

Mexican made one terrible charge at our general with his lance, which the latter evaded with great promptitude and avidity, using his sword, tossed the weapon of the Mexican high into the air, and then quietly blew his brains out with his revolver. Both the American and Mexican armies witnessed this splendid effort.]

The above incident was published in italics in the *New Orleans Picayune*.

In the two battles, the enemy had about thirty thousand men engaged in deadly conflict. Their total loss in killed, wounded and missing, is near seven thousand, according to their own estimate, including [one thousand six hundred] prisoners, eight of whom are general officers, and about eighty-four of an inferior grade, captains, lieutenants, &c. Our loss in killed and wounded is about [one thousand two hundred;] among the dead is the gallant Col. Butler, of South Carolina, who, until the first day's fight (from a severe attack of sickness) was unable to mount his horse—but the thunder of the enemy's guns nerved him for the conflict, and three cheers were given him as he passed into battle. 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.

The foregoing account of this unparalleled victory I was myself an eye witness to, and will vouch for its correctness, and nothing but an order from the commander-in-chief prevented the occupancy of the city by our troops upon the evening of the second day of attack. I cannot refrain on the present occasion from expressing a wish that Congress may do something for our gallant band, who have, under such adverse circumstances and disparity of forces, carried, at the point of the bayonet, the enemy's outposts, and so nobly upheld and maintained the honor of the American nation. I must not forget to state that we have captured about one hundred and thirty *deserters*, traitors to their country, who, I am informed, are now undergoing a trial, and, in God's name, I ardently wish they may all share that fate they so richly deserve, and be hung by the neck until they are dead, dead, dead.

I am, very truly, yours,

LEONIDAS.

M.

GENERAL ORDERS, }
No. 258. }

HEAD-QUARTERS OF THE ARMY,
San Augustin, August 19, 1847.

As soon this morning as the pioneer tools can be arranged and packed on mules, Pillow's division will advance and open a practicable road, to the extent of about two miles, for the siege and other trains, in the direction of San Angel.

Engineer officers will immediately have the pioneer tools assorted and packed for the road, when they will accompany the division, lay out and superintend the work.

Twiggs's division will advance, as soon as practicable, about two miles on the same track, and cover Pillow's division.

Those divisions will take subsistence in haversacks, leave their baggage wagons at this place, and bivouac one night. Their wagons will follow the next day, but each train will be reduced at least one-half, and all surplus wagons left at San Augustin until the pass of San Antonio can be turned and forced.

Worth's division will continue to mask San Antonio, until he receives further instructions.

Quitman's division will remain here in reserve, to guard this depot and to follow the army by the direct road.

The commander of the cavalry brigade will call for special instructions.

All the sick of the several corps will be left in general hospital at this place, which the surgeon general will immediately cause to be established.

By command of Major General Scott.

H. L. SCOTT,
A. A. A. General.

The foregoing is a true copy of the original. Head-quarters, army of Mexico, Mexico, March 22, 1848.

L. THOMAS,
Assistant Adjutant General.

N.

HEAD-QUARTERS OF THE ARMY,
Mexico, November 22, 1847.

SIR: I received this morning a duplicate (or copy) dated the 15th instant, of what professes to be your appeal, through the Secretary of War, to the government, against the decision of the general-in-chief, to re-convene your late court of inquiry, at your request, dated the 2d instant.

At the end of your appeal (the duplicate acknowledged above) you add a postscript, without date, in which you say "under paragraph 292, of regulations, I have forwarded a duplicate copy of this directly to the Secretary of War, to guard against the hazard of accident."

Having laid your communication before the general-in-chief, I am instructed by him to say, that for thus presuming to write officially to the Secretary of War, except through him, the general-in-chief, and for withholding from him the copy of that letter for a whole week, and for the contempt and disrespect offered to him in the body of the said letter, he, the general-in-chief, desires that you will immediately consider yourself in a state of arrest, confined to the limits of the city.

I am instructed to add that on the foregoing grounds and others, you will, in due time, be furnished with charges and specifications against you, and a general court martial be asked of the President

of the United States for your trial, by the first practicable opportunity.

I have the honor to be, very respectfully, your obedient servant,
H. L. SCOTT,
A. A. A. General.

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

A true copy.

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

N 1.

HEAD-QUARTERS OF THE ARMY,
Mexico, November 23, 1847.

SIR: I have received your communication of the present date, correcting an inaccuracy in your communication of the 15th inst. to the Secretary of War, and I am instructed by the general-in-chief to say that both communications will be forwarded with his endorsement, in compliance with paragraph 296, general regulations of the army.

I have the honor to be, very respectfully, your obedient servant,
H. L. SCOTT,
A. A. A. General.

Major General PILLOW,
U. S. Army.

A true copy.

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

O.

CITY OF MEXICO, *November 15, 1847.*

SIR: In the proceedings of a court of inquiry ordered at my instance, it will be seen, by the government, that two small howitzers, captured by my command at Chapultepec, were taken from their carriages and placed in my baggage wagon, on the 13th September last, without my knowledge, authority, or consent. It will also be seen from the proof, that I was then wholly disabled for duty, and was suffering from an agonizing wound received in storming that work. It will be further seen, that when it was reported to me, on the 14th, that they were found in my wagon by Lieutenant Colonel Howard, that some light jocular remarks were made about those who removed them, taking them as trophies, and I said that if any one was entitled to them as trophies, I was, &c.

But it must be manifest from the character of my remarks, and from my subsequent conduct as proven, that the purpose of permitting those guns to be taken as trophies never once entered my mind; for the proof shows that afterwards, upon the night of the 14th, I ordered two of my staff officers to have them removed from my wagon, and to be again placed upon their carriages for the defence of the place.

The officers to whom this order was given found no ammunition for the howitzers, and could not, therefore, use them for the defence of the place, and reported this fact to me. *But they did not inform me that they had not removed them from the wagon.* Nor did I know, or suspect, that they had not. On the next day I was removed on a litter to this city, never having thought of, or known more of, those guns until the 8th of October, at which time, though still confined to my bed from my wound, I made inquiry about these pieces, and for the first time learned from the officers of my staff, to whom the above order was given, that they had not removed them from the wagon.

It is due to these officers to say that the reasons why they did not remove the guns, as they were ordered, were, as they state, that the night of the 14th was very dark, and, as they found they could not use them in defence of the place, they concluded their removal next morning would answer the purpose. Early next morning Lieutenant Ripley was sent into the city by my order, and Lieutenant Rains was engaged superintending the burial of some of his brother officers who had fallen in the conflict of the 13th, both having forgotten the position of the guns. For these reasons I did not deem it my duty to censure them.

From other sources I ascertained that the guns had been brought to the city by orders of Midshipman Rogers and a Mr. Welsh. Upon the receipt of this information, I reported all the facts to General Scott, as will be seen by my communication to his adjutant general, dated October 9th. But, notwithstanding this information, I was informed, a few days afterwards, that the general-in-chief had said, in presence of a number of officers of the army, that these guns were removed with my knowledge.

I then enclosed, for his information, the statements of Lieutenants Rains and Ripley, Midshipman Rogers and Mr. Welsh, all acquitting me of any knowledge or participation in the transaction, and requested such reply as the facts and justice of the case required. Instead, however, of a reply, which would remove the reflection so unjustly cast upon me, and expressing his satisfaction from the proof I had laid before him that I had no participation in their removal, he simply enclosed me a statement of what others had said.

Feeling myself injured by these erroneous representations, but still more by the opinion of the general-in-chief, *hastily formed* and expressed upon an ex parte representation of a man who had given a written statement to the contrary, I demanded a court of inquiry to investigate and *report the facts.*

In the course of the investigation, the following facts were fully proved:

First. It was proven that the guns were placed in the wagon without my knowledge or authority.

Secondly. That on the night before I left the place (September 14th) I ordered Lieutenants Rains and Ripley, of my staff, to have them removed from the wagon and restored to the garrison.

Thirdly. It is proven that they *did not report* to me that they had not obeyed the order, by removing them *from the wagon*.

Fourthly. The witnesses all prove that I had no knowledge of the pieces being brought to the city of Mexico.

Under these circumstances it will appear most extraordinary that the court could find anything in my conduct to censure.

From the very nature of the *light and jocular* conversation with Colonel Howard, it must be manifest that my remarks indicated *no settled purpose of mind*. My order afterwards, on the night of the 14th, "*to have them restored to the garrison*," was positive, yet the court wholly disregarded the force of *this order* in explaining the conversation with Howard, and as showing my intention, and come to the conclusion that I acquiesced in their removal to the city, and *authorized* the use of *my wagon*.

Nay, it goes further, and in order to do away the force of *this order*, says, I could not have *intended* to have the guns restored to the garrison, "because my staff officers would not have been *justified* in not obeying the order, from the simple fact that they found no ammunition, and it does not appear they were censured."

It amounts to this, viz: I give an order. It is not obeyed—but *I do not know it has not been obeyed*. Then because the excuse of these officers, for not obeying the order, is not thought a *sufficient one*, it is to be inferred that I did not intend what I *ordered should be done*. In other words, I am to be censured for the neglect of the officers of my staff, although I *did not know* of that *neglect*. A principle so repugnant to common sense and justice, surely never found a place in any impartial mind.

It is due, however, to the court to suppose their *mistake of fact*, as *to the proof*, led them into this strange and unjust conclusion.

The proof is positive that *no such report was made*. It would be impossible to account for the extraordinary conclusion of the court, drawn from Colonel Howard's testimony, and from the neglect of the officers of my staff, if they had not so *mistaken this fact*.

Seeing that the court had fallen into this *mistake of fact*, and believing that their inferences on both points must necessarily give way to correction of this error of fact (for inferences based on error must be erroneous) I addressed to General Scott a communication, of which I send you a copy, (marked A.) I received from him a reply, of which a copy is also sent, (marked B.)

From this correspondence it will be seen that the fact of a *mistake* of the testimony, in the court, is not controverted, nor that its unjust inferences rest upon that mistake of fact.

But the general-in-chief refuses to take any step to have the error corrected, because there is no *precedent for it*.

It is somewhat remarkable that an officer should want a *precedent* to authorize him to *correct his own errors*, for it was as much the duty of the general-in-chief to *detect* the errors of the court and refer the case back, as it was that of the court not to have committed them. It is equally clear that when he has given his approval to an erroneous report, the error becomes *his own*, and should have been corrected by him. It seems, however, in his opinion, *his own error* (as well as that of the court) are so far sanctified by *his approval*, ("final action,") that they cannot afterwards be corrected for want of a *precedent*.

It would be as vain to search for a *precedent* for such a case as it would be for a similar *act* of injustice upon the rights of an individual. Indeed, I imagine, the annals of military jurisprudence will furnish no precedent for either; and it remains to be seen whether, by accident or *design*, under any pretext, the sanction of the approving officer can so far *tie up* the hands of the government as to *violate every principle* of justice, and to outrage the *rights of an officer*.

I say pretext, for, as it is proved that I had no participation in this transaction other than that of ordering the guns to be restored to the garrison, and was *wholly ignorant of what was done*, it must be manifest this effort to injure me does not proceed from any *connexion of mine with these guns*.

And as this attempt at injustice proceeded from the general-in-chief, and as he now utterly refuses to take steps necessary to have the errors of the court corrected, I have a right to believe, as I do, that other motives exist than the one which is apparent.

I am utterly unconscious of having given cause of offence. I am, therefore, the more impatient of *wrong*, and the less disposed to submit to *oppression*.

It is true that I opposed, with great warmth and zeal, the general's views in connexion with the fatal armistice. I did so from a sense of duty to my country. At a cost of 1,056 of our officers and men, we had, as it *were*, *won the city*.

I saw, as I thought, that all the advantage which we had secured at so heavy a sacrifice was, by this armistice, to be given up, and the enemy allowed time to strengthen his works of defence and to rally and reorganize his scattered and panic stricken forces, and that our brave army would have to correct this *error of its general-in-chief by its life's blood*, and I, therefore, felt myself constrained to oppose so *fatal a delusion*—a delusion which the loss of about 1,647 of our bravest men and officers, killed and wounded, was afterwards required to atone for.

But I will not do the general-in-chief the injustice to suppose him influenced in this transaction by such considerations; still, as I am utterly at a loss to account for his course in reference to myself, I cannot but suppose him laboring under a *similar delusion now as then*.

I must, therefore, appeal to my government, whose duty it is to

supervise the proceedings of its military and other functionaries in these summary proceedings, to remove the censure so unjustly cast upon me, and ask it to refer the case back to the court for its further consideration, or to make such order as the justice of the case may require.

Very respectfully, your obedient servant,

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

To W. L. MARCY,
Secretary of War, U. S.

P. S.—Under paragraph 292 of regulations, I have forwarded duplicate copy of this directly to Secretary of War, to guard against the hazards of miscarriage.

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

a.

CITY OF MEXICO,
November 2, 1847.

CAPTAIN: In the report of the court of inquiry, ordered at my instance, there is the following paragraph:

"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 wagons, and other arrangements for the defence were made without them, and reported to General Pillow."

Here it is distinctly stated, as a part of the proof in the case, that the officers of my staff, who were ordered to remove the howitzers from the wagon, and place them upon their carriages, for the defence of the place, reported to me that they had not removed them from the wagon, nor remounted them.

The proof was positive that no such report was made, and is so recorded, as will be seen by reference to the testimony of Lieuts. Rains and Ripley.

This is a clear misapprehension of the testimony, a mistake of fact, on the part of the court.

The conclusion drawn by the court from Colonel Howard's testimony, as also its inferences, that I did not intend to have the guns restored to the garrison permanently, must both rest upon the misapprehension of the proof; for neither conclusion could have been drawn by the court, but for this error of fact in the testimony, viz: that it was reported to me that the guns were still in the wagon.

Of course, these inferences, as to my intentions, resting, as they do, upon error of fact, must fall when the fact upon which they are based is erroneous.

I must, therefore, call the attention of the general-in-chief to the error of fact, (and the conclusions based upon it,) which he can see by reference to the record, and request that he will refer the case back to those members of the court present, for the purpose of enabling the court to correct the mistake of fact, and the conclusion depending on it.

I am aware that the rules and articles of war do not point out any course of proceeding for this purpose; but the power is inherent in any court, and surely it should be exercised in a case where justice manifestly calls for it, and where no appeal is to be had to a court of higher jurisdiction.

The general order promulgating the report did not reach me until late in the night of the 31st October, and early next morning General Quitman left this city, and before I could make this application.

Inasmuch as one or more officers, (not exceeding three,) are competent to constitute a court of inquiry, it is clearly competent for the general-in-chief so to modify the order convening the court, by the order of references, as to authorize the two members present to correct this error, if they think proper to do so, upon a re-examination of the record. I, therefore, respectfully ask that the reference may be made.

Very respectfully, your obedient servant,

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

Captain H. L. SCOTT,
A. A. A. G.

b.

HEAD-QUARTERS OF THE ARMY,
Mexico, November 6, 1847.

GENERAL. In reply to your communication, dated November 2, but received yesterday, relative to the proceedings of the court of inquiry in your case, I am instructed by the general-in-chief to say, that his action upon the proceedings of the court, published in general orders, No. 330, is final, and that the suggestions which you make in your communication are without precedent.

I have the honor to be, very respectfully, your obedient servant,

H. L. SCOTT,
A. A. A. G.

Major General PILLOW,
United States Army.