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General Order Number 37: Headquarters, Department of Louisiana, September 4, 1865

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GENERAL ORDERS, No. 37. } HEADQUARTERS, DEPARTMENT OF LOUISIANA, *New Orleans, La., September* 4, 1865.

I. Before a General Court Martial which convened at Thibodeaux, La., pursuant to Special Orders No. 166, of July 3d, 1865, from Headquarters, Lafourche District, and of which Major *E. C. Burt*, 3d Rhode Island Cavalry, was President, was arraigned and tried :

John A. Ellis, Private Company "C," 3d Rhode Island Cavalry.

CHARGE.

"*Murder.*"

SPECIFICATION.—"In this ; that *John A. Ellis*, Private Company "C," 3d Rhode Island Cavalry, did, on or about the 17th day of May, when going on picket post, on Bayou Terrebonne, draw a loaded pistol and say to *Bernard Galligan*, "you are the man I want to see," or words to that effect, when he, the said *John A. Ellis*, deliberately shot the said *Bernard Galligan*, a Private of Company "C," 3d Rhode Island Cavalry, killing him instantly. All this on Bayou Terrebonne, May 17th, 1865."

To which Charge and Specification the accused pleaded as follows :

To the Specification—"*Not Guilty.*"

To the Charge—"*Not Guilty.*"

FINDING.

After mature deliberation the Court finds the accused :

Of the Specification—"*Guilty.*"

Of the Charge—"*Guilty.*"

SENTENCE.

And does therefore sentence him, *John A. Ellis*, Private Company "C," 3d Rhode Island Cavalry, "*to be hung by the neck until dead,*" at such time and place as may be directed by the proper authority.

II. In the foregoing case the finding of the Court was erroneous. There was no evidence of "malice aforethought," which is a constituent element of the crime of murder.

The proceedings and finding are disapproved ; the sentence is annulled, and the prisoner will be put upon his trial on a charge of manslaughter before a Court to be ordered by the Commander of the Eastern District of Louisiana.

BY ORDER OF MAJOR-GENERAL E. R. S. CANBY:

WICKHAM HOFFMAN,
Assistant Adjutant General.

OFFICIAL :