

The committee on the Judiciary to which was referred the nomination of Joseph L. Smith, to be Judge of the superior court for that part of the Territory of Florida known as East Florida, made the following report.

That upon application to the president of the United States, the committee received, from the Department of State, letters from Mr Roger Skinner, governor of ^{major} ~~and~~ ^{and} general Brown ~~and~~ Capt. and governor Wolcott; and testimonials from almost all the delegation in congress, from the State of Connecticut, in which they recommended Mr Smith in very high terms as a lawyer, a scholar, and a gentleman of fair character and strict integrity.

It was suggested to the committee that this gentleman had been a colonel in the army of the United States, and had been lately cashiered upon charges derogatory to his moral character. Upon investigating the proceedings of the court martial, it appeared that he had been tried and convicted upon several charges, which were ~~was~~ against military etiquette ^{and not} against morality. But he was immediately restored to his rank, by the president of the United States.

Capt Chester Root exhibited several charges against Col. Smith. One of which was, procuring "signing a false certificate in regard to forage," by which he fraudulently obtained to himself thirty six dollars a month for each of two horses, whereas he was

entitled to only eight dollars for each, as he had kept no horses. This charge Capt Root said, could be sustained by reference to the quarter master general. The committee requested general Jessup, the quarter master general, to come before them, who informed the committee, that such charges had been exhibited against Col Smith, by Lieut. Musser, who was himself now under charges for perjury. But this charge was completely refuted, and Lieut. Musser, in the opinion of the committee, completely discredited, by the affidavit of Lieut. K. M. Kirby, and the certificate of

Another charge by Capt Root was, that Col. Smith, "had been guilty of swearing that he had no unsettled account with the government, in order that he might obtain three months gratuitous pay, allowed to 'disbanded officers'; whereas ^{there is} ~~he had~~ an account against him in favor of the government. &c. This charge the committee, also, consider as completely refuted, by the certificate of Peter Hagner the third Auditor, ^{showing} a balance of \$827 ⁸⁸/₁₀₀ Due from the government to Col Smith.

General McComb and came before the committee, and stated that Col Smith, whilst in the army, at Detroit, had manifested a disposition to oppose the civil authority, in refusing to deliver up some soldiers who had transgressed the laws of the land; however he admitted that Col Smith, when ordered,

did deliver up the soldiers, but that he did it reluctantly. Col Smith positively denied this fact; upon which the account appeared to be balanced, as the gentlemen were both respectable the committee could not divide between them.

In favor of Col Smith seven or eight different gentlemen, who appear to be officers in the army, some of whom are known to the committee to be highly respectable, have addressed their several letters to the committee in favor of Col Smith. They state that they have known Col Smith in the army; that he was highly respected, as a gentleman, as a soldier, and an officer. That they had entertained the most favorable opinion of his talents, his zeal, his integrity, and his honor.

On a full view of all the facts and circumstances, the committee could ^{see} no objection that ought to operate against the appointment of Col Smith, and therefore ~~the committee~~ respectfully recommend the following Resolution,

Resolved that the Senate do advise and consent to the appointment of Joseph A. Smith to be Judge of the Superior court for that part of the territory of Florida, known as East Florida.

17th Cong }
1st Sess } Ex.

Report of the Comm. on
the Judiciary on the
nomination of J. L. Smith.

1822 April 30,

Read.
