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DEPENDENT PARENTS' PENSION CLAIM FOR A KILLED MAINE SOLDIER: THE CASE OF EMELINE AND WILLIAM MERRILL, 1880-1887

BY JAMES A. CHRISTIAN

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ON MAY 26, 1880, seventy-one-year-old Emeline Merrill of Freeport began the process of applying for a dependent mother's federal pension based on the death of her only son, Private William F. Merrill, seventeen years earlier during the Battle of Gettysburg. Her claim for a pension was based on her conviction that the death of her son at Gettysburg deprived her and her husband, William, of the now direly needed financial support they would have received had their son survived the war. This dependent parent's pension claim, first filed by Emeline Merrill, and then, following her death in 1884, continued by her husband, would meet with seven years of delay and frustration as a result of the bureaucratic obstructionism embraced by the Bureau of Pensions in the 1880s. At the time of William Merrill's death in 1887, his dependent parent's pension case was still pending in the Pension Bureau. Following his death, the Merrills' claim was formally rejected, without him or his wife having received any award.

The Merrills' experience with the Pension Bureau provides one example of how the seeming magnanimity of the dependent parents' pension provision in principle was belied in actual practice by obstruction-

ist policies and procedures employed by the Pension Bureau during this period. The Merrills' experience raises the question of whether these dilatory tactics were being applied more generally to new Civil War pension claims in an effort to discourage and otherwise frustrate legitimate pension claims.

Federal Pension Legislation

By the second year of the Civil War, the federal government was in desperate need of troops. The war had lasted longer than most people had predicted and several major Confederate victories in the eastern theatre had served to dampen the military spirit in the northern states. Some men were reluctant to volunteer for the war because they worried that their families would have no support if they died or became disabled in the war.¹ In an effort to entice such men to volunteer, in the summer of 1862, Congress passed a new pension bill to aid families of Union soldiers who had died or become disabled during the war. This act provided that the widows and orphaned children of deceased soldiers would be entitled to receive the same military pension compensation that was paid to a totally disabled soldier who survived the war. If a deceased soldier had no wife or children, his mother could receive the pension, provided the mother could prove that she was financially dependent on her son.² The act was amended in 1866 to allow other relatives, including fathers, to file a pension claim, if the relative had been dependent "wholly or in part" on the deceased soldier for support.³ According to historian Megan J. McClintock, "testimony of a son's employer as to how much he earned and how he spent his wages, statements of friends and neighbors who knew a son had helped his parents, and letters in which a son mentioned he was sending home army pay were considered proof that he had supported his mother or father."⁴

In 1879, Congress passed the Arrears Act, a landmark piece of legislation that greatly enhanced potential federal military pension benefits. As a result of this act, a veteran or his dependent could claim benefits from the date the soldier became disabled or died, rather than the date that their application had been successfully filed with the Pension Bureau.⁵ This change in the pension rules meant a disabled veteran or a deceased soldier's dependent family member could qualify for a one-time lump-sum payment "in arrears," in addition to the usual monthly pension payment. The Arrears Act was enacted in an evolving political environment. Congressional Republicans sought to court Union army veteran constituencies while Democrats largely assented to the act so as to

not appear anti-Union veteran.⁶ Subsequently, legions of attorneys acting as claim agents went to work publicizing the new law and recruiting new clients.⁷ Veterans or their family dependents who wanted to be considered under the act's provisions had to file their application prior to July 1, 1880. Pensions Commissioner John C. Black later estimated that the federal cost of the Arrears provision alone at \$179,400,000 through the end of fiscal year 1885.⁸

As a result of the new law, the number of applicants rose from roughly 1,600 a month to about 10,000 per month, and the federal government expended increasingly large amounts of money on benefits for Union army veterans or their dependents in the 1880s and 1890s.⁹ By the early 1890s, nearly one million people received federal pension benefits, and this expenditure represented about forty percent of the annual budget of the federal government.¹⁰ In one year alone – 1890 – the federal government spent more in paying out pension benefits than it had during the entire period from the Revolution to the Civil War.¹¹ Although these figures are impressive, not all deserving applicants were assisted by this new federal social welfare program. Examining the pension claims of one set of parents whose son was killed during the war can help us better understand the dynamics of federal pensions during the Gilded Age.

Service Record of Private William F. Merrill

William F. Merrill enlisted in the newly organized Twentieth Maine Regiment on August 29, 1862.¹² After mustering in, young William spent five of the next six months in hospitals receiving treatment for a painful varicocele condition.¹³ He returned to active duty with the Twentieth Maine on March 4, 1863. Several days before returning to active duty, Private Merrill wrote to his parents to inform them of his well-being:

Camp Convalescent feb 28 /63

Dear Parents

I received your letter yesterday afternoon. I was kinder glad to hear from home once more. If I am deprived of being with you, there is one comfort I am permitted to enjoy and that is to hear directly from you. There was two fellows started for Home this morning out of our baraks. One belongs in Poland and the other from Rockland. They seemed to be glad to think they was going home. I will answer your questions first. Father, you wanted to know if this ward was a different place from the one I



This poster from April 1861 encouraged Portlanders to join the war effort. William F. Merrill enlisted in the Twentieth Maine a little over a year later in Portland. Maine Historical Society Collections.

was staying. You know that I was on the Provost Guard. We had quarters little one side of the Hospital and them that was taken sick was sent back to the ward or sick rooms. I will give you a plan of this camp and Hospital so you can form an idea of them. As for our Dr, he is one of the regular Dr—one that works for money not to cure. I took a bad cold and come near having a feaver. As for my hurt it dose not trouble me so much as it did although it paines me night pretty bad. I will tell you about this going back to the Regt. Men in Hospital after they get over there sickness so they can get out of dores and able to stand some fatigue, they send them here. And them they think able they send them to the straglers camp some two miles from here, and from there they go to the Regt. It may be one month or two before they examine me. That I cannot tell.

The next day after I come here I went over to the 25th Regt. and stayed three days. It was like being to the corner or round home. I was there two days and in the same baraks the most of the time before I found out who Cousen John Walker was. I never knew that he was in the army. Them boys are having grand times. Live just as they have a mind to. If I was with them I should be content. It seems that the Ward has got two of his sons there discharged. I suppose they have gone home before now. He will leave a miniature to the office for you I had one taken for you. Then Frank Soule had one taken five of us I was one. He will send that to Mary Wyman, that was the best one. When you get a chance look at it.

I have not heard anything from Fessendan. I have not got any pay yet, if should happen to get it I shall send it home. There, Father, I believe I have answered the most of your questions and close by asking you a number, I suppose you keep the oxen and the Colt do you? How dose the Colt grow any or has she since I left home? What do you keep for stock this winter, have you bought any sheep? If I get my pay I shall send home about 45 dol and with a part of that I want you to buy some sheep if you want them, are you going to have Hay enough to winter your stock?¹⁴ One more question, did you ever get what Reed & Blithen owed me for having work? I never knew. Now I will close by wishing you good day,

from your son

W. F. Merrill

Four months after returning to his regiment, on July 2, 1863, Private Merrill was killed in the Battle of Gettysburg, at Little Round Top.¹⁵ Seventeen years later, William's mother, Emeline Merrill, submitted this letter to the Pension Bureau in support of her dependent parent's pension claim. In the concluding paragraph of the letter, William noted his plan to send home most of his pay from the army to help support his parents. For the Merrills, this was a critical piece of evidence in their pension claim case in the 1880s. It proved that Emeline and William were dependent on their son, the younger William, for financial support at the time of his death.

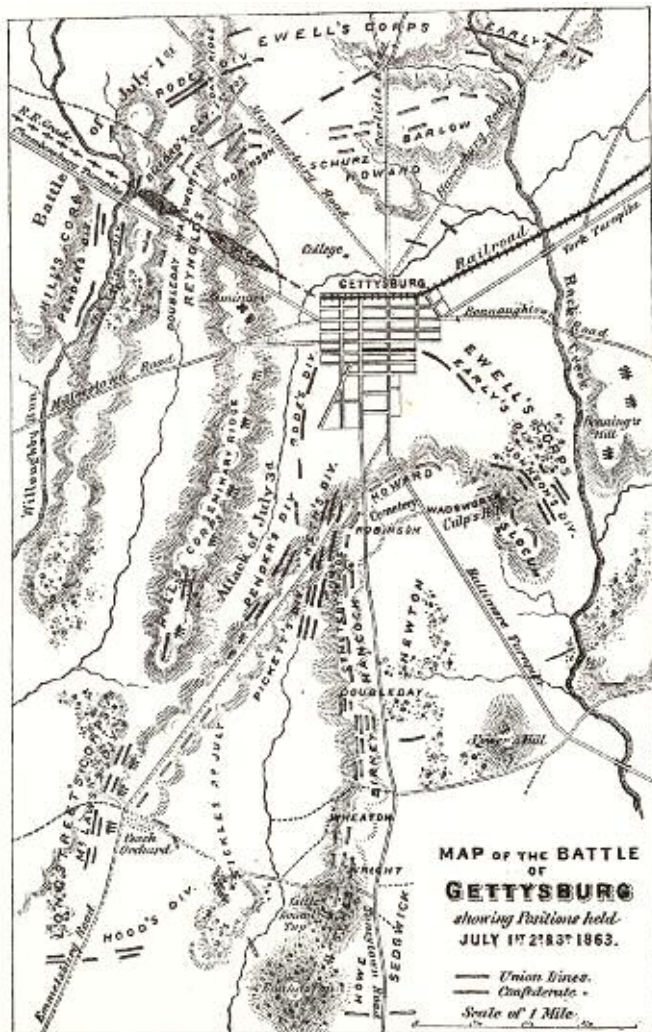
Dependent Mother Pension Claim of Emeline Merrill

The military pension documents and related correspondence transcribed and annotated in this essay were selected from the U.S. pension application files of Emeline and William Merrill, which are housed in the National Archives in Washington, D.C.¹⁶ These documents chronicle the Merrills' frustrations while pursuing a dependent parent's pension on account of the death of their only son during the Civil War. Emeline's pension claim was submitted in 1880, the year following the passage of the Arrears Act. The possibility of qualifying for a lump-sum payment equivalent to an enlisted soldier's monthly pay for seventeen years undoubtedly influenced the Merrills' decision to apply.

On May 26, 1880, Emeline Merrill appeared before a Cumberland County Superior Court deputy clerk to avow and sign the application filing her claim for a dependent mother's pension. She initiated the claim only five weeks before the filing period for the Arrears Act closed permanently. Calculated based on an enlisted soldier's base pay of eight dollars a month for the seventeen years since her son's death, her award would exceed \$1,600. In addition, if her pension application were approved, Emeline would also be entitled to a monthly pension stipend of eight dollars, which she and her husband could expect to receive for the rest of their lives. Upon initially applying for the pension, she presented the following affidavit:

Application for Mother's Army Pension

Emeline Merrill, a resident of Freeport, Me. in the County of Cumberland and State of Maine, aged 71 years, who, being first duly sworn according to law, doth on her oath make the following declaration, in order to obtain the benefits of the provisions made by the act of Congress approved July 14, 1862:



Private William F. Merrill served in the Twentieth Maine during the Civil War. He died during the Battle of Gettysburg in July 1863. Maine Historical Society Collections.

That she is the wife of William Merrill and mother of William F. Merrill who was a Private in Company K commanded by _____ in the 20th Regiment of Maine Vols. in the war of 1861, who was killed in the Battle at Gettysburg, PA, July 2nd 1863, as would appear by the claim.

She further declares that her said son, upon whom she was wholly or in part dependent for support, having left no widow or minor child under sixteen years of age surviving, declarant makes this application for a pension under the above mentioned act, and refers to the evidence filed herewith, and that in the proper department to establish her claim.

She also declares that she has not in any manner been engaged in, or aided or abetted, the rebellion in the United States; that she is not in the receipt of a pension under the second section of the act above mentioned, or under any other act, nor has she again married since the death of her son, the said Soldier.

And she hereby constitutes and appoints D. H. Drummond of Portland, Me. her attorney, with full powers of substitution, to prosecute this claim and authorizes him to receive her certificate.

Emeline L. Merrill

In support of Emeline's dependent parent's claim, her attorney, D. H. Drummond, submitted affidavits from a number of Freeport residents, all of whom attested that she was unable to perform work due to a severe asthma condition. Two of these affidavits were from private physicians who had treated her during the previous several years, Dr. David Spear and Dr. Augustus Burbank. Dr. Burbank, who had also treated her husband, attested in his affidavit that William Merrill suffered from severe and recurring headaches that rendered him only partially able to perform labor and provide for his wife.

Spencer Wyman, a neighbor from Freeport, gave a particularly supportive affidavit in which he noted that the Merrills had been financially dependent on their son – first from earnings he made performing labor for others and later from his army pay. Wyman had served with their son in the Twentieth Maine, and his affidavit offered proof, if such were needed, that young William had been killed at Gettysburg.

I, Spencer M. Wyman of Auburn in the County of Androscoggin and State of Maine on oath, depose and say that I was Sergeant in Co. K. of the 20th Regt of Maine Vols in the war

of the rebellion and I further say that I was well acquainted with William F. Merrill of Freeport in the County Cumberland and State of Maine who was a private in said Com K of the 20th Regt of Maine Vols with me and who was killed in the Battle of gettysburge july 2nd 1863. I know the fact of his death as I saw him after he was killed on the field of Battle.

I further certify that I know he was the only Son of William and Emeline Merrill, father and mother of the said William F. Merrill. I also know the said William the son always lived at home with his father and worked on the farm for the most of the time and when he worked for others his earnings was paid over to his father and went in for the support of his Father and Mother and that it was understood by him that he should stay at home with and work together for the support of the family of his Father and Mother. And I further state that while in the army I knew of his sending money home to his father when he was paid off. And I further state that I have no interest in the claim of Emeline Merrill wife of William Merrill for a pension.

Spencer M. Wyman

Emeline Merrill's pension application, accompanied by these affidavits, was submitted to the Pension Bureau in June 1880. Two months later, the Merrills received an acknowledgement from the bureau. They heard nothing more from the bureau for the next twenty-one months. Finally, tired of waiting for a response, Emeline wrote to the Commissioner of Pensions in May 1882 to inquire as to the status of her claim.

To Commissioner of Pensions
Freeport May 26.82

Dear Sir. My claim for Pension was forwarded June 1880. I received a communication August 11th saying that it was received and would be examined in its order and the result communicated to me, and it has been nearly two years since the claim was entered. I would like to know the result.

Mrs. Emeline L. Merrill
Freeport, Maine
Cumberland County

State of Maine.
Executive Department.
PENSION CERTIFICATE.

Acts of Legislature of February 23, 1866, and February 23, 1867.

Application No. 673

It is hereby certified, that *Henry A. Badger* of *Winthrop* county of *York* State of *Maine* was in the War of 1861, for the suppression of the *Rebellion*, in *Massachusetts* in the Pension List Book under said act, at the rate of *five* Dollars per month, in commencing on the 23d of February, 1867, and continuing *until his death*.

for *which* *United States Pension for children is provided* of which the *same* *claimant* *will* *not* *be* *entitled* *to* *benefit*.

unless the same is sooner revoked by the Governor and Council, of which due notice will be given. A copy of this certificate is deposited with the Treasurer of said *town* *of* *Winthrop* and this Pension will be paid quarterly by him in money to the said *Henry A. Badger* in person only, upon a receipt whereof he is identified by one of the *Deputies* of said *town* *of* *Winthrop*.

No sale, lien, mortgage, or mortgage of any description whatever, of the whole or any part of the Pension payable upon this certificate in or any legal or binding force against either the Pensioner, or the State, or said town or Treasurer of *Winthrop* and the payment of this Pension or any part thereof to any person other than said *Henry A. Badger* the Pensioner, or otherwise than in money and the full amount specified, will bar the reimbursement of the same or any part thereof, to said town or Treasurer of *Winthrop* from the State Treasury.

Witness the hand of the Executive Department, this *23rd* day of *February* 18*80* at *Augusta* *Maine* *thousand eight hundred and eighty*

Stephen F. East
Secretary of State.

H. A. Badger
Contract.

Application No. 673

The federal government began offering pensions to disabled soldiers or the families of deceased soldiers during the war, in 1862. Over the next three decades, the government expanded the definition of who was eligible to receive a pension. William F. Merrill's parents, Emeline and William, applied for a federal pension beginning in 1880. Maine Historical Society Collections.

The Pension Bureau file card for Emeline's pension claim attests to the fact that her claim had lain dormant for over two years. The bureau took no administrative action on her claim until October 1882, a full five months following receipt of her letter of inquiry. At that point, an internal memorandum was sent to the U.S. Adjutant General's Office, requesting verification of William F. Merrill's enrollment and service record in the Twentieth Maine. Four months later, in February 1883, the Adjutant General's Office responded to the Pension Bureau: William F. Merrill had served in the Twentieth Maine and had been killed in action at Gettysburg. It was only then that the Pension Bureau took its second administrative action by sending a second internal memorandum to the Adjutant General's Office, this time requesting verification that Sergeant Spencer Wyman had also been present at Gettysburg in July 1863 and, thereby, was able to testify to the factual matters in his affidavit.

The Adjutant General's confirmation of young William's service record finally enabled the Pensions Commissioner, William Dudley, to again communicate with Emeline for the first time since August 1880.

Department of the Interior
Pension Office
Washington, D.C. February 20, 1883

Madame:

In your claim for pension No. 269.009 as mother of the late William F. Merrill, Priv. Co. K, 20th Me. Vols., the requirements of the enclosed circular should be strictly complied with, in the manner and form therein indicated.

You are also informed that D.H. Drummond of Portland, Me., your Attorney is no longer recognized by this Office. Please return this letter with the required as promptly as possible to secure early action.

Very respectfully,
Wm. W. Dudley
Commissioner

The Pension Bureau file does not contain an explanation as to why Dudley chose to disqualify Drummond as Emeline's legal representative. Perhaps Dudley believed that Drummond's incompetence was responsible for the nearly three-year delay in providing his client with the circular that would have apprised her of the yet-to-be completed steps in the

application process. It is also possible that Drummond had run afoul of the Pension Bureau for disreputable activities with respect to other clients. In the early 1880s, a number of professional claim agents earned the disapprobation of the bureau based on their solicitations of fraudulent claims.¹⁷ Whatever the rationale, Emeline chose attorney William M. Harris as her new legal representative.

The February 1883 circular instructed Emeline that in order for her claim to go forward, credible proof was required that, in 1863, she and her husband had been dependent on their son for financial support. In addition, she needed to prove that she and her husband were unable to support themselves following their son's death in 1863. It was difficult to produce evidence to support these claims, as William Merrill no longer had his farm produce and income records dating from two decades before. However, to provide an approximation of his financial affairs during the years following 1863, the Merrills' new attorney, William Harris, arranged for William to file a statement in April 1883 before a Cumberland County justice of the peace:

I William Merrill of Freeport Co of Cumberland and State of Maine, do depose and say that William F. Merrill priv in Com K of 20th Me Vols was my Son and that he was killed at the battle of Gettysburg July 3rd 1863, that he was our only Son, his age was 21 years & 10 months, and he was a minor when he enlisted in August 1862, that he had always turned in all his earnings for the family except what he needed for clothing and while in the Service he sent home what money he could spare directing us to use the money if we needed it. He was unmarried. In 1835 I bought a farm of 60 acres of land in Freeport and we were in possession of the same farm in 1862. We had a small house and barn upon the farm. I paid \$575 for it. In 1869 my barn and all the out buildings were burned, but saved the house somewhat damaged. Then I had to go to work and build a new barn and poarch. My friends and neighbors were very good in lending their assistance, but it left me in debt. We done the best we could, and in 1876 we sold the farm to Mr. Silas Fink for \$1000. I then paid my debts and moved to Auburn Androscoggin Co Me and done what I could to make a living, lived with one of my married daughters but my health failed so that I was unable to do but little work. I came back to Freeport having stoped there between one & two years and bought ½ of a house with ½ acre

of land which answers for a home for myself and wife. I paid 275 dollars for this place where we now reside.

William Merrill

Harris likely anticipated that William's affidavit would fall short of satisfying the Pension Office's request for detailed, annual farm income accountings. Therefore, he approached the Freeport Tax Assessors Office and requested that they prepare a report of William Merrill's property valuations for the years 1863 through 1882. Harris reasoned that these property valuations would provide good proof, if only indirect, of Merrill's meager and diminishing personal resources through the twenty-year period in question. The Freeport Tax Assessors Office responded to Harris's request with a report that they certified on May 14, 1883.

Thomas J. Curtis and Harland P. Dennisson, both of Freeport in the County of Cumberland and State of Maine, two of the selectmen and assessors of taxes in and for said Town of Freeport, testify and say that we have the Records of Valuation & Taxes in our possession and that the following in figures, herewith annexed is a true copy so far as we can now find them in our office.¹⁸

Date of Year	Real Estate Value	Personal Estate Value
1867	\$510	\$110
1869	\$510	\$130
1871	\$1015	\$150
1872	\$1015	\$100
1875	\$1015	\$100
1876	\$1015	\$100
1877	\$360	\$100
1878	\$360	\$100
1879	\$360	\$100
1880	\$275	\$50
1881	\$350	\$50
1882	\$350	\$50

In addition, Merrill's actual tax assessments levied on these valuations were certified for the years 1872 to 1880 and a copy of this record was provided to Harris.

Tax for 1872	\$ 11.15
Tax for 1873	\$ 10.15
Tax for 1875	\$ 11.15
Tax for 1876	0.00
Tax for 1879	\$ 4.60
Tax for 1880	\$ 3.60

These records of William Merrill's property tax assessments, and particularly the shrinking real and personal valuations that these assessments were based upon, ought to have been considered proof of Merrill's inadequate resources for supporting himself and his wife. This, however, did not prove to be the case. In June 1883, the Pension Bureau wrote to inform Harris that the affidavit and tax records would not be allowed to substitute for the itemized farm produce and income statements for each of the years from 1863 to 1880. The stalemate thus created persisted through the end of 1883, as Harris must have studied how he might get around the bureau's insistence on receiving records that were not obtainable.

Earlier in 1883, the Pension Bureau had sought its own "evidence" as to whether William Merrill was truly physically incapacitated and, therefore, unable to provide for himself and his wife. The bureau directed that Merrill travel to Portland to undergo a thorough physical examination supervised by three physicians who were independently contracted by the bureau. This examination took place on April 4, 1883, and the subsequent report, the Surgeon's Certificate of Examination of a Dependent Relative, was received by the bureau on April 12, 1883. According to this report:

Said husband of claimant is and has been physically incapacitated for the support of himself and family, the nature, degree, and duration of his disability beings as follows:

Occupation a farmer. Age 75. Pulse 80. He says that for many years he has suffered from sick headache, brought on by overwork. He has inguinal hernia retained by a truss, which he says occurred three years ago. He appears stiff & somewhat lame. He looks old & worn out. But he says that up to five years ago he could do a fair day's work. Judging from his appearance & his statements and the existence of the hernia, it is our opinion that he has been totally disabled for the last five years.

T. A. Foster, M.D.

H. N. Small, M.D.

Chas. H. Hunt, M.D.

Although the medical determination contained in this document should have settled all questions as to whether William Merrill was truly disabled, the likelihood is that neither Harris nor Merrill was ever advised of the report's contents. The certificate's existence was never referenced in any of Harris's correspondence with the Pension Bureau during the subsequent years that this office continued to question Merrill's physical incapacitation.

Emeline Merrill died on January 26, 1884. Her husband William undoubtedly needed time to grieve the loss of his wife of fifty-three years. For the Merrills' attorney, William Harris, there was new cause for despair. Harris understood that Emeline's death threatened his new client's case, as William planned on applying for the pension in his name following his wife's death. Yet, all of the work from the previous three-and-a-half years would be for naught if the Pension Bureau chose to summarily dismiss her pension claim.

Dependent Father Pension Claim of William Merrill

As the first several months of 1884 passed, the Merrills' attorney, William Harris, contemplated the steps that needed to be taken to forestall the dismissal of Emeline Merrill's pension claim. Harris's first counsel to her widower was that he should file his own dependent parent's claim that built upon the evidence already provided to the Pension Bureau. On July 15, 1884, William Merrill appeared before an Androscoggin Probate Court Registrar to file his dependent father's pension claim.

Declaration for an Original Pension of a Father
State of Maine
County of Androscoggin, SS

On this 15th day of July, A.D. one thousand eight hundred and eighty four personally appeared before me, Register of the Probate Court, the same being a court of record within and for the county and State aforesaid, William Merrill, aged 76 years, who, being duly sworn according to law, makes the following declaration in order to obtain the pension provided by Act of Congress granting pensions to dependent Fathers: That he is the Father of William F. Merrill who enlisted under the name of William F. Merrill at Freeport, Maine, on the 29 day of August A.D. 1862, in (1) Co. K. of the 20th Regiment Maine Vols in the War of Rebellion, who (2) died of wounds in the Head received

at the Battle of Gettysburg July 1863 on the 3rd day [sic] of July A.D. 1863, who bore at the time of his death the rank of Private in (3) Co. K. 20th Regt Maine Vols, that said son, William F. Merrill left neither widow nor child under sixteen years of age surviving; that the declarant was married to the mother of said son at Portland on the 7th day of December, A.D. 1830 by Rev. D. Tyler; that he was (4) in part dependent upon said son for support; that the mother of said son died at Freeport on the 26th day of January, A.D. 1884; that there were surviving at date of said son's death his brothers and sisters who under sixteen years of age, as follows: _____ . That he has not heretofore applied for a pension (5) Emeline L. Merrill, mother made claim No. 269.009; that he has not aided or abetted the rebellion; that he hereby appoints Wm. M. Harris of Auburn, Maine, his attorney to prosecute above claim; that his residence is at No. 6 in Main Street, in the City of Auburn, county of Androscoggin, State of Maine, and that his Post Office address is Auburn, Maine.

William Merrill

The Pension Bureau initially failed to appreciate that Merrill had submitted his dependent parent's pension claim with the intention of merging his claim into his wife's claim, which had been pending for four years. As late as July 1884, the bureau continued to address correspondence to Emeline, apparently unaware that she had died. Accordingly, in August 1884, Harris wrote to the bureau to expressly make the point that William desired to merge his pension claim with his deceased wife's claim. Harris then requested that the bureau provide them with a new circular so that they would know what additional affidavits or other evidence was required for the merged pension claim to go forward and receive approval.

Auburn Maine Aug. 5, 1884

Dear Sir:

William Merrill father of Wm. F. Merrill Co K 20th Regt. Me Vols whose claim has just been filed & No 317.846 wants to know what to do w/ the circular letter of July 10 1884, which was sent to Emeline L. Merrill the mother of said Wm F Merrill. She is dead & he has filed his claim as father. He says evidence has been sent in her claim No. 269.009—to know her relationship

and that he [their son] had never married—and that he has sent Physician's statements in relation to his own health, and also as to his own income from year to now and as to his and his late wife's property has been explained. And he says about the sons aiding them has been proved and one letter of Wm F. Merrill has been sent.

Now will you please review her claim and send another circular to William Merrill the father and tell him what he must send? He does not wish to prove over again what has been proved in her claim.

Respectfully yours
Wm. M. Harris
Atty. for Merrill

Three months elapsed before Harris received a reply from the Pension Bureau on November 17, 1884. This letter assigned Merrill a new case number, 327.846, and was accompanied by a new circular that explained what evidence the bureau required to approve Merrill's application. Harris would have at once observed that the new circular expanded the financial accounting required of William to include all sources of income from 1863 forward—not just his farm income. The circular also specified the types of financial evidence that the Pension Bureau considered acceptable:

The testimony of the claimant's employers or of others knowing the facts is required, showing his age, occupation, and the amount of income per month or year that was derived from his occupation and from all other sources during the entire year 1863 and each year since to the present time; whether such income afforded him a maintenance, and how he has been supported during each year since the death of the soldier.

The testimony of credible disinterested persons having personal knowledge of the facts is required showing the full value of all the property owned by, or in possession of, the claimant, of what it consisted, both real and personal, where located, and the income derived therefrom in 1863 and each year since to the present time.

The November 1884 circular also requested medical evidence of Merrill's physical condition in 1863 and for each year since to the pres-

ent. In response to this request, Harris provided the Pension Bureau with an affidavit, dated January 29, 1885, from Merrill's private physician, Dr. Dana Spears. In this affidavit, Dr. Spears reported that Merrill was "much enfeebled at the present time as to be unable to do but little or nothing towards livelihood."

The Pension Bureau also requested information needed to establish Merrill's eligibility to merge his pension claim with that of his deceased wife, Emeline. The documents that would be required included proof of William and Emeline's legal marriage, proof of William F. Merrill's birth to William and Emeline Merrill, proof of Emeline's death in 1884, proof of William Merrill's former ownership of farm property, and the certified warranty deed attesting to Merrill's sale of his farm to Silas Kirk in 1876.

Harris turned to a number of Merrill's long-time Freeport neighbors for testimonials regarding his property and income since 1863. One of these affidavits, sworn on January 21, 1885, by David Tobie, provided the Pension Bureau with the most detailed statement to date regarding Merrill's limited personal resources over this period.

I, David L. Tobie, age 72 years, of Freeport Maine Post Office, the same, on oath depose and say that I have been well acquainted with William Merrill and his family for more than forty years. That said William Merrill is nearly 77 years of age and that his occupation has been farming, working in shipyard some, shoemaking some. In 1863 he owned a farm of 60 acres and with what he did on the farm and other wages with his son, Wm F. Merrill, he was able to just about support his family but after his son's enlistment and his own poor health he was not able to support his family and fell behind and in 1876 he sold his farm for one thousand dollars. Soon after he bought a half acre of land with one-half of a double house for which he paid \$275. Last September he has gained said land & house—away for \$300. He has been living upon the money he got for his farm and what he has been able to do himself and with what his children have helped him up to the present time. That at the present time everything he owns would not exceed \$300. I have no interest in his claim for pension.

David L. Tobie

In June 1885, a new Commissioner of Pensions, John C. Black, appears to have initiated a scurrilous and unwarranted campaign to under-

mine William Merrill's dependent parent's pension claim. Commissioner Black sent out a number of letters to Freeport attorneys, soliciting their assistance in gathering new information on Merrill. Black's letter inquired as to whether Merrill was truly dependent on his son in 1863 and as to what had been his financial resources for supporting himself and his wife in each of the years following 1863 – the year of his son's death.

Commissioner Black was seeking testimony that would refute what Harris had submitted; that fact could not have escaped the attorneys who received these letters. Accordingly, the letters that returned to Black were rife with hearsay, unsupported allegations, and outright fabrications. The letter written by attorney Corydon Walker was typical of the letters that Black received. Walker's letter, for example, made the outrageous claim that Merrill had sold his farm property for \$31,000, rather than the \$1,000 he had reported.

Freeport July 6, 1885

Sir: I received this this morning. Mr. Merrill was hired on the town farm as overseer of the poor when his Son enlisted at good wages. He had a farm of 60 acres of land & comfortable buildings & 10 small stock of cows, sheep & horses & farming tools—both of them as well as the average of people as to anything that I know. At any rate, he was always about his work on the farm or shipyard or teaching singing school. He has worked with your correspondent, Joseph True, on two or three vessels. He was never dependent on any of his children that I ever heard of. He sold his farm to Silas Kirk for 31,000 dollars & moved to Auburn & stayed a year or two, then came back to Freeport & got a small place & has been here since. I understand that he was lately given his property to his Son-in-law to maintain him for life. He once talked of trying for a pension before & was told that he would have to swear that he had no property & was dependent on his Son for maintenance. He said he was not & should not try for a pension, so I was told today.

Yours ever, Corydon Walker, Freeport

Harris did not become aware of the spurious letters that had been solicited from Freeport area attorneys until early in 1886. In February, Harris wrote to the Pensions Commissioner to refute their testimonies:

Auburn, Maine, Feb. 8, 1886
Honorable Commissioner of Pensions

Dear Sir:

I respectfully return this and will say that I have seen Mr. Merrill and two of his daughters and made inquiries in relation to the within questions. In the first place he never had a son-in-law Silas Kirk and that he never knew him till he sold him his farm about 1876. Mr. Merrill advertised his farm for sale and said Silas Kirk bought it—and that is all that was done in that direction. As to the Poor farm business—he had charge of it from April 1861 to April 1862 before his said son Wm F Merrill went into the army.

Respectfully yours,

Wm. Harris

P.S. I await further orders.

Harris also submitted a March 10, 1886, affidavit from Merrill that addressed the alleged secret contract he had with family members to amply support him in his later years:

I can furnish no copy of contract or agreement for I have none. I made a bargain with my oldest daughter some two years ago, by which she was to furnish me with a room and a privilege at the table, for which I was to give her one hundred dollars and perform some labor, but my strength failing me, I was unable to discharge my obligations. Subsequently the agreement was cancelled.

William Merrill

In April 1886, Commissioner Black responded to Harris's February letter. In his letter, Black confirmed that the annual reporting requirement for Merrill's farm produce, income, and property valuations were being significantly drawn back. The Pension Bureau would now concentrate on whether Merrill was able to provide "credible evidence" regarding his produce, income, and property valuations for the year 1863 alone, and not, as had been previously demanded, for each of the subsequent years until the present time. Black had reviewed the evidence that had been submitted in Merrill's behalf and considered it "too indefinite" regarding the question of his dependence on his son in 1863.

Although Harris must have been somewhat encouraged about the relaxation of much of the reporting requirements, he would have realized that he remained hamstrung as to how to resurrect even the 1863 farm produce, property value, and income figures, as Merrill no longer possessed records for that year. Accordingly, Harris sent a new plea to the Pensions Commissioner, requesting that under the circumstances, the Pension Bureau also waive the 1863 reporting year requirement and then allow the claim. Harris argued that the testimony already submitted had adequately established Merrill's meager financial resources during these years. If more proof were needed, the bureau had only to verify that Merrill had recently been forced to move in with one of his daughters. Unmoved by Harris's plea, however, the Pensions Commissioner refused to relent further with respect to the requirement for financial records from 1863.

Several months later, in January 1887, Harris was clearly exasperated. In a letter to the Pensions Commissioner, he inquired again as to why the 1863 reporting requirement could not be waived and the pension claim allowed, particularly since Merrill had now become dependent on his daughter and friends for support.

Auburn Maine January 31, 1887
Hon. Commissioner of Pensions

Dear Sir:

Mr. William Merrill Father of William F. Merrill late of Co. K 20th Regiment Maine Vols Claim for Pension 317.846 is now dependent from his friends for his support. I wish to ask once more if you are not satisfied with the proof furnished in the case to allow his Pension. As there was only one thing required that was not complied with— and that was such that (it seems to me) not one in a hundred could give the # of acres cultivated per year and the amount raised on an acre for more than 20 years past.

Will you please let me know if anything can be done in his case? He is now living with a Mrs. Clark of Auburn, his daughter.

Respectfully,
Wm. M. Harris

When, in February, the Pension Bureau reiterated its requirements, Harris decided to depose Merrill's two daughters, Emma Wyman and Ida Clark. On March 1, 1887, the two women gave their deposition:

State of Maine
County of Androscoggin

In the matter of Pension of William Merrill, father of William F. Merrill, late of Co. "K" 20th Regt. Maine Vols.

Personally came before me, a Justice of the Peace, in and for aforesaid County and State, Emma S. Wyman, aged 47 years, and Ida M. Clark, aged 38 years, citizens of the Town of Auburn, County of Androscoggin, State of Maine, well known to me to be reputable and entitled to credit, and who, being duly sworn, declare in relation to aforesaid case, as follows:

That we are daughters of the said William Merrill and lived at home when our brother William F. Merrill enlisted and living at home till 1865. That to our best recollection, he planted in 1863 about one acre of corn with beans and raised about twenty five bushels of corn and three or four bushels of Beans. And planted about one and one half acres of potatoes and raised about one hundred bushels of potatoes. And that he sowed from one acre to an acre and a half of oats and raised 25 or 30 bushels of oats. And he raised something in the garden and we think that in all cultivated from three to four acres. And that to the best of our remembrance, he cut on the farm somewhere about ten tons of hay. And that we helped more or less to get in the crops and gather them, especially in haying. That father had two cows and about 6 sheep to the best of our recollection that year. And a Colt that our brother, the said William F., bought. And the hay was consumed on the place. We also had a hog and some dozen hens in 1863. That the produce raised on the farm was consumed on the place, except a half of the potatoes, which was exchanged for groceries. That we think he got about one hundred dollars in money which went to pay taxes and other things that we needed.

They further declare that they have no interest in said case, except that justice be done, and are not concerned in its prosecution.

Mrs. Emma L. Wyman
Mrs. Ida M. Clark

The joint affidavit proffered by Merrill's two daughters had been by far the most detailed statement on their father's farm produce and in-

come for the year 1863. However, Commissioner Black wrote back to Harris that he could not accept the daughters' affidavit, asserting that affidavits regarding past farm operations should not be taken from relatives of William Merrill.

In April 1887, therefore, Harris sent a new letter to Black explaining how difficult it would be to find affiants who could give a better account of Merrill's 1863 farm operations than his two daughters. Nevertheless, with this letter, Harris submitted a new affidavit, this one being sworn by Charles Wyman, a laborer who claimed to have assisted Merrill on his farm during the spring and fall of 1863. The farm produce and income numbers affirmed in Wyman's April 13, 1887, affidavit did not differ significantly from the numbers that had been given in the daughters' affidavit. In his accompanying letter, Harris noted that he was not going to be able to produce a more definitive statement of Merrill's farm produce, income, and property valuations in 1863.

I Charles H. Wyman of Freeport in the County of Cumberland State of Maine of lawful age depose, testify and say that I am well acquainted with William Merrill, formerly of said Freeport, now of Auburn, Maine and worked for said Merrill upon his farm in said Freeport in the Spring and Fall of A.D. 1863. According to my best recollection I should say he planted or did for him said Merrill about three quarters of an acre of corn and beans and should think he needed about ten bushels of shelled corn and not over two bushels and one half of beans. He sowed about three quarters of an acre of oats and raised about eighteen bushels. He planted about two acres of potatoes and raised about one hundred and twenty bushels I should think. I should think he cut in the neighborhood of ten tons of hay that summer, he had a small garden for family use. He had that season two cows, one heifer and one horse and I think six sheep and one pig.

Charles H. Wyman

Death of William Merrill and Final Disposition of the Dependent Parent Claim

On May 23, 1887, only six weeks after Harris procured Wyman's affidavit, William Merrill died. Two months later, Harris wrote the Pensions Commissioner to inform his office of Merrill's death. Writing more de-

murely than he had in his previous letter, Harris implored the commissioner to authorize some monetary payment that might be used to settle a few of Merrill's outstanding bills for funeral and terminal medical expenses.

Auburn, Maine
July 29, 1887
Hon. Com of Pensions

Dear Sir:

William Merrill, Father of Wm. F. Merrill late of Co K 20 Regt Maine Vols Claim No. 317.846 is dead; but died dependent on his friends for support for quite a while before his death, so I have been informed.

Now it seems to me under the circumstances a certification should be issued in his name so that the funeral expenses and expenses for his last sickness could be collected. The case has been a very close one all the way along.

Respectfully,
Wm. M. Harris

Harris's pleading notwithstanding, the Pension Bureau proceeded with initiating its own final internal case review, and then authorized an independent review by the Board of Re-Review. At the conclusion of these reviews, Merrill's dependent parent's pension claim was formally rejected on October 24, 1887. In signing off on his office's rejection recommendation, a Board of Re-Review reviewer made a notation on the case index card that the case file would now return to file to await a reimbursement request under Section 4718. Under this U.S. Statutes section, a payment to cover burial expenses could be authorized when either a veteran or the veteran's dependent died while their pension application was pending before the Pension Bureau. Possibly, a payment for the three uniform headstones marking the Cumberland County graves of William, Emeline, and William F. Merrill was the only tangible result to come of the Merrills' seven-year pursuit of a dependent parent's pension.

Conclusion: The Civil War Pension System and Injustice

In his article on Union veteran pensions, historian Russell Johnson reviewed the pension claims files of nearly one thousand Civil War vet-

erans from Iowa to investigate whether veterans who had higher pre-service social standing received better treatment by the Pension Bureau. Johnson found that the pension claims of officers, who presumably had a high pre-war social standing, were decided more quickly and more favorably than those of enlisted men. "Thus, in contrast to suggestions that the Civil War pension system was very generous," Johnson concludes, "when examined as a total system and in comparison to other pension schemes, participants in the system, especially enlisted men and their families knew from experience that it was inadequate to shield disabled veterans or the dependents of the deceased from the need to work."¹⁹ The experience of Emeline and William Merrill in pursuing their dependent parents' pension claim provides a case study of the injustice of the federal pension system in the 1880s.

In the end, it was the question of the Merrills' eligibility for an arrear payment that ultimately provided the Pension Bureau with the excuse it needed to deny any payment on their pension claim. The passage of the Arrears Act in 1879 resulted in sharp increases in federal expenditures, which created alarm, particularly in the executive branch of the government. Senior executive officials likely pressed the Pensions Commissioner to find ways to deny claims so as to cut expenditures. As a result, the Pension Bureau increased the burden of proof for claimants. Fraudulent pension claims were known to contribute to the burgeoning pension expenditures, and thus the Pensions Commissioner could rightly defend the tightening of standards of proof. However, the Pension Bureau's handling of Emeline and William Merrill's dependent parent pension claim illustrates how these tightened standards of proof could also be used to frustrate and deny seemingly legitimate claims.

Through the last nine months of Emeline Merrill's life and through the last four years of William Merrill's life, the Bureau of Pensions held, tucked away in its files, its own authorized medical report, attested to by three independent physicians. This report certified that, as of 1883, William Merrill had been totally disabled for at least the previous five years. The bureau also had in its files credible testimony that William Merrill had at his disposal virtually no personal resources and that he had eventually to turn to one of his daughters for his support and sustenance. Finally, the bureau had in its possession (and failed to return) a final letter from their son, which documented the young soldier's commitment to sending most of his army pay home in support of the family farm. Their son William's loving and attentive letter should also have settled any question as regards to whether he would have been inclined



The gravestones of Private William F. Merrill and his parents, William and Emeline Merrill, in Merrill Cemetery, Cumberland County. Courtesy of the author.

to provide his parents with the support they needed in their final years, had he survived the war.

The Bureau of Pensions, with respect to the Merrills' dependent pension claim, appeared incapable of seeing the forest for the trees, of recognizing in the Merrills' several affidavits and filings that they were an aged and infirm couple who were no longer able to provide for themselves and who needed government assistance. Instead, the bureau uncaringly continued to prop up the Merrills' ineligibility for an arrears payment as an excuse to deny them even the base pension. Meanwhile, in a separate arena, Pensions Commissioner John C. Black solicited spurious and baseless charges from private attorneys that challenged William Merrill's pension eligibility—charges that Merrill and his own attorney were then required to refute. These facts raise the specter that possibly thousands of dependent family member pension claims were processed with a similar disregard, perhaps even disdain, for fairness and justice.

The epitaph on the Cumberland County headstone of William F. Merrill reads today: "How are the mighty fell in the midst of the battle?" This epitaph is a biblical quotation from 2 Samuel 1:25. It records David's lament when he received word of the deaths of King Saul and Saul's son Jonathan in a battle with the Philistines. As such, the epitaph reminds us that the receipt of the news of Private William F. Merrill's death at Gettysburg caused deep anguish and sorrow in the Merrill home, feelings that likely never extinguished until all in that home had died. This discussion of the dependent parent's pension claims of Emeline and William Merrill shows how they too were felled during their greatest period of need — not by a rebel enemy, but by the same government that sent to war and sacrificed the life of their only son.

Notes

1. Megan J. McClintock, "Civil War Pensions and the Reconstruction of Union Families," *Journal of American History* 83, no. 2 (Sept. 1996): 458-463. I wish to express my gratitude to both Dr. David Turpie, editor of *Maine History*, and to my editor-in-residence and beloved wife, Ms. Nina Medlock, for their invaluable assistance and support throughout this project.
2. *An Act to Grant Pensions of 1862, U.S. Statute*, chapter 166 (1862): 566-567.
3. *Revision of the Act of 1862, U.S. Statute*, Chapter 106, section 12 (1866): 110.
4. McClintock, "Civil War Pensions," p. 463.
5. *An Arrears Pension Act of 1879, U.S. Statute*, chapter 23 (1879): 203.

6. William Henry Garrison, *Federal Military Pensions in the United States* (New York: Oxford University Press, 1918), pp. 157-163.
7. Garrison, *Federal Military Pensions*, pp. 174-175.
8. Garrison, *Federal Military Pensions*, p. 177.
9. Randall G. Holcombe, "Veterans Interests and the Transition to Government Growth, 1870-1915," *Public Choice* 99, no. 3/4 (1999): 318.
10. Russell L. Johnson, "'Great Injustice': Social Status and the Distribution of Military Pensions after the Civil War," *Journal of the Gilded Age and Progressive Era* 10, no. 2 (April 2011): 142.
11. McClintock, "Civil War Pensions," p. 464.
12. Michael Shaara's novel *The Killer Angels* immortalized this "Bill" and Jim Merrill as the two brothers in the Twentieth Maine who couldn't shoot worth a damn lying down. However, William F. and James R. Merrill were not brothers, but distant cousins. Private James R. Merrill was also killed July 2, 1863, on Little Round Top. See Michael Shaara, *The Killer Angels* (New York: Ballantine Books, 1987).
13. Washington, D.C., National Archives, Carded Medical Records Volunteers, Civil War, Record Group 94, Entry 534, 20th Maine, s.v. "William F. Merrill."
14. This would have been a considerable sum. Following an enlistment of only six months at this date, Private William F. Merrill would have only earned forty-eight dollars from the army (six months of pay at eight dollars a month). In addition, we may presume that in August 1862, he received the standard twenty dollar enlistment bounty.
15. Washington, D.C., National Archives, Civil War Military Service Records, 20th Maine, s.v. "William F. Merrill."
16. Pension Application for Dependent Mother, Civil War, File #269.009; Pension Application for Dependent Father, File #317.846, 20th Maine, s.v. "William F. Merrill," National Archives, Washington. All documents transcribed herein are from these files, as well as are all documents mentioned (but not transcribed) that are not otherwise cited. In transcribing the documents, punctuation was corrected but not misspellings.
17. Garrison, *Federal Military Pensions*, pp. 174-175.
18. Valuations for William Merrill's real and personal estates were not found for 1862-67, 1870, and 1872-73.
19. Johnson, "'Great Injustice,'" p. 148. See also Joan E. Marshall, "Aid for Union Soldiers' Families: A Comfortable Entitlement or a Pauper's Pittance? Indiana, 1861-1865," *Social Service Review* 78, no. 2 (June 2004): 207-242.