

CHARGES AND SPECIFICATIONS

PREFERRED AUGUST 23, 1862,

BY BRIGADIER GENERAL ALBERT PIKE,

AGAINST

MAJOR GEN. THOS. C. HINDMAN.

RICHMOND, VA.:

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1863.

Brigadier Gen. Albert Pike, commanding department Indian territory, the great Arkansas lawyer, has written a letter on Martial law, from which we extract the following:

There is no such thing as Martial Law, in the sense in which it is popularly used. There is no Martial Law in our country, except the *written* military law. There *can* be none, until Congress makes *new* laws: and every General who has made *his* will the law, who has defined and provided the punishment for offences, who has transferred the functions of the Courts to the persons styled Provost Marshals, or has hung or shot men upon trial by a Military Commission, and not by a sentence of Court Martial, has been guilty of that highest degree of Treason, in all ages—the subverting of the Constitution of his country. And every editor, who, standing like a sentinel on the parapets of the Constitution, *ought* to warn the people of any invasion of their rights, becomes on the contrary the defender of, or even the apologist for, what is now called martial law, is what has been known for many ages as a *favener* and advocate of High Treason, an apologist for usurpation, and the parasite of odious tyranny.

The Vice President of the Confederate States has lately pronounced as his opinion, that even "Congress cannot declare martial law, which, in its proper sense, is nothing but an abrogation of all laws;" that Congress cannot by law impair the constitutional rights of any man, the constitutional guarantees being "above and beyond the reach or power of Congress, and such *no* one, if it can be, above and beyond any officer of the government;" that *no* one has authority to punish any act as an offence against military law, unless the commission of such act has first been prohibited by an act of Congress, providing the punishment for violation of it, with the words and manner of trying the offence plainly set forth. And in all this I fully agree with him; and also in this, that "Neither Congress nor their Provost Marshals have any power to make, alter or modify laws, either military or civil: nor can they declare what shall be crimes, either military or civil; or establish any tribunal to punish what they may so declare."

And I add, that whatever the motive, and however plausible the plea of necessity, all officers, of any grade, who have been guilty of such usurpations, are *criminals*. In the early days of Rome, they would have been thrown headlong from the Tarpeian rock as enemies of the Republic, if not of the human race. The worst despotism, and the bloodiest, have in all ages begun under the pretence of necessity and laudible motives.

Now to Provost Marshals.

A Provost Marshal is an officer of the camp of an army. He is to take cognizance of the conduct of *all* followers and retainers of the camp, as well as of the soldiers of the army.

It is a *misnomer* of terms, to speak of a General "commanding a district or department." *Generals of all grades command a thing but the troops in the district.* They do not and cannot command the people of it. If they did they would be the civil and military Governors of the District or State.

They have no powers except *military* powers. They *can* have no other. When they appoint Provost Marshals to act as civil or criminal magistrates, they usurp the powers of the State authorities, annihilate its sovereignty, and usurp the functions of the Legislature and the Courts at once.

The powers of a Provost Marshal cannot extend beyond the army, its followers and retainers. It is especially illegal to establish a tariff of prices to govern in sales and purchases between individuals, to direct that a particular currency shall be received in payment for goods or provisions, sold by private citizen to private citizens, or to compel men to receive such currency in payment of existing debts. It is not in the power of Congress to do this, authorize to be done, any of these things.

All appointments of Provost Marshals, who are to exercise their functions entirely outside of the army, are absolutely null and void. They are the creeping of office—unknown to the Constitution and the laws, and the acts appointing them will be utterly worthless, when read in bar before the Courts.

Persons acting under such appointments can, as the Vice President has fully said, rightfully exercise no more *power*, except in respect to the army, its retainers and followers, than if the appointment had been made by a street walker.

LETTER

TO THE

ADJUTANT AND INSPECTOR GENERAL,

ACCOMPANYING CHARGES AGAINST MAJOR
GENERAL THOS. C. HINDMAN.

LITTLE ROCK, ARKANSAS, }
August 25, 1862. }

General S. COOPER, C. S. A.,

Adjutant General, Richmond, Va.:

SIR: I enclose herewith charges and specifications against Major General Thomas C. Hindman, of the Provisional army of the Confederate States.

I was my intention merely to duplicate charges and specifications, placed by me on the twentieth of the present month, in the hands of the postmaster at Washington, Arkansas, to be forwarded by mail, or by the carrier who goes, at irregular intervals, to Chattanooga; in order to make it certain they should reach Richmond, as I feared they would not do in either of those modes.

I have, however, here added a sixth and seventh charge, and in some respects modified or varied the language of the specifications under the others, and therefore request that these may be substituted for those.

In the letter accompanying those, I said as follows:

“As I have had cause to complain of General Hindman, in his military capacity, as my superior officer, and as he thinks he has cause for complaining of disobedience of his orders on my part, I would rather this task of arraigning him for the most extraordinary assumptions of power, outrages upon private rights, and violations of the constitution, should have devolved upon some one other than myself, and that it should have been performed by some one of those whose peculiar duty it is to guard the rights and honor of the State of Arkansas and her people.

"But I do solemnly aver, that if I had had no controversy whatever with General Hindman, I should equally have felt it a duty I owed the State and the people of the State, to prefer these charges, in order that the President might, by bringing this great offender to trial, publicly protest against being held responsible for these enormous acts of usurpation and tyranny, which, if he overlooks them, or permits them to pass uncondemned, the public opinion of the country and the world will hold him to have adopted and made his own.

"For near two months and a half, the State government of Arkansas has been deposed, and the constitution of the State stricken with paralysis. It has been no State; because it has been without a constitution, without law, without courts in action; the will of the military commander its only law.

"An officer who exacts obedience, implicit and unhesitating, from his inferiors, must, first of all, himself as implicitly obey the law and the constitution. When he sets them nought, he destroys the source and fountain of his own power, and relieves his inferiors of the duty of obedience to himself. He cannot demand that any one should aid him in strangling liberty, invading the sanctuaries of private right, setting his Provost Marshals upon the benches of justice, and putting his feet upon the neck of the Constitution.

"I protest against the doctrine lately announced by Major General Earl Van Dorn to the people of Mississippi, that "martial law has been well defined to be the will of the military commander." That is the exact definition of despotism, pure and simple. It defines the government of Nero, Peter the Great, and Amurath, Sultan of the Janissaries. If it were true, then it might be made high treason to question the immaculate conception of the Holy Virgin, or the military qualifications of a Major General.

"On the contrary, I am sure the President will hasten to declare, that no military power can annul any part of the Constitution; that martial law can only be declared, when allowed by the Constitution and authorized by Congress; that when declared, it does not suspend the Constitution or the laws, or authorize the General to make laws, but only extends a known code of laws into wider limits and beyond the immediate precincts of the army, and substitutes, as to certain offences, the military courts, provided for by law, in place of the civil tribunals; that it does not in any wise warrant the conferring of unlimited and triple-headed power upon Provost Marshals, any violation of the sacred obligation of contracts, or an agrarian distribution of private property among the necessitous, and the sweeping confiscation of the whole cotton crop of a State."

These usurpations and outrages were not necessary; and if they were, "necessity has in all ages been the plea of tyrants." Most of them, and the most despotic and indefensible among them, have not been in any wise the exercise of *military* power, but such interferences with civil rights and remedies, as flow only from absolute regal power, unrestrained by law and justice alike.

The utter contempt and disregard shown by General Hindman for the rights of his subordinates, are not less striking and singular than

his disregard of law and Constitutions. Every where, even in the line, officers of his creation, without right or rank, are set over those holding the commission of the President; the men of companies and regiments have been deprived of the right of electing their own officers; and rank and titles have been dispensed by him as liberally and in as lordly a style as patents of nobility are by a monarch.

I have the honor to be,

Very respectfully yours,

ALBERT PIKE,

Brigadier General P. A., C. S. A., and citizen of Arkansas.

CHARGES PREFERRED

AGAINST

MAJOR GENERAL THOS. C. HINDMAN,

PROVISIONAL ARMY OF THE CONFEDERATE
STATES OF AMERICA.

CHARGE FIRST.

Unlawful, unconstitutional, unmilitary and unwarrantable assumptions and exercise of dangerous powers, and usurpations of the plenary prerogatives of royalty, within a sovereign State of the Confederate States of America, and over the free citizens of that State, to the utter subversion, for the time being, of the laws and the constitution of that State, and the establishment, during more than two months of an absolute despotism within it.

SPECIFICATIONS OF THE FIRST CHARGE.

First. That the said Major General Thomas C. Hindman, being placed, by the order of General Beauregard, of the army of the Confederate States, in command of the Trans-Mississippi district, of which, by the same order, the State of Arkansas was made a part; and having assumed the command of the said district, and established his headquarters at Little Rock, in the State of Arkansas, he, the said Major General Thomas C. Hindman, did, on the ninth day of June, A. D. 1862, by his special orders, No. 13, of that day and date, then issued and promulgated from his said headquarters, illegally and in subversion of constitutional government, declare martial law throughout the county of Pulaski, in the State of Arkansas; and on the thirtieth day of June, A. D. 1862, by his general orders, No. 18, of that date, issued and promulgated from the same headquarters, he, the said Major General Thomas C. Hindman, did, illegally and in subversion of constitutional government, and in defiance of the guarantees of rights to the citizens in the Constitution of the Confederate States, extend his own arbitrary will and despotic tyranny, termed by him in the special orders aforesaid, "martial law," and in the same general orders, "the direct protection of the military authority," over the people of the whole of the said district; which orders were there-

upon carried into effect, and his will became the law, and all vestiges of the constitutional government of the State disappeared, and the privilege of the writ of *habeas corpus* was everywhere suspended; and certain persons styled by him Provost Marshals were authorized to assume, and were invested with dangerous and unconstitutional powers, legislative, judicial and executive, in derogation of the rights of the citizens, and in violation of the constitution of the Confederate States and of that of the State of Arkansas: all of which was done and acted and ordered by him without authority from the President of the Confederate States. This at Little Rock, in the State of Arkansas, on the ninth and thirtieth days of June, A. D., one thousand eight hundred and sixty-two.

Second. That by the said special orders No. 13, issued and promulgated on the ninth day of June aforesaid, he, the said Major General Thomas C. Hindman, did constitute and appoint one Benjamin F. Danley to be commander of the post of Little Rock aforesaid, and Provost Marshal of the county of Pulaski in the State of Arkansas; and did thereby charge and authorize that person, among other things, to suppress vice, disorder and immorality within that county, have full control of police regulations throughout it, and "*prescribe and inflict penalties*" for all offences coming within his jurisdiction; and he also thereby authorized the said person to "establish such regulations in regard to trade and traffic" and the punishment for violations of orders in respect thereof, as he might deem proper. And on the tenth day of June aforesaid, by his general orders No. 13 of that date, issued and promulgated from the same headquarters, the same person was, by the said Major General Thomas C. Hindman, assigned to duty as Chief Provost Marshal of the whole of the said district, and the said Major General Thomas C. Hindman did thereby authorize and empower his said Chief Provost Marshal "and those under him," "under such regulations as he might adopt," to arrest and punish certain "offenders" therein specified, whether their offences should be committed within the limits over which martial law might be in force, or not; among which "offenders" were enumerated the following, that is to say:

All persons who should refuse to receive Confederate notes as currency, at par, in business transactions.

All persons who should ask or receive, for any produce, wares or merchandise, drug or commodity, any higher price than such as should be fixed by the Chief Provost Marshal, who was thereby empowered to regulate prices from time to time, at his discretion; which power the Chief Provost Marshal at once proceeded, with the approval of the said Major General Thomas C. Hindman, to exercise, and by his General Order, No. 1, dated the eleventh day of June, aforesaid, and promulgated at Little Rock, to establish "a tariff of prices" for the sale of all goods, wares, merchandise, &c., specified therein; to require all merchants within the district of Arkansas to keep open their stores from half after six o'clock, A. M., to half after seven o'clock, P. M., of each day, Sundays excepted, and to receive in payment for their wares, Confederate paper, if tendered. And he an-

nounced that all violations of this order would "be met with punishment commensurate with the offence."

All persons who should violate the orders from the headquarters aforesaid, in regard to cotton, were, by the same General Orders, to be arrested and punished by each Provost Marshal within his jurisdiction; all gamblers, and other vagrants, and *all* persons guilty of *any* disorderly or immoral conduct.

And that, by his General Orders, No. 18, issued and promulgated from his headquarters at Little Rock, aforesaid, on the 30th day of June, 1862, he, the said Major General Thomas C. Hindman, appointed a Provost Marshal General for the whole of the said district, and three Provost Marshals of divisions of the State of Arkansas, who should appoint a Provost Marshal in each county; and these should have command of the Independent Military Companies of such counties; and it was ordered that they should *arrest all strangers and suspected persons*, and hold them in custody, until a satisfactory account should be obtained as to their loyalty; by which means they became invested with an arbitrary and odious power, that might be used for the most infamous purposes, and which placed the liberty of every citizen at their mercy.

And that, on the 7th day of July, A. D. 1862, the said Major General Thomas C. Hindman approved and put in force certain "Regulations" established by the said Provost Marshal General for the whole of said district; by which provisions were made for the trial, by the Provost Marshals, and the *final* trial, by the Provost Marshal General, of all persons *suspected of*, or *charged with* an offence against the government; among which offences were enumerated "the depreciation of Confederate money, *evasion* of or resistance to the conscript act, and *any other evidence* of disloyalty; the "spreading discontent or disaffection" being specially designated; by which enactments the "reign of terror" was revived; to be "suspected" or the object of private hatred, was made a crime; and free thought and free speech were proscribed.

And by the same approved regulations, the functions of the civil courts were transferred to the local Provost Marshals, and *they* were authorized to arrest all persons guilty of "offences against the community," to hear the facts, and administer justice, *avoiding mere technicalities*, and to inflict punishment "sufficient to secure order and quiet in the community." Among which "offences against the community" were enumerated "*theft, disturbance of the peace, extortion or violation of private rights*;" by which provision the whole jurisdiction of the criminal courts was divested from them, and vested in the persons selected as Provost Marshals; an outrage which created a hideous despotism on the ruins of a free State.

Third. That the said Major General Thomas C. Hindman, while in command of the State of Arkansas, as part of the Trans-Mississippi district, from the first day of June or thereabouts, to the twelfth day of August, or thereabouts, by his special and general orders, issued and promulgated in that behalf, conferred upon the Provost Marshals created by him throughout the State, the power to arrest, try and punish

persons committing offences against the criminal laws of the State of Arkansas, thereby divesting the courts of justice of their functions, destroying the right of trial by jury, and making the petty Provost Marshals of counties to be both the judges and executioners of free citizens.

Fourth. That the said Major General Thomas C. Hindman, while in command as aforesaid, empowered the Provost Marshal of the county of Pulaski, the Chief Provost Marshal and the Provost Marshal General, to *define* and *create* offences against order, morality and general orders, to fix and prescribe the punishment, "commensurate with the offence;" to try the party accused, and carry the sentence into execution; whereby the last vestige of liberty and free government disappeared, and the Constitutions of the Confederate States and of the State of Arkansas became impotent to protect the citizen.

Fifth. That the said Major General Thomas C. Hindman, while so in command of the said district, and on the seventh day of July, A. D., 1862, and afterwards, required his Provost Marshals to arrest all strangers and suspected persons; by which the liberties and even the lives of men were put in jeopardy, and the worst outrages of the worst times were encouraged.

CHARGE SECOND.

Invasion of the rights of private property and unnecessary, wanton and inexcusable outrages on private rights, under color and by abuse of military authority.

SPECIFICATIONS OF THE SECOND CHARGE.

First. That the said Major General Thomas C. Hindman, while in command as aforesaid, by his general orders, dated the third day of June, A. D., 1862, issued and promulgated from his headquarters, at Little Rock, aforesaid, declared that all cotton within the said district, except only in the Choctaw Nation, was "seized," for and on account of the Confederate States, and placed under the control of a private person therein named, by which order he attempted to divest, at once, the title to private property of immense value, without authority of law or any sufficient order from any superior officer, and in open defiance of the Constitution of the Confederate States.

Second. That by an order issued on the fifth day of June aforesaid, to "the enrolling officers" of the several counties in the State of Arkansas, the said Major General Thomas C. Hindman ordered that all the cotton within each county should be removed by them to places at least twenty miles from any navigable stream; to effect which, these persons were authorized to demand the aid not only of the sheriffs and other county officers, of conscripts and volunteers, but of citizens.

Third. That the said Major General Thomas C. Hindman, by the order last aforesaid, on the fifth day of June aforesaid, authorized and ordered the said "enrolling officers" to issue to every planter, out of his own cotton, for clothing for his family and hands, "ten pounds to each white person and slave," and also to give away the same quantity of the same cotton to each "necessitous person" of

the county, which order was, in many counties, carried into effect, and much cotton was thus given away.

Fourth. That the said Major General Thomas C. Hindman, by the order last aforesaid, on the fifth day of June, aforesaid, ordered that if any person should secrete his own cotton, and refuse to point it out, he should be arrested and sent to headquarters for trial *as guilty of high treason*, and that the cotton so secreted, if found, should be confiscated; and it was also thereby ordered by him, that all persons who should resist the execution of that order, or should fail to give aid when called upon, should be arrested *as guilty of high treason*: in all whereof the Constitution of the Confederate States was set at nought, and attempted to be annulled, and treason against these States was made to consist in other things than levying war against them, or adhering to their enemies, giving them aid and comfort; and it became high treason for a citizen to endeavor to save his property from wanton destruction, or from distribution among the "necessitous of the county."

Fifth. That on or about the twenty-first day of July, 1862, at Little Rock aforesaid, the said Major General Thomas C. Hindman annulled a sale of certain goods captured from the enemy, and which had been sold in the city of Little Rock, at public auction, "in conformity with the law and army regulations," and in obedience to his own orders; and ordered the same goods, which had by such sale become private property, to be re-sold at invoice prices to the wives and families of soldiers; all which was done for the reason that at the said sale at auction, wealthy persons offered and bid extravagant prices, to the exclusion of the poor from all benefit in the sale.

CHARGE THIRD.

Unwarrantable usurpation of military power and authority, to-wit: the power of appointment and promotion of officers, which belongs only to the President of the Confederate States.

SPECIFICATION OF THE THIRD CHARGE.

That the said Major General Thomas C. Hindman, while so as aforesaid in command of the said district, and at different times from the first day of June, A. D., 1862, to the first day of August, A. D., 1862, has usurped and exercised the power of appointing one R. W. Richardson, one Thomas Elliot, one Decius McCrery and one John S. Horner, all of whom were persons in private life, to be majors of infantry, has appointed other persons from private life to be captains, majors and colonels in the provisional army of the Confederate States, and has filled with them offices created by himself and unknown to the law, without any authority whatever for so doing; that he has also promoted officers to higher office and rank, without authority of law, given members of his staff ranks to which they were not entitled, and published his list of appointments and promotions in the same style as if he were the President of the Confederate States.

CHARGE FOURTH.

Outrages upon the right to personal liberty of free citizens guilty of no proven offence, and thereby the inauguration of a new reign of terror.

SPECIFICATIONS OF THE FOURTH CHARGE.

First. That the said Major General Thomas C. Hindman, on the 6th day of August, A. D., 1862, by his General Orders No. 42, of that date, issued and promulgated from his headquarters at Little Rock aforesaid, did order that whenever any person in the district should be *suspected of disloyalty*, and there should appear to be reasonable ground for believing the suspicion well founded, the officer of the Provost Marshal's department, having jurisdiction of the locality, should cause the arrest of the person so suspected, and require him to swear allegiance to the Confederate States, and that he would not go beyond the limits of the county in which he might reside, without a passport from the Provost Marshal thereof, during the continuance of the present war, under the penalty of death; thus imitating the most infamous precedents of a bloody period, encouraging the trade of spy and delator, and catering to private revenge.

Second: That on the fifteenth day of June, A. D., 1862, or thereabouts, at the city of Little Rock, in the State of Arkansas, under and by virtue of authority conferred by the said Major General Thomas C. Hindman, and by virtue and force of his General Orders, No. 13, of date the tenth day of June, A. D., 1862, and that day issued and promulgated from his Headquarters at Little Rock, one Benjamin F. Danley, being by the said Major General Thomas C. Hindman's appointment, Provost Marshal of the county of Pulaski, in the said State, did, with the sanction and approval of the said Major General Thomas C. Hindman, arrest, and restrain of his liberty, and entreat as a felon, one Joseph Fenno, a free white man and old citizen of the said city, county and State, of good repute, for the cause and for no other, that he refused to receive, from one J. C. Trumpler, a certain sum and amount, in Treasury notes of the Confederate States, at par and dollar for dollar, in payment for an old debt due him by the said Trumpler: which arrest and restraint then there continued for the space of three hours, or thereabouts, and until the said Joseph Fenno, under such duress, consented to receive the said sum in such Treasury notes, in payment of the said debt, whenever it should be tendered to him.

CHARGE FIFTH.

Unjust, illegal, unconstitutional and wanton interference with the business affairs and contracts of private citizens, under color and by gross abuse of his military authority.

SPECIFICATION OF THE FIFTH CHARGE.

That on the ninth day of August, A. D. 1862, the said Major General Thomas C. Hindman, by his General Orders, No. 9, that day issued and promulgated from his Headquarters at Little Rock, aforesaid, declared that Confederate money (meaning thereby the Treasury notes of the Confederate States,) was *considered* as of equal value with any other, and should therefore be taken in all business transactions, *and in payment of all debts, of whatever kind and character*; and in order to make effectual this tyrannical attempt to raise a depreciated

paper to be the equivalent of gold and silver coin, and to constitute it a legal tender, and to enable dishonest debtors to pay their just debts with one third their amount and value, he the said Major General Thomas C. Hindman also thereby declared that all persons who should refuse to receive the Treasury notes of the Confederate States, in payment, at par, of old debts as well as new, would subject themselves to the penalties theretofore prescribed in his Orders; that is to say, to trial by the person called Provost Marshal General, or by some of those under him; and to the infliction of such punishment as any such person might deem "commensurate with the offence."

CHARGE SIXTH.

The putting to death, unconstitutionally and illegally, without due process of law, or legal trial, under color and by abuse of his military authority, of a person charged with an offence against the criminal laws of the State of Arkansas.

SPECIFICATION OF THE SIXTH CHARGE.

That by virtue of the authority and power attempted to be conferred by the said Major General Thomas C. Hindman on one Benjamin F. Danley, as Provost Marshal General of the Trans-Mississippi district, by his General Orders, No. 13, of date the thirtieth day of June, A. D. 1862, and on that day issued and promulgated from his Headquarters at Little Rock aforesaid; and under and by virtue of the certain regulations, established by the said Provost Marshal General, in pursuance of the said General Orders, No. 13, for the trial, by the said Provost Marshal General, and the Provost Marshals under him, of all persons within the said Trans-Mississippi district, suspected of or charged with an offense against the government, and of all persons guilty of "offences against the community;" which regulations were approved and thereby put in force by the said Major General Thomas C. Hindman, on the seventh day of July, A. D. 1862, and the said Provost Marshal General, and the several Provost Marshals under him, were thereby empowered to arrest all persons, guilty or suspected to be guilty of such offences, "to hear the facts and administer justice, avoiding mere technicalities," and to inflict punishment, "sufficient to secure order and quiet in the community;" one Jerry, a negro man, slave for life, charged with an assault with intent to commit a rape, at the county of Pulaski, in the State of Arkansas, contrary to the statutes of the State of Arkansas, in that case made and provided, and against the peace and dignity of the State of Arkansas, alone, and not contrary to the statutes or against the peace and dignity of the Confederate States, was, on the thirtieth day of July, A. D. 1862, or thereabouts, at the said county, arrested by the said Provost Marshal General, and by him tried for such offence, convicted thereof, and sentenced to be hung by the neck until he was dead; which sentence being thereupon submitted to the said Major General Thomas C. Hindman, he did, on the thirty-first day of July, A. D. 1862, or thereabouts, at Little Rock aforesaid, approve and ratify the same, and order it to be carried into execution; and accordingly, by virtue and

authority of his said General Orders, regulations, approval and order, the said negro man Jerry, slave for life, was, on the first day of August, A. D., 1862, at the county of Pulaski aforesaid, by the said Provost Marshal General, hanged by the neck until he was dead.

CHARGE SEVENTH.

The putting to death, without sentence of a court martial, or other due process or legal trial, under color and by abuse of his military authority, of persons charged with desertion and other offences against the articles of war.

SPECIFICATIONS OF THE SEVENTH CHARGE.

First: That on the first day of August, A. D., 1862, or thereabouts, at the county of Pulaski, in the State of Arkansas, the said Major General Thomas C Hindman did cause and order to be shot to death and killed four several white men, citizens of the State of Arkansas, soldiers in the service and Provisional Army of the Confederate States, two of whom were named West and one Donoho, charged with desertion: and the said four men were thereupon then and there, by his order, and without trial or sentence by court martial or other competent tribunal, shot to death and killed, without warrant by the law of the land.

Second: That on the eleventh day of August, A. D., 1862, or thereabouts, in the county of Pulaski, in the State of Arkansas, the said Major General Thomas C Hindman did cause and order to be shot to death and killed, five several white men, citizens of the State of Arkansas, and of whom four were soldiers in the service of the Confederate States, and in the Provisional army of the same; and the said five men were thereupon, by his order, and without trial or sentence by court martial or other competent tribunal, then and there, without any warrant of law, shot to death and killed.

Preferred by Albert Pike, Brigadier General of the Provisional Army C. S. A., the 23d day of August, 1862.

ALBERT PIKE,
Brigadier General, &c.

