Court-martial of
Captain John R. C. Smith

The offended gentleman registered an emphatic if futile protest at the tactless word contained in his copy of the 1840 By-Laws, Muster Roll, and Papers Selected From The Archives Of The First Troop Philadelphia City Cavalry. Among the records of its members he had found his own, the record of John R. C. Smith, which noted that he had been elected to the Troop on May 20, 1805, and that subsequently he had been “broken.” This last word Smith unsuccessfully attempted to erase, but only succeeded in making a small hole in the page. Bitter memories flooded over him of an October day in 1824. Once again as in a nightmare he seemed to hear the confused din of a large crowd of people, and to glimpse the undistinguished appearance of a Pennsylvania Dutchman from Lancaster sitting quietly in an open coach while from a nearby balcony a figure resplendent in the dress uniform of a major general shouted furious orders.

It was more pleasant to recall those earlier years when his military life was as full of promise as was the solid foundation of his increasing fortune. Philadelphia born and bred and Princeton educated, Smith had worked for the mercantile house of Willing and Francis, and as a supercargo had made a number of voyages to Brazil and China. On the basis of this experience he later launched his own firm, from which he soon retired to the enjoyment of his ample means.

In early years his military advancement had kept pace with his successful business career, for he profited by the example of a military tradition. His father, Robert Smith, had served with distinction during the Revolution, first as captain of a company of Scots, all of whom dressed in full Highland costume to face their

1 Smith's copy of the Troop publication is signed "J. R. C. Smith July, 1845." It later belonged to the library of the Whig Society at Princeton and is now the property of the author.
ancient foe, and later as a major. Although ill-health forced his retirement from the army prior to the end of the war, he joined the City Troop in 1781 as a private and remained on the rolls until 1803, when he resigned as Second Lieutenant.

To the gratification of Robert Smith, his son John joined the Troop in 1805, and within the comparatively short period of twelve years was elected Captain. This honor came to him in recognition of his soldierlike characteristics, which had been tested during the "Mount Bull Campaign" in the War of 1812, and of his many amiable qualities. It was also eminently proper that Smith was an accomplished horseman and an expert horse driver, celebrated locally for his tandem team.  

The Troop's confidence in Smith was not misplaced for his administration was a popular one. In appreciation of his first six years in command, the organization presented him with a "sword and a full suit of horse equipment as a mark of its regard and respect" at its anniversary dinner held at the Franklin House on November 17, 1823. No one among those present on that occasion who arose to drink to the toasts, "The Day we Celebrate" and "The Immortal Memory of Washington," would have believed that within less than a year's time Captain Smith would be relieved of his duties and placed under arrest pending court-martial. But such was to be the case—in the coming year Smith's military life was to fall a casualty to the celebrations attendant upon the visit of Lafayette to Philadelphia.  

The emotional pitch to which the United States was excited by Lafayette's visit was unprecedented. When the sixty-seven-year-old Frenchman arrived at New York on August 15, 1824, accompanied by his son George Washington Lafayette, to become the Nation's Guest, a chain of celebrations was begun the like of which the nation had never known. Everyone wanted to see him and to do honor to one whose name was so closely linked with that of the venerated Washington. Obligingly, Lafayette began a series of tours which were to take him all over the country. He traveled to New England,
and on his return to New York visited Albany prior to crossing New Jersey to the Delaware. Everywhere he was received with the greatest acclaim. On Sunday, September 26, the old hero called on Joseph Bonaparte, former King of Spain, at Bonaparte’s elaborate Bordentown estate, and spent the night at Trenton.  

The next morning he crossed the Delaware on the long covered bridge to be received at Morrisville by Governor John Andrew Shulze of Pennsylvania and by Captain Smith in command of a squadron of cavalry. Smith was wearing the distinctive epaulets of a major for the occasion. An enthusiastic observer was nearly overcome by the beauty of the moment, the eloquent address of the Governor and the affectionate reply of the visitor, in fact “the scene produced altogether an effect of almost awful moral grandeur, which baffles description and would put to blush the utmost efforts of European pageantry.” With the City Troop serving as Lafayette’s personal escort, the cavalcade was soon clattering down the road to Bristol on its way to the Frankford Arsenal, where Lafayette spent the night prior to his triumphal entry into Philadelphia.

After weeks of immense activity, Philadelphia was ready to receive him. The capable Joseph S. Lewis, an insurance company executive noted as “the inceptor of the water works system,” had organized the civil part of the celebration. The military part, which was to play such an important role, was under the direction of Major General Thomas Cadwalader who had joined the City Troop in the time of Captain Smith’s father. Cadwalader, an estate lawyer and bank director, was a man of spirit and determined character, punctilious to a degree. Only the year before he had fought a duel with Professor Granville Sharp Pattison arising from his refusal as a Manager of the Philadelphia Assemblies to permit the Professor to attend those social gatherings.

Cadwalader had performed his duties efficiently and at an early hour on September 27 the military, consisting of his division reinforced by numerous militia companies from neighboring counties, was drawn up in a square on an open piece of ground known as

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4 Much data on Lafayette’s visit is recorded in the United States Gazette, a Philadelphia newspaper.
Rush's Field, about two miles on the Philadelphia side of Frankford. At the same time various associations of citizens formed in groups a short distance beyond Kensington on the Frankford Road.

At 10:15 A.M. the arrival of Lafayette at Rush's Field was announced by thunderous cheers from a vast multitude which surrounded the boundaries of the parade ground, and by an artillery salute of one hundred guns. Onto the field drove Lafayette in an elegant barouche drawn by six cream-colored horses. The barouche came to a stop at the center of the grounds where the visitor was received by a number of high ranking officers.

Leaning on Cadwalader's arm, Lafayette then proceeded to review the troops while the various military bands played appropriate airs. After he had passed in front of the entire line and was about to return to the center of the field, the Frenchman came near a deep mass of citizens who cheered him loudly. Lafayette paused and bowed to the citizenry "in the most conciliating manner" while their cheers redoubled. Noticing a gray-haired veteran in the throng, Lafayette, a great showman, pressed toward him with eagerness to shake his hand. The crowd went wild.

At about 1 P.M. the line of march to Philadelphia was taken up. Cadwalader and his division led the way followed by the Nation's Guest in his barouche accompanied by the venerable Judge Richard Peters and escorted by the City Troop. As the parade moved down the Frankford road it passed the civil organizations, which had been neatly drawn up in a military manner. These groups, nineteen in all, including the Redmen, the Printers, the Cordwainers, the Rope Makers, the Ship Carpenters, the Coopers, and the Butchers, who, as usual, made a very great display with their banners and their highly ornamented frocks and blue sashes, fell in behind the procession to participate in the parade.

In Kensington the marchers passed under a beautiful arch painted a deep green and decorated with the words "Welcome La Fayette." Proceeding south on Front Street another arch was encountered at the junction of Front and Green, and when the parade turned from Green Street into Fourth the magnificent civic arch prepared by William Strickland for the Northern Liberties came into view. As the procession wound through town many other arches erected for the occasion were found decorating the route. One of the most
elaborate was that at Fourth and Vine. On one side of this arch upon a platform were twenty-four "interesting girls" (one for each state in the union), and on the other side were an equal number of boys. When the head of the procession reached this point, the children began singing "See the Conquering Hero Comes," and when Lafayette’s barouche appeared the girls struck up an ode adapted to the occasion by Benjamin Mayo:

Strike the symbal
Roll the timbal
Sound the trumpets, beat the drums
Loudly ringing
Cheerily singing
Lo! the patriot hero comes.

Then, as the carriage drew nigh to the arch, one of the twenty-four lads stepped forward to recite another ode which Mayo had written to honor Lafayette, but the parade moved inexorably, even rapidly, on, thereby depriving the boy from "performing his pleasing duty," which, from the length of Mayo’s ode, would have taken a considerable time.

Lafayette was driven on through the city along streets thronged with observers and under windows crammed with enthusiastic faces, until at length he found himself on Chestnut Street opposite the marble temple which housed the Second Bank of the United States, upon whose steps were arrayed the veterans of ’76. The General arose in their honor and addressed a few words to his old comrades in arms. "It was a most affecting scene," the United States Gazette records, "one that the pen is inadequate to describe."

Moving on from the Bank, Lafayette soon arrived at the most splendid of all the arches, a magnificent structure erected in front of Independence Hall. There he alighted and was received by the mayor, and, after a number of ceremonies, "some of which were of a very interesting nature," the General, again escorted by the City Troop, was conducted to his hotel, the recently rebuilt and refurnished Mansion House on Third Street above Spruce.6

Lafayette remained in Philadelphia until October 5, his time completely taken up with receptions, entertainments, and public appear-

6 See advertisement of the Mansion House Hotel in the United States Gazette, Sept. 21, 1824.
ances, not the least important of which was his visit to the Navy Yard on Saturday, October 2. This event was arranged by a committee representing the Corporation of Southwark, which invited various military organizations, as well as numerous civic bodies, to escort the visitor. Colonel John G. Watmough's 108th Regiment constituted the principal unit in the parade, and Watmough, as the senior officer participating, expected to have the immediate command of the entire escort. In this thought, however, he failed to take into consideration the point of view of John R. C. Smith, whose troop was one of those invited by the Southwark committee. Smith was very jealous of the "ancient rights and privileges" of the City Troop.

In full dress uniform the City Troop, about twenty-five members present including the Captain, Quartermaster William I. Leiper, First Lieutenant William S. Simmons, and Second Lieutenant Lynford Lardner, arrived at the Mansion House shortly before ten o'clock on the morning of October 2. There were two entrances to the semicircular drive in front of the hotel and Smith posted a solid line of mounted troopers across each of them to hold back the heavy crowds which had come to see Lafayette. Smith's disposition of his command was not ideal, for, if it restrained the crowd from filtering into the narrow courtyard, it also had the effect of making it very difficult for authorized persons to enter.

The Troop had been on duty at the Mansion House only a short while when General Cadwalader with members of his staff rode up and, noticing the guard across both entrances, halted. Captain Smith looked at Cadwalader's party but made no move to receive it with military honors, or even to allow it to pass through the gates to the hotel. After a little pause Cadwalader turned to one of his officers and said, "Major, go and inform Captain Smith that I am here." The major delivered the message but still Smith made no move. Again the general sent him word, this time informing him that he expected to be received as the Major General of the 1st Division. Although Smith expressed his willingness to do so he showed no signs of activity. Whereupon Cadwalader said, "Let us ride up and see what he will do." Smith did the right thing at last, ordering his men to draw sabers and to rein their horses back to allow Cadwalader's party to pass. Possibly because of the crowding
caused by the Troop detail, the maneuver appeared to be done in an awkward and irregular manner. So narrow was the passage opened for the general’s party that it had to break ranks in order to squeeze through. Cadwalader was annoyed at Smith’s behavior, complaining about it on entering the hotel, but at the same time intimating that he intended to overlook it. It is difficult to understand Smith’s military views, but it would appear that as Captain of an organization which was, because of its age, entitled to the right of the line in virtually all military formations, an organization which was generally called on to furnish the guard of honor when important visitors came to Philadelphia, he had lost a certain sense of proportion. On the present occasion he had answered a civilian call to escort Lafayette and did not feel obliged to take orders from any military authority.

Shortly after the divisional commander had entered the hotel, Colonel Watmough marched up ten companies of soldiers and formed them into line against the curb in the street. From Smith, Watmough learned that the City Troop was to serve as Lafayette’s bodyguard. Smith’s language on this subject “tho’ that of friendship was positive.” Watmough did not contest the point but did suggest that the disposition of the cavalry, congesting the courtyard, which was already partially filled by the horses of Cadwalader’s staff, would make for difficulties. Smith, however, did not see fit to move his men nor did he offer to place his troop under the Colonel’s command, and Watmough, disapproving entirely of the way in which the troopers filled up the entrances to the hotel, sent word to Cadwalader that he was not responsible for the horsemen.

Just at this moment, an open coach drawn by four horses drove rapidly up to the south gateway and halted, blocked by the line of troopers. In the carriage sat Governor Shulze and Judge George Morton. For a time, estimates varied between five and ten minutes, the Governor’s carriage remained motionless, its lead horses face to face with the horses of the guard. Oddly enough, Captain Smith, who was responsible for the situation, failed to notice it, although witnesses marveled that it could have escaped his attention. Smith sat his horse oblivious to the Governor’s predicament while all around him rose the noise of a crowd so dense that pedestrians were unable to force their way down the street.
Although Smith was not alive to the gubernatorial embarrassment, the situation was soon brought to Cadwalader’s attention. Throwing open a window in the room on the second floor where Lafayette’s party was assembling, the Major General came out onto the roof over the Mansion House’s portico and called out to Smith, ordering him to salute the Governor and allow his carriage to enter the courtyard. Cadwalader returned to Lafayette’s room confident that he had corrected the difficulty. But Smith had not heard the order and the Troop did not salute Shulze, who continued sitting patiently in his motionless coach.

Once again Cadwalader appeared on the roof to repeat his order, adding “Do you hear me, Sir?” To one witness Cadwalader’s manner appeared “passionate”; others noted that the general was angry; someone stated that he had never heard Cadwalader give an order in such a tone before. The general’s words struck Smith’s surprised ears with the force of a thunderclap. In great excitement, he spurred his horse over to Colonel Watmough and warmly expressed his astonishment that the general should interfere with his command, protesting “By God, Sir, he is commanding the Troop while I am present.” Had it not been for Watmough’s urgings—“I think you are radically wrong in this business”—Smith would probably not have obeyed the general’s order. As it was he only obeyed it after a conversation with the Colonel, a conversation conducted under Cadwalader’s very gaze as the General glared down from the portico. Smith at last gave the required commands, and the Troop, in some confusion because of the close quarters into which it was crowded, opened its ranks to permit the passage of the coach. The Governor was saluted by drawn sabers, flags flying, and trumpets blowing. But it was too late. Upon the conclusion of the day’s festivities, Smith was placed under arrest awaiting a court-martial at which Cadwalader was to prefer charges against him.

The Troop remained loyal to its unfortunate commander. At its anniversary celebration on November 17, 1824, its members drank his health to the following toast “J. R. C. Smith, Esqr—Our Noble Captain—Relying upon the basis of his own merit, he neither requires praise nor fears reproach.” As an honorary member of the Troop, General Cadwalader was entitled to be present at its anniversary party, but it is not likely that he attended to drink to
Smith’s merits. Cadwalader had decided to “throw the book” at Smith.

The 1915 history of the First Troop contains little about the court-martial. On page 90 it records that “There are to be found no records of the Court Martial. It is supposed that the papers in the case were destroyed by fire in the burning of the State Capitol and there is nothing in the newspapers of the day concerning the trial or its results.” The account set forth here is based on manuscripts in the Cadwalader Collection at the Historical Society of Pennsylvania. General Thomas Cadwalader’s son, John Cadwalader, attended the trial and recorded the testimony of the various witnesses, and these hastily taken notes are in the General’s papers. The official proceedings and findings of the court are in a volume marked “Order Book of the 1st Brigade 1st Division P.M.,” which reposes among the military papers of General Thomas Cadwalader’s martial son General George Cadwalader.

Through these records it is disclosed that when the court-martial finally convened on October 24, 1825, General Thomas Cadwalader preferred three charges against Captain Smith:

Charge 1. Neglecting to obey the orders of his superior officer when the troop, to which he belonged, and in which he held a command, was paraded.

Charge 2. Refusing to obey the orders of his superior officer when the troop, to which he belonged and in which he held the command, was paraded.

Charge 3. Misbehaviour and demeaning himself in a manner unbecoming an officer when the troop to which he belonged, and in which he held a command, was paraded.

Each charge was supported by a number of specifications and both sides were well equipped with witnesses, some of whom came voluntarily while others had to be subpoenaed to attend. Among those who testified were Governor Shulze, Lieutenants Lardner and Simmons of the Troop, Adjutant General George B. Porter, Joseph S. Lewis of the Committee on Arrangements, Major General J. D. Barnard of the 3rd Division, Brigadier General Robert Patterson, Colonel Watmough, Judge Morton and many others. Charles Jared Ingersoll served as attorney for the defendant.

Smith, it will be recalled, while holding only a state commission as Captain had worn the epaulettes of a Major during the Lafayette
celebrations. One of Cadwalader's specifications to his charge of "Misbehaviour and demeaning himself in a manner unbecoming an officer when the troop, to which he belonged, and in which he held a commission, was paraded," reads, "In attempting illegally to usurp military power at Philadelphia, between the second day of August, and the second day of October, 1824, by publicly assuming the title and rank of Major, issuing orders, and claiming command as such, he, the said Captain John R. C. Smith, having no such commission, nor any legal authority for such assumption."

Smith made good his defense against this specification by proving that a volunteer squadron formed in 1822 by the First and Second Troops had elected him Major. Although the squadron had seldom met, it had not dissolved. Smith went on to show that Cadwalader had tacitly recognized him as a Major by receiving him as such in his own house. As a witness on this point, John Bacon, a Quaker, was called to testify. Bacon recalled a conversation he had had with Cadwalader on the occasion of Smith's visit to Cadwalader's house, which revolved about Smith's seniority to other officers who were present. In attempting to remember what Cadwalader had said, Bacon launched into a long and involved discourse on army seniority. This coming in a very plain manner from a Quaker to an assembly of army officers had a most ludicrous effect and was referred to jocosely as "Bacon's abridgement of the Law Martial." Ingersoll on behalf of his witness' feelings appealed to the Court that he "thought it right to state that Mr. Bacon had been forced by legal process to attend the court against his own consent."

All the other specifications, with one exception, were aimed at alleged inefficiencies on Smith's part. These specifications were not impressive, and, if there may have been some merit in them, none of them were convincingly enough presented to persuade the court that Smith was guilty. Of eight specifications the accused was thus able to clear himself of seven.

Smith's downfall came on the third specification which read "Delaying for an unreasonable time to obey the second order of Major General Cadwalader, to salute the Governor of the Commonwealth of Pennsylvania, and not obeying that second order until he, the said Captain Smith, had consulted with another officer, to wit, at Philadelphia, the second day of October, 1824."
From the testimony, it appeared certain that Smith had not heard Cadwalader’s first order. The second order, which he did hear, surprised him because it was delivered in a “passionate” tone. At all events, before obeying the order he rode a short distance to Colonel Watmough with whom he engaged in a brief conversation. Corporal Edward Yorke of the Troop, recalling the length of the conversation, testified, “Some minutes. I do not recollect the exact time. Some minutes elapsed.”

The defense could not deny Cadwalader’s charge. Instead, it brought forward a rather extraordinary argument, which, while not contradicted by militia law, was contrary to the general spirit of the military. Ingersoll argued that the militia law of the state did not give major or brigadier generals the power of commanding their divisions or brigades in peacetime. Therefore, their authority was restricted to their own staffs, and they did not possess the right of issuing orders to the whole or any part of their respective divisions or brigades. Consequently, Captain Smith in not obeying the General’s order was within his rights.

In its opinion, the court noted that this was the first time that opposition had been made on those grounds by an officer on parade to the orders of his superior officer. As the Adjutant General, pending proceedings, refused to give an opinion on this point, the court felt called upon to lay down the law. It cited that no principle among military men is more important than subordination, and that the military must be under the control of its superior officers. The court could not agree with the counsel of defense that the very officers who would have command in any emergency should be completely divested of power in time of peace of giving a single order, nor would the court take upon itself to destroy a well-known military principle. The court also pointed out that the absence of any specific enumeration of powers to the general officers in the Militia Act applied equally to all inferior officers. As a consequence the court decided that the moment volunteers were paraded they came immediately under the authority of their general officers.

Before passing sentence, the court announced that in its opinion Captain Smith was not guilty of willfully violating the orders of his superior, and that it thought that he sincerely believed himself beyond the control of the General. Nevertheless, Smith was found
guilty of the third specification, and, as it was a part of each of the
three charges, he was found guilty of them all.

The Court do, therefore, adjudge, that the accused be cashiered as
captain of the First Troop of Philadelphia City Cavalry; but, in passing
sentence, they abstain from adding any disqualification, which would
render him incapable of holding a commission in the militia or volunteers.

By order of the Court
Andrew M. Prevost, President
Josiah Randall, Judge Advocate
Head Quarters, First Brigade
Philadelphia, Nov. 26, 1825

The General Court Martial, whereof Colonel A. M. Prevost is pres-
ident, is dissolved.

By order of Brigadier General Robert Patterson

*Historical Society of Pennsylvania*    *Nicholas B. Wainwright*