

Murdock Kennedy being sworn—And asked by Captain Deaver if he has attended his Company in the Station of a Lieutenant for some-time past—says he did—being also asked if he was present at the time of their drawing rations and whether he Captain Deaver was drunk or unfit for duty—says he was present and Captain Deaver was not drunk—this deponant being asked if he see Captain Deaver at any time during the last tour of duty drunk or unfit for duty says he did not.

April 24
[Indorsed
"Cashiered
26 Ap^l
1781"]

This deponant being Askt if he and Captain Galbraith came into the Guard House with Captⁿ Deaver during Captain Deavers last tour of Duty between eight and nine o'Clock at night—says they did—but does not recollect that they had been drinking together previous to their coming to the Guard House.

Thomas Constable being sworn deposeth and saith that he mounted Guard on Sunday the 22^d Instant—that during the time of his Guard he understood Captain Deaver had Orders to Prerade with his Company at the Grand Prerade there being an Alarm but Captain Deaver drew up his Company only at the Guard House door at the same time saying that as he was on Guard he thought that the most proper place—and sent out his Corporals with orders to give notice to his Company then not on duty prerade at that place—this deponant being askt where he understood the Grand prerade to be says he understood it to be on the hill where the Companys usually prerade—this deponant further saith that Captain Deaver Examined their Arms on that day and provided his men with flints. And that he does not think Captain Deaver was drunk on that day or during.

John McLellan being sworn and Asked by Capt Deaver if at the time of his relieving Captain Deaver from his Guard he apprehended he was drunk as to render him unfit for duty says he cannot tell whether he was so drunk as to render him unfit for duty or not—but thinks he was intoxicated with liquor.

John Erman being sworn at the request of Captain Deaver and Deposeth & saith that on Saturday the 21st Instant he was on Guard with Captain Deaver—that during that night William Galbraith—Murdock Kennedy and Captain Deaver came into the Guard House—that he went with Captain Deaver to see Captain Galbraith safe home. And that Captain Deaver—Galbraith and Kennedy were all intoxicated with liquor. And that in Case he Captain Deaver had been well Qualified in every other Respect—he that night from drinking wou'd have been disqualified from taking any command.

On hearing the Court are Unanimously of opinion that Captain Deaver is Guilty of a Breach of the 4th & 5th Articles of the 13th Section of the Articles of War. And that he be cashiered for it according to the 5th Article

Sam Smith Pres^t