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HISTORY OF THE CIVIL WAR  
MILITARY PENSIONS, 1861-1865.**

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**JOHN WILLIAM OLIVER**

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**HISTORY OF THE CIVIL WAR MILITARY  
PENSIONS, 1861-1885**

BY

JOHN WILLIAM OLIVER

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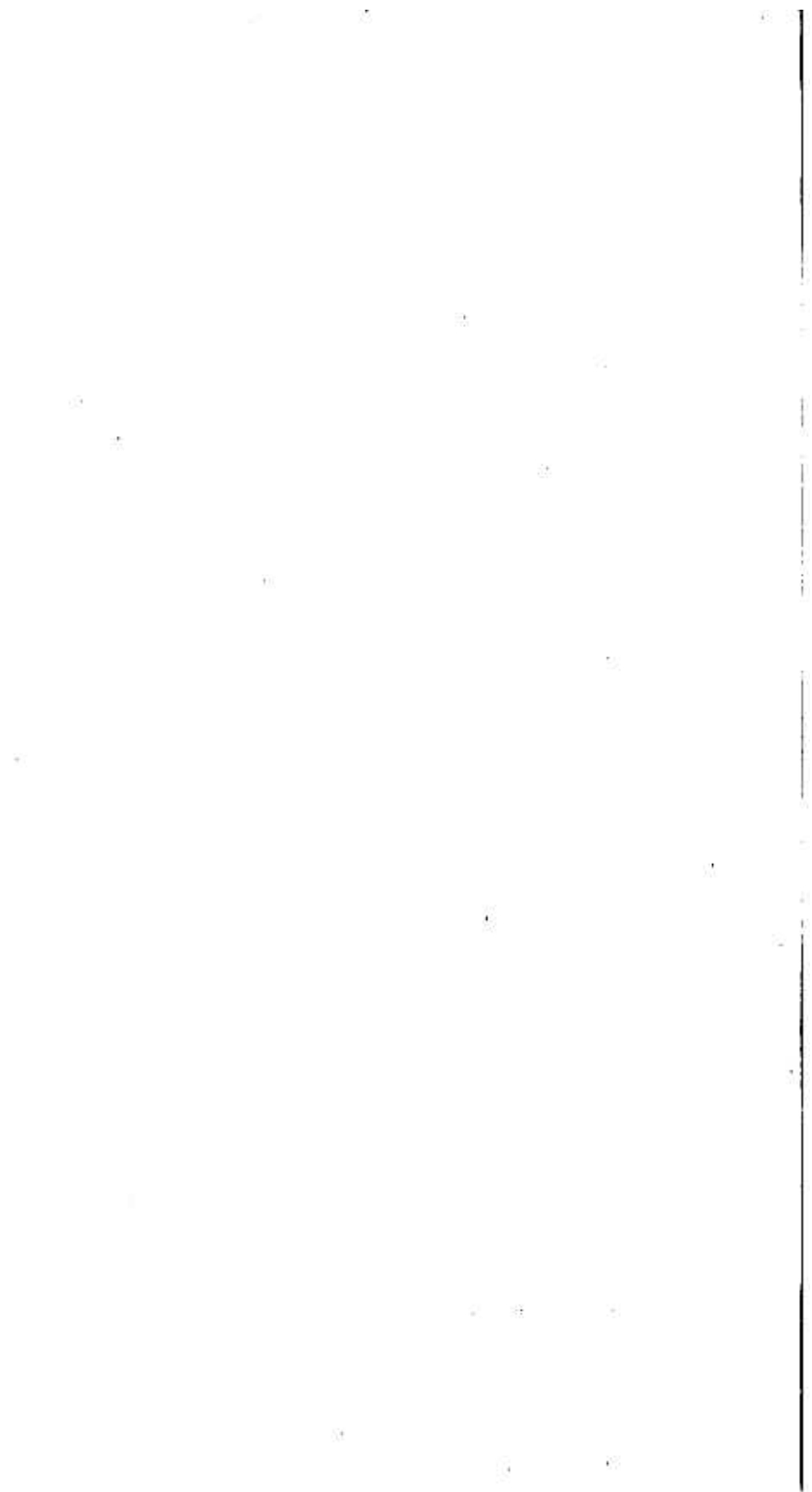
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## CHAPTER I

### THE CIVIL WAR DECADE

Prior to the outbreak of the Civil War in 1861 the subject of military and naval pensions had attracted no unusual attention in this country. The national Government had quite early recognized the justice of a pension system, and had wisely provided for the invalids, widows, and orphans made dependent by the earlier wars. By general or special legislation, pensions were being paid to those affected by the Revolutionary War, the War of 1812, the Indian wars, and the War with Mexico. At the close of the year in 1860, there were 11,284 names borne upon the pension rolls, and it required but slightly over a million dollars a year for their payment. Since the organization of the Government, down to 1861, the grand total paid out for pensions had amounted to approximately \$89,000.00.<sup>1</sup>

Under ordinary conditions the country would have witnessed a gradual decrease, both in the number of pensions admitted to the roll, and in the amount required to pay their claims. In his annual report for 1860, the Commissioner of Pensions announced that the clerical force of his Office, which consisted of 71 clerks, could now be reduced, and suggested to the Secretary of Interior that a portion of them be given employment elsewhere. The belief was, that the pension system would henceforth gradually decrease in importance. Attention was called to the fact that the pensioners of the Revolution were rapidly passing away, "and in a brief period would live only in the memory of a grateful country."<sup>2</sup>

But with the outbreak of the Civil War the whole pension system had to be reorganized. A volunteer army of a half million men was to be put in the field before the close of another year. Never before had such an experiment been undertaken, and our democratic government was put to a test, the like of which few nations have had to meet. With-

<sup>1</sup> *Annual Rep't: Commissioner of Pensions, 1860. Sen. Doc. 36th Cong. 2nd sess. vol. 1, p. 469.*  
<sup>2</sup> *Ibid. p. 467.*



out a creditable standing army, and lacking the power to compel men to enter upon military service, our Government had to resort to the policy of persuasion. The most natural as well as the most effective step that could be taken was that of guaranteeing to those men who entered the service voluntarily, the same benefits, if wounded or disabled, that were granted to the members of the regular army.

This was done by an act of Congress passed on July 22, 1861. After authorizing the President to accept the services of volunteers, not exceeding five hundred thousand, the following guarantee was inserted. Any volunteer who should be wounded or disabled while in the service, "shall be entitled to the same benefits which have been or may be conferred on persons disabled in the regular service, and the widow, if there be one, and if not, the legal heirs of such as die, or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of one hundred dollars."<sup>3</sup> No discussion whatever attended this provision when it was introduced, and the readiness with which it was accepted, illustrates the attitude of Congress toward offering inducements for volunteering. This act marks the beginning of the Civil War pension legislation. Within the next half century our country was to witness the enactment and operation of a series of pension laws, the liberality and expense of which have no parallel in the history of any nation.

The act of July 22, 1861, was soon found to be inadequate. The summer campaign for that year resulted in rather heavy losses for the Union side, and in the fall of 1861 Commissioner Barrett stated that applications of soldiers disabled in the existing war, and on behalf of the widows and children of those who had died in the service, were coming in rapidly for adjudication. A large number of claims had already been admitted. But the uncertainty of pension rates that should be allowed in each case, and the apparent discrepancies in the laws under which the Pension Bureau was working, led the Commissioner to recommend that further and more explicit legislation be speedily enacted by Congress.<sup>4</sup>

<sup>3</sup> *U. S. Statutes at Large*, vol. 13, p. 270.

<sup>4</sup> *Annual Rep't: Commissioner of Pensions, 1861. Sen. Doc. 37th Cong. 2nd sess. vol. 1, p. 856.*

This demand became all the more imperative because of the disturbed condition of the pension system in the southern states. Shortly after hostilities began in the spring of 1861 Commissioner Barrett ordered the payment of pensions to be suspended at all the different agencies located in those states then in rebellion. And by an act passed on February 4, 1862, the Secretary of Interior was directed to strike from the pension rolls the names of all such persons who had taken up arms against the United States Government, or who had "in any manner encouraged the rebels or manifested a sympathy with their cause." Thereafter, when money was appropriated for the payment of pensions, a provision was always inserted to the effect that no part of it was to be paid to disloyal persons. During the first year of the war, over two thousand pensioners living in the southern states were dropped from the rolls. After the Union forces regained control of certain points in these states, the pension agencies were reestablished, and provision was made for paying those who were justly entitled to a pension. In order to have their names restored to the rolls, persons had to prove by act and sympathy, their continued loyalty to the Union. At the close of the year 1865, agencies had been reopened in Virginia, Tennessee, Arkansas, and Louisiana. Each successive year saw new agencies opened at other points throughout the South, and finally by 1872 the pension system was again in operation in every southern state.

To meet the situation in 1861, Congress decided to act upon the Commissioner's recommendation. The first step taken was to ascertain exactly what laws were then in operation governing the payment of pensions. Neither the Commissioner of Pensions nor the Secretary of Interior was able to furnish the information desired; but the latter called upon Attorney-General Bates for an interpretation of certain acts then found on the statute books. He was first asked to place a construction upon the act of July 22, 1861, and in addition give an opinion upon the following points:

1. Were the volunteers then enlisted entitled to a pension, under provisions of the acts of January 29, and August 2, 1813, in case they should become wounded or disabled?

<sup>1</sup> *U. S. Statutes at Large*. vol. 13, p. 337.

2. Did the act of July 4, 1836, guarantee pensions to the widows and orphans of volunteers who should die while in the service or from wounds received?
3. Did the act of July 22, 1861, entitle the widows of those soldiers killed in service, to a pension in addition to the bounty provided for them?
4. Were there any provisions allowing pensions to those volunteers who responded to the President's call of April 15, 1861, in case they were disabled while serving in the line of duty?<sup>6</sup>

After making an examination of the statutes in question, Attorney-General Bates submitted his opinion. The first three questions he answered in the negative. As to the fourth, he held that "any militiaman" called into the service of the United States by the President's proclamation of April 15, 1861, and disabled by wounds received while in that service, was entitled to a pension under the provisions of the act of August 2, 1813. But in concluding his opinion, Mr. Bates called attention to the uncertainty and obscurity of the many pension laws found upon the statute books. In numerous cases, the exact intent of the acts could not be determined. He therefore earnestly recommended "that the attention of Congress be called to the propriety of enacting laws which may be easily understood, and which may comprehend all that the emergency requires."<sup>7</sup>

The recommendation was soon acted upon. Within three weeks, the House called upon the Attorney-General for a copy of his opinion, and began to consider legislation designed to meet the needs that he had pointed out.<sup>8</sup> On April 30, Mr. Goodwin, of the Committee on Invalid Pensions, reported a bill granting pensions to the officers and soldiers of the army, and the widows and children of those who had died in the service.<sup>9</sup> It was called up in the House two days later, and was supported by the Committee on Invalid Pensions, the Commissioner of Pensions, and endorsed by the Secretary of Interior. Its chief spokesman, Mr. Goodwin of Maine, explained the provisions of the bill,

<sup>6</sup> *House Exec. Doc.* 37th Cong. 2nd sess. No. 98, pp. 2-4.

<sup>7</sup> *Ibid.* p. 5.

<sup>8</sup> *Cong. Globe.* 37th Cong. 2nd sess. p. 1480.

<sup>9</sup> *Ibid.* p. 1886.