

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

Pillow, and this, so far as the testimony shows, without the previous knowledge, authority, or consent of Major General Pillow.

2. It appears from the evidence that Major General Pillow was informed by an officer acting on his staff, Passed Midshipman Rogers, of the navy, on the evening of September 13, that two howitzers were then in his, General Pillow's, wagon. It does not appear that the general expressed any surprise when this information was communicated to him, nor is it shown that he then evinced any desire or determination to have the howitzers returned to their proper places, but on the contrary, by his language to Mr. Rogers, at the time, viz: "very well, I think I am entitled to them as trophies," there is conveyed an evident impression that Major General Pillow desired, at least for the moment, to retain the howitzers for himself.

3. That Lieutenant Colonel Howard, 15th infantry, the commanding officer of Chapultepec, did report to Major General Pillow, on the evening of September 13, that two small howitzers had disappeared from their carriages; and that about the middle of the afternoon of September 14, the same officer did report to General Pillow that the two howitzers had been found in his wagon. It does not appear from the evidence that General Pillow directed or desired the restoration of these guns at that time, but from his language to Lieutenant Colonel Howard, viz: "that Mr. Welsh and Mr. Rogers had interested themselves in getting those guns to be taken away as trophies, and that he (Colonel H.) better not interfere, but to let them go," there is conveyed the evident conclusion that Major General Pillow was aware of an intention, on the part of Messrs. Welsh and Rogers, to remove the guns from Chapultepec, did acquiesce in such removal, and did authorize the removal in his own wagon.

4. It appears from the evidence that on the night of the 14th, when the garrison of Chapultepec was about being reduced in numbers, and whilst conversing with his staff about the defences of the place, General Pillow ordered two officers of his staff to have these howitzers taken out of the wagon and remounted, with some other orders relative to the general dispositions for the defence of the work.

It was ascertained by his staff officers that no suitable ammunition could be found for the howitzers, and that they were therefore not used, not mounted, not removed from the wagon, and other arrangements for defence were made without them, and reported to General Pillow.

The impression is strong, and almost conclusive, that this order of Major General Pillow to his staff officers could not have indicated a desire, on his part, for a full and final restoration of these howitzers to their proper places as public property, otherwise the mere fact of failure to find suitable ammunition for their immediate use, could not justify the staff officers in failing to obey the order to remount the pieces, and it does not appear that the staff officers were censured for the omission.

5. That the two howitzers were brought to town on the 15th of

September, in General Pillow's wagon. That one was claimed by Mr. Rogers, and carried to his quarters, under his direction, whilst the other was carried to the residence of Mr. Welsh, and for him.

It does not appear that Major General Pillow had any information of the actual fact that the howitzers were in the city of Mexico, until the evening of October 8, subsequent to the order of the general-in-chief in relation to trophies, &c., when, and subsequently, he seems to have used all proper measures to have them restored.

And the court is of opinion that further military proceedings may be dispensed with.

W. J. WORTH,

Brevet Major General and President.

R. P. HAMMOND,

1st Lieut. 3d art., Judge Advocate.

CITY OF MEXICO,

October 17, 1847.

Understanding that some misapprehension exists in reference to the two small howitzers taken from Chapultepec, I wish, as an act of justice to myself, but more particularly to General Pillow, to state as follows:

On the evening of the 14th, I was informed that those howitzers were placed in General Pillow's wagon, by whom I know not. That this was done without the knowledge of General Pillow, appears from the fact that he ordered them to be placed in position for the defence of the place, as two of his staff, Lieutenants Rains and Ripley, can testify, after I had advised him that they were in his wagon. This was not done, and they were brought to town. When General Pillow was removed here, one of those pieces I ordered to be put in my room, intending to retain it, although I had nothing to do with its removal from its carriage, in the event of its not being reclaimed.

Some days subsequent, General Pillow sent for me, and, after showing me the order of the general-in-chief, in reference to the return of all property taken from the enemy, asked me if one of those pieces was in my possession. I replied in the affirmative, when he directed me to return it, and to state to the general-in-chief that he had no participation in the affair. The howitzer was returned in obedience to the order, for I had no intention of retaining it under such circumstances; otherwise, I should have preserved it as a memento of the ever memorable 13th.

From this statement, it will be seen that, as far as I know, General Pillow had no participation in the removal of the howitzers, and no knowledge of my intention.

R. E. ROGERS.

Witness:

J. HOOKER, *A. A. G.*

CITY OF MEXICO,
October 18, 1847.

On the evening of September 14, 1847, General Pillow (then at Chapultepec) having ascertained that two small howitzers had been removed from their carriages and placed in his wagon, gave orders to Lieutenant Colonel Howard, 15th infantry, to have them removed, and afterwards charged his aid-de-camp, the undersigned, to have them placed in battery for the defence of the place, in case of any emergency. It being very dark at the time, and no ammunition being in readiness for the pieces, without opening the magazine, and other artillery being found suitable for the purpose, the guns were not removed or mounted, although it is proper to state that a detail of men was furnished from Lieutenant Colonel Howard's command for the purpose of doing so. The next morning, in removing to the city, the fact of the howitzers being in the wagon was forgotten by both of the undersigned, and not recalled to mind until after the order of the general-in-chief, in relation to the subject, had been issued, and they were not then aware that the guns had been brought to the city.

GEO. W. RAINS,
Lieutenant and Aid de-Camp.
R. S. RIPLEY,
Lieutenant and Aid-de-Camp.

MEXICO, October 9, 1847.

CAPTAIN: On the night of the 13th, I was informed, at Chapultepec, that two small howitzers, which my command had captured in storming that place, had been taken from the carriages and were not to be found. Being myself unable to get out of bed, I caused a strict inquiry to be instituted for them, and was informed, late at night, that they were found in my own baggage wagon, and found, further, that they had been placed there by Mr. Welsh.

This was done without my *knowledge or authority*. I immediately sent for Colonel Howard, and directed him to have them taken out, and directed my aids-de-camp, Lieutenants Rains and Ripley, to have them mounted and placed in battery for the defence of the place.

I never knew, until last night at 9 o'clock, that my order to take the pieces out of my wagon had not been *obeyed*. My aids-de-camp reported to me that night that there was no ammunition for those pieces, and, therefore, they could not place them in battery. I now learn, from inquiry, that they were brought to this city in my wagon, and were taken from the wagon by Lieutenant Rogers and Mr. Welsh, and that they probably have one each.

Mr. Rogers has retired from my *staff*, and is now at the "*Sociedad*." Mr. Welsh is in the city, but I do not know where he resides. Regarding the conduct of these gentlemen as improper, I feel it to be my duty not to suffer any persons to shelter them-

selves from responsibility under my protection. I feel it to be my duty, at the earliest moment, to give the information to the general-in-chief for such action as he may think proper to take. But for my having been so much disabled by my wound, I would have seen personally to the execution of my orders, and would never have suffered the general to be troubled about such matters.

Very respectfully, your obedient servant,

GID. J. PILLOW,
Major General, U. S. A.

To Captain H. L. Scott, *A. A. A. G.*

P. S.—I had written this note, and ordered it recorded, when I received the note of this date of Mr. Williams, A. D. C., to Captain Huger.

Lieutenant Rogers is not subject to my orders, as he has retired some time since from my staff.

Mr. Welsh is a citizen of the United States, following the army. I will send for these gentlemen and communicate the orders of the general-in-chief.

Very respectfully,

GID. J. PILLOW,
Major General, U. S. A.

CITY OF MEXICO, October 19, 1847.

CAPTAIN: Having been informed that General Scott entertains, and has expressed, the opinion that the two small howitzers captured at Chapultepec were removed with my knowledge or acquiescence, I deem it due, no less to his opinion than as an act of justice to myself, to lay the accompanying statements of Lieutenants Rains, Ripley, Rogers, and Mr. Welsh before him, and to ask such reply as the justice of the case may render proper.

I addressed a note (of which I now send you a copy below) addressed to the general himself; but as he refused to receive it as a private communication, I now address it *officially*, though I still entertain the opinion that it is properly a private and unofficial communication.

Very respectfully, your obedient servant,

GID. J. PILLOW,
Major General, U. S. A.

To Captain H. L. Scott, *A. A. A. G.*

Copy of note above referred to.

CITY OF MEXICO, October 18, 1847.

GENERAL: Being informed that you entertain the opinion that the two small howitzers captured at Chapultepec were removed

from that place with my knowledge or acquiescence, I deem it due to yourself, no less than my own honor, to lay before you the accompanying statements, and to ask you to favor me with such reply as *justice to myself* and the *facts* of this render proper.

I had hoped that my official report of the 9th instant, addressed to your adjutant general, would have been sufficient to acquit me in your opinion of any participation in that transaction. Whatever doubts, however, may have heretofore existed, I indulge the hope that these proofs will throw the responsibility of the transaction upon the *proper persons*, and will relieve me from impressions of my conduct, no less at war with my duty as an officer, than unjust to my reputation as a gentleman.

Accept, my dear sir, assurances of regard, with which I have the honor to be your obedient servant,

GID. J. PILLOW,
Major General, U. S. Army.

Major General Scott.

MEXICO, October 24, 1847.

At the time I made my report to the general-in-chief, of the 9th instant, relative to the two howitzers captured at Chapultepec, I was of the opinion that I had communicated the order to have those guns removed from the wagon, and placed in battery for the defence of the place, to Colonel Howard. I now believe, however, that I was mistaken in stating that the order was delivered to Colonel Howard—my present recollection is, that when I sent for him to give this order, he was reported to me by the person sent as being unwell, and that I then gave the order to my aids-de-camp, Lieutenants Rains and Ripley.

The statement in my report that I got the information that these howitzers were in my wagon, would seem to refer to the night of the 13th, as the time at which I received this information. It would be upon the 14th of September, and I did not get the information until the 14th, as I am well satisfied. That report was written in *haste*, without any reference to or inquiry as to dates, and was inaccurate in these particulars, and I desire to correct these errors, as they were unintentional at the time.

GID. J. PILLOW,
Major General, U. S. Army.

Lieutenant HAMMOND,
Judge Advocate &c.

On the afternoon of the 13th of September, returning from the garita of "Belen" to Chapultepec, I met in the latter place one of the teamsters of General Pillow, who informed me that two howitzers had been placed in his wagon. I directed him to allow them to remain there until I had seen General Pillow. I went at once, and informed General Pillow, whom I found in bed, with no

one near him, to the best of my recollection, who replied to me "very well, I know no one who is better entitled to trophies than I am. Let them remain where they are." He then asked me by whom these pieces were put in the wagon, to which question I answered that I knew not—adding, however, that one of his friends or admirers must have placed them there. That same evening, the orderly of General Pillow informed me that a Mr. Welsh had put one of them in the wagon, and an officer the other, the latter promising him some compensation if he would take care of it. I then repeated this information to General Pillow, the same night, I think.

As there were two pieces, I determined to appropriate one of them to myself, impressed with the belief, from General Pillow's expression, that he intended to reserve one for himself. I directed the teamster to take care of the piece that I had selected for myself, supposing that the other would be retained by General Pillow. The next day I found Colonel Howard removing a guard from one of the wagons, and asked him what was the cause of it. He replied that he had been searching for two small howitzers that had been taken from their carriages. I then said to him that General Pillow knew that they were in the wagon, for I had given him the information. That same night I directed the wagoner to take especial care of those pieces, and offered him some compensation if he would put the piece that I had selected for myself, into one of the small cannister boxes that lay about the place.

On the 15th, General Pillow removed to the city. I superintended the discharging of his wagons when he arrived. One howitzer was brought into town, (I did not see the other,) which I directed to be put into my room. About the 2d of October, I changed my lodgings, and removed the howitzer with me, placing my name on the box that contained it.

A day or two after the appearance of General Scott's order, that all pieces taken from the enemy should be returned, General Pillow sent for me, and having asked me if I had a howitzer in my possession, directed me to return it, telling me at the same time to excuse him with the commander-in-chief from all participation in the affair. A few days afterwards I had a conversation with Mr. Ripley, (United States army,) in reference to these howitzers, who informed me that General Pillow could not have been a party to their removal, as he had, upon the night of the 13th ultimo, ordered them to be placed in position for the defence of Chapultepec. This *staggered* my belief as to whether General Pillow intended to reserve one or both of these pieces for himself, which had been my impression.

The conversation referred to with General Pillow after the issuing of the order of the commander-in-chief, left upon my mind the *impression* that he wished me to assume the responsibility of removing these howitzers. This impression I stated to a number of my friends, with some remarks as to my intention of seeing General Scott, to relieve myself from the blame of the removal of these pieces, adding that General Pillow knew of them being in

the wagon, as I had informed [him]—referring to the information I had given him on the noon of the 13th of September.

About the 13th instant, General Pillow sent for me and said that the commander-in-chief censured him for the removal of these howitzers, accusing him of authorizing their removal or conniving at it. He asked me if I wished to do him justice. I replied that I would do so. He then asked me if, as far as I was aware, he was privy to or cognizant of the removal of these pieces, to which I answered that, as far as my knowledge went, he was not privy to their removal. He then requested of me a statement to this effect, asking it on the spot. I gave it to him, anxious to avoid all difficulty, as I inferred from his conversation that a "court martial" would result, if the mind of the commander-in-chief was not satisfied. Besides, I could not and cannot say that he was aware of their removal; and my opinions, in reference to General Pillow's intentions, were affected by my conversation with Mr. Ripley. These circumstances induced me to make the relation alluded to.

Such is a statement of my knowledge of the removal of the howitzers, and participation in it.

ROBERT CLAY ROGERS,
United States Navy.

MEXICO, October 27, 1847.

GENERAL ORDERS, }
No. 21. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, April 27, 1848.

The following review of the proceedings and opinion of the court of inquiry, instituted by the major general commanding in chief, pursuant to "general orders," No. 319, dated from the city of Mexico, October 22, 1847, in the case of Major General Gideon J. Pillow, is published to the army:

WAR DEPARTMENT,
April 26, 1848.

The records of the proceedings of a court of inquiry, convened at the city of Mexico, on the 23d of October, 1847, in pursuance of an order of Major General Scott, commanding United States army, which order was issued "at the instance of" Major General Pillow, United States army, and of which Brevet Major General W. J. Worth was president; also, a letter of Major General Pillow, of the 15th of November, 1847, addressed to the Secretary of War, appealing from a part of the finding of the court, and the approval of the same by Major General Scott, which said letter, appealing as aforesaid, was transmitted by Major General Butler, now commanding in the army in Mexico, and was received at the War Department on the 28th of March, 1848—have been laid before the President, who, after carefully examining the same, has come to the conclusions presented in the following remarks, and directs the publication thereof:

It appears that the subject of inquiry by the court related to two small howitzers, which had been taken from the enemy at the capture of Chapultepec, near the city of Mexico, on the morning of the 13th of September, 1847, and which were on the same day dismounted and removed from their carriages.

The court find, "That two small howitzers, captured at Chapultepec, were removed from their carriages during the forenoon; one was removed by and under the direction of Mr. Welsh, a follower of the army, especially of the third 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 Pillow, and this, so far as the testimony shows, without the previous knowledge, authority or consent of Major General Pillow."

The court further find, "That the two howitzers were brought to town on the 15th of September in General Pillow's wagon; that one was claimed by Mr. Rogers and carried to his quarters, under his direction, whilst the other was carried to the residence of Mr. Welsh, and for him. It does not appear that Major General Pillow had any information of the actual fact, that the howitzers were in the city of Mexico, until the evening of October 8th, subsequent to the order of the general-in-chief, in relation to trophies, &c., when and subsequently he seems to have used all proper measures to have them restored."

The court further find that, "It appears from the evidence that Major General Pillow was informed by an officer acting on his staff, Passed Midshipman Rogers, of the navy, on the evening of September 13th, that two howitzers were then in his, General Pillow's, wagon;" and "that Lieutenant Colonel Howard, 15th infantry, commanding officer of Chapultepec, did report to Major General Pillow, on the evening of September 13th, that two small howitzers had disappeared from their carriages; and that, about the middle of the afternoon of September 14th, the same officer did report to General Pillow that two howitzers had been found in his wagon."

The court further find that, "It appears from the evidence that, on the night of the 14th, when the garrison of Chapultepec was about being reduced in numbers, and whilst conversing with his staff about the defences of the place, General Pillow ordered two officers of his staff to have these howitzers taken out of the wagon and remounted, with some other orders, relative to the general dispositions for the defence of the work."

These findings of the court are sustained by the evidence as it is recorded in their proceedings; but it does not appear that the report which Passed Midshipman Rogers testifies he made to General Pillow on the evening of the 13th was made prior to that of Lieutenant Colonel Howard, on the same evening. The court add to the last fact found as above stated, viz: that "General Pillow ordered two officers of his staff to have these howitzers taken out of the