

# WHO IS SYLVANUS M. SPENCER ?

Interesting Sketch of the Famous  
Captor of the Nicaragua Transit  
Company's Boats.

## HIS ANTECEDENTS.

Tried in New-York on Charge of Murdering  
Capt. Frazier, of the Sea Witch,  
and Acquitted.

### A LEAF FROM HIS PRIVATE DIARY.

The leader of the forces that captured the lake and river boats of the Nicaragua Transit Company—as detailed in the DAILY TIMES of Monday last—was SYLVANUS M. SPENCER. But who is SYLVANUS M. SPENCER? Our readers, we presume, thought as they read the name that he was some new light, some unknown man, somebody fresh from the people, who, with his sword in hand, had all his fortune yet to carve, his great name yet to make,—the greatness dating, however, from the hour that he came down "like a wolf on the fold" heading the Costa Ricans;—that his next chapter would be a terrible defeat by "BILLY WALKER, the blue-eyed man," and that the end of him.

It was all blunder. SYLVANUS has a history already. The DAILY TIMES has given page after page of its "valuable columns," as our correspondents always say, detailing the story of his life.

In the Thirteenth Ward of this City he has a good many acquaintances. What town or State has the honor of his birthplace we are unable to say. The Muse of History skipped that page of his life. The impression is, however, that he was born in New-York—first drew breath in the late Alderman BRIGGS' Ward. It is an established fact that he had parents, but who they were we don't know. A family named JENKINS brought him up, and in the family, as well as out of it, he was known by the pet name of "Banty Jenkins." Like the author of *Leaves of Grass*, but in a different sense, he was "one of the roughs," and a "Kosmos" in the Ward. His boyhood is presumed to have been a hard one,—at least he came out of it a very hard boy. The public school system had him in hand for a long time, but was not able to make much impression upon him. Indeed, to the great gratification of the old ladies of his vicinity, and quiet people generally, he utterly vanished from public gaze for the space of ten years, when he suddenly turned up at Rio Janeiro, on the charge of murdering Capt. FRAZIER, of the clipper ship *Sea Witch*, of which vessel SPENCER himself had been the mate.

About the 16th of June, 1855, the United States Consul at Rio, and the officers of the United States brig *Bainbridge* then lying in that port, instituted an inquiry into the facts attending the murder of the Captain, which was continued for several days, and resulted in their sending SPENCER home a prisoner to be tried for the crime. SPENCER, on arriving here, was detained in close custody, and a preliminary investigation as to the question of his guilt was held by a United States Commissioner. This eventuated in his being sent for trial before the proper tribunal. Accordingly on Thursday, Dec. 20, he was arraigned in the United States Circuit Court, Hon. Judge INGERSOLL presiding, on a charge of murder on the high seas, for that he on the morning of Sunday, June 5, 1855, between the hours of 3 and 4 o'clock, did, on board the ship *Sea Witch*, then about 1,300 miles Southeast of Rio, barbarously murder Capt. FRAZIER, the master.

On the trial was elicited the following testimony: On the 25th of April, it seems, in the year 1855, the *Sea Witch* sailed from this port for Hong Kong, bound from thence to Swantong (wherever that is) for coolies, and from Swantong to Panama. Captain FRAZIER was in command, SPENCER was first mate, and there were 23 seamen. From the time the ship left this port until the murder, SPENCER and the Captain lived on unfriendly terms with each other, and at times their hostility exhibited itself in remarks mutually offensive. The unfortunate Captain seemed to have the advantage of his mate in powers of abuse, and frequently indulged them to an unwarrantable extent. On the very evening before the murder SPENCER and the Captain while at tea had a dispute, in the course of which FRAZIER told the latter that he was neither an officer, a seaman, nor a navigator; that the reputation he had obtained of him (SPENCER) was that he was a liar and could not be believed; that he was a coward; that he must have heavers with which to knock down the men at the wheel; that he had to take a belaying pin to knock down CLARK, (the second mate,) instead of using his fists like a man—and a great deal more to the same purport. To such unrestricted comment SPENCER never returned a reply; and when the captain, as was his wont, refused to give his orders through him, he never attempted to reconstrate, nor, as far as the evidence goes, did he ever attempt to conciliate. Such was the condition of affairs when, on the night of the 5th of June, the captain retired to rest. SPENCER was on the watch from 12 o'clock till 4 in the morning, and during that time it was shown the murder must have been committed. The first intimation any of those on board had of the event was given by SPENCER himself, who, about 4 o'clock, appeared at the Doctor's berth with the lamp of the steward's pantry in his hand, and called on the Doctor to get up for God's sake, for he believed the Captain was murdered.

The Doctor got up, and accompanied by SPENCER, proceeded to the Captain's state-room, which was in utter darkness. The Captain was found lying in his berth, on his right side, and breathing stertorously; his right hand covered the right side of his head, and the pillows, coverlets, and edges of the berth were drenched with blood. The Doctor attempted to turn the body over, but could not. SPENCER asked him if he required assistance, and was answered in the affirmative. The carpenter was then brought in, (by SPENCER,) and the Captain was turned on his left side. On sponging his head and face it was discovered that he was bleeding from the nose, mouth and right ear, and that the whole right side of his face was a mass of bruises. A more attentive examination disclosed a gash on the forehead, a compound contused wound over the right temple, a flesh wound reaching to the bone on the back of the head, and two other fractures of the skull. The Captain lingered, but in an insensible condition, till 12 o'clock, the next day, when he died.

The body was then washed and laid out by the cook and steward; the carpenter made a box next morning, into which the corpse was placed, and after covering the body with whisky given by SPENCER for that purpose, the box was fastened up and lowered into the hold. That was done in pursuance of a promise made by the Doctor to the Captain a day or two after the vessel left port, that if he (the Captain) should die before their return, (the poor fellow seemed to have a presentiment of his fate,) his body was to be brought home and buried by the side of his wife in Greenwood Cemetery. SPENCER now assumed the command, and requested the doctor to inform the sailors that the Captain had died of hemorrhage. In a prior conversation he consulted the doctor as to the propriety of proceeding to the Cape of Good Hope, and expressed his wish to proceed there in compliance with the terms of charter. To this the doctor disagreed, and urged the necessity of putting back for Rio, to which SPENCER ultimately consented.

This is the gist of the testimony which was elicited on his trial. A great many witnesses were examined, and a very minute investigation was made, but nothing was given in evidence that tended to fasten the crime directly on the prisoner.

The trial, which is reported at length in the TIMES of the date referred to, lasted for three days, and occupied considerable attention at the time. It resulted in the prisoner's acquittal.

The papers containing a record of the proceedings before the United States Consul at Rio were produced in evidence for the prosecution. These contained the examination of SPENCER himself.

His testimony represents him as having entertained suspicions against four or five of the seamen whose names he gave.

SPENCER is described as a slender-built man, with a fair complexion, sharp chin, and hair combed backward.

From a book produced on the trial of SPENCER, containing a diary kept by him while at sea, we extract the following specimen, *verbatim et literatim*:

"Oh, how shall I describe my feelings; this morning at 4 o'clock A. M. found the captain wounded to death, not quite dead but insensible and evidently dying; the doctor gives no hopes, still I keep the ship to her course, hoping for some partial recovery of sensibility, to consult his last wishes, and, if possible, get some clue to the detection of the murderer or murderers."

"Oh, it is a horrid to think that such a deed could be perpetrated and no vestige of the assen other than the deed. At daylight looked carefully around, no spot or anything that could enable one to say that it was done with that or the other, or who was the foul assen." "6 o'clock and 30 the doctor thinks the captain may linger a few days before he expires, and possibly recover his senses for a short time. Continued to bear away for the port of Rio Janeiro, and done so. Latter part of this day strong breezes and heavy squall with rain, shortened sail armed ourselves with all possible precaution."

"10 o'clock.—Doctor gives up all hopes; at noon informs me the captain is dying. Ah, this is horrid. I had hoped for some partial recovery of sensibility. "30 minutes past merid.—The captain expired; set the cook and steward to wash and lay him out, au

enjoined silence on the foulds aft. 4 o'clock P. M., June 16. N. time. Mustered the crew and informed them simply that the captain was dead and that I was keeping the ship for Rio Janeiro; saw no expression of countenance that looked confused or that should give any clue to the detection of the assen."

Carpenter to work making a coffin. I have the Aldermann's whiskey below which the doctor thinks is sufficient to preserve the Bodie. This I wish to do by all means (as being an expressed wish of him some time ago in case he should die.)"

"Also that upon my arrival at Rio Janeiro (and God only knows whether I shall or no) the crew may be confronted with the corps and there in the presence of unbiased and unnerved observers some clue be discovered to the detection of the murderers. O my dear friend think of the horror of my position. Indeed I find language inadequate to express it, or to convey an idea of the horror of this foul deed. A man evidently sleeping struck cenceless at a blow and that blow repeated to make assurance doubly sure again and again."

"At out noon got the coffin ready."

"8 o'clock P. M. entered the corps and covered it with liquor not having quit enof added a becket of water which in the opinion of the ship surgeon as sufficient to preserve the corps. 5 o'clock mustered all hands and loured the coffin the lower hole. Again I cast a scrutinising glance on every countenance but every thing is blank and I dont seem to possess my natural penetration."

"Oh Edward sailors will be sailors for while we were pitching the cover of the coffin on deck, I went forward and there was four of the rogues playing cards; and when we lowered the corps in the hole one of the sailors began to shout evo for which I upbraided him and I understand he has since wept."

"Night fall of the 6th, Civil time, Cabin. O you have never been to sea and can form no idea of the solemnity of the scene. But such a calm as this surpasses every thing of its kind that ever fell to my lot to behold; only think of us anxious to reach Port for our own safety as well as the vessel, and other innocent lives on board, for how far the intention goes towards the murder of every one aft God only knows; and may be the destruction of the vessel by fire and other means and awful thought I cannot endure it the murderer may be in our midst—some one not suspected."

"Everything almost belonging to the late Capt. FRASER I have had put under lock and key in the state room, for I've not time to make an inventory there of, which I propose to do upon my arrival at Rio Janeiro, and have them packed up and sent to his bereaved family."

The Doctor tells me that the crew thinks the Captain killed himself. Poor fellows, let them think so. But I, who have seen the corps, both before and after death, can have no such opinion; if I could, it would be a great relief to my mind. Daylight once more, thank Providence, and everything as usual."

Monday, 18th June, 1855, 20 before eleven o'clock. The consul came on board accompanied by the Captain of the Brigg *Bainbridge* and several other gentlemen, captains of vessels, and two physicians, and ordered the corps got up from below, which was done; made a *post mortem* examination of the head of our late Captain, and established the fact of his murder, for the wounds in the opinion of the medical men must have been inflicted by some person or persons; it was quite evident that two instruments must have been used, as there was the head or skull broken or completely stove in—and one wound evidently done with a sharp instrument."

Soon after his acquittal he sailed for Nicaragua, and remained there several months, returning finally to New-York. While here he is said to have stated, in conversation with several persons, that he had made arrangements with Commodore VANDERBILT to proceed to Nicaragua and concert measures with the Costa Rican Government for the capture of the lake and river boats. He accordingly left this port in the month of October last, in the steamer *Cahawba*, and proceeded *via* Aspinwall to San José, the capital of Cesta Rica. At this place he is supposed to have had an interview with the authorities, resulting in his taking charge of the Costa Rican force which seized the river and lake boats, and the forts on the San Juan River, as already detailed in the TIMES.