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William C. Spencer.

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WILLIAM C. SPENCER.

JULY 1, 1886.—Laid on the table and ordered to be printed.

Mr. STEELE, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3470.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3470) for the relief of William C. Spencer, have carefully considered all the papers presented and bearing upon the case, and report it back with an adverse recommendation; and in support of this conclusion print herewith report from the Adjutant-General of the Army bearing upon the case.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, February 18, 1884.

Statement of the military service of William C. Spencer, of the United States Army, compiled from the records of this office.

He was appointed second lieutenant Second United States Infantry June 18, 1855, promoted first lieutenant April 30, 1861, and appointed captain Seventeenth Infantry May 14, 1861.

He served with his regiment in Minnesota and Nebraska from August 5, 1855, to June 7, 1858; on leave of absence to April 2, 1859, and with regiment in Minnesota and *en route* to Virginia to June 24, 1861.

During his service in Minnesota Lieutenant Spencer bore a part in an affair with Indians at the Yellow Medicine Agency, and by General Orders No. 14, November 13, 1857, from headquarters of the Army, he was "commended for his gallant bearing on the occasion of his demanding, alone, the Indian murderer from the armed warriors of the tribe."

He was on regimental recruiting service at Fort Preble, Me., from July 15, 1861, to July 19, 1861; at Bangor, Me., to August 6, 1861; at Fort Preble, Me., to November 26, 1861, and at Philadelphia, Pa., to March 11, 1862; with regiment in Northeastern Virginia and in the Peninsula campaign to June 24, 1862, upon which date he was arrested on the charge of disloyalty and held in confinement at Fort Monroe, Va., to August 19, 1862. He was permitted by General Sykes, his division commander, to accompany the division from Fort Monroe to Northeastern Virginia, and was also allowed by the same authority to do duty with the Fourteenth United States Infantry in the battle of Bull Run, Virginia, August 30, 1862. Of his services in this battle Capt. D. B. McKibbin, commanding the Second Battalion, Fourteenth Infantry, says: "Captain Spencer, of the Seventeenth Infantry, undercharges for disloyalty, knowing how much I needed officers, volunteered his services and fought the right company. His conduct was as cool and brave as that of any officer on the field."

Under date of September 26, 1862, General Sykes reported that "officers say he [Captain Spencer] acquitted himself creditably in that battle. Since then he has been on the sick report, although able to march and ride on horseback whenever he saw fit. About the 4th of September a court-martial was ordered for his trial on the original charges of disloyalty, and nothing but the campaign of General McClellan in Maryland prevented its meeting. Captain Spencer was perfectly aware of this, and perfectly aware that he had no authority or sanction to leave the command. He took

upon himself to procure a medical certificate from irresponsible sources, which, if necessary, the medical officer of the division would have given, and upon it takes himself off, out of reach of military jurisdiction, and away from the action of the court-martial ordered in his case.

"I have directed that he should be reported as a deserter, and taking all things into consideration, I respectfully recommend that the President of the United States drop him from the rolls of the Army."

This recommendation was concurred in by Generals Porter and McClellan.

September 26, 1862, Major Andrews, commanding the First Battalion, Seventeenth Infantry, reported Captain Spencer "as a deserter from the 19th instant."

September 17, 1862, Captain Spencer forwarded from Frederick, Md., a medical certificate, which was not accepted by this office.

October 15, 1862, he forwarded another certificate from Baltimore, Md., upon which no action is indicated.

November 17, 1862, another certificate was received, whereupon he was directed to report at the headquarters, Army of the Potomac, for trial.

December 3, 1862, he tendered his resignation, which was accepted, to take effect December 11, 1862.

Upon his resignation paper the following indorsements appear:

"Approved and respectfully forwarded, as this officer is of no value to the service, and all attempts to bring him to trial have thus far failed from force of circumstances.

"GEORGE L. ANDREWS,

"Major, Seventeenth Infantry, Commanding Battalion."

"Respectfully forwarded, although this officer is now under charges.

"GEORGE SYKES,

"Brigadier-General, Commanding Division."

"Respectfully submitted to the general-in-chief for his information and remarks before being laid before the Secretary of War. He has just been ordered to the headquarters, Army of the Potomac, for trial.

"E. D. TOWNSEND,

"Assistant Adjutant-General."

"I approve of accepting his resignation as the shortest way of getting rid of him.

"H. W. HALLECK,

"General-in-Chief."

On December 13, 1866, the President directed that Captain Spencer be appointed second lieutenant, but the examining board before which he appeared found him disqualified on account of physical disability—"the loss of sight and disorganization of right eye, result of injury received before entry into service."

On July 2, 1868, the President directed that Captain Spencer be allowed a re-examination, and under date of October 2, 1866, the examining board (not the same which had previously examined him) was directed to examine him "notwithstanding he has lost an eye and is over twenty-eight years of age." The board was further instructed to state in the report of this examination "his age and to what extent the injury to his sight disqualifies him from the proper performance of military duty."

The board reported him "physically able to endure the exposure of service; has no deformity of body *except loss of right eye.*"

After an examination into his educational qualifications the board decided "that he is not qualified for the position of second lieutenant in the Army of the United States."

R. C. DRUM,

Adjutant-General.