The Shadows of Death have again closed around the Life of a well-known and distinguished citizen. The Hon. John Canfield Spencer expired at his residence in this city on Thursday night, after an illness which had confined him to his house for more than a year. Severe and long continued professional labor, which he nobly undertook in the cause of a venerable friend, and which he triumphantly carried through with perseverance and tenacity of purpose for which he was remarkable, laid the seeds of the disease to which, after a long struggle, he was obliged to succumb. Long after the world had retired to rest and was hushed in sleep, he used to bend in his study over books and papers and long and perplexing accounts, and the early morning found him again engaged in this labor of friendship. But alas! in the unravelling of the intricate involutions of the mesh, which, link by link, thread by thread, yielded to his acute and clear sighted intellect, he was unconsciously loosing the threads of his own life. The mystery once unravelled, the Gordian knot once cut and his friend triumphantly vindicated—his overtasked brain, yielded to the heavy drafts which had been made upon it, and he gradually sunk under the advances of a prostrating and lingering disorder. His last moments were painless and peaceful, sustained by the hopes and offices of Religion, and so tranquilly did he sink to his last sleep, that, like Cassius, as Cicero has written, Death seemed rather to have been given to him than Life to have been taken away.

Mr. Spencer was the oldest son of the late Ambrose Spencer, for many years Chief Justice of the Supreme Court on this State. He was born at Sharon, Conn., on the 8th of January, 1788.

His mother was a daughter of John Canfield, a lawyer and jurist of distinguished reputation at Sharon. He graduated at Union College in the Class of 1806, having entered that institution at an advanced standing from Williams College. Having been admitted to the Bar in 1808 he shortly after moved to Canandaigua, where he devoted himself to the pursuit of his profession, in which he rapidly rose to a position of prominence and promise. His first appearance in public life, of which we have any record, was as a member of the House of Representatives, in which body he represented the Twenty-First District, in 1815-1817, two sessions. In 1819 he was nominated in the Legislature (against his will) as the Clintonian Candidate for United States Senator, and although on the day of election no nomination was made, he received the largest number of votes cast in the Assembly. In 1820 he was elected to represent Ontario County, in the Assembly, and was chosen and acted as Speaker of the House. While a member of that body he was instrumental (in connection with another distinguished citizen, still living) in introducing great improvements in the Common School System on a basis
which conforms substantially with our present system. He occupied a seat in the House during the years 1820, 1821, 1831, and 1833, and was in the State Senate during the years 1825-6, 7, 8. In 1829 he was appointed by Mr. Van Buren, his political opponent, Special Counsel for the detection and prosecution of those concerned in the murder of Morgan. On the 4th of March, 1839, he was appointed Secretary of State, the duties of which responsible office he fulfilled faithfully for three years. His subsequent career in a higher walk of official life, as Secretary of War, and afterwards as Secretary of the Treasury, is within the recollection of most of our readers, and is too familiar to be repeated in this brief and hurried notice.

Distinguished as a statesman, it was in the professional career as a Lawyer, that Mr. Spencer's greatest successes were achieved. Like his father before him, he was a man in whom intellect and the sternest features prevailed and stamped the character. Dismaying alike the arts of oratory and the graces of speech, no advocate entered a court of justice with a better grounded confidence of success. With a manner at once simple and severe, his approach to the point in issue was marked by the measured and firm step of one who knows intimately the ground over which he moves. Without haste, and in the most perfect order, he marched to his conclusion in the way of argument, with all his forces converging on the main ground of controversy. Warily at first, from premises impregnable, carefully choosing his way, we see him advance from point to point with such vigor of language and grasp of intellect that he seems to hold in his hand easily, like a master, the issue of the contest. Our sympathies are often on the other side, but the clear voice and decided attitude imposing on the mind the accent and energy of compact logic, do not the less command our admiration while they carry conviction home to the judgment of the Court.

The pleasure of hearing him was something like that with which one listens to the demonstration of a mathematical problem. No matter what may be our partialities, the mind must yield to the inevitable law of cause and effect. No skill of words nor trick of fancy could elude the line of his argument, which, like a ray of light, fell with invariable certainty in its direct and law-appointed course. From one degree to another, placing principle on principle, his mind arose to the point of demonstration with the composition of a strong man, who can well afford to neglect the lighter and more graceful forms of eloquence.

With qualities such as we have indicated, Mr. Spencer, though highly gifted with just the powers requisite for the solution of important legal questions, never trusted himself to these alone for success. No man investigated a subject with more persevering industry—and none, we may safely say, gave to it a more searching and thorough examination. Identifying himself with his client, with the ready skill of an advocate he entered into the case with a whole-souled conviction which, where the balance trembles between the contending parties, is often in itself enough to turn the scale.
It was a man of fine powers and remarkable experience who reckoned audacity the first of elements in difficult and dangerous times. It is not quite the word we need, but it approaches nearly our idea of the unshrink ing confidence which advances to victory, while the more timid sit quietly counting the chances. The counterpart of this is sometimes seen in a Court of Justice.

Mr. Spencer was, as we intimated, a man of distinguished intellectual powers—powers which placed him in the front rank of our intellectual men. As a class, such men are seldom popular. Their passions, even that of ambition, are tinged with severity, and lean—for this is the vice of noble minds—to the love of power. And power in the hands of an individual always grows irksome. Louis Phillippe, the powerless, enters the palace as citizen king and rules for a while gloriously, as the Napoleon of Peace. In the exercise of rights not to be questioned, unconsciously he becomes unamiable in the eyes of the people. His authority suddenly returns to his constituents, and Phillippe departs with undignified haste. The English Cabinet, and our own Administration, of both State and Nation, continually verify the law and reap the unpopular penalty annexed to the exercise of power.

With the instinct of sagacity, as a people, we recognize instantly the ambitious lover of power, and mark him down as just the man we will not have to rule us. Our party leaders, who have most sought the honors of state, have nearly all of them come short of their object.

We do not include Mr. Spencer historically among those whose vaulting ambition has overleaped itself; we say only that he belonged to the class whose peculiar temptation lies in that direction. As one of the revisers of the Statute Laws of the State, winning for himself at an early day a reputation as prominent in his native commonwealth as the lawyer ever gains, he should have been, at the time he was nominated for that office, confirmed as one of the Judges of the U. S. Supreme Court. His claim and fitness for the office were unsurpassed by any man in the Union. It was a mistake and a public loss that he was not then called to the bench.

Distinguished politically, and filling every place he had occupied with eminent ability, he has nevertheless never guided, nor seemed to guide the popular current. His genius was not politic; it could not make himself all things to all men; his nature was not lithe and supple enough to meet each changing breeze with the ready sail which seems to have anticipated and waited for it. He was, in short, not a modern politician—his mind could not dispense with principles. Still, his career politically has neither been unimportant nor of short duration. As a member of the Legislature and Secretary of his own State, member of Congress and Secretary of War in the national government, he has everywhere, in the discharge of important public duties, been known and felt as an efficient and able statesman.
Mr. Spencer graduated in 1806, and was fashioned under the healthful influences of that period, whose manners and habits of thought have come down to us in undiminished vigor. It is the heritage of each generation from that which precedes it, constantly changing, and yet preserving in a degree, in this instance at least, the leading elements of the earlier and younger days of the Republic.

There is a popular prejudice that it does not consist with democratic views to recognize a prevailing character as running through in lineal succession members of the same family. It is thought to be a homage to blood which the Democrat can not consistently render. Whether the impression be true or false, the features of the father, physically, mentally and morally, do impress themselves more or less upon his offspring—and Chief Justice Spencer did live again in the likeness of his son.

No character is faultless, but the faults of one generation are the merits of another. The noble sternness of the man who formed and moulded our political edifice, would not rest gracefully upon the younger men of the present day. Men bred like Mr. Spencer under the cogent influences which ushered in the century have in them a backbone of strength, which does much to preserve and perpetuate the national character.

Will it be inferred from what we have said that Mr. Spencer was not social and affable—that his manners were not easy and agreeable? We must not give rise to an impression so unjust. Searching and earnest in his convictions he undoubtedly was, and often where the occasion demanded it, he expressed himself in words of burning sarcasm. This was one phase of his character, which, by the way, almost always belongs to a cold nature. Its counterpart was mild, and somewhat courtly perhaps, but still full of winning gentleness and candor.

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The funeral of the late Hon. John C. Spencer will take place tomorrow (Sunday) afternoon, at 4:30 o'clock, from St. Peter's Church.

Albany Morning Express, May 19, 1855 (Sat.)

Prof. Pearson's Scrap Book p. 401
JOHN C. SPENCER, '06

John Canfield Spencer, the eldest son of Judge Ambrose Spencer, also rose to high distinction, and was the recipient of a variety of honors, of which mention can be made, of only the most important.

John C. Spencer was born in Hudson in 1788, and after finishing his college course, studied law in Albany, and was admitted to the bar in 1809. He was appointed Secretary of State in 1839, was made Secretary of War in 1841 and Secretary of the Treasury in President Tyler's Cabinet, in 1845. Mr. Spencer formed an intimate friendship with M. de Tocqueville during his visit to this country in 1838 and annotated his great work on "The American Democracy." Mr. Spencer died in Albany in 1855.

(Martin Van Buren was the only President of the United States that Columbia county has produced, if we except the Hon. Samuel J. Tilden. Every unprejudiced person, whatever his party affiliations may be, will now admit that Mr. Tilden was rightfully elected to the Presidency. He was prevented from taking his seat by measured familiar to all, but it is certain that old Columbia was entitled to the Honor of having a second son in that distinguished office.)

From: History of Hudson
Bradbury
p. 156
In 1839, John C. Spencer, Superintendent of Schools, recommended a plan of county supervision, which "was urged upon the department and the Legislature; and under the strong recommendation of the Superintendent, backed by the exertions of several of the most eminent friends of popular education--among whom may be enumerated the Hon. Jabez D. Hammond, who as early as 1835 had given the public the details of a plan essentially similar; the Rev. Dr. Whitehouse, of Rochester; Francis Dwight, editor of the District School Journal, then of Geneva; Professor Potter, of Union College; and James Wadsworth, of Genesee,--this project, became, in 1841, by the nearly unanimous action of the Legislature, incorporated with our system of common schools."--Randall's Common School System. p. 44

Gazetteer of the State of New York
p. 137
J. H. French
Syracuse 1860.
John C. Spencer is about 5 feet 9 inches in boots, erect and slender. There is nothing about his countenance or head which commands the admiration of the phrenologist, as a sign of uncommon genius. His hair is very near a pale black, descending in the neck and over the forehead; his eye, quick and penetrating, may be considered as the only indication of the man.

Mr. Spencer is undoubtedly a man of more talent than any other in the legislature. It is so generally conceded, we believe, by the members themselves. The character of Mr. Spencer stands pre-eminent, as a statesman and constitutional jurist. The various prominent duties, which he has been, from time to time, called upon to perform, have all been discharged with the greatest ability, and most scrupulous regard to the public interests. Our Revised Statutes will long remain a monument of his industry and legal discrimination—its has become now—matter of fact, that his labors on that work, were double that of either the other members. It is a great misfortune for him, that the collision with Gov. Throop, should have prevented the award of that universal credit which his exertions as special counsel certainly entitle him to.

His situation in the Assembly will not allow a display to much advantage. Having the misfortune of being in a political minority, he was not selected and placed upon any important committee which his talents naturally command. Being thus unjustly cramped and controlled, he must uniformly watch measures flying in the house, and arrest his game upon the wing. Thus far the public will be very much disappointed in not receiving those benefits from his services, which might honestly have been expected.

Mr. Spencer has played upon the political stage, from early youth. He was brought forward rather prematurely, in consequence of the distinguished station which his father, the late Chief Justice, occupied. He went to Congress quite a youth—but youth as he was, old and venerable heads bowed submission to his talents, and rendered homage to his wisdom. As a practical legislator from his earliest career; but his consistency as a politician has been questioned—as a politician, we say he was brought prematurely in the field.

The Microscope
Albany, N.Y.
Vol. 5 No. 9 p 2. col. 3.
March 9, 1833.
1806  John C. Spencer

See: Millard Fillmore
Biog. of a President
Robert J. Rayback
Buffalo Histal. Socy.

pp. 28, 102, 103, 104 and 144.
JOHN C. SPENCER '95

Tribute of Respect to the Hon. John C. Spencer, from the Board of Trustees and Graduates of Union College.

At a meeting of the Board of Trustees of Union College, held July 25th, 1854, the following preamble and resolution were unanimously adopted:

Whereas the Hon. John C. Spencer, unsolicited, volunteered his eminent powers and reputation in vindicating the President and Trustees of Union College from calumnies which had been long and industriously circulated against them.

And whereas during an unusually protracted and vexatious enquiry, he continued to prosecute the task he had undertaken, without fee or reward, and at great sacrifice of time and labor, never remitting his exertions until they were crowned with triumphant success, therefore:

RESOLVED: That as a slight token of gratitude on the part of this Board, and as a permanent memorial of this disinterested act of devotion and love of justice on the part of one of her oldest and most distinguished sons, that the Treasurer of the College be authorized and directed to procure immediately, and place beside the portrait of the President, in one of the public rooms, a marble bust of Mr. Spencer, or a full length portrait, as the Resident Trustees may judge most expedient.

L. H. Willard, Secretary.

AT a meeting of the Alumni of Union College, assembled to commemorate the 50th Anniversary of Dr. Nott's Presidency, July 25, 1854, the following resolution was proposed:

RESOLVED, That the gratitude of the Alumni of Union College is eminently due to our brother, John C. Spencer, for his voluntary and unsolicited efforts in the defence of their Alma Mater and their beloved President from the calumnious charges brought against them; and for the patience, perseverance and great ability with which he performed without fee or reward that self-appointed duty and achieved so triumphant a vindication. They therefore cordially approve of the contemplated placing his portrait or bust in one of the public rooms of the College as a lasting memorial of his noble and disinterested conduct.

The resolution was carried unanimously and enthusiastically.

The Schenectady Cabinet
August 1, 1854
Prof. Pearson's Scrap Book p. 61
Men Who Helped to Make America

JOHN CANFIELD SPENCER, who was not only Secretary of War of the Treasury but a remarkably able lawyer, the son of Judge Ambrasey Spencer;

He was born at Hudson, N.Y., January 6, 1778;

His father sent him to Union College, in his native State. Upon his graduation in 1804, he became secretary to Governor D. C. Tomkins, a position which he filled until he began his own legal practice at Canandaigua, N.Y., in 1809.

In 1811 he was made Master in Chancery. Then the War of 1812 began and in 1813 he became Brandy John Advocate in the Army on the frontier. In 1814 he became Postmaster, and in 1815 assistant Attorney General and District Attorney.

He was in Congress as a Democrat from 1817 until 1819 and in the Assembly in 1819 and 1820, becoming Speaker the second year. Further service to his State was followed by his appointment in 1841 as Secretary of War in President Tyler's Cabinet.

When two members of that Cabinet were killed by the explosion of a gun on the Princeton in 1841, Cabot replaced one of them as Secretary of State, and Spencer took the portfolio of Secretary of the Treasury for a short time.

Spencer was an indomitable worker. He is described by Nathan Sargent as "a man of great ability, industry, and endurance. Cool, calm, and unruffled temper." In 1849 his same master conferred the degree of Doctor of Laws upon him. His literary labors included the editing of De Tocqueville's "Democracy in America," in the edition in two volumes published in 1844. He died in Albany, May 14, 1864.

1834-Rochester-1934

City's Charter Cost $250

First charter of the City of Rochester was drafted by John Canfield Spencer and for his effort the first common Council paid him $250. Mr. Spencer graduated in 1808 by Union College, was private secretary to Gov. Daniel D. Tompkins. He was admitted to the bar in 1809 in Canandaigua, where he lived, becoming master in chancery in 1811, judge-advocate general in the Army of the Northern Frontier in 1814, both assistant attorney general for Western New York and district attorney in 1815.

Mr. Spencer held many public offices, both state and federal.

State House of Representatives, elected twice, serving in his first year as speaker; Senate, board of revised statutes; attorney-general; secretary of state, superintendent of common schools, several state commissions, of which one organized state asylum for idiots.

Federal-Congressman, Secretary of War, Secretary of Treasury.

Mr. Spencer owned considerable property in Rochester and gave the names of Ambrose and Spencer to the honor of his father, Ambrose Spencer, an eminent jurist who died in Lyons, N.Y. He also owned property in Penfield.

TATTLETALES

One of the most interesting houses in Albany is that now occupied by the Jewish community center. It was the home of the late Judge Henry T. Linthicum and was the home of J. W. S. Coxe of the New York Times. It was here in 1809 that Miss Sophia S. B. Schuyler was married to Judge Schuyler. The house was afterwards sold to the late Judge Schuyler and his daughter married a son of Gov. DeWitt Clinton, and lived at the Washington Avenue address until 1825.

THE STORY IS told of Miss Spencer, when a small child, as she was returning from school, a gentleman came up and asked the child's name. Sophia B. Schuyler knew when she was asked by Mr. Spencer to take her in her arms by the hand when Miss Spencer saw her, frantically ran into the window. Mrs. Spencer looked at her daughter's escort and he disappeared from sight.

When the young lady was safely inside the house, her mother appeared on the threshold and clutched the young lady for having disgraced the family by walking through the streets of a town holding hands with a man.

AARON BURR was a discredited man whenever he went. Legend has it that he spent one winter in the home of a friend in Lienau—thec house owned subsequently by Augustus Peabody. Had Aaron Burr remained in Albany where he had conducted a lucrative law practice through his reputation as a soldier in the Revolutionary was his promising career might not have had such a tragic chaser written into it as that with which his name is associated.
John Canfield Spencer, 1806, was appointed Secretary of War by President Tyler and served from Oct. 21, 1841 to March 3, 1843, when he resigned and was appointed Secretary of the Treasury. He resigned this office because of a disagreement with Tyler over the Mexican question and the annexation of Texas. Spencer was elected a member of Congress in 1816 and served one term. He held a number of state offices and was appointed by Gov. DeWitt Clinton in 1824 one of the revisers of the Statutes of the State of New York. In the War of 1812 he was Judge Advocate of Gen. McClure's brigade of New York militia and wrote many pamphlets supporting President Madison's policies. DeTocqueville, on his tour of this country, spent several days with Spencer at his home in Canandaigua, and Spencer annotated the first American edition of his "American Democracy."

John C. Spencer, from a portrait in the dining hall of West College, at Union. He was graduated at Union in 1806 (LL.D. 1846), and was Secretary of war and then Secretary of the Treasury in the cabinet of President Tyler. But most important to Chi Phi, he was the father of Philip Spencer.—D.S.M.

WREATHS IN MEMORY OF PHILIP SPENCER, on May 3, 1941, placed by (left) G. P. Richardson, '27, and A. S. Bard, '88, in the Rural Cemetery, Albany, N.Y., on the graves of John C. and Eliza S. Spencer, parents of Philip. This was at the time of the Centennial Convention, at Union College.
Was a son of Ambrose Spencer, born in Hudson, January 8, 1788. He entered Williams College in 1803, but transferred to Union College at Schenectady, from which he was graduated in 1806. He studied law in Albany and was admitted in May, 1809. Although a native he was not long a resident of Columbia County. In February, 1815, he was appointed district attorney for the district including five of the western counties of the State, and held the office three years. In 1816 he was elected to Congress from the Twenty-first District. In 1820 he was elected to the Assembly and was chosen Speaker. In 1824 he was elected to the Senate, and in 1827, with Benjamin F. Butler and John Duer, was appointed to revise the statutes of the State. In 1839 he was appointed Secretary of State, and in 1841 was chosen by President Tyler for the cabinet position of Secretary of War, and in March, 1843, for Secretary of the Treasury. On account of disagreement with the President on the Texas annexation question, he resigned his post.

Columbia County at the End of the Century
Vol. 1 p. 190
Hudson Gazette
Hudson, N. Y. 1900.
Son of Ambrose Spencer, was born in the city of Hudson, January 8, 1768. He entered Williams College in 1803, but graduated at Union College, in Schenectady in 1806. He studied law in Albany, and was admitted to the bar in May, 1809.

Although a native of, he was never long a resident in, Columbia county. In February, 1815, he was appointed district attorney for the five extreme western counties of the State, and held that office for about three years. In 1816 he was elected to Congress for the Twenty-First District, but declined a re-election. In 1820 he was chosen to the Assembly, and elected Speaker upon its organization. Afterwards he served several terms in the Assembly. He was elected Senator in 1824, taking his seat in 1825. In April, 1827, he was appointed, with B. F. Butler and John Duer, to revise the statutes of the State.

In February, 1839, he was appointed Secretary of State of New York, and in 1840 a regent of the University. In 1841 (October) he was appointed Secretary of War under President Tyler, and in March, 1843, Secretary of the Treasury, which latter office he resigned May 1, 1844, in consequence of his disagreeing with the President on the question of the annexation of Texas.

From History of Columbia County, N. Y. p. 94
Franklin Ellis
Everts & Ensign
Philadelphia 1878.
Political feeling ran high in the years preceding, during, and following the war.---The Canandaigua Messenger charged that the Washington Benevolent Society of the village was "a political club of the most bitter and violent enemies of our government and country," and a society "composed of some of the most abandoned, desperate, and depraved political vagabonds in the county." It is not strange, perhaps, that as one of the echoes of the fierce strife a suit was brought by Editor Bemis of the Repository against John C. Spencer, whom the plaintiff accused of being the author of an editorial in the Messenger referring to him as "a traitorous rascal." The incident was happily closed by the publication of a card in which Mr. Spencer said that the offensive epithet was never intended to apply to Mr. Bemis.

FROM History of Ontario County, N. Y. p. 71
Charles F. Milliken
Lewis Historical Publishing Co.,
New York 1911.

The news of the outbreak of the war was brought into Ontario County by express very soon after the beginning of hostilities, and within six days thereafter a large public meeting was held at Canandaigua for the purpose of adopting such measures as should be necessary for the public good. Major William Shepard was chosen chairman and John C. Spencer secretary of the meeting, and a committee of correspondence was also appointed, comprising Nathaniel Howell (Union Hm. 1822), Thaddeus Chapin, Zachariah Seymour, Oliver L. Phelps, John C. Spencer, Nathaniel Gorham, Moses Atwater, James Smedley and Hugh Jameson. At this time it was decided to organize a "Citizens Corps," to be composed of men exempt from possible duty, and who should defend the county against possible Indian invasion which might occur while the militia was on the frontier.

FROM History of Ontario County, N. Y. p. 120
George S. Cunover, Editor
D. Mason & Co.,
Syracuse 1893.
JOHN CANFIELD SPENCER

John Canfield Spencer, one of the most distinguished figures in the history of early Ontario County, was born at Hudson, New York, in 1788. He took up his residence in Canandaigua following his admission to the bar and continued a resident here for thirty-six years. When only nineteen, became private secretary to Gov. Tompkins; was appointed Master in Chancery in 1811; was Brigade Judge Advocate on the frontier in 1815; was appointed Postmaster at Canandaigua in 1814; became Assistant Attorney General in 1815; and in 1816 was elected to Congress from the Twenty-first District, of which Ontario County was a part. In 1821 he entered the State Assembly and became Speaker of that body; was State Senator, 1824-28; was appointed by Gov. Van Buren in 1826 special Attorney General in the prosecution of those implicated in the Morgan abduction; was again elected to the Assembly in 1830, and in 1839 was appointed Secretary of State by Gov. Seward, serving also as State Superintendent of Schools; two years later was appointed Regent of the State University. In October, 1841, was appointed Secretary of War by President Tyler, and in March, 1843, was transferred to the office of Secretary of Treasury, but resigned the position the following year because of opposition to the annexation of Texas.

Died at Albany, May 18, 1855.

Portrait.

FROM History of Ontario County, N. Y.  p. 73
Charles F. Milliken
Lewis Historical Publishing Co.
New York 1911

John C. Spencer was elected Speaker of the Assembly, the first and only time that office has been held by an Ontario member.

FROM Same as above  p. 73
JOHN C. SPENCER:

John C. Spencer was for a long period one of the heads of the bar in western New York. I first heard him at Rochester, in 1829-30, when he was special counsel for the state in the prosecution of the Anti-masonic cases. He was a wary and dangerous adversary in the trial of actions that involved nice legal distinctions, and where falsehood was curiously intertwined with truth. His clear head and plastic hand had much to do in the revision of the New York Statutes. Gerrit Smith told me that pretty much all he learned when a wild young man, during the short time he was in Spencer's office as a law student, was a method of blotting out writing so skilfully that what was obliterated could by no possibility be ascertained.

It was the acute mind of Mr. Spencer which devised that cunning evasion of the Constitution of New York known as the Canal Bill of 1851. The long struggle over this measure in the legislature and the courts will be referred to in another place. Mr. Spencer's versatile talents were always in request by his party. He held more offices than any citizen of New York, except perhaps Martin Van Buren and John A. Dix.

Random Recollections
Henry B. Stanton
Harper and Brothers
New York
1887.
John Canfield Spencer, secretary of war and of the treasury, was born at Hudson, N. Y., Jan. 8, 1786, son of Judge Ambrose Spencer. He was graduated from Union College in 1806, was secretary to Gov. D. D. Tompkins in 1807-08, and 1809 began legal practice at Canandaigua, N. Y., where he remained for thirty-six years, and was postmaster in 1814. He was made master in chancery in 1811, brigade judge-advocate in the army on the frontier in 1813, and in 1815 assistant attorney-general and district attorney. While in congress, as a Democrat, 1817-19, he wrote the report of the committee on the U. S. Bank, which was afterward used by Pres. Jackson at a time (1833) when the opinions of its author on this subject had greatly changed. He was in the assembly 1819-20, speaker the latter year, state senator 1824-28, a supporter of DeWitt Clinton, and active with J. Duer and E. F. Butler, in the revision of the New York statutes. He was for a time connected with the anti-Masonic party, and was special attorney-general, under a law passed for the purpose to prosecute the supposed abductors and murderers of William Morgan, but had a difficulty with E. T. Throop, then acting governor, and resigned in May, 1830. In 1832 he was sent to the legislature for another term. As secretary of state and superintendent of schools, 1839-40, he did much to advance public instruction. In Oct., 1841, he entered President Tyler's cabinet as secretary of war. Thurlow Weed, speaking of Spencer, says: "He entered the cabinet with the notion of being able to bridge over the breach between Tyler and the Whigs of New York. In this he was perfectly sincere, though, with our knowledge of his political eccentricity of character, none of us doubted that from the moment he entered the cabinet he would zealously espouse and warmly defend Tyler's views and policy." The New York "Tribune," then just started, said of Spencer's appointment: "A matter of surprise to many, but we trust a subject of regret to none; New York should have some voice in the cabinet counsels, and no abler and worthier hand could be found than our present secretary of the state of New York. With a wide and well-established fame as among the soundest and ablest American lawyers, he possesses a reputation for purity of purpose and dignity of aim rarely enjoyed." While holding this position a terrible affliction fell upon him; his son, a midshipman, on the U. S. school-ship Somers, headed a mutiny, and was hanged at the yard-arm Dec. 1, 1842. When the big gun burst on the Princeton in 1843, killing Secretaries Upshur and Gilmer and the father of President Tyler's future bride, two other persons and two seamen, the cabinet was reconstructed, Calhoun, made secretary of state and Spencer secretary of the treasury. In a short time Spencer resigned, and his place was filled by Bibb of Kentucky. Spencer had been practically ignored and insulted for some time by Tyler. The New York "Evening Post" said that "the cause of the change was Spencer's declining to deposit $100,000 as secret service money with a confidential agent at New York to fit out a naval expedition against Mexico. As he could discover no act of congress directing such a disposition of public money, Mr. Spencer declined to give the order, or allow it to be given to his subordinates, and the next day he received a peremptory order to transfer the money. Seeing the sense was up, Mr. Spencer coolly wrote a second refusal, and that day he sent in a written resignation, and remained in the department just twenty-four hours afterward, having in that short space squared all the ends of his
concerns with it." The last day of the session Tyler with drew the nomination of Reuben Walworth for the supreme bench and substituted John Canfield Spencer. Objection was made, and Walworth's name was reinstated, but the senate confirmed nobody. Thus practically closed the career of one of the most indefatigable men in the land; too industrious, almost, to feel domestic bereavement. Toward the close of January, 1844, Spencer's nomination for district over New York, Vermont, and Connecticut, to succeed Smith Thompson, was rejected by 26 nays to 21 ayes. Among those who voted against Spencer were Bayard, Benton, Berrian, Choate, Clayton, Crittenden, and Dayton. For him were Buchanan, Colquitt, King, McDuffie, Sevier and Silas Wright. Spencer put many useful things into the laws of New York, and he served the state well, but he never was an attractive man, because his ambition was kiln-dried. Nathan Sargent says that Spencer was "a man of great abilities, industry, and endurance, curt manners and irascible temper, and before being tendered a position in Tyler's cabinet he had written an address upon Tyler's treachery to the Whig party more severe than anything that appeared from any other quarter, and fairly flayed the president; lashing him as with a whip of scorpions; yet, after this, Tyler could offer him, and he accept, the place of secretary of war; and second, that of secretary of the treasury. It is but just to say of him that he rendered the country important service in the treasury department, which he administered with ability, assiduity, integrity, and faithfulness seldom equaled since the days of Hamilton." In 1845 he removed to Albany. In 1849 he received the degree of LL.D. from Union, of which he had been a regent from 1840. He edited De Tocqueville's "Democracy in America," (2 vols., 1835), bore a prominent part in organizing the N. Y. Asylum for Idiots, and served as a member of state commissions. He died at Albany, May 14, 1855. A review of his legal and political career, by L. B. Proctor, appeared in 1886.
JOHN CANFIELD SPENCER:

1788-1855.
Son of Judge Ambrose Spencer, was a man of no little distinction and experience. A graduate of Union College, he had successively been secretary to Governor Tompkins, lawyer, Canandaigua postmaster, district attorney, congressman, Speaker of the New York Assembly (1821), and leader of the Clinton party in the State Senate. In 1826 he had been appointed by Van Buren special attorney general to prosecute the masons implicated in the abduction of Morgan; and in 1827, by appointment from Clinton, he had, with John Duer and B.F. Butler, begun the revision of the Statutes of New York. Later he was to be the Superintendent of Common Schools and Secretary of State; and in 1841-44 he was to serve in President Tyler's cabinet, first as Secretary of War, then as Secretary of the Treasury, until his scruples over the annexation of Texas led him to resign.

Footnote p. 216
Tocqueville and Beaumont in America
George Wilson Pierson
Oxford University Press
New York. 1938.
The Second Bank of the United States had fallen into disfavor with a large portion of the people, especially in the South and West. There arose such a clamor against it that an investigation of its affairs was ordered by the House of Representatives. A committee was appointed (November 30, 1818) to inspect the books and examine the proceedings of the Bank and report whether the provisions of its charter had been violated. This committee of five included Spencer, of New York, as chairman, and Lowndes, McLane, Bryan, and Tyler as members.

The committee went at once to Philadelphia and entered upon its task with commendable energy. It was in session regularly from ten in the morning until four or five in the afternoon. It wrestled with the seeming mysteries of bank terms, exchanges, etc., waded through numerous large folios, and made many calculations. In writing of his work on the committee to Dr. Curtis, Tyler said: "I certainly in the same time never encountered more labor." The president, cashier, some of the directors, and some minor officials were interrogated under oath. "Finishing their investigation at the parent bank in Philadelphia towards the close of December, they separated, the more easily and expeditiously to examine into the affairs of some of its branches, and while Messrs. Spencer, Burwell, and McLane visited Baltimore, Messrs. Lowndes and Tyler repaired respectively to Washington and Richmond.

The members of the committee were tempted to interrupt their arduous labors by participating in the social diversions which were offered them by the aristocracy of Philadelphia. Frequent invitations to dine were received from the wealthy families of the city but only those for Sundays were accepted. One of these Sunday dinner parties was at the home of Nicholas Biddle, who in after years figured so prominently as president of the Bank. A noted guest on that occasion was the exiled ex-King of Spain, Joseph Bonaparte.

Thanks to its industrious activity, the committee was able in a few weeks to make a long report (January 18, 1819)—one that covers twenty-seven pages in the Annals of Congress. This report according to a high authority on the Bank (Catterall), "was exceedingly weak, being contradictory in its charges, and in places incomprehensible. The author of it (Spencer) had too feeble a grasp on the complicated questions before him, and consequently failed to make the most of his advantages." The majority report charged the Bank with speculation, mismanagement, and violations of the charter. There was, however, no accusation of criminality, as the frauds of the Baltimore branch were not known until later. pp. 35-36
Spencer, Secretary of War, had been associated with Tyler in the House of Representatives and was chairman of the committee (of which Tyler was a member) which made a report unfavorable to the Second Bank of the United States (1819). He was now Secretary of State for New York. Lately he had been active in his opposition to the policy of the Administration, and for this reason surprise was expressed that Tyler would offer and he would accept the place. p. 281.

Exchequer Plan:—John C. Spencer, who had been one of the strongest opponents of the Second Bank of the United States, and Webster, who had always been the ardent champion of a national bank, both praised the plan in unmeasured terms. Spencer said that it had been "approved by some of the most competent financiers of this country and of England, and pronounced to be adequate to all our wants, safe in its operations, and calculated to furnish the most perfect currency that could be devised." It was, in its essential features, "far preferable to any other that has (had) been submitted" and would "accomplish all the purposes for which it was designed, without hazard to the government, without danger to the people, and without stimulating anew the reckless spirit of speculation, whose excesses we have a great cause to mourn." p. 282

In the meantime Forward had resigned his post as Secretary of the Treasury and Caleb Cushing was nominated as his successor. But the Whig Senate was in no mood to honor such a close friend of Tyler—one of the Corporal's Guard—and so he was rejected. Thereupon John C. Spencer was nominated and confirmed (March 31, 1843). The transfer of Spencer from the War to the Treasury Department left the headship of the former department vacant. p. 283.

After Calhoun and Mason had come into the Cabinet that body was dominated by Southern influence. It is said that Spencer, with his Northern sentiments, now fell into disfavor with Tyler, and was largely ignored by his chief. At any rate, one would judge from the way in which the Secretary of the Treasury gave up his post and that he was not very happy in it. The President asked him to deposit a part of the secret service funds with a confidential agent in New York for possible use in connection with the Mexican expedition. Believing the order to be illegal, he refused to obey it and promptly resigned (May, 1844).

Whether this was a pretext for or the cause of Spencer's resignation and whether Tyler wished to be rid of him we
can only conjecture. According to Dr. Lyon G. Tyler, Spencer had a more personal reason for leaving the Cabinet. His son, who had been serving in the navy, was shot for mutiny (November, 1842) by order of Captain Alexander S. MacKenzie. When Captain MacKenzie arrived at port a naval court was ordered for his trial and an investigation of the case was made. MacKenzie was acquitted, "and," said the President, "I could do nothing but approve the sentence." Spencer, who was then Secretary of War, urged the President to set aside the verdict and order a new trial for the slayer of his son. Tyler's refusal to comply with this request may have given his Secretary a lasting grievance." pp. 288-9.

References to above: William and Mary College Historical Quarterly (1st series) XVIII, 174-175.

For an elaborate discussion, with numerous excerpts, from the documents, of the alleged mutiny of young Spencer and his execution as sea and the trial of MacKenzie, see Benton, Thirty Years' Views, II, 522-562.

FROM: John Tyler: Champion of the Old South. Oliver Perry Chitwood D.Appleton-Century Company New York. 1939
Spencer, John C.
From: Albany, N.Y.
Last residence: Albany, N.Y.

Records show one
John C. Spencer
Judge Advocate, McClure's Brigade, N.Y. Militia

Commencement of service: Sept 10, 1813
Expiration of service: Mch. 25, 1814
It was well known that to his pen, more than to that of any other, the administration of Mr. Madison and the prosecution of the war received the most efficient support. As the editor of a newspaper—the writer of resolutions and addresses, in which it was not his habit to spare his adversaries, he concentrated upon himself no small share of the abuse of the Federal press of that section of the State. But his aid in the prosecution of the war was not confined to his pen. He taught by example, as well as precept. At one time, in particular, his law office was closed, and he and all his clerks were mustered among the volunteers to join General Harrison at Fort George, on the enemy's territory. I say volunteers, for it should not be forgotten that those were the main reliance of the national government, until 1814.

He was United States Assessor, under Act of Congress of 1813, imposing a direct tax to aid in the means of prosecuting the war.

Annals of Albany
v. 6  p. 313
Munsell.

Spencer John Caulfield, Union 1806 (1849: Ent.)
Born Harrison, NY Jan. 8, 1788.
Appointed Secy. War Oct. 12, 1841 by
President Tyler
Transferred to Secretanship of
Treasury Dept, Mar. 3, 1843.
Died May 18, 1875.
"Oklahoma Chronicles" June 1932
Footnote.
1806  JOHN C. SPENCER

Wrote many pamphlets upholding President Madison's policy in regard to the War of 1812.
In December, 1813, he was appointed Judge Advocate of Gen. McClure's Militia Brigade and served with it on the Canadian frontier.
He lived in Canandaigua at the time.

The news of the outbreak of the war was brought into Ontario County by express very soon after the beginning of hostilities, and within six days thereafter a large public meeting was held at Canandaigua for the purpose of adopting such measures as should be necessary for the public good. Major William Shepard was chosen Chairman and John C. Spencer secretary of the meeting, and a committee of correspondence was also appointed, comprising among others John C. Spencer. At this time it was decided to organize a "Citizens Corps," to be composed of men exempt from possible duty, and who should defend the county against possible Indian invasion which might occur while the militia was on the frontier. History of Ontario County by Conover  p. 120.
Born in Hudson, Columbia county, New York, January 6, 1788.  
Died in Albany, May 20, 1854.

Was a son of Chief-Judge Ambrose Spencer. He was trained from boyhood for the bar, and after his graduation from Union College pursued his legal studies in his father's office. He was private secretary to Governor Tompkins. At the age of twenty-three he was admitted to the bar, and removing to Canandaigua he soon became there both a professional and a political leader. In 1815 he was appointed district-attorney for the district embracing the five western counties of the state.  
Elected to congress, he was conspicuous in that body for his strong opposition to the United States bank. He also served in the assembly, of which he became speaker, and in the state senate and Court of Errors.

In 1827 he was appointed a commissioner to revise the statutes of New York, in place of Henry Wheaton, resigned. He contributed valuably to the work begun by his associates, Benjamin F. Butler and John Duer. In 1829 he was designated by President Van Buren as prosecutor of the persons charged with abducting William Morgan. He was elected secretary of state of New York in 1837, and he held the portfolios of secretary of war and secretary of the treasury in the cabinets of Harrison and Tyler. President Tyler nominated him for associate-justice of the United States Supreme Court, but owing to factional considerations the senate refused to confirm him. Afterward he devoted himself exclusively to professional practice.

John C. Spencer was one of the greatest lawyers New York State has produced. The general judgment of the profession respecting him, says Mr. William Allen Butler, in his monograph on "The Revision and the Revisers," "was summed up in the brief sentence of a journalist who characterized his 'singular capacity to labor without fatigue as only equalled by the extent and variety of the professional services he performed.'"

History of the Bench and Bar of New York Vol. 1 p. 485  
New York History Co.  
1897
The children of Ambrose Spencer and Laura Canfield were John Canfield, William, Abby, Theodore, Laura and Ambrose. Abby married John Townsend of Albany. John married Elizabeth Smith of Sharon. Laura married Robert Gilchrist of Albany. William, two Miss Lorillard of New York. Theodore died at 19, and Ambrose, the youngest child, was shot and instantly killed during the War of 1812, as he was carrying a flag of truce into the camp of the British. He fell at the side of General Brown, who, with expressions of profound regret, did all that a brave soldier could do of kindness to the young American officer's family. His, Ambrose Spencer's, blood-stained sash and sword are still preserved.

John Canfield, who married Elizabeth Smith, was Secretary of War, and also Secretary of Treasury under President Tyler. The cause of the change from one cabinet position to another, may or may not have been resultant from the fact of the terrible affliction that came to John Canfield Spencer, and concerning which Gail Hamilton has so graphically written in her series of articles in the Cosmopolitan, entitled, "The Murder of Philip Spencer." The young boy of 18 was midshipman of the U.S. Man of War "Somers" commanded by Captain McKenzie; he with two seamen were accused of piratical intentions, were put in chains and after a half hour's notice of his fate (during which time he was refused his only request that of writing to his mother) he and the two seamen were strung up on the yard arm and their bodies thrown into the sea.

Genealogical Story (Dayton & Tomlinson) pp. 41-42
Laura Dayton Fessenden
Cooperstown
1902.
Mr. Editor: I did intend, in my communication, to give you a detailed account of the proceedings of the Senate Committee, but the excessive heat of the weather forbids it.

The Counsel in the case are Platt V. Potter, Esq., of this city, on behalf of the Trustees, and Hon. John C. Spencer, of Albany, on behalf of the President. At the opening of the case, John G. Spencer made a beautiful and effective speech. In alluding to his appearance as counsel, he said that no mercenary motives had induced him to appear, but that he was endeavoring to discharge, in part, a debt of gratitude he had long owed Dr. Nott, as his instructor and adviser, during his collegiate course. To his counsel he attributed whatever of good he may have accomplished, and whatever success he may have attained during his life. The allusions to the time when, nearly fifty years ago, he was under the fostering care of his Alma Mater, were touchingly pathetic. Mr. Spencer entered College in 1804, the first year of the administration of Dr. Nott as President. A report of Mr. Spencer's argument would be interesting to your readers, as the major part necessarily consisted of vouchers and accounts, in which none but the parties immediately concerned, can positively feel an interest. A great many private accounts of Dr. Nott were introduced by Mr. Spencer, which, he claimed, were connected with the college accounts, and which, if allowed, could make quite a material difference in the balance, which, according to the report of the last commission, is due the College from Dr. Nott. After Mr. Spencer had concluded, Alexander Holland, Esq., former Treasurer of the College, was examined in relation to these accounts. After Mr. Holland's examination was finished, Mr. Levius Vanderhayden, the Accountant of the last commission, was examined. You will recollect that, in his report to the commission, he made a balance due the College, from Dr. Nott, of $885,789.62. Dr. Nott and the Trustees, however, were not allowed to appear before the commission, in order to rebut this report, and the object of this committee is to afford them the desired opportunity, but I will defer to another letter a few comments upon the report. Yours, &c., PHI.

Daily Knickerbocker
Albany
August 15, 1853
p. 49
J. C. SPENCER

John C. Spencer, ranking among the ablest of American lawyers, was for many years a member of the Albany Bar. Here he achieved his greatest legal and political triumphs. His name is not only identified with the legal but with the political history of the State.

The political career of De Witt Clinton is largely blended with that of John C. Spencer.

He was born at Hudson, N. Y., August 12, 1786; he was a son of Ambrose Spencer, to whom we have often referred in this work. From his earliest years he was accustomed to the society of distinguished, learned and gifted men. His first knowledge of politics was drawn from witnessing the contest of our great American politicians who flourished in the early part of the present century. He saw how causes were tried by witnessing the legal contests of Hamilton, Burr, Hoffman, Emmet and other great lawyers.

He prepared for college at Hudson Academy, and entered Union College in 1799. During his collegiate course a friendship began between himself and Dr. Nott—afterward for many years the distinguished president of that college—which warmed as it ripened, and continued until the death of Mr. Spencer.

As a student young Spencer was distinguished for close and thorough application to his studies, for the same thoughtful reserve, the same dignified reticence, which marked his character as a lawyer, legislator and cabinet minister.

In July, 1806 at the age of seventeen, Spencer graduated with scholarly honors exceedingly gratifying to all his friends. On leaving college he began the study of law with his distinguished father. In July, 1809, he was called to the Bar; very soon after this he was united in marriage to a daughter of James Scott Smith, a highly respected citizen of New York City. Miss Smith was a lady of rare accomplishments, with that high cast of character which eminently qualified her for the wife of John C. Spencer. At this time Western New York, though mostly a wilderness, was attracting the attention of the enterprising and intelligent people of the eastern and southern parts of the State.
The beauty of its scenery, embellished by lakes, rivers and hills, with their grand old forests, and its prospects for speedy settlement and future greatness, were vividly portrayed by tourists.

Among those who decided to emigrate to that country was Mr. Spencer, and in September, 1809 he became a resident of Canandaigua. With a few law books and fifteen dollars in money he began that professional career which has rendered his name memorable in the State and nation.

He used to describe, in a pleasing manner, the first dinner of which he and his wife partook in their "own hired house" at Canandaigua.

"Our meal was served on a plain kitchen table. I was seated on a cheap, old-fashioned chair—the only one we boasted of—and Mrs. Spencer occupied a common wooden stool. But everything on the table, though simple, was nicely cooked, and we enjoyed our meal with a relish never equalled at the more sumptuous repasts of our more prosperous days."

In 1809 Ontario County embraced within its limits all that territory included within the Counties of Yates and Wayne, together with all that part of Monroe and Livingston lying east of the Genessee River. After Mr. Spencer became a resident of Western New York the population rapidly increased, and its great agricultural and other advantages developed to a surprising degree. The Ontario Bar became one of the most eminent in the State, at the head of which Mr. Spencer always stood.

In February, 1818, he was appointed by Gov. Tompkins Prosecuting, or District, Attorney for the five western counties of the State. It was a position of great responsibility and labor, but he discharged his duties with great alacrity and success. In the spring of 1817, he was elected a representative in Congress, taking his seat in that body December 1, 1817, remaining in the House during its fifteenth session. While in Congress he received the nomination for United States Senator by the Clintonian members of the Legislature. Col. Samuel Young and Rufus King were his opponents. He received 64 votes, Co. Young 57; but Mr. King was elected. For a politician asyoung as Mr. Spencer then-only twenty-eight years of age—this development of strength was exceedingly flattering to him. In the autumn of 1819 he was elected member of Assembly, and when the Legislature convened on January 2, 1820 Mr. Spencer was chosen Speaker. He was reelected in the fall of 1821, and again a candidate for Speaker, but was defeated by a few votes. He was elected to the Legislatures of 1831 and 1833.

Mr. Spencer represented the old Seventh Senatorial District in the State Senate from 1825 to the close of the year 1828. He left the impressions of his great learning and genius on the records of both branches of the Legislature of this State, and many enactments of importance which make a prominent part of our legal structure owe their existence to his learning and genius.
In 1826 the abduction of Morgan created an unparalleled excitement in the State. To secure the conviction of the abductors the great abilities of Spencer were invoked, and he was appointed by Gov. Van-Buren a special public prosecutor for that occasion.

But so skillfully and so secretly was the crime committed that all efforts of Mr. Spencer, aided by the power of the State, failed to bring the culprits to justice, and the mystery which hung over the affair at that time rests upon it now. Out of it grew the Anti-Masonic party, the foundations of which were laid by Thurlow Weed, William H. Seward, John C. Spencer, Frederick Whittelsey, Bates Cook and others. For a time it was very powerful, particularly in the western part of the State. It was short-lived, however, and soon withered away, or, rather, was absorbed by the Whig party, which was founded on broader principles of State polity.

Mr. Spencer, with Seward, Weed and others, became leaders of the Whig party.

In the autumn of 1836 he removed from Canandaigua to Albany, where he resided the remainder of his life. He aided materially in the election of Gen. Harrison, who died very soon after assuming the executive chair. John Tyler, who succeeded him, appointed Mr. Spencer his Secretary of War, and though the Whig party dissolved all connection with Tyler, Spencer continued to adhere to him through his administration. He advocated the election of Gen. Taylor and the election of Gen. Scott. After the Presidential election of 1852 he never mingled in politics.

This, in brief, was the career of John C. Spencer as a politician; the history of his legal career, would fill volumes. A distinguished part of his legal work was in the part he took as one of the revisers of the New York Statutes. Gov. Clinton died on February 28, 1828. Before his death he appointed commissioners for the revision of the Statutes; they were John C. Spencer, John Duer and Benjamin F. Butler. These gentlemen were selected for their high standing as lawyers, regarded, as they were, as the most learned of the profession in the State. The successful manner in which they discharged their duty is too well known to need comment here. The Revised Statutes of the State of New York are grand and enduring monuments of the genius, the learning, the purity and wisdom of John C. Spencer, John Duer and Benjamin F. Butler. Though, through the innovation of subsequent law-makers and codifiers, many of their sections have been repealed, yet many remain, indispensible to the practicing lawyer.

In 1849 he was appointed one of the codifying commissioners, but to the great regret of the judiciary, the profession and the public he declined the appointment and retired to private life.
Few men were more beloved in Albany than Mr. Spencer; its public interests seemed to be his interests, and his relations to its society were of the most pleasing nature. To his efforts the Albany Hospital owes, in a measure, its existence. As was said by a distinguished citizen of Albany speaking of the hospital, "Its interests and welfare never ceased to occupy his mind; and I have no doubt his agency in its foundation was a rich consolation on his bed of death."

The State Asylum for Idiots is another institution which owes much to his influence and generosity. In many other benignant and public matters his name is honorably identified. He continued the depenser of charities, public and private, until his death.

About the middle of May, 1854, he visited the City of New York being then an invalid. While there his disease took a more violent and dangerous turn, which rendered it apparent that the life of the great statesman and lawyer was about to close. He lingered until about the 20th of May, when he quietly and peacefully passed away. He was then in the sixty-eighth year of his age.

In the lovely cemetery of Albany, among all the beautiful and artistic monuments which embellish it, speaking its silent language of respect for the dead, none is oftener visited, none elicits more veneration, or brings up historic associations more vividly, than the shaft which commemorates the spot where repose the remains of John C. Spencer.

From History of the County of Albany, N. Y. P-141-142
1609 to 1886
W. W. Munsell & Co. 1886
could not consistently with my views of duty vote upon any question in which I had a pecuniary interest."

In early life he married Annie, daughter of Thomas Willing Francis, of Philadelphia, whose death occurred in 1864. Their surviving children were: Hon. Thomas Francis Bayard; Mrs. Levi C. Bird, of Wilmington, and Mrs. B. Lockwood, of New York.

JOHN CANFIELD SPENCER, LL.D.

John C. Spencer, who was secretary of war and secretary of the United States treasury, was born at Hudson, New York, January 8, 1788, son of Judge Ambrose Spencer. He graduated from Union College in 1806, was secretary to Governor D. D. Tompkins in 1807-8, and in 1809 began his legal practice at Canandaigua, New York, where he remained for thirty-six years, and was postmaster there in 1814. In 1811 he was made master of chancery, brigade judge advocate in the army of the frontier in 1813, and in 1815 assistant attorney-general, and also district attorney.

While in congress, as a Democrat, from 1817-19, he wrote the report of the committee on the United States' Bank which was afterward used by President Jackson in 1833, when the opinion of the writer on the subject had materially changed. He was in the assembly in 1819-20, speaker the last named year, state senator 1824-28, a supporter of DeWitt Clinton, and active with J. Duer and B. F. Butler in the revision of the New York statutes. For a time he espoused the anti-mason cause, and was special attorney-general under a law passed for the purpose of prosecuting the supposed abductors and murderers of John Morgan, but had a difficulty with the then acting governor, E. T. Throop, and resigned in 1830. In 1832 he was sent to the legislature for another term. As a secretary of state and superintendent of schools, in 1839-40, he did much to advance public instruction. In October, 1841, he entered President Tyler's cabinet as secretary of war. Thurlow Weed, speaking of Mr. Spencer, remarked: "He entered the cabinet with the notion of being able to bridge over the breach between Tyler and the Whigs of New York. In this he was perfectly sincere, though, with the knowledge of his eccentric character, none of us doubted that from the moment he entered the cabinet he would zealously espouse and warmly defend President Tyler's views and general policy."
The "New York Tribune," then just established, said of Mr. Spencer: "A matter of surprise to many, but we trust a subject of regret to none. New York should have some voice in the cabinet's counsels, and no abler and worthier hand could be found than our present secretary of state. With a wide and well established fame as among the soundest and ablest lawyers in America, he possesses a purity of purpose and dignity of aim rarely enjoyed." While holding the position, a terrible affliction fell upon him; his son, a midshipman, headed a mutiny and was hanged at the yardarm, December 1, 1842.

In 1843 Mr. Spencer was made secretary of the treasury, and Mr. Calhoun secretary of state. Spencer, however, soon resigned. He had been practically insulted by Tyler for some time. The "New York Evening Post" said: "The cause of his change was Mr. Spencer's declining to deposit $100,000 as secret service money with a confidential agent in New York, for the purpose of fitting out a naval expedition against Mexico." The second time he refused and resigned, believing he had no legal right to do as requested. On the last day of the session, President Tyler substituted Mr. Spencer's name in place of Reuben Walworth, for the supreme bench, but objection was made and he reinstated Walworth, but the senate confirmed neither one. Thus closed the career of one of the most indefatigable men in the land—industrious, almost too much to feel domestic bereavement. Toward the close of January, 1844, his name was presented for district judge over New York, Vermont and Connecticut, but he was rejected by a vote of 26 to 21.

Mr. Spencer put many useful things into the laws of New York, and served the state well, but he never was an attractive man. Before being tendered a place in Tyler's cabinet, he had written an address upon Tyler's treachery to the Whig party, more severe and cutting than was ever uttered. He fairly lashed the president with whips of scorpions; yet after all this, Tyler could offer him the place of secretary of war and he accepted it. It is but just to say of Mr. Spencer that he rendered the country great service in the treasury department, perhaps as much as any man up to his day, save Hamilton. In 1845 he removed to Albany, and four years later had the degree of LL.D. conferred upon him by Union College, of which he had been a regent since 1840. He edited the "De Toqueville's Democracy in America." In 1838 he bore a part in the organization of the New York Asylum for Idiots, and served as a member of the state commissioners. He died at Albany, New York, May 18, 1855.
The Clintonians had settled upon John C. Spencer to succeed Rufus King as U.S. Senator in 1819.

John C. Spencer needed no introduction or advertisement as the son of Ambrose Spencer. He was a man of large promise. Everything he did he did well, and he had already done much. Though scarcely 34 years of age, he had established himself as a leading lawyer of the Commonwealth, whose strong, vigorous English in support of the war had found its way into Parliament as an unanswerable argument to Lord Liverpool's unwise policy, winning him an enviable reputation as a writer. Skilful in expression, adroit in attack, calm and resourceful in argument, with the sarcasm of the younger Pitt, he had presented American rights and British outrages in a clearer light than others, arousing his countrymen very much as the letters of Junius had quickened English political life 40 years before. He made it plain that England's insistence upon the right to stop and search an American vessel, and England's persistent refusal to recognize a naturalised citizen of board an American vessel, were the real causes of quarrel. "There is not an individual," said a leading British journal, "who has attended at all to the dispute with the United States, who does not see that it has been embittered from the first, and wantonly urged on by those who, for the sake of their own aggrandisement, are willing to plunge their country into all the evils portrayed by the American writer."

A single term in Congress had placed Spencer in the ranks of the leaders. He was trenchant in speech, forceful on paper, and helpful in committee. Intellectually, he took the place of the distinguished South Carolinian, just then leaving Congress to become Monroe's secretary of war, whose thin face and firm mouth resembled the New Yorker's. Spencer, like Calhoun, delighted in establishing by the subtlest train of philosophical reasoning the delicate lines that exposed sophistry and error, and made clear the disputed point in law or in legislation. The rhetorical drapery that gave Samuel Young such signal success found no place in Spencer's arguments or in his pamphlets; but to a logic that deeply penetrated his subject he added an ethical interest which captivated the mind, as his reasoning illuminated and made plain. He was a born fighter. Like his father, he asked no quarter and he gave none. His eye had the expression one sees in hawks and game-cocks. At 23, as district attorney of the five western counties of the State, he had become the terror of evil doers, and it is said of him, at his old home in Canandaigua, that men, conscious of their innocence, preferred appealing to his mercy of the court than endure prosecution at his hands. Possibly he possessed small affections which Disraeli thought necessary to be coupled with large brains to insure success in public life, yet his nature, in every domestic and social relation, was the gentlest and simplest. DeWitt Clinton did not always approve Spencer's political course. He thought him "an incubus on the party," "the political millstone of the west,"
and he attributed the occasional loss of Ontario and neighboring counties "to his deleterious management." The austerity and haughtiness of his manner naturally lessened his popularity, just as his caustic pen and satirical tongue made him bitter enemies; but his strong will and imperious manner were no more offensive than Clinton's. Like Clinton, Spencer was ill at ease in a harness; he resented being lined up by a party boss. But, at the same time he was talked of for United States Senator, the intelligent action and tireless industry upon which his fame rests, had so impressed men, that they overlooked unpopular traits in their admiration for his great ability. People did not then know that he was to sit in the cabinet of a President, and be nominated to a place upon the Supreme bench of the United States; but they knew he was destined to become famous, because he was already recognized as a professional and political leader.

At the joint session of the Legislature, on February 2, 1819, the Clintonians gave Spencer 64 votes, while Young received 57, and Rufus King 34. "A motion then prevailed to adjourn," wrote John A. King to his father, "so that the Legislature will make no choice." p. 267 (Rufus King was finally nominated).

By a fusion of Clintonians and Federalists John C. Spencer became speaker of the Assembly... (1820) p. 276

To add to the complications (President Tyler's trouble with the Whigs) in New York, John C. Spencer, who now became secretary of war, so zealously espoused and warmly defended the President that feelings of mutual distrust and ill-will soon grew up between him and Weed. It is doubtful if any New York Whig, at a time of such humiliation, could have accepted place in Tyler's Cabinet and remained on terms of political intimacy with Weed; but, of all men, John C. Spencer was the least likely to do so. In Freeman's celebrated cartoon, "The Whig Drill," Spencer is the only man in the squad out of step with Thurlow Weed, the drum major.

A Political History of the State of New York
DeAlva Stanwood Alexander
Henry Holt & Co.
1906.
Letter addressed to William L. Stone and to Benjamin Cowell upon the subject of masonry and anti-masonry to which is added a portrait of masonry by John C. Spencer.

By John Quincy Adams
Printed at Providence
By E. & J.W.Cory
24 pp.
1833

Copy is in the New York State Library at Albany
John C. Spencer, Attorney-at-Law, informs the public that he has opened an office in this village (Canandaigua) at the house occupied by the Clerk of the County.

Hon. JOHN C. SPENCER, A.M., 1806, a resident of Canandaigua, N.Y., was a member of the Philomathean Society. (Died: 1855)

Philomathean Catalogue 1830.

See Carter Davidson Folder for paper on Herman Melville and Union College presented to Spring, 1964 meeting of Schenectady Historical Society.
Dear Sir,

I forgot in my letter of yesterday to speak of my indentures in the James crowds. Not having left any memorandum of the bond sent for holograph in this occasion, I can not make the indenture signed by the Charter, nor can I safely make any new indenture without having the original. I must therefore lose them.

Our Agent has promised to send you an affidavit of the indentures, but unless he does it... Can the courts in this instance... Final inspection of the crowds? or do you consider the brief hiring?

Yours,

J. C. Spencer

John V. D. Greene, Esq.
Suffice it then to recall that, once issued in an American edition, with an able introduction by John Canfield Spencer, "Democracy in America" soon won for itself an almost unique place in the literature of our country.

Footnote: New York, 1839. Spencer took Reeve's translation, and added a new preface and some notes. The absence of a copyright agreement with England, rather than ignorance or lack of interest, seems to have been responsible for the delay in getting out an American edition.

Now you must know why we have stopped here on our way. There is at Canada(1)gua a Mr. Spencer, member of the New York legislature, who wanted us to come spend some days with him and to whose wishes we have yielded. He is the most distinguished man whom I have yet met in America. He is well versed in all the political questions which interest his country and possesses the most precise understanding of the judiciary institutions of the United States. He is one of the three commissioners to whom the New York legislature has confided the trust of revising the laws of the state.

We spend all our time with him in conversations from which we have everything to gain; as soon as we are alone we write down what he has said. I have not yet seen a single person from whom we have drawn as much as from him. There are at his house two charming women, his daughters Mary and Catherine, who would give us terrible distractions if once and for all we hadn't made up our minds to have none. Mary is the prettier of the two; she has that white and rose complexion, occasionally to be found with Englishwomen but almost unknown in France. I have not yet seen in the United States such pretty eyes as hers, they have a velvet softness it is impossible to describe. But why talk so long about her? Were I to continue you would think me in love, and the truth is that I am not. A long sojourn with her might be unhealthy, but in three or four days I shall quit Canada(1)gua never to come back. After all, a woman perfectly beautiful and possessing that bonâ part which is almost banal with American women, is a thing so rare that it is altogether natural to speak of it.

Mr. Spencer thus puts himself out (se met en quatre) to render our stay in Canada(1)gua agreeable. To-morrow we are to make an excursion by boat on the lake........
Since landing in America, so far as the present writer can ascertain, this was the first time that Tocqueville and Beaumont had slept in a private house. Hitherto all their nights had been spent either at a boarding house or tavern, or in a steamboat or stage. Apparently Mr. Spencer's summer home proved somewhat small—on their arrival Tocqueville noted an embarras pour le coucher et le diner—but soon they were comfortably established and were broaching the most fundamental problems of government and public policy with their host. "Mr. Spencer," Tocqueville began his record of their conversations, is a very distinguished jurist....The nature of his mind seems to be clearness and perspicacity. pp.216-217

In certain respects, then, what Mr. Spencer said on these topics did not then have, or long retain, the freshness of an original point of view. The fact remained, however, that Spencer's remarks were so cleverly expressed, seemed so reasonable in themselves, and altogether revealed such a wide knowledge of the workings of American government, that they soon came to exercise an almost decisive influence on Tocqueville and Beaumont's thinking.

Particularly was this true when Mr. Spencer came to speak of the press, and of the necessity for bicameral legislatures in a republic. Future readers would but have to turn to the sections in Tocqueville's Democracy dealing with these subjects, to find Mr. Spencer's opinions reproduced almost verbatim as Tocqueville's own. All the reasons for two chambers, all the information about the character of the American press, even the suggestions as to how the evil effects of a free press could be best mitigated, Tocqueville was later to parade as his own. In fact, by the time he was come to write his commentary, these principles were to seem so self-evident to him that he was unhesitatingly to speak of them as: 'axioms of political science.' Of course he was not to acknowledge his indebtedness to his Canandaigua host, for he was resolved to keep his Democracy, his guide to political philosophy, as impersonal and as scientific as was humanly possible. But that he had great confidence in the New York jurist was to be revealed when the American edition came out. To-day, with the first complete publication of Tocqueville's notes, the influence of Mr. Spencer's thought can no longer be disguised. These conversations, indeed, make it no exaggeration to say that, in several important branches of constitutional theory and practice, the source of Tocqueville's knowledge, of his wisdom and intelligence, was none other than this learned and luminous lawyer.

The next day, the future Secretary of War and the Treasury took his young visitors to the almshouse, to verify what he had told them about the principles of American poor relief. And there were other conversations, Mr. Spencer did much, for example, to make clear to Tocqueville the essential difference between the judiciary systems of France and the United States. pp.222-3
One of the two sharp investigators—perhaps it was Beaumont—next revealed a curiosity about the American Indian. So Mr. Spencer told them some illuminating anecdotes of one of the great Indians he had known. These tales of the famous Red Jacket seemed worthy of record, and Tocqueville made haste to set them down.

Altogether, the two young Frenchmen found their host not only cultivated and well informed, but full of 'esprit.' With him, wrote Tocqueville, 'we spent the most interesting mornings, and besides a very fine library he had also two daughters with whom we cordions very well, as the lower classes say. Although they knew not the smallest word of French they had among other charms four blue eyes, not the same but two apiece. As I am certain that you have scarce seen their like on the other side of the water I would describe them to you, were I not afraid of being insipid. Let it suffice you to know that we gazed on them even more willingly than on the books of the father.'

Everybody shakes hands. At Canandaigua I saw a district attorney (John C. Spencer) give his hand to a prisoner.

Tocqueville and Beaumont in America
George Wilson Pierson
Oxford University Press
1938.
JOHN C. SPENCER

John C. Spencer, the eldest son of Chief Justice Ambrose Spencer, was born in Hudson, January 6, 1788. His mother was a Miss Canfield, and he was named after her father. He was educated at the school of Mr. Hedges in Hudson, and at the Kinderhook and Kingston academies, which were at that time taught by Rev. David B. Warden, who was afterwards Consul General at Paris. Mr. Spencer spent a year at Williams College and then went to Union, entering as a junior, and graduated in 1806 at the head of his class. He studied law in Albany in the offices of Daniel Jones and Daniel Rodman, Esquires. In 1807 he was appointed private secretary by Governor Tompkins. The same year James Madison was elected President of the United States, young Spencer was selected by the electoral college to carry its vote to Washington, and then formed a friendship with Mr. Madison which continued until the latter's death in 1836.

He was admitted to the bar in 1809, and married Miss Eliza Scott Smith, a daughter of James Scott Smith, and moved to Canandaigua, where he commenced practicing his profession. In 1811 he was appointed a master in chancery for Ontario county. He strongly advocated President Madison's policy in regard to the war of 1812, wrote many pamphlets on political questions, which were so able that they gained for him a national reputation.

In December, 1815, he was appointed Judge Advocate of General McClure's militia brigade and served with it on the Canadian frontier. In January, 1814, he was appointed postmaster of Canandaigua, and held that office for one year, and in 1815, Governor Dewitt Clinton appointed him District Attorney for the five counties in the western part of the State, and he served as such for three years. In 1816 he was elected a Member of Congress, and made himself conspicuous by instituting an inquiry into the condition of the United States Bank. This was the first attack upon that institution, and antedated by fifteen years the final attack by President Jackson, when Mr. Spencer was on the other side of the question, being unfriendly to General Jackson. He declined a renomination for Congress, and in 1819 was elected a Member of Assembly and served as Speaker. He was re-elected the next year, but his party was in the minority. In 1824 he was elected a State Senator, and Governor Dewitt Clinton appointed him a Referee of the Statutes, in place of Henry Wheaton, who, having been sent as Minister to Germany, had resigned. His associates were John Duer and Benjamin P. Butler. Governor Martin Van Buren appointed him, in March, 1829, special counsel to prosecute the abductors of William Morgan, a bricklayer, living at Batavia in this State, who had been taken by an armed mob from the jail in Canandaigua to the Niagara River, where all trace of him was lost. It was said that Morgan, while a member of the Masonic order, had threatened to disclose the secrets of Freemasonry, and it was also alleged that he could account for the disappearance of Chancellor Lansing, a man of great distinction, who had occupied various positions including that of Chief Justice, and whose mysterious disappearance had stirred the entire community. It has never been known what became of either Judge Lansing or Morgan. Mr. Spencer resigned as such special counsel in May, 1830. An Anti-Masonic party was formed in many of the free States, and in 1831, William Wirt was
nominated by it for President, and this party afterwards joined with other opponents of the administration and became the Whig party, which Mr. Spencer joined. He was elected a Member of Assembly in 1830 and 1831, and appointed Secretary of State in February, 1839, and in February, 1840, was made a Regent of the University. President Tyler in October, 1841, appointed him Secretary of War, and in 1843, Secretary of the Treasury, which office he subsequently resigned. The degree of LL.D., was conferred on him by Union College in 1849. He returned to Albany in 1837, where he practiced law until his death, May 20, 1855.


Among his legislative acts he was the author and secured the passage of the law of 1820, which abolished absolute sales of real estate on executions at short notice, and gave the owner an opportunity to redeem, or, failing to do so, provided for a sale to the highest bidder. The effect of this law was to increase the value of farm lands. He was also chiefly instrumental in having the law abolishing imprisonment for debt enacted.

He was said to be a man of indefatigable industry and intense application. His official duties were performed with faithfulness and honesty. His convictions were deeply rooted, and he was positive and stern in asserting them. He was a man of iron will and fearless in the performance of duty. He always appeared to be immersed in deep thought, to such an extent as to pass his most intimate friends on the street without recognition.

FROM A Group of Great Lawyers of Columbia County, New York

Peyton F. Miller

Privately Printed 1904.
Hon. John C. Spencer, after an illness of many months, died on Thursday night, at his residence in Albany. There are few men more widely known and respected than was Mr. Spencer. He was the eldest son of Chief Justice Spencer, was born in 1767, and has occupied a prominent place in the political history of the State during nearly half a century. He was educated for the bar, and attained to the highest rank in that profession. Among the important duties confided to him by the State was the prosecution of the Morgan trials, and subsequently the revision of the Statutes. In 1816, while residing in Canandaigua, he was chosen to represent the Ontario District in Congress, and at that time served on the celebrated Bank Investigating Committee. In 1819 he was sent to the Assembly, and was elected Speaker of the House in 1820. He was again returned to the Assembly in 1820, 1830 and 1832. In 1824 he was elected to represent the Seventh District in the State Senate. He was called to the Secretaryship of State in 1839, and about that time removed to Albany, where he has since lived. He was appointed Secretary of War by President Tyler in 1841, and Secretary of the Treasury in 1843. During the later period of his life he has devoted himself mainly to the duties of his profession, but a short time since acted as counsel for Dr. Nott, in the investigation of the affairs of Union College. In accurate legal judgment, laborious industry and practical energy, few lawyers have equalled and none surpassed him. His disease was one of long standing. More favorable symptoms had induced friends to hope that his health might admit of a sea voyage this spring. But shortly before the time for departure, it took an adverse turn, since when he has been sinking rapidly. He leaves a widow and three children.

The Ulster Republican
Kingston, N.Y.
May 23, 1855
p. 2 col. 5.