wagon for him, General Pillow, what then was his reply, remark, or direction to you, if any?

Answer. I don't recollect that he gave me any or made any reply.

Question by judge advocate. Did you make, or cause to be made, in chalk or otherwise, upon either piece, any mark to designate it as your trophy, or for any other purpose; if so, state when, where, and why?

Answer. I did not mark either piece with chalk, or in any manner, but one of them was put in a box, the day we left Chapultepec, and at Chapultepec.

Question by judge advocate. By whom, for whom, under whose direction or order, or at whose request or solicitation was the piece put in a box as stated—how was the box marked, if at all?

Answer. It was put in the box by my direction, for myself, without the request or solicitation of any one else, and the box was not marked at all at that time. Subsequently, when I changed my quarters in Mexico, as stated, the box was marked on the top with my name.

Question by judge advocate. State the time, place, and substance, of any conversation you may have had with Lieutenant Colonel Howard, 15th infantry, in relation to these howitzers?

Answer. On the 14th September, between 9 and 4 o'clock, I cannot fix the time nearer, I saw Lieutenant Colonel Howard removing a guard from the wagon of General Pillow, and asked him "what is the row here;" he replied that "he was searching for two small howitzers that had been taken from their carriages;" I then said to him, General Pillow knows that they are in the wagon, for I have informed him. I then passed on, and nothing else occurred between Colonel Howard and myself about them at that time.

Question by judge advocate. State to the court the time, place and substance of any conversation that may have passed between yourself and Mr. Welsh, in relation to these howitzers?

Answer. The only conversation I recollect was the same morning that General Pillow sent for me, and showed me General Scott's order about returning all trophies. I met Mr. Welsh, and asked him if he had seen General Pillow? He told me that he had. I then asked him if he had in his possession one of the howitzers? He replied in the affirmative; and asked me if I intended to return the howitzer which I had? I replied, that I would do so as soon as I ascertained from Captain Huger where to send it; he added, that he intended to ask General Scott's permission to retain his. This was in a shoemaker's shop, and was the amount of the conversation I had with Mr. Welsh.

Question by judge advocate. Have you at any time, directly or indirectly, given Mr. Welsh to understand that General Pillow knew nothing about your having one of the howitzers in possession?

Answer. Never; for I have had with him no other conversation than that related this morning.

Question by judge advocate. Have you ever made a written certificate or statement in respect to these howitzers for General Pillow, and at his request?

Answer. I did make a statement at his request; I think last Sunday it was made.

Question by judge advocate. In whose hand-writing is that statement?

Answer. I wrote the original, which I now have; a copy was made by Mr. Ripley, which I signed and gave to General Pillow.

Question by judge advocate. You have stated that, when you reported to General Pillow, on the evening of September 13th, that two small howitzers were in his wagon for him, as you understood, he replied, "very well; I think I am entitled to them, as trophies"—did you understand from his remark that he intended or expected to keep them?

Answer. As well as I recollect, it was my impression; and I believe I have so asserted, that he intended to retain them.

Question by judge advocate. Can you state to the court by what act or words on the part of General Pillow, and at what time, you were induced to suppose that he had changed that intention and did not intend to retain them?

Answer. I ceased to believe that the general intended to keep them, when I heard Mr. Ripley state that General Pillow ordered them to be remounted or replaced for the defence of Chapultepec, on the night of the 13th or 14th September.

Question by judge advocate. At what particular time, or as near it as may be, did you hear Mr. Ripley make this statement alluded to?

Answer. As well as I recollect, I heard Mr. Ripley make the statement two or three days after General Scott's order about returning trophies had been issued, and after I had been sent for by General Pillow to be shown the order.

Question by judge advocate. Had you removed one howitzer from General Pillow's house to your own quarters prior to the time of your hearing this statement of Mr. Ripley's, and while still under the impression that General Pillow intended to keep the pieces?

Answer. I removed the piece prior to this conversation, and, as well as I remember, was, at the time of its removal, under the impression that General Pillow intended to keep the pieces.

Question by judge advocate. State then to the court, whether, under the impression alluded to in your last answer, you expected General Pillow to reclaim the piece—whether any understanding to that effect, expressed or implied, had been made with the general, or for him, by any officer, friend, or agent?

Answer. I don't know that I expected General Pillow to reclaim the piece, and I am positive that there was no understanding on my part, either with the general, or any officer, friend, or agent of his, that he would reclaim it as his.

Question by judge advocate. Have you ever asserted, in the pre-

sence of officers of the army, that General Pillow desired to throw upon you the responsibility of moving two small howitzers from Chapultepec, but that you would not stand it—that you were desirous of seeing the commander-in-chief, to put the matter in its true light—that General Pillow did know that the howitzers were in the wagon, and that, when told that they were there, he had said they should remain, for he was “as much entitled to trophies captured at Chapultepec as any one else,” or words to this effect?

Answer. I did so assert in the presence of some officers, so far as his wish to throw the responsibility upon me is concerned, and I said I wished to make an explanation, and to see the commander-in-chief to do so. I said General Pillow knew that they were there, and said further, that General Pillow had remarked when I told him the howitzers were in the wagon, that he was entitled to trophies, or words to that effect. The responsibility referred to, was that of taking the howitzers, not of removing them to town.

Question by judge advocate. Have you any reason to know or believe that General Pillow was ignorant of the removal of the howitzers to town?

Answer. I am not aware whether he did, or did not know of their removal at the time.

The investigation by the judge advocate here closed, and General Pillow asked the following:

Question by General Pillow. What was your design in removing the piece from General Pillow's quarters, if you were then under the impression that General Pillow intended to keep the pieces?

Answer. In a trophy of that kind I did not think any one could assert a superior right, and intended to keep it if it were not reclaimed, if I was not ordered to give it up.

Question by General Pillow. You have stated that General Pillow did not know you brought the piece to town, as far as you know, why or how could he wish to throw the responsibility on you if you were not in fact responsible?

Answer. I don't know why, but my impression was that he desired to throw the responsibility on me.

Question by General Pillow. After you had caused the howitzer to be removed from Chapultepec, and had taken it to your own quarters for yourself, without the knowledge of General Pillow, so far as you knew, as you have stated, do you consider that the responsibility should rest upon General Pillow?

The witness declined answering this question, stating to the court that he did not think it a fair question, or one which he should be called on to answer.

The court, however, decided that there was no good objection to his answering, when the witness made the following

Answer. No; I do not.

Question by General Pillow. You have stated in the presence of officers, as you have acknowledged in evidence, that I was trying to throw the responsibility upon you, and that you wished to

see the general-in-chief to put the matter in its right light; did you mean by such remark to intimate to the officers that the responsibility should rest with General Pillow, or only to say that it did not belong to yourself; or did you intend neither the one nor the other of such conclusions?

Answer. I did not intend or desire those present to understand, from my language, that I thought the responsibility should belong to General Pillow.

Question by General Pillow. In the conversation with the officers, before referred to, you stated “that General Pillow did know that the howitzers were in the wagon,” did you mean by such remark to intimate to the officers that General Pillow was aware that the howitzer would be brought to town, or in any measure permitted, or sanctioned the bringing of the howitzers to the city?

Answer. I did not mean to intimate that General Pillow had any knowledge of, or in any manner permitted or sanctioned the removal of the howitzers to the city. I had reference entirely to the first information I gave him that they were in the wagon.

Question by the court. State to the court whether, according to your opinion, the remark of General Pillow, when you reported that the howitzers were in the wagon, “very well, I think I am entitled to them, &c.,” was uttered peculiarly, and under the excitement natural to such an occasion, or from premeditated desire or design to appropriate to himself, with unworthy motive, the guns referred to?

Answer. I thought he made use of the words peculiarly—for he replied laughingly.

There being no further examination for this witness, he was dismissed, and the court adjourned to meet to-morrow morning at 9 o'clock.

MEXICO, October 25, 1847.

The court met pursuant to adjournment. Present: All the members and the judge advocate.

Major General Pillow likewise in attendance.

The investigation was continued on the part of General Pillow, by calling into court, as witness, Lieutenant Justin Hodge, 9th infantry, who, being duly sworn, made the following answers to the questions:

Question by General Pillow. State whether, or not, you assisted in removing one of the small howitzers captured at Chapultepec, from its carriage; and, if so, by whose order or permission, if any, and for what purpose, and where placed?

Answer. I assisted in moving one. I had no order or permission for so doing. I removed it for the purpose of taking it to Connecticut with me. I placed it in a wagon, which General Pillow's orderly told me was one of his staff wagons.

Question by General Pillow. Did the orderly of General Pillow assist you in removing the piece by your direction; had General Pillow any knowledge of the transaction, as far as you know,