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General Order Number 35: Headquarters, Department of Louisiana, September 2, 1865

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General Courts Martial.

GENERAL ORDERS, }

No. 35. }

HEADQUARTERS,

DEPARTMENT OF LOUISIANA,

New Orleans, La., September 2, 1865.

I. Before a General Court Martial which convened at New Orleans, La., by virtue of Special Orders No. 190, of July 16th, 1865, Headquarters, Department of the Gulf, and of which Colonel *Charles A. Hartwell*, 77th U. S. Colored Infantry, is President, was arraigned and tried :

1st Lieutenant *B. F. Bernard*, 1st U. S. Cavalry.

CHARGE I.

“*Conduct to the prejudice of good order and military discipline.*”

SPECIFICATION 1ST.—“In this ; that the said 1st Lieutenant *B. F. Bernard*, of the First regiment of U. S. Cavalry, did address an official communication to his Commanding Officer, Brevet Major *R. S. C. Lord*, First regiment of U. S. Cavalry, relative to the manner in which he, the said Brevet Major *R. S. C. Lord*, discharged his official duties, said communication being fault finding and insubordinate in spirit, and showing a disposition to cherish insubordination in the company he was commanding.”

SPECIFICATION 2D.—“In this ; that the said 1st Lieutenant *B. F. Bernard*, of the First Regiment of U. S. Cavalry, did address to his Commanding Officer, the said Brevet Major *R. S. C. Lord*, 1st U. S. Cavalry, through the Regimental Adjutant, 1st Lieutenant *N. S. Clark*, an official communication of an insubordinate and unsoldierlike character.

SPECIFICATION 3D.—“In this ; that the said 1st Lieutenant *B. F. Bernard*, of the First regiment of U. S. Cavalry, did, in violation of paragraph 451, Revised Army Regulations, send an official communication direct to his Commanding Officer, the said Brevet Major *Lord*, of the 1st U. S. Cavalry.

SPECIFICATION 4TH.—“In this ; that the said 1st Lieutenant *B. F. Bernard*, 1st U. S. Cavalry, after having been ordered by the proper authority to make out charges against Private *John Williams*, of the company which he, the said Lieutenant *B. F. Bernard*, was commanding, did fail to make out said charges in a proper manner until ordered a third time to do so, and did write a protest against complying with the lawful order of his superior officer, thereby showing an unsoldierlike and insubordinate spirit.”

All this at Jackson Barracks, New Orleans, La., on or about the 14th day of July, 1865.

CHARGE II.

“*Assumption of authority.*”

SPECIFICATION.—“In this ; that the said 1st Lieutenant *B. F. Bernard*, 1st U. S. Cavalry, did address through the Adjutant of the First regi-

ment of U. S. Cavalry, to his Commanding Officer, Brevet Major R. S. C. Lord, of the 1st U. S. Cavalry, an official communication, in which he attempted to dictate to and argue with the said Brevet Major R. S. C. Lord, relative to the proper discharge of his official duties."

All this at Jackson Barracks on or about the 14th day of July, 1865.

To which charges and specifications the accused pleaded—"Not Guilty."

FINDING.

After mature deliberation the Court finds the accused :

CHARGE I.

Of the 1st Specification—"Not Guilty."

Of the 2d Specification—"Guilty," except the word "*insubordinate*."

Of the 3d Specification—"Guilty."

Of the 4th Specification—"Not Guilty."

Of the Charge—"Guilty."

CHARGE II.

Of the Specification—"Not Guilty."

Of the Charge—"Not Guilty."

SENTENCE.

And does therefore sentence him, 1st Lieutenant B. F. Bernard, 1st U. S. Cavalry, "*to be reprimanded in orders by the Commanding General*."

II. The proceedings, findings and sentence in the foregoing case are approved.

While the conduct of Lieutenant Bernard, in writing the obnoxious letter set forth in the specifications, might perhaps be palliated by an antecedent communication to which his was a reply, the style and temper of his final defense reflect no credit upon his candor or self-respect, and deserve the severest reprehension.

Lieutenant Bernard is relieved from arrest and will return to duty.

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

WICKHAM HOFFMAN,

Assistant Adjutant General.

OFFICIAL: