

At a General Court Martial held

at the Camp at Dewar's House in the Province of New
york the 24th of August 1777, under a Warrant from His
Excellency Lieut General Burgoyne dated Head Quarters
at Dewars House 23^d August 1777.

Lieut Col^o John Lind 20th Reg^t Presid^t

Members.

Capt. Ja ^s Lovell R ^l N. B. Fuz ^r	Capt. Alex ^r Bailie 9 th Reg ^t
Capt. Paul Banks 20 th Reg ^t	Lieut. James Murray 9 th Reg ^t
Lieut. Mich ^l Obins 20 th Reg ^t	Lieut. Robert Burnett R. N. B. Fuz ^r
Lieut. Robert Dobson 20 th Reg ^t	Lieut. Ken: M ^c Kenzie D ^o
Lieut Richard Rutherford R. N. B. Fuz ^r	Ens ⁿ Jos ^{ph} Moore 9 th Reg ^t
Ensign Morgan Connell 20 th Reg ^t	Ens ⁿ Tho ^s Orchard 9 th Reg ^t

The Court being duly sworn proceeded to the trial of Patrick M^c Donald private Soldier in the 47th Regm^t for Desertion.

The Prisoner being asked if he is Guilty or not of the Crime laid to his Charge says he is not Guilty.

The Judge Advocate in support of the Charge calls on the following Evidence

Serj^t Nicholas Watts of the 47th Regm^t
who being duly sworn deposes, that the Prisoner belongs to the same Comp^y with this Deponent, that on the morning of the 14th Ins^t when the Regm^t marched from Fort Edward he saw the Prisoner who being employed in the Officer's Mess did not march with the Comp^y, but followed immediately as this Deponent saw him on the Road, that in the Evening the Prisoner was missing nor did the Deponent hear any thing of him till the Evening of the 16th, when he saw him brought to Head Quarters by a Party
of

of the Brunswick Troops.

Q by the Court. Do you know the Prisoner to have received Pay & Cloathing as a Soldier in the 47th Regm^t?

A. yes, he has received both.

Q by the Court. Do you know any thing of his being Inlisted?

A. No.

Q. by the Court How long has the Prisoner received Pay and Cloathing since the year 1775.

A. I think he joined the Regm^t in the month of June.

Phillip Walt private Soldier in the Regm^t of Hess Hanau being duly sworn & Serj^t John M^c Kenzie of the 9th Regiment being sworn to interpret faithfully, the said Phillip Walt deposes ~~ that he found the prisoner in a Batteau near Kingsborough & brought him to his Brigadier

Q. by Court. On what day did you find the Prisoner.

A I don't know

Q. by Court. Was it after the Army marched from Fort Edward

A yes the Regiment I belong to was left there alone

Q. by Court. Do you know how long it was after the Army had marched from Fort Edward, that you found the Prisoner.

A. I do not recollect

Q. by Court. How far was the place where you found the Prisoner from the place where the Army was encamped at Fort Edward.

A. About half a German league

Q. by Court. Do you know the Prisoner to be the same Man that you took.

A. yes.

Q. by Court. How was he dressed

A. In his Regimentals as he is now

Q. by Court. Had the prisoner his Arms and ~~

Accoutrements

180.

Accoutrements?

A. No.

Lawrence Fiderick Private

Soldier in the Regiment of Hesse Hanau being duly sworn and Serj^t John M^cKenzie continuing to Interpret he deposes that he was with Phillip Walt when they took the Prisoner between Kingsborough and the place where the action between our Army and the Rebels passed, that the prisoner was in a batteau & on their calling to him he came out and joined them they asked the Prisoner if he had a pass who began to cry on which they carried him to the Brigadier.

Q. by C^t On what day did you find the Prisoner.

A. I don't know.

Q. by C^t Was it after the Army had marched from Fort Edward?

A. I don't know

Q. by C^t How far was the place where you found the Prisoner from the place where the Army was encamped at Fort Edward

A. a Good German league

Q. by C^t Is the Prisoner the same man you took.

A yes.

The Judge Advocate resting the Prosecution on the forging Evidence, the Prisoner was put on his defence who says he was in liquor when he went away & did not know where he was going

The Court having maturely considered the Evidence brought by the Judge Advocate in support of the Charge against the Prisoner Patrick M^cDonald, with what he has said in his Defense, is of Opinion

that

that he is Guilty of Desertion in breach of the first Section of the 6th Article of War. The Court does therefore sentence the said Patrick M^cDonald to receive One thousand Lashes with a Cat of nine Tails at such time and place as his Excellency the Lieu^t General shall please to appoint.

John Lind Lieu^t Col, 20th Reg^t
Pres^t

James Henry Craig
Dep Jud Adv^{te}

The above Sentence is confirmed
J. Burgoyne.

[End]

British National Archives, WO 71

Transcript by Eric Schnitzer. Pagination, line spacing, and spelling per original document.