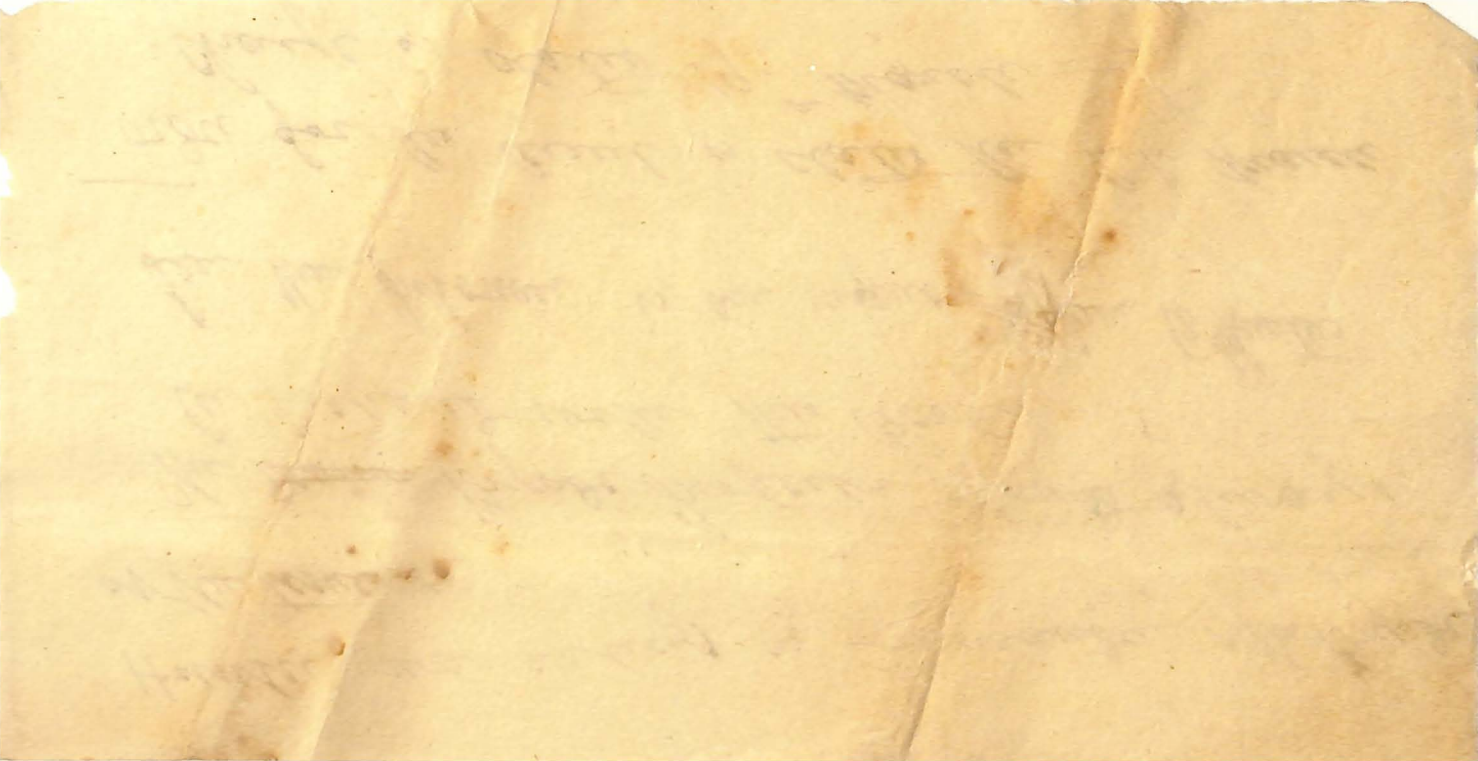


Hunter was always as Commander of the Brigade
at the time &c

The ~~Division~~ Brigade Inspector should always
be prepared with this Report -

See the Informer is an inferior Officer to Hunter

Order for the Asent is dated the 21. March
Change is dated 19.th March =



Hunter was in Command of the
Brigade until the 21. March
along Gen M.'s Duty.

The final Act of Gen M. on his
Return is - to arrest Hunter
for not attending to the duties of
his own Regt. the Command of which
with all the duties annexed to that
Command had devolved upon
another Officer -

All the duty of Mndt. was performed by Hunter
but a specific duty of the Col. of the 3rd Regt
was left undone - & H. was not in
Command to do it - is the ground of this
arrest -



1. Charge. Disobedience of Order & Neglect of Duty

Spec. 1. — States, that on 7th Jan. 1825. Gen. Menden
issued an Order for the Consolidation of
~~the~~ ~~of~~ ~~certain~~ Companies of the 1. Brigade
of Artillery — consisting of 4 Companies
in the 3rd Regt. to be consolidated,
By which Order the Comd. of the 3rd Regt.
was required to take the necessary
measures — &c.

Another Order was duly served on
Capt. Hunter — He refused to execute
&c. —

1. Objection — Menden has no authority to issue
such an Order. (The Order is not
set forth —)

No time is stated for the service of the
Order.

— It was in fact served on Hunter
when he was in Command of the
Brigade — & when Lee was the
Commandant of the 3rd Regiment.

It does not state what measure was necessary
to be taken, nor what measure was refused.

— nor can they state it —

~~Spec. 2.~~

on the 21. Jan — Hunter as Comd. of the 1. Brigade
the published the Order of Menden of 7th Jan.
which was sent on all the Officers —
— on the 21. the Commandant of the 3rd Regiment

In this Order of the 7th the Officers are referred
to the 1st section of the Military Laws -
& the Officers who are to come in Command
are to report themselves forthwith to the
Maj. Genl.
Command of Regts. to promulgate the Order
& the Commandants of the 2nd 14th & 22nd Regts. to
take the necessary measures &c -

Meredith was gone on the 1st Inst. & remained
out until the 25th March. when he
ordered Hunter over.

He gives an Order - when he is absent - the order is
illegal - Hunter who is in Command - promulgates
it - with a cautionary remark to the Officers.
- Hunter is called upon - to do the duty
of the Brigade Inspector - or else the duty
of Col. Lee the Com^d of the 3rd Regiment - &
because he does not do it - Gen. Meredith
orders him to be arrested -

Spencer's 2nd = 27th Inst. Commander in Chief
gives an Order during the
Reorganization of the 1st Brigade
on 21st Inst. Gen. Gordon gives a
Division Order (promulgating the Order
of the 20th) - which was read on
Col. Hunter - who is in Command of the
1st Brigade -
and in Command of his Regiment

Hunter neglects &c -

- & refers to General ~~Porter~~ Col. Lee
Brigade Major & Inspector of the
1st Brigade. a Letter of the Officers
of the said 3rd Regiment

(as he was frequently requested to do by
the Officers of the Brigade)
and wholly omitted & refused to direct
his Adjutant to furnish such Letter

This Spenser's behavior is total ignorance
of the plainest principles of Military duties -
& the important relations of the Officers to
each other.

The Command of the Brigade - is merged in the Col
of the 3rd Regt - in order that there may be
a demand made of him in that capacity to
order the Adj^t of the 3rd Regt. to do his duty

Another Com^d of the 1. Brigade - is actually
assigned - for not doing the Adjutants duty
of the 3^d Regiment -

But stronger - He is assigned because - the
Com^d. of the 3^d Regt. (Ref Lee) will not or
does not order the adjt of the 1st Regt
to do the Brigade Inspectors duty

The Brigade Inspector - neglects his duty - & in
place of going to the adjt. & getting a Report
he goes first to Col Lee - who tells him
to go to Hunter - & when Hunter won't
attend to him & does the Inspectors duty
he makes out Charges - & the Provost Marshal
doesn't order an Arrest. &c

He ought to have gone to Gen. Norton - &
demanded the Report of him - or to the
Com^d in Chief - & if they refused
Gen. Meade - would have arrested him

Gen. Meade has the same right to arrest Norton
as he has to issue an Order to consolidate
the 2^d Comps. of the Brigade -

Objections

2^d Charge.

1. Specⁿ = not sufficiently explicit.

It ought to set forth the writing.
and the words used by Col Hunter.

2^d Specⁿ: Col. Hunter acted with a judicial discretion, in annulling the order & is not accountable for that act.

48th Section of Military Law. Vol. 6. 349

109th Section. of same Law —

1. Charge.

Spec. 1. does not state when the Order was given
nor does it state - what measures were
necessary to carry it into effect -
nor what measure was neglected.

2^d Specⁿ.

Does not specify under what Law, the
Reorganization was to be made.

The Court Meant to be Ordered - by the
Commanding Officer of Division. }

52^d Section. The Col. is to furnish the Roster
of the Officers to the Adjutant General
and the Adjt. Genl. is to keep a full
Roster.

It was not the duty of Col. Hunter - to furnish the
Adjutant with a Roster - from the copy
of the Memo. - He should have procured it from the Adj. Genl.

114th Section. page 367-

It is the Brigade Inspector's duty to keep
a Porter of all the Officers - below
the Rank of Major -

(The Brigade Inspector is paid for his services)

The only act of omission is - not furnishing
the Brigade Inspector with a Porter
of the Officer of the Regiment -
- refusing to direct his adjutant
to furnish it -

Quere - why should he?

Col. Hunter

Genl. Martineau

Spec. 2 of Chap 1. -

States Hunter in Command of the Prison
of B - the Charge up him in Command of
the B. Regt - falls of itself -
This Spec - is a fact de se -

it would up - in refusing or omitting to direct
the Adjt. to furnish a Porter to the Inspector,
they don't venture to state refuse only because
that is not the fact,

but they say omitted - saying that to prove
they never got the Order of the Adjt. - will imply
that the Adjt. was never ordered to give
it -

What was applied to Col Lee - to give his name
to the Adjutant? - this was the only
regular mode -

In ~~Lee's~~ Hunter's Letter he says he demanded
of Lee at the time (what time?) this Porter - supplying
him in Command - but never ascertained that he
was not -

I say Col Hunter would much oblige me
by supplying the Order for Continuation
of his Report -

he requests Hunter to do Lee's duty - &
because he does not - he excuses him for
not doing the Prison Inspector's duty

[Faint, illegible handwriting on aged, stained paper. The text is mirrored across the page, suggesting bleed-through from the reverse side. The paper shows signs of wear, including foxing and water damage.]

Objections offered by Col Hunter to the Court
Martial - against any judgment being given
against him upon the charges exhibited against
him by Col Hunter. -

First: That no place whatever is specified in
any of the charges or specifications, in which
~~the acts charged against~~ ^{the acts charged} ~~against~~ ^{against} Col Hunter
are supposed to have been committed -

Second. That the Orders, which Col Hunter is
accused of not obeying or carrying into effect
are not set forth in the charges as they
ought to be, specifically - & at large -

Third That the ~~disrespectful~~ ^{disrespectful} ~~and~~ ^{and} ~~order~~ ^{order}
alleged to be issued by Col Hunter
& the words used by him, alleged to be
disrespectful of his superior officers are
not set forth ^{at large} in the specifications of the
second charge.

Fourth. That the Court Martial is irregularly
organized - the same having been convened
by an Order appointing a president &
thirteen members - and the subsequent
Order directing the seven oldest officers
out of the thirteen named in the first
Order being it uncertain, who were
properly the members composing the
Court.
and that in point of fact. The present
Court does not consist of the seven

older Officers named in the first order.

Fifth That Col. Hunter has been deprived of his
right of challenge to the President ~~giving~~
President of the Parent Court Martial.
For that the present President was not
designated as such until the very day
of trial - whereas the Law allows ten
days ^{or at least a reasonable time} to the accused to challenge the
President of the Court. And that no
substitute to the President first named
ought to have been designated by order
without giving the accused an opportunity
to present his challenge ^{with reasons} to the Officers
appointing the Court.

Sixth. That one of the Superannuated Officers
Major has been permitted
to form part of the Court without having
been sworn as a member of the Court
and has in fact remained in Court
when the Court was cleared of other
persons - for the purpose of consulting
and deciding upon certain points submitted
by the Council of the ~~Army~~ ^{Admiralty}
~~and~~ during the trial.

7th That the present Court organized itself
without producing and comparing Commission
to ascertain the rank & grade of each Officer
or who were the seven Elder Officers
named in the first order - And that in
place of ~~holding~~ the arraigning by
any certain mode ^{named in the first order} who were the seven
elder Officers. - They only proceeded by
verbal enquiry among ~~themselves~~ ^{to find out} those who
happened to be present, the seven elder
of those present without any reference
to those who were absent. And that
the accused challenged each of those who
were sworn on that ground at the time
but that his challenge was immediately
overruled in every case - And that therefore
the present Court is irregularly organized.

^{Court Martial}
The organization of the ~~Army~~ = a mistake on the part
of the Major General

The order of the 7th Regt = a mistake on the part of
the Major General -

The consequence of that mistake if his
order had been carried into effect -

The Charges founded on disobedience to the order of the
7th Regt = mistake of Col. Hunter & of
the Major General

Depend upon right of Challenge of the President of the
Court -

No ~~time~~ place assigned in the Charges: when the Officer
was committed -

Motives which have instigated this prosecution -

No intention on the part of Col. Hunter to omit doing his duty.

~~Difference of opinion on the main point.~~

The Court have the physical power to condemn -
but not the power to do it justly -

If such condemnations are countenanced & encouraged = it is destruction
of the ~~Army~~ -
Breeds disputes among Officers and destroys the Volunteer Corps

Dr. J. G. L. L.
in care of
Col. Hunter.
Court Martial