

December 6
 Indorsed
 "Ensign
 Kerr of
 Capt. Win-
 chesters
 Company
 of select
 Militia of
 Fred.
 County was
 tried by
 General
 Court
 Martial
 begun and
 held at
 Fred Town
 Decr 6th
 1781 whereof
 Col^o Benj.
 Johnson was
 president
 and sen-
 tenced the
 said Ens.
 Kerr to be
 cashiered
 which is
 approved
 and ordered
 to be carried
 into execu-
 tion."]

A General Court Martial held at frederick Town December 6th
 1781 By order of M. Bayly Commandant of the Guards Whereof
 Col^o Benjamin Johnson Was president

Capt ⁿ Ott	} Ass ^t Members	L ^t Hoggy
Capt ⁿ Chaplain		L ^t Nuller
Capt ⁿ Winchester		L ^t Maddin
Capt ⁿ Nicholls		L ^t Miller
		L ^t Founger
		Ens ⁿ Jones

William Winchester Judge Advocate

The above Court met at 12 °Clock and being Sworn in Agreeable
 to the Articles of War. The Judge advocate also being Sworn

The Court proceeds to the Tryall of Ensign Kerr of the Guards
 Charged with Unofficer like Behaviour while on his Guard.

Henry Shell Sworn on behalf of the State Saith Ensign Kerr
 was going into the barracks with a man that Had Cyder to sell, as
 he came out again the wittness askd him What °Clock it was, he
 answered one °Clock. Ensign Kerr then asked the Wittness if he
 was not going to treat him, the wittness answer'd An officer always
 treats a private man Whereupon he drew his Sword and Struck the
 Wittness with the Hilt of the Sword on the head (the Wittness being
 then on his post) James Mockobay then left his post came to the
 wittness and said he was a Saucy Rascall, Ensign Kerr then ask'd
 James Mockabay if he would go into Capt. Whites house and drink
 a dram, they both Went into Captⁿ Whites house Stayd some time,
 then Came out when Ensign Kerr ordered James Mockabay to his
 post

Question by the Court

Was there any conversation between you and Ensign Kerr after
 he asked you to treat him and before he Struck you.

Answer. I said an officer always treats a private man.

Question. Was Ensign Kerr drunk.

Answer to the best of my Knowledge I think he was.

Ensign Kerr appears and plead not Guilty

Ensign Kerr alledges in his defence that although he struck Henry
 Shill on his post and took James Mockabay of his post He was not
 drunk and prays that Captⁿ Nicholls May be sworn on his behalf.

Captⁿ Nicholls is accordingly Sworn

And saith that he was with Ensign Kerr on the Markett ground
 near the Barracks about 11 °Clock yesterday Morning that Ensign
 Kerr did not appear to be Drunk at that time.

Adjutant Mim sworn on behalf of the State