

WILLIAM C. SPENCER.

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JUNE 18, 1892.—Committed to the Committee of the Whole House and ordered to be printed.

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

**REPORT:**

[To accompany S. 710.]

The Committee on Military Affairs, having had under consideration the bill (S. 710) providing for the relief of William C. Spencer, of Maryland, late captain Seventeenth Infantry, U. S. Army, recommend that the same do pass, and refer to the report on House bill 2058 as part of this report.

**House Report No. 299, Fifty-second Congress, first session.**

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

**REPORT:**

[To accompany H. R. 2058.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2058) for the restoration of William C. Spencer to the Army, respectfully reports:

That a similar bill was favorably reported by the Committee on Military Affairs of the Fiftieth Congress, from whose report the following is quoted:

[Report No. 2959, Fiftieth Congress, first session.]

William C. Spencer was appointed as second lieutenant in the Second United States Infantry June 18, 1855, and served with said regiment in Minnesota and Nebraska until the spring of 1861.

During the Sioux troubles of 1857 in Minnesota, Lieut. Spencer rendered such gallant and meritorious service to the United States Government as called from the commanding general of the Army the following complimentary order:

[General Orders No. 14.]

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

[Extract.]

This rule, however, must have 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 commanded by Maj. Gen. T. W. Sherman (now dead) was surrounded and to all intents taken by the Sioux Indians. His sentinels were stoned off post, and the warriors straddled his cannon, and in various other ways insulted the command. Lieut. Spencer, with Company K of the Second Regiment United States Infantry, made a march of 40 miles in about six hours, and relieved the command.

On the next day he rendered the services referred to in the above order. To this Gen. 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 the Second United States Infantry, U. S. Army, and that he was under my command for a short time in the summer of 1857 at the Upper Sioux Agency of the Yellow Medicine

River, Minnesota, where he distinguished himself by his coolness and intrepidity when sent with an interpreter to the Sioux camp to demand a culpable warrior, and when he was 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 he no doubt prevented a bloody war with the Sioux Indians, which certainly would have taken place had they carried out their threats.

This signal act was highly commended by Maj. Gen. 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 reproach at all times and under all circumstances.

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

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

Gen. William F. Barry, of the Army, also wrote of the same event in a most complimentary manner, in a letter written after the war, when he commanded the artillery school at Fortress Monroe in 1874, and indorsed Lieut. Spencer as a brave soldier and high-toned gentleman.

Gen. N. H. Davis, late Inspector-General U. S. Army, in a communication written at New York City, January 10, 1874, states that in his opinion Lieut. Spencer, Second Infantry, to which regiment he (Gen. Davis) then was attached, rendered the country excellent services, at the great risk of his life, in quelling a bloody fight between the frontier settlers of Crow Wing, Minn., and the Chippewa Indians, in 1858, after a number had been killed and wounded on both sides.

The records of the War Department show that no officer of the line of the U. S. Army, at the breaking out of the late war, stood higher in ability, both as an officer and gentleman, than Lieut. W. C. Spencer, and as a proof of this he was promoted by the recommendation of the Adjutant-General of the Army to the position of senior captain of the Seventeenth Regiment of the United States Infantry, and was intrusted with the organization of the first four companies of the regiment at Fort Preble, Portland Harbor, Me., in the summer of 1861.

Capt. W. C. Spencer, in the spring of 1862, marched out of the capital against the Confederates, under Gen. McClellan, and entered actively in the campaign against Richmond, and participated in the battles on the peninsula until the 24th of June, 1862. On that day he was informed of the arrest of his uncle, Judge R. B. Carmichael, of Maryland, who was dragged off the bench while holding court at Easton, Md., and was beaten nearly to death by roughs and home guard Maryland volunteers.

When the true state of the case was reported to the President, Mr. Lincoln, he ordered the judge's unconditional release from prison, which Secretary of War Stanton did under protest.

Capt. Spencer, on hearing of his uncle's arrest and the circumstances attending it, uttered such sentiments as caused his arrest for disloyalty, and he was incarcerated in Fortress Monroe for a short time, after which he joined his command and went into action at the second Bull Run, the charge of disloyalty still hanging over him.

Although he was mentioned for great gallantry on that field by Gen. D. B. McKibben, Second Battalion, Fourteenth United States Infantry, after a large number of his comrades had fallen, the aforesaid charge still rested over him, and, in December, 1862, he was for the third time ordered to the Army headquarters for trial, and was again refused, because the testimony was not all present against him. Feeling the bad treatment of the Government which he had so bravely upheld and fought in defense of, and seeing no redress in the future, he resigned in December, 1862.

In the spring of 1863 the certificate of Mrs. Lafayette Foster, widow of the late Senator from Connecticut, at that time president of the Senate, proves that, at the request of Capt. Spencer, her husband made application to have him reinstated in the U. S. Army, and was refused by Secretary Stanton. The records of the War Department at that date show the reinstatement of a number of officers of the U. S. Army who resigned from the Northern States at the time that Gen. McClellan was relieved from command of said Army. A joint resolution of the Maryland legislature in 1886, understanding the circumstances fully of the gross outrage committed on that distinguished jurist, the Hon. R. B. Carmichael, vindicated by decision of his excellency the President, Mr. Lincoln, and the consequent action of Capt. Spencer, passed a unanimous resolution asking Congress to reinstate him on account of his meritorious record and loyalty to the Government as an army officer. The records of the War Department, at the date of Capt. Spencer's resignation, show that

an officer of the Army, under charges, should be tried by court-martial within thirty days, yet in this case the record proves that this officer was under charges (for disloyalty) from the 23d of June, 1862, to the date of his resignation, December 11, 1862, five months and eighteen days.

Your committee would furthermore state that the proceedings of Congress show the reinstatement of a number of officers in the Army who were dismissed at the breaking out of the late war, and among them are the cases of Col. Wise, of the artillery of Maryland, and Capt. Nathaniel McLane.

The following letter of Col. Du Barry, of recent date, gives a detailed account of special services rendered by Capt. Spencer whereby a surprise and massacre of troops by the Indians was prevented:

WASHINGTON, D. C., *October 30, 1889.*

DEAR SIR: I have read with great interest the letter of Bvt. Maj. Gen T. W. Sherman, U. S. Army (embodied in a report in the last Congress in favor of your reinstatement in the Army), relative to your splendid conduct at Yellow Medicine in 1857, when you were a second lieutenant in the Second Infantry.

As I was present at the time as first lieutenant of Sherman's Light Battery E, Third Artillery, I have personal knowledge of the facts stated.

There is another fact in connection with the matters then transpiring which Maj. Sherman does not mention, but which I think should be stated.

A large number of Sioux Indians had at their own suggestion been allowed to gather near our camp for the avowed purpose of holding a council with the Superintendent of Indian Affairs.

These Indians were hostile; had given much trouble; had the previous winter attacked the white settlers near the Minnesota and Iowa line, murdered the men, and carried off the women to the horrible fate of female prisoners in the hands of the Indians. Moreover, one of them was then a prisoner in our camp for having come into it and killed one of our men. Under the circumstances their request for a council had been granted on the express condition that they should hold it without arms, at a point 200 yards from our camp. This was the more necessary, as it was known that among the thousands gathered in the vicinity were many Yanktonnais, etc., from the Missouri River, whom we had heard from reliable sources had come for the express purpose of making a disturbance at the distribution of annuity goods to the Sissetons.

The Indians assembled for the council in accordance with the agreement and with out arms, and were met by the Superintendent of Indian Affairs, Maj. Sherman, and several of the officers without arms.

All seemed going on well, when you detected squaws stealthily coming up ravines, mingling with the large crowd at the council, and conveying arms to the bucks.

This fact you at once communicated to the officers of the command in camp, and to the sergeant of the guard which held the prisoner.

You immediately put the infantry companies on the alert ready for any emergency, while I made the light battery ready for instant action at short range.

This had scarcely been done when the Indian prisoner made a dash from the guard tent directly towards the council, doubtless supposing the guard would not fire upon him for fear of hitting their own officers, towards whom he was running. Though the guard fired and wounded him, he succeeded in reaching the crowd.

In an instant the Indians, dropping their blankets, revealed their war paint and arms.

They made a feeble rush towards our camp, but seeing the troops formed ready for action, they fired a few shots and, turning, fled across the prairie, hastily moved their lodges out of sight and abandoned their schemes for that season.

Undoubtedly in seeking a council near our camp these Indians intended treachery, and their scheme was frustrated by your vigilance in detecting the stealthy action of the squaws.

Had it not been for this there would have been a massacre at the council like that of the lamented Canby by the Modocs, if not a surprise and massacre of the whole command.

I never recall those days of 1857 at the Yellow Medicine without thinking of your valuable services (which your two years' previous experience with Sioux Indians enabled you to render), your cool courage, and daring exhibited in most trying circumstances.

With great respect, I am, yours truly,

B. DU BARRY,  
*Colonel and A. C. G. S., U. S. Army.*

Mr. W. C. SPENCER,  
*Baltimore, Md.*

It is alleged that at the time of Capt. Spencer's resignation his physical condition was such as to unfit him for active military service and to entitle him to be placed upon the retired list of the Army under existing law; and medical testimony on file in the War Department and submitted to your committee strongly tends to establish this fact.

The opinion and suggestions of Maj. Gen. Schofield appear in the following letter:

HEADQUARTERS OF THE ARMY,  
*Washington, August 28, 1890.*

SIR: Since the receipt of your letter of July 29, relative to the case of Capt. Spencer, I have carefully examined all the evidence relative to his case now on file in the War Department, all of which has, I believe, been embodied in the reports heretofore submitted by various committees of Congress in connection with bills which have been proposed for his restoration to the Army. Upon the consideration not only of the facts as shown by those records, but of the opinions expressed by the committees of Congress which have given the subject full consideration, it occurs to me to suggest that there is no reason at this time to consider the question of Capt. Spencer's alleged disloyalty to the United States, but that the merits of his claim may be fully determined by his letter of resignation, his previous military service, and his state of disability at the time his resignation was tendered and accepted. It would appear from his letter of resignation and the accompanying certificates, and from the action of the two boards before which he was ordered to appear for examination with a view to his reappointment in the Army in the years 1867 and 1868, that his disability at the time of his resignation was probably such as to justify or require his retirement under the then existing law.

I would therefore beg leave to suggest that such action might now be justly taken as would authorize his examination, with proof as to his then existing condition in the same manner as would be done at the present time, if he were now an officer of the Army; so that, if it be found that he was at the time of his resignation entitled to be placed on the retired list of the Army, such action may be now authorized by Congress. Unless this supposition is well founded, that Capt. Spencer was at the time incapacitated, either physically or mentally or both, I can not see any ground upon which his resignation, when under charges and in time of war, can be so far excused as to justify his restoration to the Army.

Yours, very respectfully,

J. M. SCHOFIELD,  
*Major-General Commanding.*

Hon. H. J. SPOONER,  
*House of Representatives.*

On the strength of the suggestions made by Gen. J. M. Schofield, commanding the Army, in his aforesaid letter to the Fifty-first Congress, a bill was passed, and approved by the President of the United States of America, authorizing the Secretary of War to convene a board of army officers for the physical examination of W. C. Spencer, late captain, Seventeenth Infantry, together with the records on file at the War Department at the time of his resignation in 1862.

The board convened at Fort McHenry, Baltimore Harbor, Md., in accordance with Special Orders No. 76, headquarters of the Army, Adjutant-General's Office, Washington, D. C., April 7, 1891, the president of the board being Col. L. L. Livingston, Third Artillery, two surgeons and three other line officers, which, after a careful examination of the evidence presented to it from the records on file at the War Department, together with the report of the army surgeons, who conducted a physical examination, reported that William C. Spencer, late captain, Seventeenth Infantry, at the time of his resignation from the Army in 1862 was physically incapacitated by reason of loss of right eye previous to entrance into service, and by reason of imperfect condition of left eye and chronic disease of digestive organs incident to the service, and by reason of which he was, at the time of his said resignation, entitled to retirement.

In connection with the above your committee submit the following

affidavit of Capt. James A. Snyder, U. S. Army, retired, which has a strong bearing on Capt. Spencer's case, showing the condition of his health while he was actively engaged in the field, both before and after he was charged with disloyalty, and when he had been suffering under this unjust charge for several months.

WASHINGTON, D. C., *April 13, 1891.*

Col. L. L. LIVINGSTON, U. S. A.,  
*President of a Military Board at Fort McHenry, Baltimore, Md.:*

(To examine into the physical condition of W. C. Spencer, late captain, 17th U. S. Infantry.)

I, Capt. James A. Snyder, U. S. Army, retired, do hereby make the following affidavit: That I was aide-de-camp to Gen. George Sykes, commanding a division of regular infantry in the Army of the Potomac, in the campaign against Richmond, Va., in the spring, summer, and fall of 1862.

That I was well acquainted with Capt. W. C. Spencer, of the Seventeenth Infantry, and bear witness to his activity as an officer during said campaign. He was always ready for duty until he got into trouble on account of the arrest of his uncle, Judge R. Carmichael, of Maryland, a flaming account of which arrest was shown him by the commanding officer of his division, Gen. Sykes, to read, which was published in a New York newspaper.

I not only bear witness to the general efficiency and gallantry of Capt. Spencer as an officer during this campaign, but recollect also that he was on the sick report, and by his appearance showed his illness, prior to his arrest; yet he was always on hand for duty at the sound of the bugle during the battles and skirmishes on the Peninsula, up to the date of his arrest.

He was sent to Fortress Monroe under arrest, charged with disloyalty, by order of Gen. George B. McClellan, but was afterwards allowed to join the command, and, though still under arrest and on the sick report, on the 30th of August, 1862, was allowed to command Company A, Second Battalion, Fourteenth Infantry, in the second battle of Bull Run, Virginia.

He was still on the sick report and under arrest for disloyalty, but went with the division of regulars into western Maryland against the rebel Gen. Lee, after he had crossed the Potomac at Point of Rocks, in September, 1862; and at that time he was a walking skeleton, exciting the sympathy of one of the officers of the command to such a degree that he tendered him the use of a horse to ride on. His friends of the division heard afterwards he had gone home to Maryland sick, and they thought it was a wise step, as he, from his appearance, was certainly not fit for the hardships of an active campaign.

Capt. Spencer was, at this time, the guest and under the immediate command of Maj. D. B. McKibbin, Fourteenth Infantry, and had been since the division left Hampton Roads to reinforce Gen. Pope before Washington.

J. A. SNYDER.

Subscribed and sworn to before me this 13th day of April, A. D. 1891.

WALTER T. WRIGHT,  
*Notary Public.*

A true copy.

R. WILLIAMS,  
*Assistant Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *December 24, 1891.*

Your committee do therefore unhesitatingly recommend the passage of the bill as a most meritorious one and a simple act of justice to a brave and gallant soldier who has been unjustly treated, and do therefore recommend that he be placed on the retired list of the Army as captain of infantry.