

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,



and why did you not retain the piece after you had placed it in the wagon?

Answer. As regards the assistance of the orderly in dismounting the piece, I am not certain; but he did help me to put it in the wagon. The piece, with its carriage, was about forty yards from the wagon, and in sight from it. General Pillow, so far as I know, had no knowledge of the transaction. I sent my sergeant for the piece on the morning of the 14th. I had placed it in the wagon about 3 o'clock on the afternoon of the 13th. When the sergeant returned to me, he reported that he had seen General Pillow's orderly, who told him somebody had stolen the piece.

Question by General Pillow. Do you know anything more about the piece you removed?

Answer. I do not.

Question by General Pillow. At the time you removed one piece, did you see another like it near by, and do you know anything in regard to the removal of that other piece?

Answer. I did not see the other piece at the time I removed one. I had seen both pieces on their carriages in the morning shortly after our troops entered the place, and I wanted to get the other piece instead of the one I did get; but it had been removed from its carriage when I took the one, as stated, and I have no knowledge of its removal.

There being no further questions to be asked this witness, he was dismissed, and Lieutenant Colonel Joshua Howard was called into court at General Pillow's request, and being duly sworn, made the following answers to questions asked:

Question by General Pillow. State whether, or not, you ascertained and reported to General Pillow that the two small howitzers, captured at Chapultepec, were missing on the day of the 13th September; and about what time was that report made?

Answer. I missed the howitzers some time in the afternoon of the 13th. On the evening of that day, General Pillow sent to me to speak about the defences of the place—to caution me against a surprise. I then, amongst other things, told him that I had missed two small howitzers that had been taken from their carriages.

Question by General Pillow. At about what time did you ascertain that the howitzers were in General Pillow's wagon, and report the fact to him?

Answer. It was on the 14th, not later than the middle of the afternoon, that I found that the howitzers were in the wagon of General Pillow, and I instantly reported the fact to him.

Question by General Pillow. State also when General Pillow was removed from Chapultepec, and whether, or not, you had any conversation with him upon the subject of these howitzers after you had made your report about them on the 14th; state everything you know material to the case?

Answer. I never remember speaking to General Pillow upon the subject after I made my report on the 14th. He was removed I think on the 15th. I first discovered that these, or rather one of

the howitzers was missing on the afternoon of the 13th, by a wagoner coming to the gate and desiring to be admitted. As I was a good deal troubled by that kind of visiters, I asked him what he wanted; he said he wanted a small howitzer; that Mr. Welsh had sent him for it. I told him there was none there for him. He said Mr. Welsh had told him to come and find General Pillow's servant and that he would give him, the driver, a howitzer for Welsh. I told him there was none there for him, and to go about his business, and he went off. It was not until some hours after this that I found out the other howitzer was gone the same afternoon, when I reported the fact of their disappearance to General Pillow, as stated. I was engaged in looking for those guns until some time in the afternoon of the 14th, without finding them, and was then about to send for Welsh to arrest him, believing he had them, when Captain Beale, of the 14th, told me I could save myself the trouble of sending to Tacubaya for Welsh, for the guns were in that wagon, pointing to one near. I went to the wagon, found the guns, ascertained it was General Pillow's wagon, and put a guard over it; then reported to General Pillow that the guns were in his wagon, but don't think I entered into any details about them, as the General was suffering much from his wound, and I did not want to trouble him.

Question by General Pillow. State whether or not Mr. Rogers claimed either of the pieces on the 14th; state any declaration he may have made in regard to it?

Answer. While I was removing the guard from the wagon which I had caused to be placed over it, and after I had had an interview with General Pillow, as stated above, Mr. Rogers passed the wagon, and asked "what is the row?" I made him some indifferent answer, I don't recollect what, when he remarked, "it is no use to try to get those guns for one of them is mine, and I'll be damned if I don't take it home with me," or words to that effect; and during that day, or the next, I heard Mr. Rogers use similar language, stating that he would not take any money for that gun, for he wanted to take it home with him.

Question by General Pillow. State whether or not General Pillow said, in reply to your report on the 14th, that he had already received that information, about the guns being in his wagon, from Mr. Rogers?

Answer. I don't remember that he said he had received the information from Mr. Rogers; but I recollect he stated that Mr. Welsh and Mr. Rogers had interested themselves about the howitzers. I inferred from what he said that he knew the guns were in the wagon.

Question by General Pillow. You have said that you had no further conversations with General Pillow after you reported to him that the guns were in the wagon; please state if General Pillow's wagon was sent on that day to Mixcoac for some trunks, and if a conversation you have had with Lieutenant Hagner and Captain Huger had reference to the time the wagon was ordered to Mixcoac, or to some other occasion.



Answer. After I had relieved the guard, or removed it from General Pillow's wagon, I took no further trouble about the guns, and no further notice of the wagon. I don't know whether it went to Mixcoac, or not; don't know that it went out of the yard. I don't recollect to have referred to any time, in a conversation with Lieutenant Hagner and Captain Huger. I mean, I don't remember to have referred to any time of the wagon's leaving Chapultepec, in that conversation.

General Pillow not desiring to ask further questions, the investigation was continued on the part of the court, as follows:

Question by judge advocate. When you reported on the 13th to General Pillow the disappearance of the guns, did his words or manner indicate any previous knowledge, on his part, of such disappearance; if so, how?

Answer. I reported that disappearance about twilight, on the 13th, and I don't think there was any indication by General Pillow that he had known, before my report, of the disappearance of the guns.

Question by judge advocate. When you made that report, on the 13th, did General Pillow give you any orders or directions about the guns?

Answer. None.

Question by judge advocate. After you had placed a guard over General Pillow's wagon, as stated, by whose order or direction was it removed?

Answer. By my order; by no direction to me from any higher authority.

Question by judge advocate. Why was the guard removed?

Answer. Because I learned from General Pillow, upon the occasion of my interview with him, referred to on the 14th, that there was no objection to the guns going out of the garrison, to be taken away from it.

Question by judge advocate. You have stated, in your last answer, that you learned from General Pillow that there was no objection to the guns going away from the garrison, will you state to the court, as precisely as you can recollect, the words by which General Pillow induced such an understanding on your part?

Answer. General Pillow said that Mr. Welsh and Mr. Rogers had interested themselves in getting those guns to be taken away as trophies, and that I better not interfere, but to let them go; or words to that purpose.

Question by judge advocate. Was the wagon being prepared to start anywhere, when you placed or removed the guard as referred to?

Answer. Yes; the horses or mules were about being hitched up.

Question by judge advocate. Did you ask, or know to what place the wagon was going?

Answer. I did not.

Question by judge advocate. Did you report to General Pillow

that the wagon was about starting, and did he say anything as to its destination?

Answer. I think I told him it was about to start; he did not tell me where it was going.

Question by judge advocate. Whilst General Pillow was at Chapultepec, did you ever receive any order from him to have these guns taken out of the wagon; did any such order ever reach you, either through an officer of his staff, or through any officer of your regiment or command?

Answer. Never.

Question by judge advocate. Have you ever spoken to Mr. Welsh about these howitzers; if so, when, and what did he say?

Answer. I never saw Mr. Welsh to know him before last Saturday, after he had been examined before the court, then some conversation did occur between him and me.

Question by General Pillow. State whether or not General Pillow remarked, during the same conversation, on the 14th, that if any one was entitled to those guns, as trophies taken at Chapultepec, he thought he was, and whether or not, you replied that you thought he was entitled to the biggest gun at Chapultepec, and whether or not, from that conversation, you inferred that the small howitzers were intended for him?

Answer. General Pillow did make some such remark, and I replied that, "in my mind, he was entitled to the biggest gun in Chapultepec," and I did, at that time, from the whole that passed between us, infer that the guns were intended for him. Subsequently, I have had reason to suppose that my impression might have been erroneous, and that the guns might have been intended for Welsh and Rogers, individually. Taking into consideration Mr. Rogers's language to me, on the 14th, as quoted, and Mr. Welsh's having sent for one gun on the 13th, I have since thought that I might have been mistaken in my supposition that the guns were intended for General Pillow. I have stated, as far as I can remember, all the conversation that occurred about these guns between General Pillow and myself.

Question by court. What was your reason for placing a guard over the wagon, when you found the guns were in it? Were you the commanding officer of Chapultepec, officer of the day, or in any way connected with public property?

Answer. I was commanding officer of Chapultepec, and had been placed in charge of all the public property and prisoners there; and, having been looking for the howitzers for the previous twenty-four hours, I was determined they should not escape me, when I had once found them.

Question by court. Why, when you found the guns in the wagon, did you not immediately take them out, instead of placing a guard over the wagon?

Answer. Because I had found them in General Pillow's wagon, and did not want to come into personal collision with him. I had been placed in command by General Scott himself; but, whilst General Pillow was there I frequently referred questions to him.



There being no desire to examine the witness further he was dismissed, and at General Pillow's request, Lieutenant George W. Rains, 4th artillery, was called into court as a witness, and being duly sworn, testified as follows:

Question by General Pillow. State what you know relative to the removal of the two small howitzers, captured at Chapultepec, and what orders General Pillow gave respecting them?

Answer. I am an aid-de-camp of General Pillow. In the early part of the evening of September 14th, after dark, at Chapultepec, in General Pillow's quarters, all of his staff, including Mr. Rogers, I think, were assembled with himself.

Lieutenant Freeland, acting adjutant of the 15th infantry, entered the room with a message from Lieut. Col. Howard, to the effect that Brigadier General Pierce had sent to him, Colonel H., for two companies from the garrison of Chapultepec, to strengthen the force under General P. at Tacubaya.

This message, by Lieutenant F., introduced a conversation about the defences of the place, and in the course of conversation I remarked that it was a pity those howitzers had been taken away, that they would have added materially to the defences of the post, when Mr. Rogers, I think, remarked that the howitzers were in General Pillow's wagon. General Pillow immediately directed me to have them taken out and placed in battery for defence, and to look generally to the proper defences of the place, and directed Lieutenant Ripley, A. D. C., to assist me in this duty, remarking that as we were both artillery officers that was a matter we ought to understand. I was under the impression that General Pillow at the same time directed Lieutenant Freeland, acting adjutant of the post, to convey to Colonel Howard the same order in respect to the howitzers in the wagon, and in respect to the defences generally, but Lieutenant F. says he was not so ordered, and it is possible I may be mistaken.

Upon inquiry and investigation by Mr. Ripley and myself, we found that no ammunition for the howitzers could be obtained without entering the magazine, and as we had no lantern fit for such purpose it was decided not to enter the magazine, and therefore, as we had no fit ammunition, not to mount the howitzers. We made other dispositions accordingly, without these howitzers, and did not remove them from the wagon. After completing the duty of looking to the defences, I returned to General P. and reported what we had done, stating that we had not used the howitzers, and the reason for not doing so; but I did not state that I had not taken them out of the wagon, had not placed them on their carriages. After and from the moment of reporting, as above, to General Pillow, I neither knew nor heard anything in relation to these howitzers until after the publication of General Scott's order, in relation to trophies, &c., captured.

Question by General Pillow. Did you send General Pillow's wagon from Caapulpec to Mixcoac, for forage, on September 14?

Answer. On the morning of September 14, at Chapultepec, I

requested Mr. Rogers to send the wagon to Mixcoac for the purpose of bringing some baggage from there, and I also directed that forage should be brought back, as I had understood we had none. The wagon went, and returned the same day. General Pillow came to Mexico on the 15th.

Question by General Pillow. Have you any reason to believe that General P. knew anything more of the howitzers, from the time of your report, on the night of the 14th of September, until after the issue of General Scott's order in relation to trophies, &c.?

Answer. None.

The examination of this witness by General Pillow here ceased, and the investigation continued on the part of the court.

Question by judge advocate. Did you know, or had you any reason to believe, that the two howitzers were in General Pillow's wagon at the time you remarked "it was a pity they had been taken away"?

Answer. I did not know, and had no reason to believe, that they were in his wagon.

Question by judge advocate. When ordered by General Pillow to have the howitzers removed from the wagon and mounted for the defence of the place, did you suppose that order was induced by an anxiety, or care, on the part of General Pillow for the proper defence of the place at the time, or that it resulted from a wish, or determination, on his part to restore the guns to their carriages, as belonging to the public armament of fortress?

Answer. Both. I believed it was his design to restore them to their carriages, both because they might be useful for defence, and because they belonged to the public armament of the fort.

Question by judge advocate. At the time you made the remark in reference to these howitzers, which was followed by his, General Pillow's, order to remove and dismount them, did you suppose that General Pillow did, or did not know, where these guns were?

Answer. I was under the impression, at the time, that he did not know where they were.

Question by judge advocate. Have you any reason to know or believe, that General Pillow knew that you sent the wagon to Mixcoac on the 14th, or that the wagon was going there?

Answer. None.

The examination of the witness here ended, and at General Pillow's request Lieutenant R. S. Ripley, aid-de-camp to General Pillow, was called into court, and being duly sworn, testified as follows:

Question by General Pillow. State whether you were present when Mr. Rogers and Col. Howard reported that the two small howitzers were in General Pillow's wagon, on the 14th of September, and what passed at the time?

Answer. I was present when either Colonel Howard or Mr. Rogers, or both at the same time, and I think both were present at the same time, reported to General Pillow, on September 14, in the afternoon, that two small howitzers had been found in his wag-



gon. I don't recollect the exact words that passed, but the amount of the conversation was the expression of General Pillow's satisfaction that they were not lost—that they were safe, and the fact of their being found in his waggon gave rise to a good deal of pleasantry.

Question by General Pillow. Have you any reason to believe that General Pillow knew that the howitzers were to be brought to town?

Answer. No.

Question by General Pillow. Were you ordered by General Pillow to assist in mounting these pieces on the night of the 14th? And what was your report to him, if any?

Answer. I was ordered by General Pillow to assist Lieutenant Rains in mounting these howitzers, in connexion with other duty relating to the general defences of the place. The pieces were not mounted, for the reason that it was dark at the time, and no ammunition could be found without going into the magazine, which was deemed unsafe. I do not recollect of making any report to General Pillow in relation to the non-removal of the howitzer from the waggon; nor do I recollect to have been present at any report which Mr. Rains may have made in relation to them after he had been ordered to move them.

The examination of this witness here ended; and, at the request of General Pillow, Captain *J. B. Hooker*, A. A. G., was called as a witness, and, being duly sworn, testified as follows:

Question by General Pillow. Did you report to General Pillow that two small howitzers had been brought away from Chapultepec? When did you first make that report? In what way and from whom had your information been derived?

Answer. After General Scott's order had been issued upon the subject of trophies, &c., I learned, on the evening of October 8, in a conversation with Lieutenant Hagner, that two small howitzers, captured at Chapultepec, had not been turned in. Upon my return home that evening, I first reported that fact to General Pillow. Early next morning General Pillow sent for Mr. Rogers and Mr. Welsh in relation to these howitzers, and, on the same day, he addressed a note to General Scott on this subject.

Question by General Pillow. Have you any reason to know or believe that General Pillow was aware that those howitzers had been brought to the city, and were in the city, prior to your report to him on the evening of October 8?

Answer. None.

General Pillow here notified the court that he had no further evidence to bring before it, but that he desired to submit a short explanation to accompany the proceedings.

The court then adjourned, to meet the following day at 9 o'clock.

MEXICO, October 26, 1847.

The court met pursuant to adjournment: present, all the members and judge advocate.

A note from General Pillow, dated Mexico, October 24, 1847, and addressed to the judge advocate, was received and read, and ordered by the court to be engrossed with the proceedings.

A communication from Mr. Rogers, of the navy, was received and read. He asked to be permitted to submit a statement explanatory of some discrepancies in his evidence. The court decided to receive any statement from Mr. Rogers in writing, upon which he should be sworn, and the statement attached to accompany the proceedings.

To permit Mr. Rogers to prepare the statement, and to allow the judge advocate time to bring up the proceedings, the court adjourned to meet to-morrow at 9 o'clock.

MEXICO, October 27, 1847.

The court met pursuant to adjournment: present, all the members and the judge advocate.

A written statement or explanation was received from Mr. Rogers, upon which he was sworn by the judge advocate, in the presence of the court, and the court then directed it to be attached to accompany the record, and also to be embodied with the record copies of the statements of Mr. Rogers, of October 17, of Lieutenants Rains and Ripley, of October 18, and the reports and letters of General Pillow to the general-in-chief, read before the court, in relation to the two howitzers, of October 9, 18, and 19, as well as his explanatory statement to the judge advocate of the court, of October 24.

The court then proceeded to deliberate upon the evidence before it, and after mature reflection upon the subject, and in compliance with the order which convened the court, directing the court to report the facts and circumstances, the court find and does report the following

*Facts and circumstances.*

1. That two small howitzers, captured at Chapultepec, were removed from their carriages during the forenoon of September 13; one was removed by and under the direction of Mr. Welsh, a follower of the army, especially of the 3d division, and the other by and under the direction of Lieutenant Hodge, 9th infantry, and, so far as the testimony shows, this removal from their carriages was made without the previous knowledge, authority, or consent of Major General Pillow. When the guns were taken from their carriages they were placed, at separate times, by the two individuals who had removed them, in the baggage wagon of Major General