

have done, why this inquiry? He had the same opportunity of knowing that those who answered him, and possibly better.

I will not dwell longer on this point; not that the subject is exhausted, but because it is unnecessary. If the fact that Morgan's regiment was ordered by *me* to support Cadwalader is not established, no fact can be established by human testimony.

General Scott has pursued the point with more than ordinary pertinacity—that I did not give minute instructions to the several corps I placed in position. This was unnecessary, for I nowhere claim to have done so. Indeed, from the nature of the case, it would have been improper if it had been possible to have done so. The precise character of the ground the troops were to operate upon was not known, nor could the particular tactical movements, rendered necessary by circumstances, be anticipated. The commanders themselves were men of intelligence and wide discretion, as to details necessarily devolved upon them. General Cadwalader testifies that it seemed to be my object not to trammel him with minute instructions, but that he must be governed by circumstances. Nobody better than General Scott knows that this was judicious and proper.

The mound from which the orders were issued is a mile and three-quarters from the village of Ensalda, and but little less from the entrenched camp of the enemy. At this distance only striking points in the position were apparent. My instructions to the commanders were regulated accordingly.

General Scott seems to assume that, because I did not give the then detailed instructions, there could have been no object in my dispositions. The record proves that I explained to him the objects of the dispositions that were made, and that he approved them. His order to General Shields, as Shields testifies, was to cross the pedrigal and support Riley, who had already, he understood, made one or two unsuccessful assaults upon the enemy in rear of the camp. These orders and impressions he (Shields) got from General Scott.

The plan of attack, designed to be carried out on the 19th, was to assault the enemy in front at the same time that his left was to be turned, and the position assaulted in the rear.

The plan that was executed on the morning of the 20th was *identically* the same. The troops put in position in the village of Ensalda on the 19th, by my order, were disposed on the morning of the 20th by General Smith, for the final assault that was then made. Smith's report did not pass through my hands; and as the movement on the 20th *did* carry out what I had distinctly ordered the day before, I had a right to believe he so understood it; and whether he did so understand it or not, does not change the facts of the case.

General Smith proves that when he reached the village, he found Riley, Cadwalader, and Morgan, already there, but did not learn from anybody what they were there for. According to his own testimony, from a point in the pedrigal, (not the most favorable for observing the relative value of different points of the field,) *he*

discovered the importance of the village of Ensalda, and determined to occupy it. When he got there, he found this same position already occupied by a force *more than twice* as large as his own; yet he did not know how these troops happened to get there, or what they came for. He rather inclines to the belief, however, that they must have been "*hunting*" the San Angel road, like another command I have heard of that *hunted* unsuccessfully several months for Chihuahua, and finally gave up the chase.

It certainly does seem remarkable that an officer of Gen. Smith's acknowledged good sense and discernment should *not* have understood the object of movements so significant. According to his own account, he knew what to do with them after he found them there, and the results of the following morning fully sustain his statement, as well as my own.

I now come to the second branch of this subject, namely: What effect on the fall of Contreras had the dispositions that were made on the 19th of August, by myself?

The camp of Contreras is situated on the declivity of a ridge that begins to rise a short distance in front of the camp, (looking towards San Augustin,) from the plain of lava or pedrigal, and slopes gradually, and quite regularly, six or eight hundred yards to the rear.

The ridge is bounded on the right and left by deep ravines that are impracticable at every point for artillery. The only road leading to the camp is one which, commencing at the city of Mexico, passes through the villages of San Angel and *Ensalda* immediately along the front of the camp, to the factory of Magdalena. This road is practicable for wheel carriages a short distance beyond Magdalena—say a league from the camp—it then narrows to a mule path that leads into the mountains.

The position of the camp completely commands the difficult and only approach over the lava field in front, and the site was selected with that view.

Its weakness as a military position consists mainly in this, it is accessible only in one direction, namely: by the road before mentioned, which once *blocked*, the camp is perfectly *isolated*.

The village of Ensalda is situated *immediately* on this road, and as the enemy had neglected to occupy it, there was no obstacle opposed to the occupation of it by our troops, save the impracticable character of the approach, over the field of lava, for anything but infantry.

The village and its immediate environs constitute an uncommonly strongly defensible position for infantry, being out of reach of small arms from the camp, affording good shelter against artillery, and the broken character of the ground rendering it absolutely impossible for cavalry to act effectively, while it opened the way to the *rear* of the entrenched camp.

The military importance of this position, in reference to the camp of Contreras, must be obvious. Once securely occupied, even without firing a shot, the camp of Contreras must as certainly fall as

that a heavy body thrown into the air must come to the ground; the laws of gravitation are not more certain.

All the advantages that this village was found to possess upon reaching it could not be seen or known across the pedregal; but quite enough could be, and was seen, from the mound so often mentioned, to show that it was the "key of the position," and that its occupation was an object of the first importance.

General Scott, in his official report before quoted on this subject, saw its value the moment he came upon the field, "being persuaded if occupied, it would arrest the enemy's reinforcements and ultimately decide the battle."

Generals Smith and Cadwalader both concur in the military importance of the position.

The former proves that, if it had been occupied by the enemy, and well defended, it would have been very difficult, if not impossible, to have dislodged him.

Cadwalader testifies that, if he had not checked the reinforcements, it would have been occupied by the enemy before Smith could have got there.

Every member of this court has been upon the ground, and they all are, therefore, well qualified to estimate at their proper value these opinions.

Santa Anna speaks on this subject in two different despatches: one a manifesto as provisional president and commander-in-chief of the Mexican army; the other, his official report of the battle.

The former, dated city Mexico, 23d of August, the latter Tehuacan, 19th November, '47; from these papers I extract, as follows. Speaking of Valencia's disobeying his orders, and taking up this false position on his own responsibility, he says:

"The result was as fatal as I had foreseen; he advanced, of his own accord, more than a league, and selected a position to meet the enemy without giving me notice of his movement or intentions—the refusal he gave to my advice was the first news I had of his temerity, and soon after the roar of cannon showed me his position, and gave me notice that an action had commenced, although *overwhelmed* with a *presentiment* of what *was to happen*," &c. (He went to his relief.)

"I arrived at the moment when the enemy had *cut off by the rear* the position of the ill-fated general, *with a respectable force*, and I was hardly able to check his operations, as the night was already setting in.

"But I perceived with sorrow the position was *isolated*, a deep ravine and a wood occupied by the enemy interposed between us: it was impossible for the troops under my immediate command to advance by the *only road there was* without exposing themselves," &c., &c.

"I had ordered my aid-de-camp, Colonel Romiro, to pass the *terrible ravine* that was in our front * * to reach the camp of the general, and to advise him to *withdraw that very night* to San Angel with his infantry and cavalry, by the only road that was left to him, *spiking the artillery, which it was impossible to save.*"

The other dispatch is of the same character; one extract runs as follows:

"And although I endeavored to form a junction, (with Valencia,) it was found impossible, *being cut off by the enemy*—and by the ground which he had left in his rear—there was only one passable road from San Angel to Padierna, (Contreras,) which was very narrow, and commanded right and left by positions of which *some of the battalions of the enemy had already taken possession.*"

"I sought a passage by the flanks, but I became convinced by those well acquainted with the locality, and also by my own observation, that it was not easy to undertake any more operations that evening; as on the right it was rendered *impracticable by a deep ravine*, which extended for more than a league towards some heights situated to the southeast of San Angel, and by broken grounds and rocks on the left."

These are the opinions of military men, the best qualified to judge of the value of the position of Ensalda, and the effect of the operations of the 19th of August, on the fall of the camp of Contreras, including those of the commanding generals of the two opposing armies.

What the Tower or Castle hill was to Cerro Gordo, the Bishop's palace to Monterey, Ensalda was to the camp of Contreras.

Much credit is no doubt due to the gallant officers who successfully stormed the heights; but, certainly, they are not entitled to *all* the credit for the battles of Cerro Gordo and Monterey, and it would be equally unjust to award all the credit to the officer who disposed the forces for the final assault on the camp of Contreras.

I never have had, nor have I now, any desire to pluck one leaf from the wreath of any military man which he has fairly won.

I have an abhorrence not surpassed by that even of the prosecutor himself, for "pruriency of fame *not* earned." "Render unto Cæsar the things that are Cæsar's," is a sound military maxim, to which I subscribe with all my heart.

If I have been unjust to any officer in my official report of this action, it is to Brigadier General Cadwalader; he may, with justice, complain that I did not give the necessary prominence to the advantage to subsequent operations, resulting from his seizing and holding the village of Ensalda, and the able dispositions he made for that purpose; but, if I have erred in this instance, I have not done so designedly. At the time my official report was written, this matter had not been brought so clearly to my particular attention. I endeavored to do ample justice to the valuable services of this gallant and accomplished officer, as my report shows, and I am happy to have the opportunity, even at this late day, of supplying the important omission, in my official report of that battle, so far as relates to the services of that officer.

Captain Taylor, who is called upon to testify to another part of the three specifications, under second charge, says that on my way to San Augustin on the night of the 19th of August, he had a short conversation with me—that he inquired how things looked—and that I replied "badly;" that I thought the position too strong

to be carried, and that I was on my way to San Augustin to advise General Scott to withdraw the forces.

Captain Hooker, who was also present, and heard the conversation, understood it differently. He understood me to say I thought the position could not be carried by a *front assault*, but heard nothing about my advice to General Scott to withdraw the forces.

Without attributing any improper motive to Captain Taylor, in reference to his representation of the conversation, for the purity of his character forbids even a suspicion against his integrity of purpose, still, I cannot but think that he must have misunderstood me.

I certainly never thought of giving General Scott any such advice, and cannot imagine how I could have said I intended to do so. It is nowhere pretended that I did give any such; on the contrary, General Scott proves I did not; and, indeed, his official report would go to show that no such feeling pervaded any part of the army; for he says, after night set in, "all our gallant corps, I learn, are full of confidence, and only wait for the last hour of darkness to gain the positions whence to storm and carry the enemy's works."

It cannot reasonably be supposed that when all were "full of confidence" and hope, I alone should be a prey to doubt and despondency.

Next comes upon the stand Nicholas P. Trist, late United States commissioner, whom General Scott found, from "*frequent*" and "*cordial* intercourse" with him, "after that *happy change* that took place in their official and private relations," to be "*able, discreet, courteous and amiable*;" all of which qualities have been beautifully illustrated in his correspondence with the State Department, the discharge of his duties as commissioner, as well as his private correspondence with Senator Dix, in which he manifests the greatest possible solicitude, that the Senate shall not plunge themselves and the country into "deep, damning, ineffable disgrace," by hastily confirming my nomination as major general, all of which is before this court.

His testimony having been utterly demolished and overthrown on the only three important points to which he had previously spoken, he calls into play that "*ability*" General Scott so justly commends, and ingeniously lays the scene in private, so that there is no possibility of disproving his statement. The substance and spirit of his testimony are as follows:

After every body had left General Scott's quarters, except Trist and myself, he (Trist) went to bed; after he had retired, I cautiously entered his sleeping chamber, shut the door after me and locked it; then, after looking under the bed, into the closets, behind the trunks, and no doubt he would have said up the chimney, had it not occurred to him that this might be disapproved, Mexican houses having no chimneys, after taking all these precautions to assure myself that nobody could possibly hear, I came gently up to his bed, and in a low voice, and in "*strict confidence*," said to

him: "This is going to be a failure, and knowing you to be a *discreet* man, and of *strong memory*, I call on you to bear witness, in future, that I wash my hands of it."

The ex-commissioner understood this to be the *dying speech* and *confession* of a man who expected to be shot by the Mexicans next day, though he was not going into battle.

It is very remarkable, that a man of so much "ability," of a certain kind, should be so deficient in sagacity as not to have discovered that I was not responsible for the *particular* operations determined upon for the following morning; for, according to Trist's own account, General Scott had, in the presence of many officers, just approved and ordered them. In case of failure, I have only to answer, "Thou canst not say I did it." Then why this desire to "*hedge*," which Trist puts so prominently forth?

That I had the responsibility resting on my shoulders of having given the orders for a similar movement the day before is a fact, as easily proven as that General Scott was responsible for this.

From the very nature of the case, Trist's testimony cannot be positively disproved on this, as it has been on the *only other three points* of importance to which he has sworn; but even supposing it to be true, which is next to impossible, it does not in any way touch the issue, or even if it did, let it be borne in mind that it comes from a man who, as the record of the court shows, has determined to devote the wit of his head and the malice of his heart to my destruction, and the prosecutor is welcome to the full benefit of his testimony.

In connexion with this view of the case, it is proper that I should notice the statement in this specification, that I sought by the letter dated 3d October, to General Scott, "from motives purely selfish and dishonest," to get his sanction to my unjust pretensions in regard to the battle of Contreras.

To vindicate my honor against this illiberal and unjust imputation, I might content myself by a simple reference to General Scott's written official reports to the government, and to the conclusion of this very correspondence, to which he takes exception, in which he says: "In haste, permit me to repeat once more that I have, from my first meeting with you, been anxious, from a high opinion of your *intelligence, honor, zeal, and valor*, to win your esteem and confidence on any terms consistent with justice and honor, in which sentiments I remain," &c.

It should be borne in mind that this full and ample testimony to my "*intelligence*," "*honor*," "*zeal*," and "*valor*," and of "his anxiety to win my esteem and confidence upon any terms consistent with justice and honor," was borne thirty-nine days after my official report was filed in his office; eighteen days after the army had entered the city, and long after he had received all the reports of subordinate commanders, and had actually made out and forwarded to the government his own official report of the first series of operations in the valley of Mexico.

That it may not, however, be thought that I seek to shelter my-

self from the assaults of the prosecutor under his own former opinions and testimony, I will briefly, by way of explanation, touch the correspondence itself, and show that the construction placed upon it is as *tortured* as the imputation upon me is *unjust and illiberal*.

In his letter of the 3d October, speaking of that part of my report of the 27th August, relating to the movement against the rear of the works at San Antonio, he says that my "report in that particular is *unjust to him*, and that I seem to control the whole operations of the army."

Again, speaking of my report of the 18th September, he says, "he (General Scott) is sorry to perceive in General Pillow's report a seeming effort, no doubt unintentional, to leave General Scott entirely out of the operations of the 13th September." It will thus be seen that in both of these letters (to which I was replying in the letter to which he takes exception) General Scott was complaining of *injustice to himself*. He was the party who thought himself *aggrieved*.

I changed every part of my reports indicated by him as "unjust to himself," as I said in my letter accompanying the report, "in deference to his wishes and past kindness to me, and contrary to my conviction of the facts."

In this part of his letter, calling my attention to the orders of battle claimed to have been given in my report, he says: "I think you also in error in stating that the troops at Contreras, on the morning of the 20th, executed the precise plans and views laid down by you for their government the evening before."

In my report I had not said that the troops on the 20th August did execute the "precise plans and views laid down by me for their government;" nor had I said any thing equivalent to it. In that report, after reciting the *general orders* for the battle on the 19th, I remark: "During the night Brigadier General Smith disposed the forces present to renew the action at day-light, and complete the *original order of attack*."

It will thus appear that General Scott misapprehended what was in my report upon this subject.

Hence, in reply to those letters, (complaining of injustice to himself,) I say to him: "I have not changed my report in the last particular indicated in your second note, as I do not see that that statement in my report can, in any possible degree, affect you, and knowing that the movement of the next morning did carry out my *original orders* to General Twiggs, and as it would place me in the awkward position of having gone into battle *without any order of battle*, or the forces in position of having *disregarded my orders*, I ask your indulgence in permitting my report to stand unaltered as to that statement."

It will be perceived, in this extract, (which is clear and unequivocal as to its meaning,) that I place my refusal to alter my report upon two grounds, viz: first, that the point to which he called my attention did not (as did the others) at all relate to *him*; secondly, that I *knew* the movement the next morning did carry out my

original orders—in other words, that I knew my report in this particular was true, and, therefore, I would not alter it.

Notwithstanding, however, he expressed his regret that I had made any alterations in my report, he, nevertheless, seizes the concessions, engrafts them into his own reports, and sends them forth to the government and to the world as *his own*, and then turns round and charges me with attempting to corrupt him, because I refused to alter my report in a matter which I *knew to be true*.

This charge runs thus: "In his reply, the said Pillow, whilst reiterating the said false claim, plainly endeavors to induce the said Scott to allow it to stand uncorrected, through considerations purely selfish and dishonest, and personal to the said Pillow and to the said Scott."

Here it is stated that, through considerations *purely selfish, dishonest, and personal* to the said Scott, I endeavor to get him to endorse my false claims, &c. If I understand the meaning of this language, it substantially charges an effort on my part to *corrupt him*—to *bribe him*—to give his sanction to a *false statement* in my official report.

He seems to lose sight altogether of the positive averment in my letter, that "I *knew* the movements of the next morning did carry out my orders," &c., as I said.

I would not willingly suspect the prosecutor himself of "*selfishness*" and "*dishonesty*" of purpose in this correspondence. He first says that I "had a full and *most distinguished participation* in all the operations of the army in the valley of Mexico," and that, in storming Chapultepec, "from what he *personally saw*, I had done my duty in an *able and heroic manner*;" and then *very modestly* asked me to remember that he had given orders and directed movements which I knew (and which he knew) I myself had done. His sense of honor would be greatly shocked if I were, for one moment, to suspect that this *testimony* of his—that I had had a *most distinguished part* in all the brilliant victories of the army, and that I was a *hero* for my conduct at Chapultepec—had been offered as the *price* of the *orders and movements* with which he desired me to credit him in my official report.

If I were to judge him by the rule he judges me, I might harbor such a suspicion, more especially since his *charges*, if true, would show that this very high eulogium of me was, agreeably to his present opinion, *wholly undeserved*.

If this strong testimony which he bears to my good conduct be *false*, then he justly subjects himself to this charge. If that testimony be *true*, then his *charges* against me are *wholly false*. It will not do for him to say that when he wrote those letters he thought them true, but that he afterwards ascertained he was mistaken; because he had received all the official reports of the battles of Contreras and Churubusco, and made out his own, based upon them, nearly forty days before. In regard to my conduct at Chapultepec, he distinctly says he spoke from what he *personally saw*.

There is, therefore, no room for mistake; he could have received