

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

the defence in the case before the court, who, since that declaration, and the clear purpose manifested in the cross-examination, against all precedent, under the circumstances was permitted, the morning of the 25th instant, the last session of the court, after a night's reflection, and perhaps consultation, to come in and to alter his recorded testimony in a matter quite seriously effecting his credibility. Notwithstanding that advantage, the cross-examination has abundantly shown, in more than twenty instances, that the witness had almost a total want of memory on one side of the case, even in matters of no little interest and importance; and, on the other, a powerful and minute memory, grasping and retaining incidents which, at the times they occurred, must have appeared to any one else wholly unworthy of being treasured. The court, no doubt, will, at the proper time, look closely to that peculiarity of memory, without my specifying the numerous instances in this place. Some scattered proofs I will, however, here glance at, and only because they are distantly separated on the records and the files of the court.

The witness says in his testimony that, though he was present at the operations of the 19th of August, he was not with the operating forces the following day, and therefore did not see them carry the entrenched camp at Contreras, the church and the bridge at Churubusco; yet, in the letter of *Leonidas*, which he swears was written by himself, and not by Major General Pillow, he asserts to the public that "the foregoing account of this unparalleled victory [meaning the events of the 20th of August] I was myself an *eye witness* to, and will vouch for its correctness." The witness then, notwithstanding his oath, cannot be the author of *Leonidas*. So at the end of the last paragraph but one of *Leonidas*, immediately preceding the quotation just given, the writer, speaking of the heroic Butler, colonel of the South Carolina regiment, says: "no one laments his death more than the writer of this communication, who ate with him the last meal of which he partook prior to his death." Now I shall show by witnesses, at present in the United States, that the lamented Colonel Butler, who fell at Churubusco early in the day, August 20, took his last meal (breakfast) at San Angel, near the field where he gloriously fell, and but a little while before in a company where paymaster Burns, as indeed he himself swears, was *not*.

Mr. President, in further prosecution of my early manifested and declared purpose of impeaching the testimony of Paymaster Burns, I now propose, in continuation:

1. To introduce a witness to prove that the said Burns addressed a letter to the *New Orleans Delta*, from Puebla, which Major General Pillow handed over, unsealed and open, to Mr. J. L. Freaner, to be forwarded by the express of the latter, and two other witnesses to prove that the said Burns has repeatedly declared, before the meeting of this court, that he was *not* the author of the letter signed *Leonidas*.

Respectfully submitted.

WINFIELD SCOTT.

MEXICO, March 27, 1848.

G.

*A series of intercepted letters, captured by the American guard, at Tacubaya, August 22, 1847.*

Major General Scott entered the village of Tacubaya, and established his head-quarters there on the 21st of August, 1847. Tacubaya is one mile from Chapultepec, (a fortified hill,) which is itself about a mile and a half from one of the gates of the city of Mexico. On the morning of the 22d of August, a Mexican mail was intercepted by the American guards, containing two parcels of letters; one addressed to Toluca, the capital of the State of Mexico, and the other to Morella. These letters are now in the possession of the inspector general of the army; translations of them, carefully prepared by a capable hand, are here offered to the public, for reasons which will be manifest to the considerate reader. To make them intelligible, some few facts must be stated, which occurred before the letters were written, and a few, also, which transpired after the capture of the letters; but we wish it understood that it is not our purpose to give a history of the operations of the American army, before and at the Mexican capital; we speak only of what the army has done as an army. No attempt is made to do justice to individuals, and we select this course for two reasons: we wish only to make the letters intelligible; and, with our information and means, we cannot hope to award what is due to all. We therefore omit names, and deal only with events. Impartial history will, in due time, do justice to all. The distinguished judgment, ability and zeal of our engineer officers, of both corps, will then stand out in broad relief; and the providence and skill of our ordnance officers will also be conspicuous, and justly so, as they are not content with service, under cover, in the arsenals, preparing guns and ammunition; but they follow to the field their heavy ordnance, and, under the fire of the enemy, give practical proof of its excellence and power. In like manner, justice will be done to the judicious arrangements and abundant supplies of the quartermaster's and commissary's departments, without which the army could neither move nor remain in position. Justice will also be done to the talents, skill and humanity of our admirable corps of medical officers. So, also, a just view of the army will exhibit to the world its great excellence of *personnel*, in officers and men, in all the different regiments and corps. Then, too, will be made manifest the extraordinary ability of the commander of this army, in all respects worthy of it; as he has given the most abundant proofs, by the directness and greatness of his objects, and the certainty and comparative ease with which he has accomplished them. Such splendid results could only be achieved by a commander gifted with the highest powers of combination, capable of the clearest views, and endowed with the most unwavering firmness and steadiness of purpose.

Excepting some very few of the letters, they were written on the 21st of August, and refer principally to the events of the few pre-

ceding days—especially to those of the 20th of August. The letters were written by Mexicans to Mexicans; they exhibit the unrestrained outpourings of friends to friends, when all motives for concealment and misrepresentation seem to have been entirely out of the question. These letters, therefore, furnish valuable testimony on the points within the knowledge of the writers, though they contain some unintentional errors, when statements are made respecting facts not personally known. Thus, when these letters state, as they do, that the aggregate strength of the army concentrated by General Santa Anna for the defence of Mexico exceeded thirty thousand men, there is every reason for relying upon this statement; and thus, in the same manner, we have unquestionable evidence that not fewer than twenty-six thousand men were engaged in battle, on the Mexican side, on the 20th of August. But the evidence is not equally good when the letters refer to the strength of the American army, for the fact could not be equally well known. Thus, it is not true, though stated in some of these letters, that the American army was twelve thousand strong; but it happens to be true, as stated in others, that the American force was about ten thousand—though not all of this force was at any one time engaged in battle. Valencia's entrenched camp at Contreras was taken in seventeen minutes, by the watch, by about fifteen hundred men, without artillery and without cavalry—he having five thousand men, with twenty-three pieces of fine artillery, covered with about two thousand cavalry. The fruits of this brilliant surprise, in the immediate vicinity of Contreras, in prisoners, &c., were secured by other troops, besides the assaulting columns, posted for the purpose; but the actual defeat and almost annihilation of Valencia's division, so often referred to in the following letters, was accomplished, as stated, in seventeen minutes, instead of two hours, as stated in several of these letters.

These letters also furnish ample evidence that the Mexican army was most abundantly supplied with munitions of war, of all kinds, especially with ammunition, in all its forms of preparation; most of which is now in the hands of the Americans.

One of the chief points of value in the evidence furnished by these letters, has been superseded by the events of the 12th, 13th and 14th of September. We refer to the fact that the American army, by the victories of the 20th of August, had entirely defeated the Mexican army, and could have entered the capital, had it been the pleasure of the general, on the evening of that day; a fact which no one can now dispute; since the Mexicans were unable to prevent the occupation of the capital by the Americans, after having had from the 20th of August to the 12th of September to recuperate and recover from the blow inflicted, on the first of these dates—over twenty days—during which time the fragments of the Mexican army were brought together and re-organized into a force of about twenty thousand men; having been reduced to about eight thousand, as the letters testify. The fortifications had also been immensely increased, between the 20th of August and 12th of September, on the side of the city threatened by the Americans; and at

the same time enabled the Mexicans to withdraw all their artillery from the peñon, and other points not in danger, and dispose it on the southern and southwestern side of the city, where they knew the attack was to be made. All this did not avail. The American army effected a lodgment in the city at two points, on the evening of the 13th of September, and on the 14th entered the grand plaza; the head-quarters of the army being established in the national palace, over which waved the star-spangled banner; what remained of the Mexican army, on the evening of the 13th, having been withdrawn during the night. At that time the effective American force was less than eight thousand men.

A few words on the subject of the armistice may not be amiss. It is very generally believed that, before the army left Puebla, intercourse of some kind, looking towards a peace, had been partially established between the Americans and Mexicans; but it was said that the Mexican authorities were restrained by public opinion, which was unable to conceive it possible that the immense preparations in Mexico could fail in securing the city; but as the object of General Scott, in the whole of his operations in this country, has been to bring about an honorable peace, he gave out in advance, before he left Puebla, precisely what he would do, before he would by force of arms enter the capital.

The Mexican army being so large, and its appointments so complete, while the fortifications, which astonish all who see them, were constructed with scientific skill, all these facts made it necessary for General Scott to move from Puebla, and strike a severe blow near the capital, as the only means of convincing the Mexicans that, notwithstanding all their preparations, they could not resist the American army, small as it was. There was some hope that, by thus opening the eyes of the Mexican people in the capital, negotiations might be entered upon, and a peace secured; to accomplish which important object, General Scott was willing to forego all the éclat of a forcible entrance into the capital. We know that all this was distinctly within the contemplation of General Scott, before he put foot in the stirrup to leave the city of Puebla. His foresight and deliberate plan, in this respect, is one of the most remarkable incidents, all things considered, that has ever occurred in the history of wars. Let his position be considered; his distance from home; the extent of his march to Puebla; the distance yet to be overcome; the smallness of his force; the character of the city to be assailed; the great capital of a great country, defended by an army full three times his numbers, and known to be so; that capital surrounded by lakes or swamps, and only to be approached by narrow causeways, with deep ditches on either side, and swept by artillery, in front and in flank. In view of all this, General Scott said, before he left Puebla, in so many words, that he would march to the neighborhood of the capital, and either *defeat the Mexican army in the open field, if they would give him battle, or he would take a strong position from the enemy; and then, if he could restrain the enthusiasm of his army, he would pause without the city and summon it to surrender, in order to give*