

B.

CITY OF MEXICO,
November 15, 1847.

SIR: According to your verbal request this morning to return to you the statement you furnished me at Mixcoac, between the 20th and 30th of August, in reference to the battles of Contreras and Churubusco, addressed to the New Orleans Delta, and which at the time you desired should be engrafted in my report of said battles to that paper, I beg leave to reply that I consider it my duty to retain it.

Yours, respectfully,

JAMES L. FREANER.

Major General GIDEON J. PILLOW.

A true copy from the original.

H. H. SIBLEY,
Captain Second Dragoons.

CITY OF MEXICO,
November 15, 1847.

I hereby certify that I delivered to Major General Pillow, in person, the original of which this is a copy, this evening.

HENRY F. HATCH.

MEXICO, November 15, 1847.

C.

Will Mr. Freaner be kind enough to call round a few moments to see me. I desire that he will do so, especially as I am so much crippled as to be unable to walk about, except at great pain.

Very respectfully,

GIDEON J. PILLOW.

Received from General Pillow by the return of my servant, on the evening of the 15th of November, 1847, the above note.

JAMES L. FREANER.

D.

[Private.]

MIXCOAC, August 31, 1847.

Will Mr. Trist do me the favor of having the enclosed letters go

by the morrow's courier. I have a *direct interest* in their going. If they cannot go, return them to me.

GIDEON J. PILLOW.

But do send them if possible, they are *all for my benefit*.

G. J. P.

E.

CITY OF MEXICO,
March 23, 1848.

Gideon J. Pillow states the note or card which Lieutenant Ripley brought about 31st August, 1847, from N. P. Trist, in answer to a note of my own to Trist, of that date, is lost, mislaid, or destroyed. He does not remember ever to have seen it since the day it was delivered. It was a private note, and in answer to a *private* note, and he thought it of no sort of value, and did not, therefore, regard it of any consequence, nor did he preserve it. He therefore asked this court to receive secondary evidence, or parol proof, of its contents, as he never had, nor did he preserve any written copy of it.

GIDEON J. PILLOW.

Subscribed and sworn to before me, this 23d day of March, 1848.

S. C. RIDGELEY,
Captain Fourth Artillery,
Judge Advocate and Recorder.

D.

Paper submitted to the court by Major General Scott.

Major General Scott, present before the court of inquiry as prosecutor of certain charges against Major General Pillow, and the said Scott being engaged in the cross-examination of Paymaster A. W. Burns, a witness for the defence, respecting the allegation against the said Pillow of writing and despatching, or causing to be written and despatched, for publication, in the United States, a certain letter signed "*Leonidas*," of the authorship of which letter since published, the said Burns had recorded himself to be alone responsible, without the agency, or the knowledge, at the time, of the said Pillow; and the said Scott seeking, and not doubting, by facts, to be elicited in the cross-examination, to impugn, and to impeach, that declaration of the said witness, by showing his habit of communicating his newspaper puffs to the said Pillow, caused to be put to him, from the record of the court, as the first of a new series of cross-questions, the following:

Question by prosecution. Has not the witness written a letter, or letters, other than "Leonidas," for publication at home, highly laudatory of Major General Pillow, and has not the witness shown one or more such letters to the said Pillow in manuscript, or forwarded open one or more such letters through him for publication at home, with or without his, the said Pillow's, corrections or approbation?

Whereupon, the said Burns hesitating to answer that question, the said Pillow rose in support, by argument, of the hesitancy of his own witness; when, partly before the court was closed to deliberate on the objection, and partly after the court had publicly announced its decision that the witness would not be compelled to answer the interrogatory, if he should say that, thereby, he would criminate himself, and when the witness had actually made such declaration, the said Scott, on the two occasions, offered to the court, substantially, the following remarks or suggestions, which he is now permitted to reduce to writing, and place upon the record of the court, as his argument and protest against the said decision:

Mr. President and gentlemen of the court:

It is now too late for the witness, whose memory is so fresh and minute on the one side of the case, and who is a mere *non mi ricordo* on the other, to decline answering the question upon the record lest it may criminate him, for he has already acknowledged himself, at the instance of the defendant, and for his benefit, whose witness he is, guilty of the published letter signed *Leonidas*, and the penalty of that single admission, if prosecuted, and not pardoned, is the loss of his commission; for the writing of one such letter is as fatal as the writing of one hundred, the denunciation of the President's general regulation, published in orders, January 28, 1847, being, that "private letters or reports, relative to military marches and operations, are frequently mischievous in design, and always *disgraceful* to the army. They are, therefore, strictly forbidden; and any officer found guilty of making such report for publication, without special permission, or of placing the writing beyond his control, so that it finds its way to the press, within one month after the termination of the campaign to which it relates, shall be dismissed from the service." The official disgrace of the witness is, therefore, complete.

And, Mr. President, it is now, also, too late for him to set up the possible loss of *private* character against answering the same question, as, to help the defence, when under examination in chief, he has further acknowledged, upon the record of the court, that he had purloined, from a private apartment of Major General Pillow, an important paper, or clandestinely made a copy of such paper. I must, however, bow to the decision of the court, and conduct the further cross-examination of the witness as well as I may.

Respectfully submitted:

MEXICO, March 25, 1848.

WINFIELD SCOTT.

D 1.

Mr. President and gentlemen of the court:

I shall submit no reply to the argument and protest read by the prosecutor in this case. The witness having claimed the protection of the court upon a well settled principle of law, is entitled to that protection. I am surprised that even the prosecutor should controvert a principle which every tyro of the legal profession must be familiar with.

In regard to myself, I yesterday expressly *waived* all objection to the witness making any statement upon the subject referred to in the question. I interpose no objection to any statement he can make relative to myself going before this court.

Respectfully submitted.

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

F.

[Circular.]

CITY OF MEXICO, October 19, 1847.

GENTLEMEN: Having understood that many of my friends, officers of the third division, have made contributions intended to purchase a sword to be presented to me, I beg leave respectfully to say that I disapprove of the measure, and should be compelled, by a sense of duty, to decline its acceptance if tendered.

While I fully appreciate the *motives* of those who propose thus to compliment me, I am nevertheless sensible that their partiality induced them greatly to overrate my services.

Accept assurances of the regard with which I am your obedient servant,

GID. J. PILLOW.

To Messrs. MORGAN, ANDREWS, and others,
Officers of 3d division, U. S. A.

A true copy.

R. S. RIPLEY,
Lieutenant and A. D. C.

F.

Mr. President and gentlemen of the court:

I have already declared my intention to impeach and utterly to discredit the testimony of Paymaster A. W. Burns, a witness for