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General Order Number 40: Headquarters, Eastern District of Louisiana, July 29th, 1865

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HEADQUARTERS, EASTERN DISTRICT OF LOUISIANA.

New Orleans, La., July 29, 1865.

GENERAL ORDERS No. 40.

I. Before a General Court Martial, which convened at New Orleans, La., May 29th, 1865, in pursuance of Special Orders No. 169, Extract 1, and of Special Orders No. 174, Extract 3, from these Headquarters, and of which Colonel N. B. BARTRAM, 20th United States Colored Infantry, is President, were arraigned and tried:

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47. Private JOHN W. MURRAY, Company I, 1st New Orleans Volunteers.

CHARGE.

"*Desertion.*"

PLEA—*Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of one year."

48. Private JACOB HENRY, Company A, 20th United States Colored Infantry.

CHARGE.

"*Desertion.*"

PLEA—*Not Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of six months, and forfeit to the United States eight dollars per month of his monthly pay for and during said period of six months."

49. Musician JAMES NORTON, Company F, 1st New Orleans Volunteers.

CHARGE.

"*Lifting up a weapon against his Superior Officer.*"

PLEA—*Not Guilty.*
FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of six months, and forfeit to the United States ten dollars per month of his monthly pay for and during said period of six months."

50. Private JAMES STEWART, Company B, 1st New Orleans Volunteers.

CHARGE.

"*Larceny.*"

PLEA—*Guilty.*
FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, in charge of the guard, for the period of one month."

51. Private GEORGE HARRINGTON, Company D, 56th Ohio Volunteers.

CHARGE.

"*Desertion.*"

PLEA—*Guilty.*
FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, in charge of the guard, for the period of three months, and forfeit to the United States ten dollars per month of his monthly pay for and during said period of three months."

52. Private HENRY GONHSSEN, 1st New Orleans Volunteers.

CHARGE.

"*Sleeping on Post.*"

PLEA—*Not Guilty.*
FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, in charge of the guard, for the period of three months, and forfeit to the United States five dollars per month of his monthly pay for and during said period of three months."

53. Private TERRANCE RAZOR, Company H, 87th United States Colored Infantry.

CHARGE.

"*Sleeping on Post.*"

PLEA—*Not Guilty.*
FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of six months, and forfeit to the United States ten dollars of his monthly pay for and during said period of six months."

54. Private MATTHEW PRINCE, Company F, 1st United States Infantry.

CHARGE.

"*Desertion.*"

PLEA—*Not Guilty.*

FINDING—*Not Guilty;* but Guilty of Absence without leave.

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of three months, and forfeit to the United States ten dollars per month of his monthly pay for and during said period of three months."

55. Private DAVID DUNLAP, Company G, 1st United States Infantry.

CHARGE.

"*Desertion.*"

PLEA—*Not Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of six months, and forfeit to the United States eight dollars per month of his monthly pay for and during said period of six months."

56. Private CHARLES BROWN, Company G, 42d Illinois Volunteers.

CHARGE.

"*Desertion.*"

PLEA—*Not Guilty.*

FINDING—*Not Guilty;* but Guilty of Absence without Leave.

SENTENCE.

"To forfeit to the United States the whole of his monthly pay for and during the period of one month.

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58. Sergeant LEWELLYN WILLIAMS, Company G, 26th Ohio Volunteers.

CHARGE 1st.

"*Conduct to the Prejudice of Good Order and Military Discipline.*"

CHARGE 2d.

"*Disobedience of Orders.*"

PLEA—To the first charge—*Guilty.*

To the second charge—*Not Guilty.*

FINDING—Of the first charge—*Guilty.*
Of the second charge—*Not Guilty.*

SENTENCE.

"To forfeit to the United States ten dollars per month of his monthly pay for the period of one month."

The Court is thus lenient in consideration of the fact that the accused has already been confined in the Police Jail for fourteen days.

59. Private WILLIAM WILSON, Company B, 1st United States Infantry.

CHARGE.

"*Desertion.*"

PLEA—*Not Guilty.*
FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of one year, and forfeit to the United States thirteen dollars per month of his monthly pay for and during said period of one year."

60. Private IGNATIUS GOLDHOFER, Company F, 1st United States Infantry.

CHARGE.

"*Highly Insubordinate Conduct, to the prejudice of Good Order and Military Discipline.*"

PLEA—*Guilty.*
FINDING—*Guilty.*

SENTENCE.

"To forfeit to the United States the whole of his monthly pay for and during the period of two months."

61. Private JOHN NEWMAN, Company H, 1st United States Infantry.

CHARGE.

"*Desertion.*"

PLEA—*Not Guilty.*
FINDING—*Not Guilty;* but Guilty of Absence without leave.

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of three months, and forfeit to the United States ten dollars per month of his monthly pay for and during said period of three months."

62. Private PETER GAFFNEY, Company G, 1st United States Infantry.

CHARGE.

"*Desertion.*"

PLEA—*Not Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of one year."

63. Private JOHN R. CUMMINS, Company C, 56th Ohio Volunteers.

CHARGE.

"*Desertion.*"

PLEA—*Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for and during the remaining and unexpired term of his enlistment, and forfeit to the United States ten dollars per month of his monthly pay for and during said unexpired term of his enlistment."

64. Private THOMAS MARSHAL, Company A, 1st New Orleans Volunteers.

CHARGE 1st.

"*Conduct to the prejudice of Good Order and Military Discipline.*"

CHARGE 2d.

"*Assault, with intent to Kill.*"

PLEA—*Not Guilty.*

FINDING—Of the first charge—*Not Guilty.*

Of the second charge—*Not Guilty;* but Guilty of Assault and Battery.

SENTENCE.

"To forfeit to the United States ten dollars of his monthly pay for the period of one month."

65. Private WILLIAM WARE, Company F, 1st United States Infantry.

CHARGE.

"*Conduct to the Prejudice of Good Order and Military Discipline, and Worthlessness.*"

PLEA—*Not Guilty.*

FINDING—*Guilty;* except the words, "and worthlessness."

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of three months, and forfeit to the United States eight dollars per month of his monthly pay for and during said period of three months."

66. Private MICHAEL KENNEDY, Company A, 1st United States Infantry.

CHARGE 1st.

"*Habitual Drunkenness and Worthlessness.*"

CHARGE 2d.

"*Mutinous Conduct.*"

PLEA—*Not Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of one year, and forfeit to the United States ten dollars per month of his monthly pay for and during said period of one year."

67. Private PETER DAVIS, Company D, 4th United States Artillery.

CHARGE.

"*Larceny, to the Prejudice of Good Order and Military Discipline.*"

PLEA—*Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of one year."

68. Private SAMUEL H. CANFIELD, Company D, 4th United States Artillery.

CHARGE.

"*Larceny, to the Prejudice of Good Order and Military Discipline.*"

PLEA—*Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of one year."

69. Private GEORGE SWEET, Company B, 3d Maryland Cavalry.

CHARGE 1st.

"*Larceny.*"

CHARGE 2d.

"*Absence without Leave.*"

PLEA—To the first charge—*Not Guilty.*

To the second charge—*Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of eighteen months, and forfeit to the United States eight dollars per month of his monthly pay for and during said period of eighteen months."

70. Private JOHN PANOW, Company E, 3d Maryland Cavalry.

CHARGE.

"*Desertion.*"

PLEA—*Guilty;* but surrendered himself under the President's Proclamation.

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of six months, and to forfeit to the United States five dollars per month of his monthly pay for and during said period of six months."

71. Corporal JOSEPH MANUEL, Company G, (old organization,) 74th United States Colored Infantry.

CHARGE.

"*Desertion.*"

PLEA—*Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be reduced to the ranks, and confined at hard labor, at such place as the Commanding General may designate, for the period of one year, and forfeit to the United States ten dollars per month of his monthly pay for and during said period of one year."

72. Private CHARLES B. ROTE, Company B, 3d Maryland Cavalry.

CHARGE 1st.

"*Absence without Leave.*"

CHARGE 2d.

"*Conduct to the Prejudice of Good Order and Military Discipline.*"

PLEA—To the first charge—*Guilty.*

To the second charge—*Not Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of six months, and forfeit to the United States ten dollars per month of his monthly pay for and during said period of six months."

73. Private CHARLES DILL, Signal Corps, United States Army.

CHARGE 1st.

"*Theft.*"

CHARGE 2d.

"*Absence without Leave.*"

PLEA—*Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of three months, and forfeit to the United States eight dollars per month of his monthly pay for and during said period of three months."

74. Private HENRY MASON, Company D, 1st New Orleans Volunteers.

CHARGE 1st.

"*Drunkenness on Duty.*"

CHARGE 2d.

"*Conduct to the prejudice of Good Order and Military Discipline.*"

PLEA—*Guilty.*

FINDING-*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of six months, and forfeit to the United States ten dollars per month of his monthly pay for and during said period of six months."

75. Private PATRICK O'BRIEN, 142d Company, 2d Battalion, Veteran Reserve Corps.

CHARGE.

"*Conduct to the prejudice of Good Order and Military Discipline.*"

PLEA—*Not Guilty.*

FINDING—*Not Guilty.*

And the Court does therefore acquit him.

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77. Private JOSEPH ROMER, Company E, 77th United States Colored Infantry.

CHARGE 1st.

"*Using contemptuous and disrespectful language towards his Superior Officer, to the Prejudice of Good Order and Military Discipline.*"

CHARGE 2d.

"*Disobedience of Orders.*"

CHARGE 3d.

"*Violation of the 9th Article of War.*"

PLEA—*Not Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of five years, and forfeit to the United States fifteen dollars per month of his monthly pay for and during the unexpired term of his enlistment."

* * * * * * * * *

79. Private JOHN SMITH, Company E, 1st United States Infantry.

CHARGE.

"*Desertion.*"

PLEA—*Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of six months, and forfeit to the United States thirteen dollars per month for and during said period of six months."

80. Private JOHN HARNEY, Company A, 4th Missouri Cavalry.

CHARGE.

"*Drawing a weapon against his Superior Officer.*"

PLEA—*Not Guilty.*

FINDING—*Guilty.*

SENTENCE.

"To be confined at hard labor, at such place as the Commanding General may designate, for the period of six months, and forfeit to the United States eight dollars per month of his monthly pay for and during said period of six months."

II. Before a Military Commission, which convened in New Orleans, La., pursuant to Special Orders No. 207, Extract 6, current series, from these Headquarters, and of which Lieutenant Colonel NELSON VIALL, 11th United States Colored Artillery, (Heavy,) is President, were arraigned and tried :

1. JOSEPH LONGUE, Citizen.

CHARGE.

"*Robbery.*"

PLEA—*Not Guilty.*

FINDING—*Not Guilty.*

And the Commission does therefore acquit him.

2. SIMON BAUM, Citizen.

CHARGE 1st.

"*Aiding and Abetting a Deserter.*"

CHARGE 2d.

"*Selling citizen clothing to an Enlisted Man.*"

PLEA—*Not Guilty.*

FINDING—Of the first charge—*Not Guilty.*

Of the second charge—*Guilty.*

SENTENCE.

"To be confined in the Parish Prison of the Parish of Orleans, La., for the period of thirty days, and to pay a fine of one hundred dollars to the United States Government."

3. JOHN CORRIGAN, Citizen.

CHARGE.

"*Assault and Battery, with intent to kill a United States Soldier.*"

PLEA—*Not Guilty.*

FINDING—*Not Guilty.*

And the Commission does therefore acquit him.

III. In the cases of Private Jacob Henry, 20th United States Colored Infantry, Musician James Norton, Company I, and Privates Henry Gonhssen, Company B, and Henry Mason, Company D, 1st New Orleans Volunters; George Harrington, Company D, and John Cummings, Company C, 56th Ohio Veteran Volunteers; Terrance Razor, Company H, 87th United States Colored Infantry; William Wilson, Company B. John Smith Company E, David Dunlap, and Peter Gaffney, Company G, 1st United Stated Infantry, Peter Davis and Samuel H. Canfield, Company D, 4th United States Artillery; George Sweet and Charles B. Rote, Company B, 3d Maryland Cavalry; Corporal Joseph Manuel, Company B, 74th United States Colored Infantry; Privates Charles Dill Signal Corps, United States Army, Joseph Romer, Company E, 77th United States Colored Infantry, and John Harney, Company A, 4th Missouri Cavalry, the proceedings, findings and sentences are approved, and the sentences will be carried into effect, at Ship Island, Mississippi, by the Commanding Officer thereof. The prisoners will be sent to the Provost Marshal of the Parish of Orleans, with their descriptive lists and certified copies of their sentences, and will be forwarded by him to Ship Island. Corporal Manuel ceases to be a non-commissioned officer from the date of this order.

In the case of Michael Kennedy, Company A, 1st United States Infantry, the proceedings, findings and sentence upon the first charge and specification are disapproved; the evidence is altogether insufficient to establish the charge of habitual drunkenness. The findings on the second charge are approved. The sentence is accordingly mitigated to confinement at hard labor, at Ship Island, for the period of six months, and a forfeiture to the United States of ten dollars of his monthly pay for and during said period, which sentence will be duly carried into effect.

In the case of Private John W. Murray, Company I, 1st New Orleans Volunteers, the proceedings, findings and sentence are approved, but in consequence of the recommendation of the members of the Court, the sentence is remitted.

In the case of Private James Stewart, Company B, 1st New Orleans Volunteers, the proceedings, findings and sentence are approved, and the sentence will be carried into effect by his Regimental Commander.

In the cases of Sergeant Lewellyn Williams, Company G, 26th Ohio Veteran Volunteers, Private Ignatius Goldhofer, Company F, 1st United States Infantry, Private Thomas Marshal, Company A, 1st New Orleans Volunteers, and Charles Brown, Company G, 47th Illinois Volunteers, the proceedings, findings and sentences are approved.

In the case of Private William Ware, Company F, 1st United States Infantry, the proceedings, findings and sentence are disapproved.

The Court having acquitted him of the charge of "Worthlessness," it is considered improper, if not illegal, to punish him for specific offences, which have already been passed upon by his Commanding Officer. He will be released and restored to duty.

In the cases of Patrick O'Brien, 142d Company, 2d Battalion, Veteran Reserve Corps, Joseph Lougue, Citizen, and J. Corrigan, Civilian, the proceedings, findings and sentences are approved. The prisoners will be released, Private O'Brien will be returned to duty.

In the case of Simon Baum, Civilian, the proceedings, findings and sentence are disapproved; as the Commission exonerates the accused from all intent to violate military regulations prohibiting the sale of citizens' clothing to soldiers, the sentence is deemed improper; the accused will be released.

In the case of Private John Panow, Company E, 3d Maryland Cavalry, the proceedings, findings and sentence are approved; but as it is probable that the accused intended to surrender himself under the President's Proclamation, and failed to do so by five days only, it is considered that the interest of the service requires the sentence to be remitted, and it is remitted accordingly. The accused will be released and returned to duty.

In the cases of Private Matthew Prince, Company F, and Private John Newman, Company H, 1st United States Infantry, the proceedings, findings and sentences are approved, and the sentences will be carried into effect, except those portions thereof awarding confinement, which are remitted.

By order of Brevet Major General Sherman:

B. B. CAMPBELL,
Captain and Assistant Adjutant General.

Official:

Acting Assistant Adjutant General.