

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.

P.

Return of killed, wounded, and missing of the army under the immediate command of Major General Winfield Scott, on the 19th and 20th of August, 1847.

HARNEY'S BRIGADE.

KILLED.

First dragoons, company F, Kearny's.—Privates Patrick Hart, James McDonald, — McBrophy, John Ritter.

Second dragoons, company F, Thornton's.—Captain Seth B. Thornton.

Third dragoons, company K, McReynolds's.—Privates Edward Curtis, Augustus Dessol, George Duver.

WOUNDED.

First dragoons, company F, Kearny's.—Captain Philip Kearny, severely, lost left arm; Lieutenant Lorimer Graham, 10th infantry, attached, severely.

Third dragoons, company K, McReynolds's.—Captain A. T. McReynolds, severely; Private — Cowden.

WORTH'S DIVISION.

KILLED.

1. *Garland's brigade.*

Second artillery, company C, McKenzie's.—Sergeant John Farrell; private John Daley.

Company F, Ridgely's.—Private Wm. Landolt.

Company G, DeHart's.—Private James Wilson.

Company I, Lowd's.—Sergeant C. W. Cobb; Privates John Healey, Henry Hear.

Third artillery, company B, Shover's.—Private J. L. Jordon.

Company G, Anderson's.—First Sergeant Wm. Brown; Privates Philip Nichols, John Reber, Charles Roy.

Company I, Burke's.—Sergeant Wm. McGuire; Private Nicholas Kenniston.

Fourth infantry, company A, Larnard's.—Private Wm. Johnston.

Company I, Thomas's.—Privates Edward Kirnete, F. Pinkerton.

2. *Clarke's brigade.*

Fifth infantry, company A, Ruggles's.—Private J. C. McKenny.

Company E, Sibley's.—Corporal T. James; Privates A. Vanalstyne, Samuel Wilson.

Company H, Smith's.—Privates Alexander Mackenzie, John Sheridan.

Company I, —.—Private B. Lieman.

Company K, Merrill's.—Private E. C. Smith.

Sixth infantry, company A, Todd's.—Privates Porter Hand, David Noble.

Company C, Alexander's.—Private D. Hamett.

Company D, Hoffman's.—Privates George Graham, J. McKee.

Company F, Walker's.—Private H. D. Harris.

Company H, Cady's.—Privates Wm. Bray, John Foss, Robert Saddy.

Eighth infantry, company I, Gates's.—Privates Paul Dufour, Edw. Flemming, Caspar Polk.

WOUNDED.

Garland's brigade.

Brigade staff.—Second Lieutenant H. Thorn, 3d dragoons, A. D. C., slightly.

Second artillery, company A, Duncan's.—Privates James Reilly.

Company C, McKenzie's.—Sergeant C. Wilson; Corporal A. Bell; Privates C. Carroll, G. Heck, Henry Douglass, John Klump, Powel Outlip, Jacob Schriver; the last four severely.

Company D, Brooks's.—Privates R. Bermingham, (in the body,) James Gould—both severely; J. Burger.

Company F, Ridgely's.—First Lieutenant Lewis G. Arnold, in the right arm; Sergeant Thomas G. Allen, leg; Privates G. W. Church, John Connor, Patrick Gallagher, Henry Hatch, Hugh Murphy, Charles Q. Putnam, Martin Reardin, Lewis Suter, E. Saunders, all severely; D. Walsh, badly, shoulder; P. Stevens, C. Snyder, — Zirnzeible.

Company G, De Hart's.—Sergeants L. Walker, J. Chapele, James H. Star, severely, in the arm; Corporal S. Stanton, badly; Privates Wm. Barden, John Harper, J. J. Moore, H. Rinart, Lewis Schott, P. Thornton, all severely; D. Hagaman, J. Hughes, H. Levy, T. Starr.

Company H, Swartwout's.—Sergeants A. B. Cleveland, both legs; John Walters, shoulder and arm; John Cunningham, back and shoulder; Corporal J. Rickedmond, leg; Privates Charles Birnam, F. Connors, twice; Henry Frank, John King, head; Charles Page, James Gourly, Alexander Moore, all severely; Daniel Daily, mortally, died 26th instant.

Company I, Lowd's.—Sergeant Joseph Fadding; Corporal Wm. Sutherland; Privates Martin Conway, James Donaha, Patrick Kennedy, William Lafferty, Michael Lynch, Jos. Mills, Wm. Murray, Edward Sullivan, Henry Veichel, all severely.

Company K, Smith's.—Sergeants Philip Wilson, E. Myers; Privates H. Achirman, John Casey, P. Dowd, Wm. Gravenheart, all severely, in the hand; A. Casey, H. Casey, J. Davidson.

Third artillery.—Brevet Major R. D. A. Wade, severely in the leg.

Company B, Shover's.—Sergeant John H. Heck, severely, ankle; Corporals Wm. Young, J. Hynes, E. Insworth, Joseph A. Roe, the last named severely; Privates John Coogan, Adam Deflin, Edward Eagan, John Hughes, F. H. Lachat, Wm. Patton, (died August 22,) George W. Smith, J. Thompson, all severely; E. W. Gleason.

Company G, Anderson's.—Privates Thomas Brady, Thos. Loftis, John Maitland, John Morris, V. Kenwater, Anthony Lutter, all severely; E. Porter, C. Reis.

Company I, Burke's.—Sergeant James H. Hubbard, severely; Privates C. McClyman, severely; Thomas McCoy, mortally, died August 21; John Nailor, severely; J. Lester.

Fourth infantry, company A, Larnard's.—Privates J. McLoughlin, Daniel O'Shea, both severely in arm.

Company B, Buchanan's.—Private John Alexander, mortally, died August 21.

Company D, Scott's.—Private E. Thompson, severely, abdomen.

Company I, Thomas's.—Privates Jos. Frob, abdomen; A. Hartwell, head; Jos. Shaffer, hand—all severely.

Clarke's Brigade.

Colonel N. S. Clarke, severe contusion in the breast.

Fifth infantry.—First Lieutenant and Adjutant P. Lugenbeel, slightly.

Company A, Ruggles's.—Privates A. C. Boyer, J. Connell, Peter Frazer, D. Henry, M. Knott, all severely; P. Mandy, F. Moreton, W. Weighton, E. M. Whiteford.

Company B, McPhail's.—Privates A. Oatham, J. Boyle, J. Jacobson, the last severely.

Company E, Sibley's.—Privates W. S. Hall, J. McAnthony, M. O'Brien, all severely; G. Ritner, S. Seal, L. Tickelman, W. Wheeler.

Company F, Lynde's.—Sergeant P. Lawrence; Corporal J. Harman; Privates J. Burgen, P. Malory, H. Miller, F. Muther, D. Reim, J. Rodney, C. Thompson, J. G. Wilman.

Company G, Chapman's.—Captain W. W. Chapman, slightly; Privates J. L. Clarke, W. G. Stansbury, J. Rice, the last severely.

Company H, Smith's.—Second Lieutenant P. A. Farrelly, severely in the chest; Privates Wm. Bell, George Bishop, Charles Conner, William C. Emerson, John Francha, Peter Flynn, Joseph Fry, J. A. Hooft, in the chest; Jacob Moyer, Daniel Rodgey, John Shummel, Thos. Slick, Michael Styer, David Welton, all severely.

Company I, Stevenson's.—Sergeant S. Minue; Privates P. Baine, G. Smith, P. Riley, J. Renz—last two severely.

Company K, Merrill's.—Privates L. Devay, F. Knapp, J. Mullen, H. Riley.

Sixth infantry.—Major B. L. E. Bonneville, slightly; Second Lieutenant S. B. Buckner, regimental quartermaster; J. Mahoney, quartermaster sergeant.

Company A, Todd's.—First Lieutenant J. D. Bacon, severely, died October 11; Corporal W. Williams; Privates W. Boles, P.

Connor, W. Faley, T. Hardy, J. Hardie, W. Loomis, W. Williams, F. Schoupp—all but the last, severely.

Company B, Lovell's.—Corporal R. O. Shrill; Privates W. Allen, C. Carroll, D. Dunward, M. Hogan, D. Hoss.

Company C, Alexander's.—Sergeants W. Nevins, F. Owens, both severely; Corporal H. Goodwin, Jessie Brown, musician—last severely; Privates J. Barnes, E. Langley, S. Madden, (died August 22,) E. McBrehuty, J. O'Brien, G. R. Washington, J. Tuttle, all severely; G. Christie, D. Griffin, B. Hart, J. Lanour, M. Smith, E. Jourdan.

Company D, Hoffman's.—Captain W. W. Hoffman, slightly; Sergeants J. Craig, M. Keefe, the last severely; Privates G. Banghanor, severely; J. Frosk, died August 23; C. Burnes, J. Eaton, G. McCarthy, H. Nicham.

Company E, Hutter's.—Privates W. Biggs, F. Curtis, (died August 23,) J. Draper, T. D. C. Dye, R. Pepies, M. Salizo, M. Stillwell, all severely; P. Riner, H. McElvaugh, F. Owens, A. Stinebaugh.

Company F, Walker's.—Sergeant R. McCowan, J. Kroniro, severely; J. O'Neil, musician; Privates A. Barker, J. Connor, D. Keef, W. Lenon, W. B. Mannering, H. Martineau, J. McDonough, J. Wilson.

Company H, Cady's.—Sergeants W. Sinderke, (died August 23,) J. Remington, severely; Privates S. Alcock, (died August 26,) George G. Fletcher, (died August 24,) C. Perkins, J. McGuire, all severely; H. Costello, O. Shofield, G. Stiger, H. Rudolph, R. Wogan, J. Piercy.

Company K, Monroe's.—First Lieutenant T. Hendrickson, severely in the arm; Privates J. James, W. Reynolds, died August 23, A. Sorrell, died August 22, all severely; J. Elwater, J. Misso.

Eighth infantry, company A, Smith's.—Sergeant J. Anderson; Privates N. Bennerlin, J. Englehart, died August 26, William W. Hurst, J. D. Knipper, F. Somerland, all severely; J. Custing, Wm. Dunn, S. Taylor.

Company B, Reeve's.—Second Lieutenant E. B. Holloway, severely in the head; Privates Charles Childs, Charles Fitzgerald, Michael Hagen, all severely; John Sawyer.

Company D, Screvens's.—Private Cumberback.

Company E, Sprague's.—Privates E. Ashworth, J. C. Kennedy, R. Russell, J. White, all severely; P. G. Barrett, S. Reridon.

Company F, Sheppard's.—Privates S. Johnson, J. Shultz, both severely.

Company H, Bomford's.—Corporal E. Capon; Privates S. Donoughaugh, C. Hopkins, W. Wharton, all severely; J. Bennett, J. Gordon.

Company I, Gates's.—Sergeant S. Stoeffler, severely; Privates C. Bennis, died August 23, M. O'Brien, died August 24; William Delaney.

Company K, Montgomery's.—Corporal S. Halleman.

MISSING.

Garland's brigade.

Second artillery, company D.—Private John Golding, returned.
 Third artillery, company I.—Private Stephen Lamb.
 Fourth infantry, company F.—Privates Patrick Green, Andrew McDonald, Michael McGrath, James Steel.
 Company I.—Private John Robertson.

Clarke's brigade.

Fifth infantry, company D.—Private Joseph Spencer.
 Company K.—Private J. R. Debaun.
 Sixth infantry, company B.—Private J. Smith.

TWIGGS'S DIVISION.

KILLED.

Smith's brigade.

First artillery, company B, Capron's.—Captain E. A. Capron; Private Joseph Black, both at Churubusco.
 Company D, Burke's.—Captain M. J. Burke, Sergeant John Anderson, Private Joseph Banks, at Churubusco.
 Company F, Nauman's.—Second Lieutenant S. Hoffman, at Churubusco; Privates Arthur O'Connor, Contreras; Christopher Wedmeyer, Churubusco.
 Company H, Hatheway's.—Private Valentine Way, Contreras.
 Company K, Taylor's.—Privates Francis Molvin, Harvey Syng.
 Rifles, company D, Pope's.—Private M. Carr.
 Company E, Crittenden's.—Privates J. O'Brien, J. Reed.
 Company F, Porter's.—Private A. Troutfetter.
 Third infantry, company A, Craig's.—Private Joseph Luttrell, Contreras.
 Company E, Van Horne's.—Private John L. Martin, Churubusco.
 Company F, ———.—Private George Fryant, Churubusco.
 Company I, Chandler's.—Private Alexander Meister, Contreras.
 Company K, Henry's.—Private Thomas Crask.

Riley's brigade.

Fourth artillery, company E, Morris's.—Private John B. Shuck, Contreras.
 Company F, Bainbridge's.—Private Wm. P. White, Contreras.

Company G, Drum's.—Sergeant Henry D. Goodwin; Private Timothy Kelly, both at Contreras.

Second infantry, company A, Morris's.—Private Samuel G. Crawford, Churubusco.

Company C, Casey's.—Private Horace Perry, Churubusco.

Company D, Heintzleman's.—Privates John W. Arthin, David Huston, at Churubusco; Dennis Daily, Contreras.

Company E, Kingsbury's.—Private Henrich Heber, Churubusco.

Company F, Day's.—Private Abm. Clements, Churubusco.

Company H, Anderson's.—Captain James W. Anderson, Churubusco; Privates John Boyd, San Geronimo, Lew. J. Lamontin, Churubusco.

Company K, Patten's.—Second Lieutenant Thomas Easley, Churubusco; Privates Francis Gruber, Contreras; Michael Leopold, Daniel Striker, Samuel Wilson, at Churubusco.

Seventh infantry, company E, Hanson's.—Captain Charles G. Hanson, Contreras.

Company G, Seawell's.—Sergeant James Truman, Robert R. Stewart, at Contreras.

Company H, ———.—Private Wm. Webb, Contreras.

WOUNDED.

Smith's brigade.

First artillery, light company K, Taylor's.—First Lieutenant J. G. Martin, lost right arm; Second Lieutenant Edward C. Boynton, severely, both at Churubusco; Sergeants Patrick Martin, Joseph Magee, severely; Corporal John Jones; Artificer Eben F. Shead; Privates David Adams, Alexander Bruce, Michael Conellan, George W. Fish, Alexander McCabe, John Jones, Adolphus Schaffer, Patrick Walker, Henry Williams, all severely, Churubusco; Lewis Christian, John Kraemer, Lewis Loup, John Gow, Henry Parron, John R. Frash, C. Phillips.

Company B, Capron's.—Privates Francis Buschman, severely, Churubusco; Wm. Shepherd, Contreras.

Company D, Burke's.—Privates Thomas Billing, John Swan, Oliver Snyder, Henry Sherman, severely, all at Churubusco; Chas. Miller, James Sherry, at Churubusco.

Company F, Nauman's.—Private Peter McDermott, severely, at Churubusco.

Company G, Winder's.—Privates Samuel Hevener, mortally, at Contreras; John Monks, at Churubusco.

Company H, Hatheway's.—Captain J. S. Hatheway; corporal Jacob Sammons, at Contreras; privates Wm. B. Lambie, Michael McCormick, Julius Johnson, at Churubusco.

Sappers and miners, company A, Lieut. J. W. Smith's.—First sergeant D. D. Hastings, August 20; Artificers Wm. H. Bartlett, J. T. Smith, both severely; ——— Monell.

Rifles, company D, Pope's.—Private T. Molumby, Churubusco.
 Company E, Crittenden's.—Private H. Nottage, Churubusco.