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[William C. Spencer]

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IN THE SENATE OF THE UNITED STATES.

MAY 21, 1880.—Ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 662.]

The Committee on Military Affairs, to whom was referred the bill (S. 662) for the relief of William C. Spencer, have had the same under consideration, and beg leave to submit the following report:

Capt. William C. Spencer was appointed as second lieutenant in the Second United States Infantry June 18, 1855. He joined his regiment on the 8th of August of that year and served with it in Minnesota and Nebraska until the spring of 1861. On the 30th of April, 1861, he was appointed to a first lieutenancy in the same regiment to which he had first been assigned.

During the Sioux troubles in Minnesota in 1857, Captain Spencer rendered such gallant and meritorious services to the United States Government as called forth from the Commanding General of the Army, Winfield Scott, the following complimentary order:

[General Orders No. 14.]

HEADQUARTERS OF THE ARMY,
New York, November 13, 1857.

* * * * *

This rule, however, must have a marked exception—that of Bvt. Maj. T. W. Sherman, Third Artillery, who, in August, 1857, marched, at short notice, with his battery from Fort Snelling to the Indian agency at Yellow Medicine, Minnesota Territory, and, by his promptitude, judgment, and firmness, preserved the country from a war with the Mississippi tribes of the Sioux Nation. *In this connection, Second Lieut. William C. Spencer, Second Infantry, is commended for his gallant bearing on the occasion of his demanding, alone, the Indian murderer from the armed warriors of the tribe.*

By command of Brevet Lieutenant-General Scott:

IRVIN McDOWELL,
Assistant Adjutant-General.

The battery of artillery of Maj. Gen. T. W. Sherman, now dead, was surrounded, and, to all intents, taken by the Sioux Indians. His sentinels were stoned off the post and the warriors straddled the guns, and in various other ways insulted the command. Captain Spencer hearing of the situation, he, with his company, made a forced march of forty miles in one day, charged through the Indians, and relieved the command. On the next day he rendered the heroic services referred to in the above order. Of this event General Sherman certifies in the following manner:

It gives me pleasure to certify to whom it may concern that W. C. Spencer, of Maryland, was well known to me in the years 1858 and 1859, when he was a lieutenant of

infantry in the United States Army, and that he was under my command for a short time in the summer of 1858 at the Upper Sioux Agency on the Minnesota River (Yellow Medicine), where he distinguished himself by his coolness and intrepidity when sent with an interpreter to the Sioux camp to demand a culpable warrior, and where he, when surrounded by the braves of the nation and threatened with instant death, seeing that any attempt of defense on his part would be worse than useless, handed his pistols to his interpreter, dismounted his horse, bared his breast to the muzzles of their pieces, and begged them to fire, which act of energy and abnegation was so appreciated by the braves that they became completely disarmed of their intentions through their appreciation of his bravery, and no doubt prevented a bloody war with the Sioux, which certainly would have taken place had they carried out their threats. This signal act was highly commended by Major-General Scott in general orders; and it gives me pleasure to say also that the personal and military character of this officer, so far as I had the means of observation when stationed in Minnesota, was above all reproach at all times and under all circumstances.

T. W. SHERMAN,
Major-General, U. S. A.

NEWPORT, R. I., *December 31, 1873.*

General William F. Barry also speaks of the same event as follows:

HEADQUARTERS ARTILLERY SCHOOL, U. S. A.,
Fort Monroe, Va., September 14, 1874.

MY DEAR CAPTAIN: I have carefully read the papers composing the package which you placed in my hands yesterday. They seem to me to be conclusive as regards your character for integrity, gallantry, and loyalty while you were an officer of the Army.

I scarcely think anything from me, under such circumstances, is needed to support them or aid you. Nevertheless, since you are of the opinion that a letter from me may be of service, I take great pleasure in stating that, while you were a second lieutenant in the Second Regiment United States Infantry, during the years 1858 and 1859, I served with you and noted you to be a young officer of the very highest standing, socially as well as professionally. Your gallant conduct in connection with the Sioux troubles at the Yellow Medicine was as creditable to your personal courage as it was honorable to the Army and beneficial to the country.

I remain yours, very truly,

WILLIAM F. BARRY,
Colonel Second Artillery, Brevet Major-General, U. S. A.

Capt. WILLIAM C. SPENCER,
Late Seventeenth Regiment United States Infantry, Baltimore, Md.

In the adventure referred to by General Sherman, Captain Spencer was accompanied by but two non-commissioned officers and ten privates, while the Indians numbered several thousand. He also performed splendid services during a difficulty between white settlers on the one side and the half-breeds and Indians on the other, which he settled at the risk of his life, after a fight had taken place at Crow Wing, Minn., a number on both sides having been killed or wounded, and when there was every prospect of a general Indian war. He took twenty enlisted men from the command at Fort Ripley, and arrested the leaders on both sides and reinstated law and order. In verification of this statement the following letter from General N. H. Davis, Inspector-General United States Army, is quoted as follows:

NEW YORK CITY, *January 10, 1874.*

SIR: Yours of the 13th instant just received, and informing me that you are an applicant for appointment in the Army, and soliciting a letter from me.

With pleasure I submit the following:

I have known you for several years, and when a lieutenant in the Second Infantry, a part of which time you served at the same post with me, and at times under my command. I bear testimony to your energy, efficiency, and marked gallantry as an officer. I may instance your cool bravery, good judgment, and firm course, as shown in a threatened conflict between Indians, whites, and half-breeds, at Crow Wing, Minn., when your life was in imminent danger and when you successfully settled the affair without bloodshed.

Wishing you success in your application,

I remain yours, very respectfully,

N. H. DAVIS,
Inspector-General, U. S. A.

WILLIAM C. SPENCER, *Washington, D. C.*

On the 14th of May, 1861, he was promoted to the rank of captain of the Seventeenth United States Infantry, on the recommendation of the Adjutant General of the Army, and ordered to the seat of war in Virginia. He repaired to Fort Preble, Portland Harbor, Maine, and as senior captain organized the first battalion of that regiment and marched into the field under the command of General George B. McClellan in the spring of 1862. It appears that on the 24th of June of that year he was arrested on the charge of disloyalty on account of language used in connection with the arrest of a relative, and confined a Fortress Monroe, but he was permitted by General Sykes "to join the division as it passed Old Point *en route* to Aquia Creek," and who also permitted Captain Spencer to do duty with the Fourteenth Infantry at the battle of Manassas, August, 1862, where, in the language of General Sykes, "officers say he acquitted himself creditably in that battle."

It would thus appear that the charge of disloyalty to his government was not well founded. It is not at all likely that he would have risked his life in battle—doing his very utmost to sustain the integrity and the supremacy of the Federal Union, and to preserve the honor of the nation—had he cherished any sentiments of disloyalty in his bosom. On the contrary, it would be supposed that he would have joined the rebel army and risked his life in its behalf, had his inclination run in the direction of treason. It may be well at this point to quote Captain Spencer's explanation of the foundation of this charge. It is as follows:

After serving during the advance on Richmond on picket in the trenches at the siege of Yorktown, and on the march up the Peninsula, and on the Chickahominy River (being continually exposed to the fire of the enemy), I heard of the arrest of my uncle, Judge Richard B. Carmichael, of the State of Maryland, who had procured for me my original lieutenantcy in the Army. The manner in which this arrest was conducted brought forth from all parties an expression of disgust and condemnation, for while that elderly judge was presiding over his court, he was dragged off the bench and beaten over the head to a state of insensibility with pistols in the hands of a gang of volunteer soldiers and roughs from Baltimore City. This outraged me beyond measure, and I asked the intercession of General George B. McClellan, and requested him to communicate with the President. He informed me, through his chief of staff, General Marcy, that although he sympathized with me (not approving of the manner in which the arrest was made), he could effect nothing at Washington. I therefore tendered my sword to my commanding officer, and was placed under arrest. While *en route* to Fortress Monroe, a prisoner, and under charge of General Rufus Ingalls (Jackson's advance being reported near), I applied to the general for a command, and was informed if an engagement took place I should have one. After remaining several weeks at Fortress Monroe, and finding I could do nothing for my uncle, I joined my division for trial, and was the guest of Col. David McKibbin, Fourteenth Infantry; while under the charge of disloyalty, I marched with the battalion into position on the field of the second Bull Run, and was requested by the colonel to take command of his right company; I did this with the sanction of the division commander, and after the engagement (the loss being 3 officers and 45 men out of 250 men carried into the action), I was reported by the colonel for gallantry on the field.

Shortly afterwards, General George D. Ruggles, of General McClellan's staff, informed me I would be shortly released from arrest, which was never done.

My health being impaired by the campaign of the previous spring and summer, I was given a certificate of ill health, and remained absent from the Army until the 1st of December, when I received orders to report for trial. On doing so, one of the witnesses for the prosecution being absent, it was found inexpedient to try me. I then proceeded to Washington and resigned my commission.

This resignation was accepted on the 11th of December, 1862.

Captain Spencer further states that his resignation was in no proper sense a voluntary one, but was caused by the fact that for upwards of five months he had been deprived of his command and kept under charges which prevented him from being afforded an opportunity, which otherwise his commission would have secured him, of rendering valuable services as an officer of the Army to his country, and by the fact

that after that time the trial of the charges was further postponed by the prosecution, and that he abandoned the hope of securing a speedy trial and consequent vindication. He further states that at the time of tendering his resignation his health was much impaired by the campaign of the previous spring and summer.

The following is the report of Capt. D. B. McKibbin of the battle of Manassas, in which he alludes to Captain Spencer in a very complimentary manner :

CAMP NEAR HALL'S HILL, VIRGINIA,
September 4, 1862.

SIR: In compliance with orders, I have the honor to report, for the information of the colonel commanding First Brigade, Sykes's division, the operations of the Second Battalion, Fourteenth Infantry, at the battle near Bull's Run, Virginia, 30th August, 1862.

We left bivouac on the Centreville and Gainsville road at daybreak. About 10 o'clock a. m. took up a position in front of Dogan's house, in a corn-field, my left resting on and perpendicular to the Centreville and Warrenton road. The enemy's sharpshooters and batteries opened upon us at once without loss, excepting a negro detained as prisoner. We then marched forward in line of battle, taking position in the rear of a skirt of woods about 1,000 yards in advance and to the right of our former position. After remaining in this position a short time we were advanced to the front in rear of the First Battalion, Fourteenth Infantry, about 200 yards. We were ordered to lie down. Hitherto the firing had not been heavy. We were now under a terrific fire of shell, case, cannister, and musketry. The position that my men had been placed in by the colonel commanding in a ditch was all that saved them from a more than severe loss.

About one-half hour afterwards we were ordered to fall back very slowly (which order was executed in good order) to the plateau in front of Robinson and Henry's house. Here we were formed in battalion in mass. Shortly afterwards, General Milroy needing assistance, we were ordered to the front, deploying to the left; we were then within forty yards of the enemy, almost entirely concealed by the trees and thickets. After receiving and returning fire several times, I ordered the men to cease firing, and sent the sergeant-major with two men to my left along the road to find out if they were trying to flank us. He reported large numbers moving up, and I then caused my battalion to change front to rear on the right. Shortly afterwards we were ordered to retire. This was about sundown. I had three officers wounded: Captains Cappinger, Locke, and Lieutenant Wharton, the first seriously, the others slightly.

I cannot but call particular attention of the colonel commanding to the conduct of the officers of the battalion. The coolness and gallantry with which they fought their companies and attended to their several duties is worthy of commendation.

There was but one officer with each company.

Captain Spencer, of the Seventeenth Infantry, under charges 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.

Sergeant-Major Graham, of this battalion, deserves especial notice. I believe he has been mentioned before for brave and soldier-like conduct.

Three officers and 45 enlisted men is the total loss in this battalion, out of 273 who went into the fight.

I am, sir, very respectfully, your obedient servant.

D. B. MCKIBBON,
Captain Fourteenth Infantry, commanding Second Battalion.

W. H. POWELL,
Second Lieutenant, Fourth Infantry, A. A. A. G.

CHAMBERSBURG, May 4, 1874.

I have the honor to state that in July or August, 1862, I was appointed judge-advocate of a general court-martial convened to try Major Davidson, Fourth Infantry; Captain Spencer, Seventeenth Infantry. The Army having been ordered to move, Captain Spencer, in arrest, was ordered to accompany me. The day of the battle of second Bull's Run, being in command of the Second Battalion, Fourteenth Infantry, I approached Captain Spencer and proffered him a command with a temporary release from arrest. *He, although in bad health at the time, accepted the proffer with avidity, and demeaned himself with great coolness and gallantry, and was so reported by me in my official report of the battle. My reasons for acting as I did under the circumstances were as follows:*

1st. I was short of officers.

2d. Captain Spencer had been introduced to me by my most intimate friend, Capt. John D. O'Connell. I became well acquainted with Captain Spencer, and I had no

doubt in my own mind of Captain Spencer's sincere loyalty to the government. This was also the feeling of Capt. John D. O'Connell, and so expressed to me in several conversations on the subject.

3d. I was (believing as I did) sincerely anxious that he should by action disprove any charge of disloyalty both as an Army officer and as my friend. I feel sure that all his old friends in the Army would gladly welcome him back.

D. B. MCKIBBIN,

Major Tenth Cavalry and Brevet Brigadier-General.

No fair-minded or unprejudiced person could, from the facts just narrated, entertain a doubt for one moment as to Captain Spencer's loyalty to the United States.

As a further proof of the falsity of the charge, it appears that on the 13th of December, 1865, President Johnson directed Captain Spencer's appointment as second lieutenant, but the examining-board in New York, before which he appeared, found him disqualified on account of physical disability. On the 2d of July, 1868, the President again directed that Captain Spencer be allowed a re-examination. He appeared before an examining-board on the 16th of December, 1868, but was again reported disqualified by reason of loss of right eye.

It is perhaps proper to say here that a bill was introduced in the Forty-fourth Congress authorizing "the President to appoint William C. Spencer, late a captain in the Seventeenth United States Infantry, to fill the first vacancy occurring in the list of captains of infantry, with the same date of rank held by him July 1, 1862; provided that instead of such reappointment the President is authorized to appoint him to such rank on the retired list of the Army as he would have attained had he remained in the service continuously;" but the committee declined to grant the relief prayed for, on the ground that it would be an act of injustice to the other officers of the Army, as it would entitle him immediately on his appointment to promotion to the rank of major over the heads of all the captains of infantry who have rendered continuous service since Captain Spencer's resignation. The bill was therefore reported adversely by the committee.

Your committee still adhere to that belief; but they are, however, of the opinion that, in justice to his previously good record and his valorous and heroic conduct while in the Army, he ought to be restored to the ranks to take position at the foot of the grade of captains. As the charge of disloyalty has been shown to have been entirely groundless, and as it is clear that Captain Spencer's resignation was not a voluntary one, your committee deem it but an act of justice and equity on the part of the Congress of the United States to restore him to the Army.

Your committee are averse to restoring officers of the Army who have voluntarily resigned their commissions, and have so decided in several cases at this session, but on account of the peculiar circumstances connected with this case they consider it an exceptional one; for, after all, the primary cause which led to his resignation was the fact that this unjust charge was hanging over his head, and at a time of great excitement, when it was a very difficult matter for him to free himself from the accusation.

Your committee, therefore, beg leave to report the bill back to the Senate with an amendment, and, as thus amended, they recommend its passage.