

Petticoats and Pensions:
Civil War Influence on the Canadian Military Widow's
Pension
(カナダの軍人遺族年金にみる南北戦争の影響)

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SUMMARY IN JAPANESE: カナダでは十九世紀に、軍事紛争に携わった人々の未亡人や遺児のための年金制度が発達した。従軍による負傷に苦しむ人々を救済するにあたって、当時は英国の伝統を踏襲して粗末で平等性を欠いたものであったが、アメリカでの南北戦争の退役軍人に対する年金制度が、カナダの制度にも多大な影響を与えることになる。その結果年金の受給資格は大幅に是正され、故人の軍での位に関係なく遺族は障害と勤続双方の恩給を受けられるようになった。また、アメリカの南北戦争によって登場した「従軍に対する報償」という考えは、1901年にカナダの軍人に対する年金政策が議会を通過する際の大きな要因となった。

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Pension legislation for the Canadian¹ military and the widows and orphaned children of veterans of the last century was influenced by American example, primarily its' Civil War legislation. Traditionally, in Canada, a veteran has been recognized either as a member of a group for taking part in military conflict, which may take the form of medals, monetary reward or a service pension and/or on an individual basis for injuries sustained. How were the veterans and in particular the widows and orphaned children of the veterans of the various Canadian military engagements of the last century treated when it came to recognition? How did government policy towards the veterans and in particular the family members, of the veterans of the War of 1812, the Rebellion of 1837, the Fenian Raids, the Red River Rebellion, the North-West Rebellion and the South African War affect the pension policy of the permanent corps?

The veterans of Canada's various military encounters of the nineteenth century, depending upon when the conflict took place, included members of the original militia system based upon universal service, as with the War of 1812, the militia system formed at mid-century, which was a volunteer force, and the permanent military corps, which took the place of Imperial troops formerly stationed in Canada.²

Canadian militiamen injured during the War of 1812 were not covered under the British pension system³, but instead found assistance through the Loyal and Patriotic society formed in 1812 by the elite of Upper Canada.⁴ The veterans of the War of 1812 also became the first group of veterans to be recognized in their entirety by the Canadian government when in 1875 service pensions were provided.⁵ Prior to this, the British government awarded land grants to veterans of the War.⁶ The Canadian government's decision of 1875 found its inspiration in an American initiative of 1871, which provided service pensions to American veterans of the War of 1812. The American action, in turn, was directly caused by the interest taken in the veterans of the American Civil War.⁷ In 1862, at the beginning of the Civil War, pension coverage for invalids, widows and dependent relatives was made broader than the United States had ever experienced. By the time the war had ended, Congress passed more liberal provisions and established higher benefit rates.⁸ Following this came the Arrears Act of 1879 with subsequent amendments which enabled widows who had failed to apply for pension benefits during widowhood and later remarried to receive a lump sum for the entire period of widowhood, as illustrated by the case of the widow of a captain of the volunteer infantry:

In 1871 the captain died. He was not a pensioner and never filed a claim for a pension. His widow remained a widow until March 30, 1887, when she re-married, having filed no claim, and having re-married, had no pensionable status. In 1893, five years after the act of June 7, 1888 (which liberalized the terms of the Arrears Act of 1879), had passed, six years after her re-marriage, and twenty-two years after the death of her soldier husband, she files her claim for pension as a widow, from the date of the death of her soldier husband, in 1871, to the date of her re-marriage in 1887 - sixteen years - and gets nearly \$4,000.⁹

What made the paying of pension arrears even more costly was the fact that it was quite difficult to disprove a marriage alleged to have occurred 30 or 40 years previous. Often times, this resulted in women being induced to apply for pension eligibility by persons who had made use of the records of national cemeteries where the names and service details of those buried were obtained for the purpose of executing fraudulent claims.¹⁰ Following the Arrears Act, agitation grew for service pensions without limitations with legislation passed in 1890 representing a compromise. Pensions were granted to veterans of the Civil War and their widows in cases where disabilities and death were not due to military service.¹¹ In 1904, President Roosevelt, by executive order, recognized old age as being a condition of infirmity for which pension coverage would be provided under the Act of 1890.¹² In response to this, historian and journalist from Canada, Goldwin Smith commented "what a spectacle is this of the President, the advocate of a 'strenuous life,' weakly succumbing to the Grand Army of the Republic for the sake of a few votes!"¹³ This aptly explains why the pension regulations had been so extensive for the veterans of the Civil War. The voting strength of the veterans was of such strength that both political parties dared not to oppose pension legislation.¹⁴ As mentioned earlier, soon after early Civil War pension measures were implemented, the veterans of the War of 1812 were given consideration. Similarly, pension coverage was extended to survivors of the Mexican War by granting them a limited service pension in 1887 and in 1892 a pure service pension was legislated for soldiers of sundry Indian wars.¹⁵ The United States through legislating military pensions, had established the largest public pension system in the world at the same time public old age pensions were viewed as being un-American. In-

deed, from the time of the Civil War up until World War I when the annual federal expenditure totaled approximately \$300 million per year more than \$5 billion went towards the payment of veterans' pensions.¹⁶

Canada did not replicate the American example of 1871, for in acknowledging veterans of the War of 1812, unlike the United States, Canada did not extend pension benefits to veterans' widows.¹⁷ Indeed, the Canadian government further stipulated that if a veteran who was granted a pension died after the legislation of 1875, but before the pension entitlement was sent out to him, the government would keep the pension money. It would not be given to friends or relatives of the deceased veteran even if the people had taken care of the veteran during an illness, which had caused his death, or if they had seen to the interring of him.¹⁸ The reasoning behind this policy was to eliminate any possible confusion over deciding who would receive the pension of the deceased veteran. A hypothetical case was given, during parliamentary debate on the issue of pensions for veterans of the War of 1812, of a veteran who died leaving behind a wife and children. The question was asked who then would receive the money - the wife or the children?¹⁹ This merely extended the established rule that a wife was not entitled to be granted her husband's pension after his demise.²⁰

Veterans suffering from disability following the Rebellion of 1837 fell under the jurisdiction of the governing board of the Canadian militia which made pension recommendations to the government, which in turn "weighed each case with appropriate political judgment."²¹ This practice, which was followed throughout the nineteenth century, will be elaborated upon later when discussing military conflicts, which due to their numbers involved made greater use of this mechanism. In the case of the Rebellion of 1837, the broader question of recognition for all veterans was not raised until much later, mainly as a consequence of the 1875 legislation which acknowledged the veterans of the War of 1812 in their entirety. No action was ever taken by the government in recognizing the veterans of the Rebellion of 1837. This is understandable since there was the unresolved issue of, which should be given recognition, the defenders or the rebels.²²

In 1867, the question was raised in parliament whether the government intended to recognize the volunteers who repelled the enemy during the Fenian Raids.²³ The government responded by giving immediate recognition in the form of pensions to those volunteers who had been killed, in total, 49 pensions

were given, which included those paid to widows, orphans and other family members.²⁴ This manner of responding set a precedent of including the families of deceased veterans of all ranks in pension coverage. In doing this Canada followed the American example rather than the British custom of only including dependents of those of the officers in pension protection.²⁵ The first national pension law in the United States dates from August 26, 1776 with the objective of encouraging enlistment in the Revolutionary Army. This enactment reflected state laws, which had support mechanisms for disabled soldiers and at times for the families of deceased soldiers, the earliest of which dates from 1636 with the Pilgrims at Plymouth.²⁶ Subsequent to the passing of the Act of 1776, additional legislation broadened the scope and liberality of pension benefits to the veterans of the Revolutionary Army:

At first, invalid pensions were made. These were broadened and extended until the law of 1818 introduced a new principle by granting pensions based on service and indigence. Then came the pure service pension law of 1832. Later, widows' pensions were granted to those who had married during the progress of the war. As more liberal tendencies prevailed, the time before which marriage must have occurred was extended to 1794, then to 1800, and finally all limitation was abolished.²⁷

Pension law for the regular army dates from 1802 where benefits were paid on account of disability to both officers and the ranks with families of military personnel who had died as a consequence of wounds received being granted reduced benefits for a period up to five years. During times when the militia was raised for special service the provisions of the 1802 legislation generally applied. With the advent of the Civil War, military pension legislation became quite extensive and included members of the regular army under its umbrella.²⁸

Still, in Canada, the system by which pensions were granted to family members, other than widows and orphans, was lacking in logic, as evidenced by the case of Robert Martin, a private who died of a disease while repelling the Fenians. Martin's father was awarded a pension of \$110 per annum for the loss of the contribution his son made in support of the family. In 1883 when the father died a petition was made on behalf of Robert Martin's mother for the same allotment.²⁹ The Department of Militia gave the following reply:

In the order in council of the 13th April, 1867 authorizing the payment of the sum of \$110 per annum to the father of Robert Martin, there is no mention that the pension is to be continued to any other member of the family. It therefore appears that there is no provision for continuing the pension to Mrs. Martin.³⁰

The government stated that Mrs. Martin's case was not the only one of such a nature and that it would be impossible to meet all the claims without great expense to the Department of Militia.³¹ The soundness of the government's position in the Martin case must be questioned since the original grant of \$110 per annum was made with the purpose of assisting not just Mr. Martin but the entire Martin family. To deny a continuation of support merely because of a legality over whose name the claim was originally made misses the point of why the pension was granted in the first place. This leads to the conclusion that possibly cost considerations were given a high priority by the government or that women were not.

When it came to recognizing the veterans of the Fenian raids, other than those who had been disabled or killed, the government moved much more slowly. The issue of acknowledging all veterans of the Fenian Raids was raised in parliament in the 1880's, but nothing came of it. Subsequently, a veteran's delegation was responsible for the government granting medals in 1897 to the veterans of the Fenian Raids.³² As a result of further requests by the veterans of the Fenian Raids, the government finally took action in 1912 with the passing of the Fenian Raid Volunteer Bounty Act.³³ The bounty offered was \$100 per person with the expiry date for applications being December 31, 1913.³⁴ Included with the bill which gave applicants a final extension date of July 1, 1915 was a clause, which made it much easier for widows of veterans to collect the bounty. The original Act made the bounty payable to the veteran even if he were deceased and this often caused confusion when his property was being probated. The new Bill made the bounty payable directly to the widow.³⁵ In order for a widow of a veteran to be entitled to a bounty, the veteran had to have been alive at the time that the original Act passed, that being April 1, 1912.³⁶ In 1914, a petition was sent to Ottawa by a group of veteran's widows from Nova Scotia, their complaint being that April 1, 1912 was an arbitrary date and that widows of veterans who died prior to April 1 should also be allowed the bounty, but the government did not change its policy.³⁷

The Red River Rebellion of 1869-1870 involved the offer of government land grants in order to entice volunteer enlistment. Those who signed up were promised 160-acre land grants on condition that a three-year term of duty was completed. In 1875 the government extended the land grant rights to persons discharged due to poor health as a consequence of the demands placed upon them while enlisted and to the families of those who had died.³⁸

In the case of the Northwest Rebellion of 1885, not only was land scrip and medals provided for the volunteer militia force, the veterans also were recognized more specifically with pensions in cases of injury.³⁹ The awarding of pensions was decided by individual case, but reflected the philosophy that officers should receive higher amounts than men of lesser rank as should the families of those who had been killed in action rather than dying from disease.⁴⁰ The largest pension was awarded to a Captain Peters for an annual sum of \$1,000. This was given because Peters had lost an arm and also because he had spent months in an American hospital, incurring expenses, which he had paid for personally.⁴¹ By comparison, a 100% disabled private could be pensioned as low as 30 cents a day at a time when a day labourer required \$1 per day for sustenance.⁴²

Pensions which went to the widows of those men killed in 1885 or to their children or other relatives who had been dependent upon them economically followed Imperial amounts in the case of officers. This was not possible with other ranks since Britain was not accustomed to including dependents of those outside of the officers in pension coverage.⁴³ Canada followed the American example of giving pensions to the families of all deceased veterans, no matter what the rank.⁴⁴ Still, in the case of widows, continued good behaviour, which meant following societal mores, was a requirement of pension entitlement.⁴⁵

In the case of the South African War, the Imperial government had agreed to pay both the salaries of the Canadian volunteers, while enlisted, and pensions, thereafter in the case of disability or death. What spurred the Canadian government into recognizing the South African volunteers was the action taken by the governments of British Columbia and Ontario. These two provincial governments gave land grants to men from their respective provinces that had fought in South Africa. Ottawa followed suit in 1908 with the passing of the Volunteer Bounty Act which provided for a grant of land, from the federally owned lands of Manitoba, Saskatchewan and Alberta, to all persons, then domiciled in Canada, who had served with the British forces in South Africa.⁴⁶

A consequence of taking pride in Canada's performance in South Africa was that the Canadian government was more willing to care for the soldiers of the Canadian permanent corps.⁴⁷ The issue of pensions for the permanent corps was first raised in parliament in 1893, where it received only slight attention and it got no more than that until the time of the South African War. Due to the conflict in South Africa, a change of attitude took place; Canadians went to South Africa as imperialists, but returned as nationalists.⁴⁸ The argument was put forth that better treatment of the military was necessary because Canada had to assume some of the burdens which accompany national greatness and prosperity, one of which was national defence.⁴⁹ A major incentive for establishing a pension system for the permanent corps was to make it more desirable for people to stay in the military, which in turn would create a superior fighting force. It was argued that to produce a good NCO took up to 10 years.⁵⁰

The Canadian permanent corps had been providing its officers with retirement gratuities in the amount of 1/10 of their pay for each year of service, but since the pay scales were low the gratuities provided were not large.⁵¹ In the case of NCO's and enlisted men of the permanent corps, no retirement gratuity had been offered.⁵² There were only two instances whereby pensions had been provided by the military: to those soldiers who were wounded, and to the families of those who were killed in action. For the latter category, two different scales had been established in 1885, a distinction being made between a soldier killed in action, or from wounds received while in action, and a soldier who died of an illness due to exposure while in active service.⁵³ There was a clause in the 1885 legislation which allowed for cases to be reviewed individually, and this meant that it was possible in special circumstances for some degree of flexibility to be shown.⁵⁴

In 1901, a bill was introduced in parliament to provide retirement pensions to all ranks of the Canadian permanent corps.⁵⁵ When it passed into law the same year no provision was made for those who had retired previous to the Act's passing.⁵⁶ In the case of a widow or orphaned children of a retired soldier the 1901 legislation contained the following restrictions: a widow's pension would be discontinued if, in the opinion of the Minister of Militia and Defence she proved to be unworthy of it, attained wealthy circumstances, or remarried; following a widow's remarriage if she once again became a widow she could have her pension restored upon proof that she was not in wealthy circumstances; a pension would not be paid to an orphan son who was over the age of 18 nor to

an orphan daughter who was over the age of 21, except in special cases where an orphan was afflicted with an infirmity which prevented him or her from working; and an orphan who was married was not entitled to pension benefits.⁵⁷

As already stated, the American example proved to be of influence on Canada in that Canada not only recognized veterans from the War of 1812, but also extended benefits to families of all ranks, as instanced with the veterans of the Fenian Raids. Aiding those who suffered from disability, as a consequence of military duty, followed the British tradition of frugality and inequity, but impacting upon this was the pension legislation enacted by America for veterans of the Civil War. As a result, greater liberalization occurred whereby veteran's widows and children, irrespective of the rank which the deceased had held, gained benefit entitlement in both categories of disability and service pensions. The belief in recognition for service, again a by-product of the American Civil War, was a contributing factor in the passing of a pension policy in 1901 for members of Canada's permanent corps.

In addition to the above, the Canadian scene was influenced in yet one other way. Forty to fifty thousand volunteers from the five provinces, which were to form Canada a few years after the Civil War began, fought in the American Civil War even though they were in violation of the British Foreign Enlistment Act. The incentive varied among Canadians who involved themselves in the American conflict, whether it was for adventure, financial reward, a desire to preserve the union, or a commitment to end slavery.⁵⁸ What is of more importance for our purposes is that such persons were recognized by the American government, as instanced by E.E. Dodds of Wolverton, Ontario, who received the American Congressional Medal of Honor⁵⁹ and F. Weissenberg of Pembroke, Ontario, who was granted a pension from the American Government for disability resulting from war wounds. Indeed, the pension payments continued to his widow until she died in 1916.⁶⁰

NOTES

- 1 The name Canada is used in this paper to include pre-Confederation British North America.
- 2 Due to lack of enforcement the original militia system fell into disuse. In 1855, the volunteer militia system was born as a result of Canada having to strengthen its military force due to the British troop's involvement in the Crimean War. The permanent military corps came into existence in 1871.

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- 3 For British regulars who were incapacitated as a result of the War, Britain had a system in place whereby disability pensions were paid, a practice which began shortly after Charles II founded Chelsea Hospital for disabled veterans in 1682.
- 4 Desmond Morton and Glenn Wright, *Winning the Second Battle: Canadian Veterans and the Return to Civilian Life 1915-1930* (Toronto: University of Toronto Press 1987), 10, and George Sheppard, "'Deeds Speak': Militiamen, Medals and the Invented traditions of 1812," *Ontario History* 83, 3, Sept. 1990, 212
- 5 *House of Commons Debates*, (1875), 391
- 6 Eric Jarvis, "Military Land Granting in Upper Canada following the War of 1812," *Ontario History* 72, 3, Sept. 1975, 121-122
- 7 William Henry Glasson, "History of Military Pension Legislation in the United States," *Studies in History Economics and Public Law* 13, 3, 1968, 61.
- 8 *Ibid.*, 126
- 9 *Ibid.*, 106.
- 10 *Ibid.*, 106-107
- 11 *Ibid.*, 126, 127
- 12 Michael R. Dahlin, *From Poorhouse to pension: The Changing View of Old Age in America, 1890-1929*, (Stanford University, 1982), 167
- 13 Arnold Haultain, *Goldwin Smith, His Life and Opinions*, (Toronto, n.d.), 116-117
- 14 Glasson, "History of Military Pension Legislation in the United States," 108.
- 15 *Ibid.*, 126
- 16 David Hackett Fischer, *Growing Old in America*, (Oxford, 1978), 169.
- 17 Glasson, "History of Military Pension Legislation in the United States," 61, and Morton Wright, *Winning the Second Battle*, 13.
- 18 *House of Commons Debates*, (1876), 768.
- 19 *Ibid.*, 1046.
- 20 *Ibid.*, (1875), 252
- 21 Morton and Wright, *Winning the Second Battle*, 10.
- 22 *House of Commons Debates*, (1889), 792.
- 23 *Ibid.*, (1867), 92.
- 24 *Ibid.*, (1902), 622
- 25 Glasson, "History of Military Pension Legislation in the United States," 49, 79, and *Sessional papers of the Parliament of Canada*, no.80e, (1886), 4.
- 26 Glasson, "History of Military Pension legislation in the United States," 12-15.
- 27 *Ibid.*, 50.
- 28 *Ibid.*, 52.
- 29 *House of Commons Debates*, (1885), 201.
- 30 *Ibid.*
- 31 *Ibid.*
- 32 *Ibid.*, (1910-1911), 9999
- 33 *Ibid.*, (1912-1913), 801

- 34 *Ibid.*, 801, and *Ibid.*, (1914), 348, 4341
- 35 *Ibid.*, (1914), 3396, 4341
- 36 *Ibid.*, 440
- 37 *Ibid.*, (1915), 1545
- 38 *Ibid.*, (1875), 234
- 39 *Ibid.*, (1886), 633, 1771, and *Ibid.*, (1906-1907), 732, and *Sessional Papers*, no. 80M, (1886), 32
- 40 Morton and Wright, *Winning the Second Battle*, 11
- 41 *House of Commons Debates*, (1886), 1154 and (1887), 747
- 42 Morton and Wright, *Winning the Second Battle*, 11
- 43 *Sessional Papers*, no. 80e, (1886), 4
- 44 Glasson, "History of Military Pension in the United States," 49, 79
- 45 Morton and Wright, *Winning the Second Battle*, 11
- 46 *House of Commons Debates*, (1906-1907), 730-732, and (1912-1913), 8905
- 47 Desmond Morton, *Ministers and Generals* (Toronto: University of Toronto Press 1970), 169
- 48 *Ibid.*
- 49 *House of Commons Debates*, (1901), 3002
- 50 *Ibid.*, 3078
- 51 *Ibid.*, (1893), 3078
- 52 *Ibid.*, (1894), 3099
- 53 *Ibid.*, (1889), 788
- 54 *Ibid.*, 790
- 55 *Ibid.*, (1901), 3015
- 56 *Ibid.*, 4236, 4876
- 57 Department of Militia and Defence, National archives of Canada, R.G. 24, Vol. 5911, File HQ 49-1-14, *Compensation on Account of Death, Injuries and Diseases*, (1906), 7.
- 58 Lois E. Darroch. "A Note: Canadians in the American Civil War," *Ontario History*, 53, 1, March 1991, 55
- 59 *Ibid.*, 60
- 60 Brenda lee-Whiting, *Harvest of stones*, (Toronto, 1985), 156, 157

