

At a General Court Martial held at the Camp at Deuer's House in the Province of New York the 9th Septem^r 1777. under a Warrant of His Excell^y Lieut. General Burgoyne dated at Head Quarters Duer's House Sept^r 1777.

Major George Forster, Roy^l North Brit. Fuz^{rs} Presd^t

Members.

Capt. Jasper Farmer R. N. B. F.	Capt. P. Banks 20 th Reg ^t
Capt. Neile M ^c Lane 9 th	Lieut. Jn ^o Hepburn R. N. B. F
Lieut. Geo. Rawdon 9 th	Lieut. Rob ^t Dobson 20 th
Lieut. Ja ^s Kemmis 9 th	Jn ^o Blackwood R. N. B. F
Lieut. Men. Hubart R. N. B. F.	Ens ⁿ Rich ^d Bateman 20 th
Ens ⁿ Rob ^t Greir 20 th	Ens ⁿ Tho ^s Diane 9 th

The Court being duly sworn Adjourned till.
Eleven o'Clock.

The Court being met pursuant to adjournment proceeded to the Tryal of Patrick Shehan private Soldier in the 62^d Regiment for Desertion.

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

The Judge Advocate in support of the Charge calls on the following Evidences.

James Green Serj^t Major to the 62^d Reg^t who being duly sworn deposes that the Prisoner joined the 62^d Reg^t as a Draft from the 10th Reg^t of Infantry at Cork on the 2^d of March 1776 & Deserted

from

from the Regiment some day between the 22^d and 29th of the same Month.

Quest. By Jud. Adv. Do you know the Prisoner to be the Man you Mention to have Deserted between the 22^d and 29th of March 1776.

A. yes.

Q. by J. A. Did the Prisoner receive pay in the 62^d Reg^t

A. He did.

Q. by J. A. Did he receive Cloathing.

A. No he was not long enough with the Reg^t. He came Cloathed in the Regimentals of the 10th Regim^t

John Striphon Edwards private

Soldier in the 62^d Regiment being duly sworn deposes, that the Prisoner was in Capt. Prices Comp^y of the 11th Reg^t at the same time as the Deponent, that they were drafted into the 62^d Reg^t together & joined it in Corke. That the prisoner deserted from the 62^d Reg^t as this Deponent thinks on the 29th March 1776.

but is not certain as to the Day, That about a fortnight ago he saw the Prisoner in the Light Infantry Encampment, & called him by his name to which he would not answer, but said his name was Patrick Kelly, this Deponent then taxed him with being a Deserter which he denied, he then took him to Lord Balcarres, when he likewise denied his name being Shehan and his being a Deserter, & said he has been 3 years in America

Q. By J. Ad. Are you positive as to the prisoner's Person?

A. I am.

Q. By J. A. Did the prisoner receive pay and Cloathing In the 11th Reg^t

A. yes, he received both.

David

David Armitt private Soldier in the 62^d Regm^t being duly sworn deposes, that he served with the Prisoner in the 11th Regiment & was drafted with him into the 62^d Regm^t from which Regim^t the prisoner Deserted at Corke some time in the Month of March before the Regiment Embarked for America

Q. By J. A. Are you positive as to the prisoner's Person.

A. I am.

Q. By J. A. Did the prisoner receive pay and Cloathing as a Soldier in the 11th Regm^t

A. He received both.

The Judge Advocate resting the Prosecution on the forgoing Evidence the Prisoner was put on his Defence, who says that he was but six Months in the Army & not sensible of the heinousness or consequence of his Crime, that being a married man, his friends in Ireland forced him to desert, that becoming sensible of his Crime he Embarked for this Country, in hopes of Joining his Regim^t again, that on his arrival at Boston he was forced into the Rebel service, that before he had been with the Rebel Army six days he heard of the 62^d Regim^t being with this Army & made an attempt to desert in order to join them, but was taken, that he never had an opportunity after till he was ordered out as a Scout, when he left them in Company with three others & came to the Army ~~ that in consequence of his saying in the Rebel Army that he would not stay with them long he was put in Irons for three days, but was afterwards released tho' not allowed to quit the

Camp

Camp till he was ordered on this Scout, that he was the person that proposed to the other three to desert, to which they agreed & swore to be true to each other on the Road, that his intention was to have delivered himself up, but that he suffered himself to be persuaded by two of the Men, who were deserters from the Navy, not to acknowledge his being a Deserter & to change his Name, which they both likewise did.

Aaron Kingsbury being duly sworn

Deposes that he belonged to the same Regiment in the Rebel Army & knowing the prisoner's intentions to be the same they Made their minds known to each other & came off together that they Inlisted at Boston, & that he knows the Prisoner's Intentions to have been to Desert about a month after his Listing.

Q. By J. A. Do you know if the Prisoner ever attempted to Desert the Rebel Service and was taken

A. I don't know that ever he did

Q. by C^t Of what number did your Scouting party consist when you deserted

A. About fifty.

Q. by C^t Where was the party when you left them

A. About six miles below Still Water, the Prisoner 2 other men and I, crossed the river in a Boat together, & having Spoke together while crossing we left the party immediately after

Q. by C^t How long were you in the Camp of the advanced Corps before you declared yourselves to be Rebel Deserters

A. We were carried to Gen^l Fraser by Col^o M^cKay immediately.

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The Court having maturely considered the Evidence brought in support of the Charge, with what the Prisoner has said in his Defense, is of Opinion that he is Guilty of Desertion in breach of the first Section of the 6th Article of War, The Court does therefore Sentence the Prisoner Patrick Shehan to receive a Corporal Punishment of one Thousand Lashes, at such time and place as His Exil^{cy} The Lieutenant General shall appoint.

Geo. Forster. Major to
21st Reg^t

James Henry Craig
Dep. Jud. Adv^{te}

[End]

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