

Answer. Merchandise, and at present a resident of Vera Cruz. My home is at New Orleans.  
Sworn to before me:

S. C. RIDGELY,  
*Capt. 4th artillery, judge advocate recorder.*

Personally appeared before me, Colonel William Trousdale, 14th regiment United States infantry, and made oath:

That between the 23d and 27th August, 1847, I placed in the hands of General Pillow one or two letters, to the best of my recollection, to be forwarded by him to the State of Tennessee, one of the letters was to my wife; and on one occasion before that, at Puebla, I had passed a letter in his hands for the same purpose. I have no personal knowledge that General Pillow was in the habit of transmitting letters for other officers. The letters which General Pillow forwarded for me, between the 23d and 27th August, were sent from Mixcoac.

WILLIAM TROUSDALE.

Signed and sworn to before me, this 9th day of May, 1848.  
S. C. RIDGELY,  
*Capt. 4th artillery, judge advocate recorder.*

V.

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



wagon and remounted;" that "it was ascertained by his staff 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." Upon this latter finding the court express the following opinion, viz: "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."

The court seem to have fallen into an error in the statement of a fact, when they find that it was reported to General Pillow by the staff officers that these howitzers had not been "mounted," and had not been "removed from the wagon." No such report appears to have been made to General Pillow. On the contrary, on referring to the testimony of Lieutenant Rains and Lieutenant Ripley, the two staff officers referred to, this mistake of fact in the finding of the court will be clearly perceived. Lieutenant Rains in his testimony states that, in the report made by him to General Pillow, "I did not state that I had not taken them" (the howitzers) "out of the wagon," and "had not placed them on their carriages." The testimony of Lieutenant Rains on this point, as it appears in the recorded proceedings, is as follows, viz:

"In the early part of the evening of the 14th," (September,) "after dark, at Chapultepec, in General Pillow's quarters, all of his staff, including Mr. Rogers, I think, were assembled with himself.

"Lieutenant Freeland, acting adjutant of the 15th infantry, entered the room with a message from Lieutenant Colonel Howard to the effect that Brigadier General Pierce had sent to him, Colonel H., for two companies from the garrison of Chapultepec to strengthen the force under General P., at Tacubaya.

"This message by Lieutenant F. introduced a conversation about the defence of the place, and, in the course of conversation, I remarked that it was a pity those howitzers had been taken away—that they would have added materially to the defences of the post; when Mr. Rogers, I think, remarked that the howitzers were in General Pillow's wagon. General Pillow immediately directed me to have them taken out, and placed in battery for defence, and to look generally to the proper defences of the place, and directed Lieutenant Ripley, aid-de-camp, to assist me in this duty, remarking that, as we were both artillery officers, that was a matter we ought to understand. I was under the impression that General Pillow, at the same time, directed Lieutenant Freeland, acting adjutant of the post, to convey to Colonel Howard the same order in respect to the howitzers in the wagon, and in respect to the defences gene-

rally; but Lieutenant F. says he was not so ordered, and, it is possible, I may be mistaken.

"Upon inquiry and investigation by Mr. Ripley and myself, we found that no ammunition for the howitzers could be obtained, without entering the magazine, and, as we had no lantern fit for such purpose, it was decided not to enter the magazine, and, therefore, as we had no fit ammunition, not to mount the howitzers. We made other dispositions accordingly without these howitzers, and did not remove them from the wagon. After completing the duty of looking to the defences, I returned to General Pillow and reported what we had done, stating that we had not used the howitzers, and the reason for not doing so, but *I did not state that I had not taken them out of the wagon*—had not placed them on the carriages. After and from the moment of reporting as above to General Pillow, I neither knew nor heard anything in relation to these howitzers, until after the publication of General Scott's order in relation to trophies, &c., captured."

Lieutenant Ripley, in his testimony on the same point, states as follows, viz:

"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 howitzers from the wagon, 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 remove them."

The opinion of the court is obviously based on the reports supposed to have been made by Lieutenant Rains and Lieutenant Ripley to General Pillow. On them the duty was devolved of restoring the howitzers to their proper position, but neither of them, in their testimony, support the finding of the court on this point, but on the contrary, the last testifies that he did not so report, and there is no evidence whatever of a report to General Pillow on the subject, after the order to them by any other officer or other person. The finding of the facts in this particular, being unsupported by the proof, is erroneous, and the opinion of the court, based upon such erroneous finding, is consequently erroneous also, and both are disapproved. The fact stated by the court that Lieutenants Rains and Ripley were not censured by General Pillow for disobeying his orders to remove the howitzers from the wagon, and mount them on their carriages, is explained by the fact that there is no evidence that he had any knowledge that they had not been removed from the evening of the 14th September, when his order to remove them was given, until the 8th of October following.

It appears from the proof on the record, that previous to any of the transactions in relation to the two howitzers, General Pillow had been disabled by a wound, received in the assault upon Chapul-



tepec, on the morning of the 13th of September; that he was removed from Chapultepec to the city of "*Mexico, on a litter,*" on the 15th of September, and remained confined by his wound, to his quarters for many days, and could not, therefore, give his personal attention to the execution of orders given by him; that while he remained at Chapultepec, from the 13th, when he received his wound, to the time of his removal, although he held communications with the officers, and Lieutenant Colonel Howard, though placed in command by General Scott, frequently referred questions to General Pillow, he testifies "that he did not enter into details," because "the general was suffering much from his wound, and he did not want to trouble him."

The whole testimony, and especially that of Mr. *Welsh* and Mr. *Rogers*, proves that the two howitzers were brought from Chapultepec into the city without General Pillow's knowledge, authority or consent; that one of them was taken by Mr. *Welsh* to his quarters, and the other by Mr. *Rogers* to his quarters, each claiming the one which he had in his possession as his own trophy; and this without General Pillow's knowledge, authority or consent; and it nowhere appears that they were taken or brought to the city of Mexico, as trophies for, or claimed by, General Pillow, but the circumstances proved by the evidence show precisely the reverse. The court finally give it as their opinion, that "further military proceedings may be dispensed with." The commanding general, in his "general orders, No. 329," approved this finding. On the publication of this order, Major General Pillow addressed the commanding general, calling his attention to an *error of fact* in the opinion of the court of inquiry, and requested him to refer the case to the court "to correct the mistake of fact and the conclusions depending upon it." But the general in command replied thereto that his action upon the proceedings of the court, published in general orders, was final, and that the suggestions which General Pillow made in his communication were without precedent. As no further military proceedings were recommended or contemplated, the officer, supposing himself injuriously affected, was left without redress, unless an appeal could be entertained, and the case re-examined by competent authority. In this view, the appeal has been entertained.

In reviewing the record of the proceedings of the court which have been brought before the President by this appeal, he finds nothing in the case for which General Pillow deserves censure, and concurs with the court and the general reviewing the proceedings, in the opinion that there is nothing in the case which requires further military proceedings.

The error in the finding of a material fact as shown by the testimony, and especially that of Lieutenants *Rains* and *Ripley*, recorded in the proceedings of the court, was no doubt unintentional, and were the case referred back, would, doubtless, be corrected. The members of the court are, however, now dispersed, and are at distant points from each other.

It is deemed proper, in justice to the young officers who took the

two howitzers from their carriages, and desired to retain them as trophies for themselves, to state, that although they acted without authority, the general order on the subject of trophies had not then been issued, and the President has no belief that they were actuated by any criminal or improper motives. They probably desired to gratify a natural pride, by bringing home with them, to be exhibited to their friends, some of the trophies of the victory over the enemy in which they had participated. Indeed, in their testimony, they avow such to have been their purpose, and as soon as the general order for the restoration of trophies was issued they promptly obeyed it.

No further proceedings will be had in the case.

W. L. MARCY,  
*Secretary of War.*

By order:

R. JONES, *Adjutant General.*

X.

DEFENCE OF MAJOR GENERAL PILLOW BEFORE THE COURT OF INQUIRY, JUNE, 1848.

*Mr. President and gentlemen of the court:*

Charge first is for a violation of paragraph 292, of the general regulations for the army; in having written or procured to be written a letter signed "*Leonidas,*" published in the *New Orleans Picayune* of the 16th September, 1847.

By the presumptions of law, I am innocent of this charge; and as the prosecutor prefers the charge, it devolves upon him to *prove it.*

What, then, are the facts brought to light by this investigation?

Paymaster *Burns* proves that he wrote the letter, and that it was done without my knowledge or procurement.

This proof of a witness, who swears positively to the fact, and strongly against his own interests, and takes upon himself the responsibility of an act for which he is liable to forfeit his own commission, it would seem, ought at once to acquit me of the charge. But the prosecutor, having marked out his victim, and being intent upon his purpose, is not so easily satisfied.

He attempts to impeach the testimony of this witness; and relies upon the analogy existing between the *Leonidas* letter and the paper marked No. 1, and the analogy of both of these to my official report, to connect me with this letter.

It is admitted that there is a striking analogy between the three papers, in the main facts stated. Indeed paper No. 1, (which I



will designate as the Freaner paper,) and the Leonidas letter are nearly *identical*, to the extent to which the former extends. The Freaner paper, which I admit I caused to be prepared and delivered to Mr. Freaner, was written by the clerk of my adjutant general, by my orders, and has interlineations in my hand writing. In the absence of all explanatory proof, the above circumstances might, and probably would, lead to the conclusion that I had some agency in procuring the Leonidas letter to be written.

What, then, are the facts? Does the proof explain this analogy upon principles consistent with my innocence; and is Paymaster Burns sustained in his testimony, avowing the authorship and sole responsibility of this letter? I now undertake to answer these questions in the affirmative, and show from the proof, that not the slightest suspicion of connexion with the letter, at any stage, attaches to me.

We will first give the history of the Freaner paper, as it appears in proof.

The witness, Doctor Heistand, proves that on the 23d of August, 1847, Mr. Freaner, the correspondent of the New Orleans Delta, came to my head-quarters at Mixcoac, and asked me to furnish him with the list of killed and wounded of my division—and also to furnish him with a statement of the movements of the forces under my command, upon the 19th and 20th of August, in the battles of Contreras and Churubusco. This witness proves that I directed him to furnish Mr. Freaner with the list of killed and wounded, and at the same time handed him my rough [or “skeleton”] report of those actions, and directed him to furnish Mr. Freaner with a copy, or the substance of that paper. This witness further testifies that he did furnish the list of killed and wounded, as he was ordered, and that he prepared the paper marked No. 1, [the Freaner paper,] and handed it to myself or Mr. Freaner, [he could not remember which.] He likewise says that knowing Mr. Freaner to be the correspondent of the Delta, and hearing him ask me for the paper, that he [witness] added the caption and conclusion [that of a letter,] to the paper thus prepared—and that in all other respects, it was a substantial copy of my rough report. It has several unimportant interlineations in my own hand writing, which were doubtless made before the paper was handed to Mr. Freaner.

This paper Mr. Freaner proves he handed to Mr. Trist, *for safe keeping*, and Mr. Trist handed it to General Scott. This is the history of paper No. 1, as shown by the proof. It is, as must be at once seen, a copy of my rough or original report, from which my official report was drawn out in detail. Being a copy of that report, it would, as a consequence, bear a striking analogy, in its statement of facts, to my detailed report, *amplified* and *modified*, with proper regard to a just taste, and the new light which additional facts might have afterwards thrown upon the subjects touched upon.

Major Burns testifies that he went into my quarters, at Mixcoac; found me absent; saw my rough report lying upon my table; examined it; discovered what it was; took a copy of it; and from

this copy, and his own observations upon the field of battle, upon the 19th of August, he prepared the “Leonidas” letter.

It thus appears that, without my knowledge, Paymaster Burns had copied the same paper, of which I caused a copy to be furnished Mr. Freaner. Accordingly, as might have been expected, both being copied from the same paper, these two papers are almost *identical* in matter, method and language, as far as the paper No 1 extends; and both are strikingly analagous to my official report to the government; the latter having been varied, slightly, in language, modified in some of the statements of facts, while others are added, or entirely omitted, but all proving a common parentage.

This is the history of the Leonidas letter, as proven by its author.

Thus this mysterious affair is at once explained. Upon the supposition that this is the true account and history of these papers, both Burns and Heistand have sworn the truth. Upon any other supposition, they are both perjured; for they swear to facts of which they profess to have personal knowledge, and about which they cannot be mistaken. This account likewise explains the analogy between these two papers and my official report, and *all* perfectly consistent with my own innocence; and, therefore, if the case stopped here, the prosecution has signally failed, and I might safely submit this branch of the case to the judgment of the court, and the opinions of an intelligent public. But the prosecutor is not satisfied still; so we will accompany him further in the case, and see how far he is sustained in his conduct, by the remark made by him in his paper, proposing to withdraw from the prosecution, at an early day, viz: “That, in preferring the charges against that officer, [General Pillow,] I was moved solely by the desire to preserve the discipline and honor of the army, not ever having had the slightest personal quarrel or difficulty with him.”

Before entering upon the consideration of the other testimony bearing upon this part of the subject, I would inquire, what motive has Paymaster Burns to swear falsely about this transaction? He *acquits* me, but he *criminate*s himself. He *relieves* me, by taking upon *himself* the odium of writing a letter, ridiculed in the public press of the country, and denounced in general orders as a violation of regulations, accompanied with the avowed determination of the general-in-chief to prosecute the author. Hence it will be seen that, independently of the moral turpitude and legal guilt of perjury, which the witness would have incurred by a false statement upon this subject, he actually testifies strongly *against* his *own interest*; and his statement must, therefore, upon every principle of law, receive full credit.

The witness, Heistand, was performing, in the acts to which he testifies, clerical duties, under my orders—had no responsibility—could have no interest, one way or the other, and is sustained by the paper itself, which is before the court, in his hand writing, and, being unimpeached, is entitled to full credit.

But, independently of these considerations—all tending to corroborate the testimony of these two witnesses—Paymaster Burns is