

# For Love and Money: Pension Laws Affecting Widows of Military Veterans

**T**o truly understand the contents of a military pension file, the researcher must be familiar with the laws that caused the records to be created. Thus, when studying a pension file, the researcher should take note of mentions of “Acts of Congress” and then locate the text of that legislation to learn the requirements the applicant needed to meet to be successful.

Acts of Congress concerning military veterans, their widows, and other dependants were published in the *Statutes at Large*, a record of legislation passed by Congress on all subjects. Congress enacted both “public laws” and “private laws.” Public laws affect the public at large; in this case, public laws determined eligibility and benefits of all veterans and widows. However, thousands of “private laws” were also enacted that granted pensions or increased amounts to specific named individuals deemed worthy by Congress of receiving more than they would be allowed under the public laws.

Because Congress kept changing the laws due to public pressure, the evolution of the pension

laws is complicated. However, compilations such as *Laws of the United States Governing the Granting of Army and Navy Pensions, with Appendix to June 1, 1931* (Washington, DC: U.S. Government Printing Office, 1931) can help.<sup>1</sup> This book summarizes most of the numerous pension laws and cites the relevant Act of Congress.

This article will briefly examine *some* of the laws that allowed widows of nineteenth century military veterans to apply for pensions.<sup>2</sup> The words “veterans” or “men who served” is

---

1. Available online at *HathiTrust* ([hathitrust.org](http://hathitrust.org)). Numerous previous editions are also available online at [hathitrust.org](http://hathitrust.org).

2. Pension provisions for deceased veterans’ children, as well dependent mothers, fathers, sisters, and brothers, are beyond the scope of this article. Generally, Civil War widows received \$2 additional monthly for each child under age 16, or who was older than 16 but disabled, and \$6 monthly after 1 May 1920. There were numerous public and private laws that varied this amount depending on which war the veteran served in, whether the mother was living, and so forth.

CHAP. LXXX. — *An Act granting a Pension to Mary H. Bartlett.*

Jan. 28, 1873.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Bartlett, widow of E. W. Bartlett, late acting steersman on the United States steam-ram "Monarch" of the Mississippi marine brigade.

APPROVED, January 28, 1873.

From 17 Statutes at Large 719, 42nd Congress, 3rd Session. Private law for Mary H. Bartlett, widow of E. W. Bartlett, approved 28 January 1873.

intended to include soldiers, musicians, marines, seamen, hospital and medical department personnel, and Indian spies. It includes service in the regular army, volunteer army, and state militia. There were also certain Acts of Congress that dealt specifically with veterans of particular military units and their widows.

There were several eligibility requirements applicable to widows of veterans for all wars. First, there had to be a record that the man had served in the military. Second, the widow must have been married to the veteran. In an era of haphazardly created public records, the Pension Office accepted public records, church records, testimony of witnesses who had been at the wedding, and testimony that the couple had been generally recognized as husband and wife.<sup>3</sup>

A widow's pension would terminate upon remarriage. However, the Act of 3 March 1901 allowed veterans' widows who had remarried to again receive a pension upon the death of a subsequent husband, or upon their divorce (without fault on her part), if her veteran husband had died due to service-related causes and she was "without means of support other

than her daily labor" and have an actual net income of less than \$250 per year. The Act of 8 September 1916 eliminated the need for Civil War widows to prove their financial condition.

**Revolutionary War (1775–April 1783)**

*Last widow, Catherine S. Damon, died 11 November 1906, age 92*

Revolutionary War widows began receiving benefits under an Act of 4 July 1836 on the sixtieth anniversary of the Declaration of Independence. The act allowed widows whose marriage took place *before the end* of the veteran's service to receive the same amount her late husband would have been entitled to under the Act of 7 June 1832 (typically \$8 per month for privates). This provision favored those worthy patriotic wives who endured hardships because their husbands had been absent on military duty. Since many soldiers married after the war, Congress was pressured to allow pensions to other Revolutionary widows. Thus, an Act of 7 July 1838 granted five-year pensions to widows whose marriages had taken place before 1 January 1794. These pensions were continued by Acts of 3 March 1843, 17 June 1844, and 2 February 1848. On 29 July 1848, Congress provided life pensions for widows of veterans who were married before 2 January 1800. Finally, all restrictions about the date of marriage were removed by acts of 3 February 1853 and 28 February 1855. On 9 March 1878, Congress

3. Claire Prechtel-Klusens, "'A Reasonable Degree of Promptitude': Civil War Pension Application Processing, 1861–1885," *Prologue: Quarterly of the National Archives and Records Administration* 42 (Spring 2010): 26–35; online at <http://www.archives.gov/publications/prologue/2010/spring/civilwarpension.html>.

allowed widows of men who had served for as few as fourteen days or participated in any engagement to receive \$8 per month, which was increased to \$12 by an act 19 March 1886.

### **War of 1812 (18 June 1812–17 February 1815)**

*Last widow, Carolina King, died 28 June 1938, age 89*

Widows of War of 1812 veterans who had served at least sixty days were granted an \$8 monthly pension by an Act of 14 February 1871 if their marriage had taken place by 17 February 1815.<sup>4</sup> The Act of 9 March 1878 extended pension benefits to any widow whose husband had served at least fourteen days. The monthly pension rate was increased to \$12 by an Act of 19 March 1886, to \$30 by an Act of 1 May 1920, and to \$50 by the Act of 3 July 1926.

### **Mexican War (24 April 1846–30 May 1848)**

*Last widow, Lena James Theobald, died 20 June 1963, age 89*

Widows of men who served at least sixty days during the War with Mexico, or who were personally named in a resolution of Congress, became eligible for an \$8 dollar per month pension by an Act of 29 January 1887 if the widow was age sixty-two or older, dependent, or disabled. This monthly amount was raised to \$12 by an Act of 19 April 1908, to \$20 by an Act of 8 September 1916 for widows age 70 or older, to \$30 by an Act of 1 May 1920, and to \$50 by an act of 3 July 1926.

### **Indian Wars (1818–1898)**

Because there were numerous wars with Native Americans, there were several Acts of Congress dealing with widows' pensions. An Act of 27 July 1892 authorized pensions to widows of men who served thirty days or more in Indian wars that occurred between 1832 and 1842 (Black Hawk War, Creek War, Cherokee disturbances,

---

4. This was the date that Secretary of State James Monroe presented the signed and ratified Treaty of Ghent to the British minister in Washington, DC.

Florida War with Seminole Indians). Widows of men who served less than thirty days who were "personally named in any resolution of Congress for any specific service" in those wars were also eligible. The widows also had to be U.S. citizens and actual residency in the U.S. was accepted as "proof" of citizenship!

Ten years later, Congress extended eligibility for widows' Indian war pensions by an Act of 27 June 1902 that allowed pensions due to service in these conflicts: Florida and Georgia Seminole Indian War, 1818; Fevre River Indian War of Illinois, 1827; Sac and Fox Indian War, 1831; Sabine Indian disturbances, 1836-37; Cayuse Indian War, 1847-48; Florida wars with Seminole Indians, 1842-58; Texas and New Mexico Indian War, 1849-56; California Indian disturbances, 1851-52; Utah Indian disturbances, 1850-53; and Oregon and Washington Territory Indian Wars, 1851-56.

In addition, widows of "the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations" during 1855-60 were authorized a pension under an Act of 30 May 1908. This conflict was again mentioned in the Act of 4 March 1917 which granted eligibility to widows married before 4 March 1917 to "Texas volunteers who served in defense of the frontier of that State against Indian depredations" from 1 January 1859 to 1 January 1861 and 1866-77.

The Act of 4 March 1917 extended Indian War widow's benefits again to include eligibility for benefits based on thirty days service by the veteran between 1859 and 1891 so long as the widow married the veteran before 4 March 1917. The specific "campaigns" mentioned were in southern Oregon and Idaho and northern parts of California and Nevada, 1865-68; in Minnesota and the Dakotas against the Sioux, 1862-63; in Wyoming against the Sioux, 1865-68; in Kansas, Colorado, and Indian Territory against the Cheyennes, Arapahoes, Kiowas, and Comanches, 1867-69; in Arizona and New Mexico against the Apaches, 1873; in Kansas, Colorado, Texas, Indian Territory, and New Mexico against the Kiowas, Comanches, and Cheyennes, 1875; in

Utah in the Black Hawk Indian War in 1865-67; in Colorado and Utah against the Utes, September 1879-November 1880; in Arizona and New Mexico against the Apaches in 1885-86; and in South Dakota against the Sioux in November 1890-January 1891.

Widows of men who served in specific companies of Nebraska Militia during 1864-1865 that "engaged in fighting Indians and guarding United States mails on the western frontier" were also eligible. In addition, widows of men who served in the Modoc War, 1872-73; Northern Cheyenne and Sioux campaign, 1876-77; Nez Perce War, 1877; Bannock War, 1878; and Northern Cheyenne campaign, 1878-79. The act also specifically extended benefits to those who served in Tyler's Rangers, recruited at Black Hawk, Colorado in 1864.

If the veteran's service was less than thirty days, a widow's pension could still be obtained if the veteran "served during the entire period of said campaign." Indian War widows received monthly pensions of \$8 from 1892 until the

amount was increased to \$20 by an Act of 19 February 1913, then to \$30 by an Act of 3 March 1927.

## Civil War

*Last Union widow, Gertrude Janeway, died 17 January 2003, age 93*

The Act of 4 July 1862, declared that widows of men who died due to wounds, injury, or disease after 4 March 1861 were entitled to receive a pension equal to the amount the husband would have received "had he been totally disabled," retroactively to his date of death. A pathological connection between his service and death had to be proven, often through the testimony of an attending physician. For widows of privates and other low ranks, the pension amount was \$8 per month. A widow's pension would end upon remarriage or cohabitation without marriage. She would also lose her pension if she abandoned the veteran's minor children, or was determined by a court to be an unsuitable custodian of the veteran's minor children due to

# Why certify?



## Find your answer on the BCG website.

<http://www.BCGcertification.org/certification/why.html>



Board for Certification of Genealogists® • Box 14291 - Dept. N • Washington, DC 20044



*Last Union Civil War Widow, Gertrude Grubb Janeway, holding a photo of herself and her veteran husband, John January Janeway. He was 81 and she was 18 when they were married. Courtesy FindaGrave.com.*

immoral conduct. Once the children had reached their sixteenth birthdays, she could then be returned to the pension roll.

The Act of 27 June 1890 (26 Stat. 182) significantly changed requirements for widow's pensions. First, the widow no longer had to prove the veteran's death occurred due to his military service. Second, the veteran need only have served ninety days. Third, the widow must have married the veteran before 27 June 1890. The act of 9 May 1900 added a fourth criterion: that the widow had to be "without means of support other than her daily labor" and have actual net income of less than \$250 per year.

The monthly rate was increased to \$12 by an Act of 19 April 1908 for all widows regardless of income. All widows age seventy or more, who were married before 27 June 1905 to a veteran who served at least ninety days, were entitled to \$20 monthly by an Act of 8 September 1916. This amount was increased to \$25 by an Act of 6 October 1917. The Act of 1 May 1920 increased that amount to \$30 and also allowed claims by widows of veterans who served less than ninety days but who either died during service, or were discharged for a disability incurred in service in the line of duty, again so long as the widow or former widow had married the veteran before 27 June 1905. The monthly amount was increased to \$50 by the Act of 3 July 1926 for those widows who had been wives of servicemen during the

Civil War. Finally, the Act of 23 May 1928 raised the monthly rate to \$40 for who had to have been married to the veteran before 27 June 1905 and were seventy-five years old, but widows added to the pension roll after 23 May 1928 would receive \$40 monthly.

## Conclusion

Yes, it sounds complicated, but with a little research, you can gain more insight into your ancestor's life and pension file by learning about the specific Acts of Congress that governed his or her pension claims.

## For More Information

Digital copies of the *Statutes at Large* can be found online at four websites:

- Library of Congress American Memory website at <http://memory.loc.gov/ammem/amlaw/lwslink.html> has public and private laws from 1789 to 1875.
- Law Library of Congress website at <http://www.loc.gov/law/help/statutes-at-large/index.php> has public laws from 1789 to 1950.
- U.S. Government Printing Office website at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=STATUTE> has public and private laws from 1951 to 2011.
- U.S. Congress website at <https://www.congress.gov/private-laws/> has public laws for 1973 to 2016 at <https://www.congress.gov/public-laws/114th-congress> and private laws for 1973 to 2016 at <https://www.congress.gov/private-laws/114th-congress>.

Identification of the last widows is from "America's Wars" at [http://www.va.gov/opa/publications/factsheets/fs\\_americas\\_wars.pdf](http://www.va.gov/opa/publications/factsheets/fs_americas_wars.pdf). May 2015 edition. Mrs. King's death date should be given as 1938 not 1936. 🌳

---

*Claire Prechtel-Kluskens, a senior reference and projects archivist at NARA, served as NGS registrar (1996–98) and director (1998–2000). She can be reached at [cklusken@verizon.net](mailto:cklusken@verizon.net) and blogs at [twelvekey.com](http://twelvekey.com).*