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THE MILITARY ORIGINS OF FEDERAL SOCIAL WELFARE PROGRAMS:  
EARLY BRITISH AND COLONIAL AMERICAN PRECEDENTS,

Submitted to the Faculty of the Graduate School  
of the University of Minnesota

by

William Grant Black, Jr.

In Partial Fulfillment of the Requirements  
for the Degree of  
Doctor of Philosophy

1989

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Copyright by  
William Grant Black, Jr.

1989

Dedication

To Dad

25 July 1924 - 29 May 1989

Acknowledgements

I must first acknowledge and thank all the members of my dissertation committee: George Hoshino (Professor, School of Social Work, University of Minnesota); Clarke Chambers, (Professor, Department of History, University of Minnesota); Irl Carter, (Associate Professor, School of Social Work, University of Minnesota); Jane Gilgun, (Assistant Professor, School of Social Work, University of Minnesota); and Bill Doherty, (Associate Professor, Department of Family Social Science, University of Minnesota). All played a significant role in my academic studies and I am grateful for the many hours each devoted to me.

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## Chapter 1

### INTRODUCTION

#### Purpose of Research

In a broad sense, this dissertation is a descriptive interpretation of historical documents concerning the evolution of governmental social welfare services to soldiers, for simplicity of discussion, the terms "soldiers" and "army" also include "sailors" and "navy" in this dissertation) and their families in sixteenth century England and colonial and Revolutionary War America. Governmental services refers to specific programs which were codified into law by parliament in England and by colonial (or provincial) and, later, federal governments in America.

<sup>GREAT BRITAIN, (20)</sup> More specifically, this research identifies sixteenth century British and, later, colonial American military pension legislation that was enacted to provide for the financial welfare of soldiers, their dependent relatives, and their widows. The research then compares such legislation against a model of an income maintenance program to determine whether the military pension programs might be considered a form of federal financial welfare for soldiers. Further, the research evaluates whether these military pension programs transcended poor law principles (which relied upon local funding) and established a precedent for the use of county or national funds in Britain and colonial or federal funds in America to aid a category of needy persons. Financial assistance provided to soldiers by formal state governments, while mentioned in passing, is not discussed in detail. Thus, the focus of this research is on identifying the origins of federal financial assistance to soldiers and their families.

Two basic research questions are posed. First, "What were the origins of federal financial welfare programs for

the military?" Second, "How did these programs differ from other programs enacted to provide for the financial welfare of the general population?"

#### Rationale for Study

Social welfare historians generally base the origins of the American public welfare system on the English Poor Law, formally codified in 1601. The poor law recognized that certain people who had disabilities, who were old and infirm, who were young and untrained, or who had suffered disabilities or hardships which prevented them from working, were entitled to be helped at public expense. The law was enacted by parliament but local communities were to assume full responsibility for the provision of their "worthy" poor. Monies to assist these persons were to come from local, not national, resources. The law was imported to America with the arrival of British colonists in the early seventeenth century and remained, most scholars believe, the dominant philosophy directing responsibility for the welfare of citizens until the twentieth century. As Clarke A. Chambers put it:

Settlers in the British American colonies carried the Elizabethan Poor Law with them, and its basic provisions--the obligation of local government to provide assistance when families were unable to fulfill the responsibility to care for their own and the severe restriction of eligibility for assistance by rigid residency criteria--remained in place down to the federalization of assistance during the New Deal.<sup>1</sup>

Because it is widely accepted that the federal government historically played a limited role in the provision of services and funding for social welfare

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<sup>1</sup> Clarke A. Chambers, "Toward a Redefinition of Welfare History," Journal of American History 73 (September 1986): 421.

programs, few scholars have attempted to expand the origins of American federal social welfare policies beyond the poor law precedent.<sup>2</sup>

Certainly, there were a few isolated instances where the federal government did become directly involved in providing services, such as the establishment of a seamen's hospital in 1798 and assistance provided to local communities during emergency disaster relief efforts, but in general it has been assumed that the federal government took little responsibility for providing financial assistance to needy persons until late nineteenth and early twentieth century legislation culminated in passage of the Social Security Act of 1935. The Social Security Act "marked the beginning of a policy of federal aid to the states upon a permanent basis," Walter I. Trattner said, "which closed the door on three centuries of the poor law and its principle of local responsibility. For the first time in American history, funds to finance all or parts of the needs of selected groups in the population became a major permanent

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<sup>2</sup> Walter I. Trattner, "The Federal Government and Social Welfare in Early Nineteenth Century America," Social Service Review 50 (June 1976): 243-44. For examples of historians who imply that the federal government was little involved in the public welfare of its citizens until the twentieth century, see, James Leiby, "History of Social Welfare," in Encyclopedia of Social Work, 18th ed. (Silver Spring, Md.: National Association of Social Workers, 1987), I:760, 762; Roy Lubove, ed. Poverty and Social Welfare in the United States (New York: Holt, Rinehart & Winston, 1974), 4; Roy Lubove, The Struggle for Social Security (Cambridge, Mass.: Harvard University Press, 1968), 179; David J. Rothman and Sheila M. Rothman, On Their Own: The Poor in Modern America (Reading, Mass.: Addison-Wesley Publishing Co., 1972), xix; Ralph Pumphrey and Muriel Pumphrey, The Heritage of American Social Work (New York: Columbia University Press, 1964), 432; and Nathan Edward Cohen, Social Work in the American Tradition (New York: Dryden Press, 1958), 51.

item in the federal budget."<sup>3</sup> As George Hoshino expressed it, the

enactment of the Social Security Act brought the U.S. into the ranks of the 'welfare states.' It marked a shift in value and policy: from family responsibility for the elderly and others unable to care for themselves to governmental responsibility, from poor relief to social insurance and social security, from local administration to federal responsibility, from the degrading poor laws means test to a 'universal rights' system, and from a 'residual' conception of social welfare that blamed the individual for his need to an 'institutional' conception that views social welfare as a normal front-line function of modern society.<sup>4</sup>

The research presented here examines sixteenth century British and colonial American military pension legislation to determine whether a comprehensive system of federal financial welfare (income maintenance) programs evolved alongside the local poor laws.

### Method

#### Historical Research

It is generally agreed that there are two methodological approaches to conducting historical research in social work, either of which is a valid type of empirical research: the social science approach and the humanistic approach.<sup>5</sup> This dissertation uses the humanistic approach.

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<sup>3</sup> Walter I. Trattner, From Poor Law to Welfare State: A History of Social Welfare in America, 3rd ed. (New York: Free Press, 1984), 276.

<sup>4</sup> George Hoshino, "Social Security Celebrates 50th Anniversary," NASW Newsletter, Minnesota Chapter, November/December 1985.

<sup>5</sup> See, for example, Bogart R. Leashore and Jerry R. Cates, "Use of Historical Methods in Social Work Research," Social Work Research and Abstracts 21 (March 1985): 22-27; David S. Landres and Charles Tilly, eds., History in Social  
(continued...)

The social science approach is problem-oriented and assumes behavior is uniform across time and place as it attempts to discover this uniformity. The goal is to reach generalizations specific enough to permit analogy and prediction from the past to the present. The approach utilizes quantification and standard statistical methods to analyze the historical data as it tries to infer causation based upon the recorded historical observations.

The humanistic approach, in contrast, is more subject oriented and holds the view that the integrity of the historical process rests in a specific time and place. It is guarded about translating behavior into numbers as it tries to return the reader to the time and place of the events under study. It does not rely upon quantification since a rigid methodology is felt to restrict the interpretive process, although it may use simple quantitative tables and charts to survey data. It does rely heavily upon anecdotal, biographical, and illustrative materials which are valued for their intrinsic worth. The historian, utilizing humanistic techniques, cherishes the ideal of history being literature and strives to be an artist as well as a scholar.

Thus, the social science approach endeavors to produce a collective history, a history focusing on large numbers of people or groups as it tries to understand behavior in terms of concepts and theories. Such research is ideally based upon assumptions, concepts, and hypotheses in order to develop tests for theories postulated. The humanistic approach, on the other hand, is less concerned with

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<sup>5</sup>(...continued)

Science (Englewood Cliffs, N.J.: Prentice-Hall, 1971); and Tony Tripodi, Phillip Fellin, and Henry J. Meyer, The Assessment of Social Research: Guidelines for Use of Research in Social Work and Social Science, 2nd ed. (Itasca, Ill.: F.E. Peacock Publishers, 1983), 108-127.

following strict scientific methodologies than it is with telling a story based upon observations of the past. The humanistic approach openly recognizes subjectivity and interpretation as part of the research process. As Chambers states, "very little is ever 'proved' however skilled and mature the student of history." Chambers goes on to point out that historians have slowly come to accept the subjectivity and relativity of historical research, "that each generation does rewrite its own history, for what is deemed significant and relevant does change in response to new bodies of evidence which suddenly become available." This is not to say that the humanistic approach is unscientific. As Chambers further explains, "by self-understanding, by meticulous research, by keeping the angle of vision wide, by remaining open to the evidence and avoiding 'tunnel vision', by adherence to certain rules--one can compensate to a certain substantial degree for the subjective and relativistic sources of error."<sup>6</sup>

This research relies on the humanistic approach. The humanistic approach is chosen out of necessity since the research presented is exploratory in nature. Because so little has been written on the colonial beginnings of federal involvement in the fiscal welfare of people, this study is a descriptive summary. Thus, this research relies heavily upon an inductive approach, which is, according to Jane F. Gilgun, a method of choice when exploring topics on which little or no previous research has been conducted.<sup>7</sup> This research is less concerned with precise measurement of

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<sup>6</sup> Clarke Chambers, "The Discipline of History in a Social Welfare Curriculum," Journal of Education for Social Work 9 (Winter 1973): 12, 16, 17.

<sup>7</sup> Jane F. Gilgun, "Starting Where the Practitioner is at: Doing Qualitative Research" (Paper delivered at the National Association of Social Workers Clinical Social Work Convention, San Francisco, September 1986), 5.

variables than with recording the content of historical observations. In fact, the task of portraying social and historical actions and events which convey their subjective meanings is usually handled more effectively through narrative descriptions than through the social scientific methods of measurement and experimentation.<sup>8</sup> Stearns states that historical research has become steadily less quantitative over the past decade as scholars begin to shift the emphasis of their studies to exploring cultural and humanistic aspects of history.<sup>9</sup>

However, as Tillinghast reminds us, no matter how careful historians are, no matter how much scientific methodology is employed, history still cannot show us exactly what happened. "To see the past as it really happened, i.e., from no particular angle, would be to see it with the eye of God, and few historians are in a position to claim such omniscience. All history is someone's past; there is no other way to see it. Thus it always appears to us through refraction."<sup>10</sup>

To help alleviate the methodological problems of historical research, Stuart suggests four systematic steps the researcher should follow: choose a research question to investigate; gather evidence which bears on the research

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<sup>8</sup> William M. Runyan, Life Histories and Psychobiography (New York: Oxford University Press, 1984), 182.

<sup>9</sup> Peter N. Stearns, "Social History and History: A Progress Report," Journal of Social History 19 (Winter 1985): 319-334.

<sup>10</sup> Pardon E. Tillinghast, The Specious Past: Historians and Others (Reading, Mass.: Addison-Wesley, 1972), 4.

question; determine what the evidence means; and write the report.<sup>11</sup>

Choosing a Research Question. All research, including historical, obtains its direction and focus from research questions posed. If research questions are excessively diffuse, the study will probably lack the empirical evidence that is useful in generating additional knowledge. The two basic research questions are: "What were the origins of federal financial welfare programs for the military?"; and "How did these programs differ from other programs enacted to provide for the financial welfare of the general population?" Thus, this research focuses on identifying the origins of federal involvement in the financial welfare of soldiers and their families as contrasted to cash or services provided by the local level of government to the population in general.

Gathering Evidence. Since the past is inaccessible to direct observation, historical research relies upon descriptive techniques in analyzing documents, physical remains, and memories left over from the past. A useful, if not indispensable, aspect of the humanistic approach is the use of anecdotal material that depicts how the people of the era thought and felt, that describes in their own words what they said and did and how they interacted with their world over time. The ideal way to do this is to use primary documents to portray the realities of the people being studied. This research uses primary documentation as the core of its research, but one must remember that even primary material is partial and biased.

To help guard against undue bias, two important procedural steps were followed. The first step was to

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<sup>11</sup> P. Stuart, "Historical Research," in Social Work Research and Evaluation, ed. R.M. Grinnell (Itasca, Ill.: F.E. Peacock, 1981), 316-32.

search for sources and to collect the written testimony of witnesses of the era under study. This was accomplished by conducting bibliographic and computer-aided literature searches. The second step was to evaluate the testimony of the witnesses, which is called criticism. The function of criticism is to assure the researcher of four facts. First, it needed to be determined that the testimony of witnesses was actually given by those persons or at those definite times. Second, it needed to be determined that the testimony was uncorrupted, that it had not been tampered with in the process of transmission from the original witnesses to the researcher. Next, the researcher had to determine what the witnesses truly intended to say. Finally, it had to be determined that the witnesses were competent, knew what they were talking about, and were truthful in reporting the event.<sup>12</sup> Criticism was further divided into two categories: external and internal. External criticism examined the origin of the document, not its content. Its purpose was to determine that the document was complete without additions or deletions. Internal criticism examined the content of the document. Its purpose was to determine whether witnesses were competent and not trying to deceive the reader.

To help determine whether the conditions of criticism were met, Stuart presents four general questions that were utilized in evaluating the sources in this dissertation:

1. Did the author of the document have an opportunity to observe what was recorded?
2. Was the author an objective witness, honest, unbiased, and intelligent? [Again, one must recognize that all documents have a bias. All "facts" can be reported from several

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<sup>12</sup> William L. Lucey, History: Methods and Interpretation (New York: Garland, 1984).

different points of view or vantage points since there can be many "truths". Methods used to help alleviate this inherent bias are discussed in the section below, in, "Determining What the Evidence Means."]

3. Was the document completed soon enough after the event so a faulty memory was not a problem?
4. Are the meanings of the words in the document different than the meanings of the words today?

Thus, criticism established the authenticity and integrity of the sources, the credibility of the witnesses, and the true meaning of the testimony. Only if the source proved genuine, if the true meaning of the testimony could be determined, if the witnesses were deemed credible, was the testimony considered reliable and used in this research.

Determining What the Evidence Means. In conjunction with gathering data, the researcher must determine what the evidence means. As already noted, all documents have an inherent bias. In addition, subjectivity is an intrinsic quality of the humanistic research methodology that is used in this dissertation. To minimize this subjectivity, triangulation was used in this research. Triangulation is a method whereby repeated observations are made to confirm interpretations and to help rule out threats to external validity. These multiple observations can potentially act like repeated measurements on a quantitative scale and may help eliminate subjectivity.<sup>13</sup> Thus, by utilizing

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<sup>13</sup> Todd D. Jick, "Mixing Qualitative and Quantitative Methods: Triangulation in Action," Administrative Science Quarterly 24 (December 1979): 602-611; Steven J. Taylor and Robert Bogdan, Introduction to Qualitative Research Methods:

(continued...)

triangulation, observations that are similarly recorded by more than one observer are likely to be more reliable than an observation reported by only one person. At the same time, from the humanistic methodological perspective, this researcher was interested in the "perceptions" of witnesses. These perceptions were sometimes unique to a particular witness which prevented triangulation with other sources. Instances of such uncorroborated observations have been annotated as such.

Writing the Report. The American Historical Association's Standards of Professional Conduct have been followed. It defines scholarship as "the uncovering and exchange of new information and the shaping of interpretations." Scholarship implies integrity which is "an awareness of one's own bias and a readiness to follow sound method and analysis wherever they may lead. It demands disclosure of all significant qualifications of one's arguments." Further, "historians must not misrepresent evidence or the sources of evidence, must be free of the offense of plagiarism, and must not be indifferent to error or efforts to ignore or conceal it."<sup>14</sup>

#### Theoretical Framework

To determine whether legislation enacted in colonial America concerning the financial welfare of soldiers, their families, and their widows might be considered a distinct type of public welfare benefit, it was necessary to develop a theoretical framework utilizing contemporary definitions

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<sup>13</sup>(...continued)

The Search for Meanings, 2nd ed. (New York: John Wiley & Sons, 1984), 68-70.

<sup>14</sup> American Historical Association, "Standards of Professional Conduct," AHA Perspectives 25 (September 1987): 4-5.

to guide the research. These definitions were then used to simplify the process of classifying those services. While the research was conducted within the framework of contemporary definitions, it is not a comparative study. The framework was developed, in part, to focus and limit the scope of the research. But more importantly, it was developed to help isolate and classify colonial and federal legislation which resembles contemporary financial welfare programs.

#### Federal Versus Local Welfare

This dissertation focuses on the origins of federal financial welfare in sixteenth century England and in colonial America. It is acknowledged that the poor, the disabled, the widowed, the orphaned, and other needy classes of persons in England and America have historically received most of their financial assistance from local resources. Whether in the form of cash, or in the form of food, shelter, or other types of "in-kind" financial assistance, reliance on local charities, churches, family ties, and these failing, reliance on financial assistance from the town of residence have played a significant role in caring for the needy from medieval England to the present. This dissertation focuses on the origins of federal financial assistance to the needy in England and America, aid that was systematically provided to a distinct group of persons from county, parliamentary, colonial (or provincial), or federal treasuries based upon laws that specifically defined a "class" of person who was eligible to receive cash or in-kind assistance.

#### Social Security Act

The Social Security Act of 1935, and its subsequent amendments, is generally considered the first instance of

the federal government assuming a substantive and permanent role in the provision of monies and services for the public welfare of citizens in the United States. It was necessary, therefore, to identify the major characteristics of this legislation to determine if similar programs could be identified in sixteenth century England and colonial America.

Hoshino has outlined the three distinct components of the Act:

- (I) cash transfer payments
  - (A) social insurance
    - (1) Old Age, Survivors, and Disability Insurance (OASDI); administered by the Social Security Administration
    - (2) Unemployment Compensation; administered by the states
  - (B) public assistance
    - (1) Supplemental Security Income (SSI); administered by the Social Security Administration
    - (2) Aid to Families with Dependent Children (AFDC); administered by the states
  
- (II) health care payments
  - (A) Health Insurance (Medicare) for the aged and disabled; requires no test of need; administered by the Health Care Financing Administration
  - (B) Medical Assistance (Medicaid) for children and the aged, blind, and disabled; requires a test of need; administered by the states
  
- (III) personal social services
  - (A) Title XX program of grants to the states for social services
  - (B) child welfare provisions of Title IV (AFDC)<sup>15</sup>

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<sup>15</sup> George Hoshino, "Public Welfare Programs: Federal, State, and Local," in The Field of Social Work, 8th ed., eds. Arthur E. Fink, Jane H. Pfouts, and Andrew W. Dobelstein (Beverly Hills: Sage Publications, 1985), 130. Also see Hoshino, "50th Anniversary."

This dissertation is concerned with the first component of the Social Security Act, cash transfer payments or, as it will be called here, income maintenance programs.

Income Maintenance Programs. The Social Security Act was designed, in large part, to be a form of an income maintenance program which provides eligible individuals with enough benefits to maintain a predetermined standard of living.<sup>16</sup> Income maintenance programs provide benefits to individuals in two main forms:

1. in direct cash payments, with or without restrictions on the use of the monies; or
2. in in-kind provision of goods or services, either free or at reduced prices (i.e., food, clothing, housing, medical care, institutional living).<sup>17</sup>

Eligibility for benefits under income maintenance programs falls into two distinct categories:

1. contributory (social insurance), where eligibility is based upon prior contributions into the program and benefits received are either uniform for all or are based upon a percentage of the contributions paid in or on prior earnings. Benefits granted are not based on a means test; or

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<sup>16</sup> Robert L. Barker, The Social Work Dictionary (Silver Spring, Md.: National Association of Social Workers, 1987), 77.

<sup>17</sup> William J. Lawrence and Stephen Leeds, An Inventory of Federal Income Transfer Programs, Fiscal Year 1977 (White Plains N.Y.: Institute for Socioeconomic Studies, 1978), 4. Lawrence and Leeds actually specify three other types of benefits: indirect cash payments in the form of tax credits; loan guarantees or favorable loan terms; and reduced rates on insurance. They state that these three benefits are not universally accepted as being part of income maintenance programs (p. 5). They have been excluded from consideration in this research.

2. demonstrated need (public assistance), where eligibility is based upon a person's demonstrated need in relation to a preestablished minimum income. Benefits granted are based on a means test.<sup>18</sup>

A third category of eligibility, demogrant, is not generally considered as being operational in the United States, although it is widely used in other countries. Program eligibility under the demogrant category requires membership in some specific group. Thus, benefits are based on demographic characteristics of the people regardless of their economic need. Examples of demogrant benefits might include universal child and family allowances or general pensions (such as the Swedish "folkspension" which is paid to all persons over the age of sixty-five, regardless of their earlier income).<sup>19</sup> Rewards, based solely upon performing some duty or service (i.e., soldiering, performing civic duties), also may be considered a demogrant. This research will examine whether veterans' pensions may be considered a form of demogrant benefit.

#### Veterans' Pensions

William H. Glasson, in Federal Military Pensions in the United States, which is generally considered to be the classic reference on the subject, defines a military pension as "a regular payment made by a government to one who has

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<sup>18</sup> Eveline M. Burns, Social Security and Social Policy (New York: McGraw-Hill Book Company, 1956), 1-55. Also see Martha N. Ozawa, "Social Security," in Encyclopedia of Social Work, 18th ed. (Silver Spring, Md.: National Association of Social Workers, 1987), 644-654.

<sup>19</sup> Hans Berglind and Merl Hokenstad, Jr., "Sweden's Demogrants: A Model for the U.S.?", Journal of the Institute for Socioeconomic Studies 6 (Autumn 1981): 75-85.

served in the armed forces, or to his widow or dependent relatives. It is a gratuity given to former soldiers or their relatives for reasons satisfactory to the government, whether as compensation for physical injuries, or to relieve want, or purely as a reward. Benefits received may either be in cash or in-kind, such as land bounties. Glasson goes on to delineate three different types of military pensions:

1. service pension [or demogrant pension] or reward for service, where benefits are based solely upon having served in the armed forces, whether injured or not. Benefits granted are not based on a means test; or
2. invalid pension, where benefits are based upon injuries or diseases received while in active military service. Benefits granted may or may not be based on a means test; or
3. limited service pension, where benefits are based upon the criteria of military service plus meeting certain other specific criteria (i.e, indigence, having a disability not related to military service, attainment of a certain age). Benefits may or may not be based on a means test.<sup>20</sup>

#### Summary and Synthesis

The Social Security Act of 1935 has typically been considered as the first instance of widespread, permanent federal involvement in the provision of financial resources to the general population. Benefits provided can be either in cash or in-kind. For this research, attention is paid to identifying sixteenth century British and colonial American programs which resemble income maintenance programs.

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<sup>20</sup> William H. Glasson, Federal Military Pensions in the United States (New York: Oxford University Press, 1918), 1, 2-3.

Eligibility for benefits under these programs is based upon:

- a. contributions paid in (social insurance--no means test); or
- b. demonstrated need (public assistance--means tested).

In addition, the contributions paid in (social insurance) may be either in the form of cash (i.e., dues, fees, or taxes regularly collected) or in the form of delayed or withheld compensation for services rendered (i.e., in partial compensation for military duties preformed). Benefits granted based upon demonstrated need (public assistance) require no prior contribution.

Glasson's definition and classification of military pensions bears close resemblance to the definition and classification of income maintenance programs. Veterans' pensions are therefore classified as types of income maintenance programs. Eligibility for veterans' pensions is always based upon membership in a specific group (demogrant) which can be further subdivided as follows:

1. based solely on membership in a specific group (demogrant pension); or
2. based on having disabling injuries or diseases received while in military service (invalid pension); or
3. based on having other conditions not related to military service, such as, indigence, old age, disability (limited service pension).

In both income maintenance programs and veterans' pension programs, benefits received may be either in cash or in-kind. A means test may or may not be applied to determine the amount of the benefit received.

This research will identify sixteenth century British and colonial and Revolutionary American veterans' pension programs which can be classified as income maintenance programs. Benefits for these programs will be identified as either being based upon contributions paid in, or solely upon demonstrated financial need. In addition, the benefits provided will be further classified as being either demogrant, invalid, or limited service pensions.

As such, this research seeks to identify legislation that may be considered the origins of federal involvement in the financial welfare of citizens.

Chapter 2  
BRITISH POOR LAW PRECEDENT

Chronology

476-1500	Church Canon and custom	Church and ancient customs (mores) responsible for relief of poor--Monasteries-- Hospitals
1285	13 Edw. 1, c. 1, 3, 4, 5	Arrest strangers at night-- Watch & ward--Close gates to cities--Enlarge highways
1328	2 Edw. 3, c. 3	Arrest armed strangers at night
1331	5 Edw. 3, c. 14	Arrest armed strangers day or night
1348-49		Black Death (bubonic plague)
1349	23 Edw. 3	Statute of Labourers--Regulate work force--Punish idlers
1388	12 Rich. 2, c. 7	Recognize poor need to beg-- Early settlement law
1391	15 Rich. 2, c. 6	Secular law supplements Church canon--Parishes ordered to collect money for poor
1531	22 Hen. 8, c. 12	Make lists of impotent poor in each county--Issue begging licenses
1536	27 Hen. 8, c. 25	Parish to provide work for able-bodied poor--Impotent poor to be sustained by parish through voluntary contributions--Begging not permitted
Mid-Sixteenth Century		Reformation

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|---------|----------------------|---|
| 1547    | 1 Edw. 6, c. 3       | Harsh punishments for vagrants and able-bodied beggars-- Impotent poor to be sustained by parish with voluntary donations                         |
| 1550    | 3 & 4 Edw. 6, c. 16  | 1 Edw. 6, c. 3 repealed and 22 Hen. 8, c. 12, with minor revisions, reenacted   |
| 1552    | 5 & 6 Edw. 6, c. 2   | Alms collectors appointed in every parish--Keep list of poor--Distribute money weekly   |
| 1555    | 1 & 2 P. & M., c. 13 | 5 & 6 Edw. 6, c. 2 expanded-- Poor issued begging licenses when parish couldn't support the rising numbers of poor                                |
| 1563    | 5 Eliz. 1, c. 4      | Mandatory contributions for poor relief ordered paid by all parishioners--Sanctions against persons refusing to "donate"                          |
| 1569-72 |                      | Martial law--Report to Queen punishments imposed against vagrants   |
| 1572    | 14 Eliz. 1, c. 5     | Overseers of poor appointed-- Provide work for unemployed   |
| 1576    | 18 Eliz. 1, c. 3     | Parents of illegitimate children punished, forced to support them--Procure materials, through taxation, to put poor to work                       |
| 1598    | 39 Eliz. 1, c. 1     | 18 Eliz. 1, c. 3 expanded-- Provisions for expelling sturdy rogues and vagabonds from parish--Defines family responsibility to care for their own |
| 1601    | 43 Eliz. 1, c. 2     | Codifies centuries of Church and secular experimentation of relief for the poor   |

### Introduction

The purpose of this chapter is to provide an overview of the development and evolution of British Poor Law philosophy. It is against these British laws and practices that the origins and developments of soldiers' pensions, first in England and later in colonial America, will be contrasted.

Special attention is given to describing residency (settlement) requirements in laws. Residency refers to the establishment of a domicile in order that a person may be considered eligible for the privileges (such as financial assistance in times of need) or the obligations (such as paying taxes) of a jurisdiction. Residency requirements were an intrinsic condition of British poor laws whereby needy persons usually had to be legal residents of a town before they would be granted local financial relief. However, as will be described in another chapter, residency requirements were often waived for at least one group of needy citizens--poor and disabled soldiers and their families and war refugees.

This chapter describes how the English Poor Law of 1601 was, in large part, a reenactment of medieval Church canon and an extension of centuries old informal social customs (mores). This chapter also points out that because the Church had legal authority for the poor, parliament provided little secular legislation regarding the poor until after the Reformation. Further, secular laws imposing criminal punishments against vagabonds, rogues, and driftless people were not intended to punish the impotent poor. In addition, this chapter describes that poor laws enacted in the sixteenth century were, at times, innovative experiments in caring for the needy.

### Medieval Church Law

As Brian Tierney has shown, understanding medieval (from about A.D. 476 to 1500) European Church laws is essential to understanding the evolution of attitudes toward European and American poor relief. It is sometimes assumed that poor laws were a sixteenth century invention. But more accurately, they were largely reenactments and logical expansions of centuries old customs (mores) and medieval ecclesiastical laws.<sup>1</sup>

According to sociological theory, the most revered customs of a society might be called its mores. Throughout early European society, two mores were especially strong: that community assistance, especially by family members, be provided to persons who could not care for themselves; and that all able-bodied persons work. Over time, these mores became codified into laws which prescribed sanctions if they were violated.<sup>2</sup>

Through early Middle Ages (roughly 476-1000), England was essentially a closed society and there was little contact with other countries. Internally, there was scant social mobility and most people died in the same general locale as where they were born. The majority of people survived at a bare subsistence level. Communal cooperation was usually necessary and responsibility for caring for the poor, the aged or infirm, and widows and orphans fell first upon family members and secondly upon neighbors and friends. By the high Middle Ages (roughly 1000-1500), Church law

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<sup>1</sup> Brian Tierney, Medieval Poor Law: A Sketch of Canonical Theory and Its Application in England (Berkeley: University of California Press, 1959), 4-5.

<sup>2</sup> Most generalized sociology texts provide a discussion on mores. For example, see Leonard Broom and Philip Selznick, Sociology: A Text with Adapted Readings, 3rd ed. (New York: Harper & Row, 1963), 68-71.

firmly codified the ancient customs (mores) where every person was to help other people in times of need.

In medieval Europe, there was but one Church, and all belonged to it except a minority of Jews or heretics. The medieval Church was quite different from our conception of a modern church. In medieval Europe, it was taken for granted that people had two destinies, a temporal and spiritual existence. Thus, it was natural that there be two separate public authorities to deal with the welfare of people. There was what we call the "state" to deal with temporal issues and there was also the Church to deal with spiritual matters. The Church and the state existed side by side, each wielding tremendous power over people.<sup>3</sup>

The realm of the Church was international; it transcended artificial state boundaries and encompassed all of Western Europe since it was assumed that all humankind belonged to Christ. While the state enacted secular laws, set up courts, and levied taxes on all of its citizens, canonists (Church lawyers) also established separate Church laws all Christians were expected to obey, set up separate courts to enforce the laws, and levied separate taxes all were obliged to pay. Thus, medieval persons were bound by two distinct sets of laws governing their lives--religious and secular. While distinctions between Church and state laws were sometimes blurred, the Church emphatically maintained that relief of the poor was its responsibility, regulated by ecclesiastical law.<sup>4</sup>

Almsgiving, according to Church canon, was ranked with fasting and prayer as a means of coming closer to salvation. Feeding the poor, visiting the sick, and sheltering the homeless were obligations that befell every Christian as a

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<sup>3</sup> Tierney, Medieval Poor Law, 2-4.

<sup>4</sup> Tierney, Medieval Poor Law, 3-5.

divine duty. Canonists meditated over matters that bridged the temporal and spiritual realms of people and arrived at doctrines concerning the poor, such as: "Poverty is not a kind of crime;" or, "A poor man is an honourable person."<sup>5</sup>

However, the Church did not condone indiscriminate alms giving and was emphatic in proclaiming that it was the duty of all persons to work. As early as 511, bishops were directed to help only those who could not work. As the centuries passed, however, the Church eased its stance on assisting only those who were not able to work.<sup>6</sup>

By the high Middle Ages, the core of the relief giving did not rest upon individuals, but with the local, usually rural, parish. The parish was more than a congregation, it was the local governing body that had unchallenged authority to levy taxes for specified purposes and enforce Church laws.<sup>7</sup> While individuals might make private donations to a beggar or a poor family, they were encouraged to provide monies to the parish which would then dispense aid to the needy. Informally then, the Church was implying that only poor persons who were residents of the parish would be given assistance. While there were no hard rules regarding eligibility for aid, the old, the infirm, widows, and

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<sup>5</sup> Quoted in Tierney, Medieval Poor Law, 12-13, 133. Also see pp. 46-47. In addition, see Sidney Webb and Beatrice Webb, English Poor Law History. Part 1: The Old Poor Law (1927. Reprint. Hamden, Conn.: Archon Books, 1963), VII:1.

<sup>6</sup> F.R. Salter, ed. Some Early Tracts on Poor Relief (London: Methuen & Co., 1926), xvii.

<sup>7</sup> Webb and Webb, Old Poor Law, VII:6-7. For a more detailed discussion on parishes, see Sidney Webb and Beatrice Webb, English Poor Law History. The Parish and the County (1906. Reprint. Hamden, Conn.: Archon Books, 1963), vol I; and Edward P. Cheyney, A History of England: From the Defeat of the Spanish Armada to the Death of Elizabeth (New York: Longmans, Green, and Co., 1926), II:396-417.

orphans--persons readily identifiable in the community--were obvious choices as recipients. Usually, there was no investigation needed to determine who needed assistance since the local priest knew "she" was sick, or "he" was infirm. By limiting alms giving to the parish, local Church magistrates could, it was thought, more efficiently ensure the truly poor would be cared for while the able-bodied poor could be "corrected," that is encouraged and helped in finding work.<sup>8</sup> But dialectically, Church canonists continued to hold that, "in case of doubt it is better to do too much than to do nothing at all." Thus, alms flowed relatively freely to those asking for assistance and no formal residency were enacted.<sup>9</sup>

Too rosy a picture of apparent Church benevolence must not be painted for it must be remembered that these were harsh times. The majority of the population in England during the Middle Ages were not freemen. These peasants, or serfs or villeins, often lived on land owned by the lord of the manor. In exchange for a plot of land which they could plant for the provision of their family, the serfs had to till the lord's land or provide other services for him. The lord owned the serf, his family, and his possessions and could do with them as he wished, including selling them.<sup>10</sup> With this form of servitude in existence, developing any extensive system of public assistance was out of the question. The lords were technically responsible for their serfs. If a serf became injured and could not support his

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<sup>8</sup> Tierney, Medieval Poor Law, 61-63.

<sup>9</sup> Quoted in Tierney, Medieval Poor Law, 62.

<sup>10</sup> However, the division between freemen and villein was often indistinct. See John Harold Clapham, A Concise Economic History of the English Poor Law (Cambridge: Cambridge University Press, 1949), 100.

family, the lord was to provide for him. To offer the serf public assistance would be subsidizing the lord.<sup>11</sup>

In practice, a serf had several options of seeking assistance if he and his family were in need. First, based on ancient custom, family and close friends were morally obligated to assist those in need. Next, the lord of the manor might assign the land to another villein who would provide part of the produce to a disabled serf for his subsistence. Finally, if no other options existed, the Church might provide assistance. But it must be remembered that poverty was endemic to the peasant society and many lived at a bare subsistence level. Thus, even when the Church did provide assistance, it was usually only enough to prevent outright starvation.<sup>12</sup> In the case of widows, it was customary for them to take over their husband's craft or shop in town, or to take over the small farm plot. In the case of the elderly, it was customary for sons to take over the parent's holdings and then provide housing and food for them.<sup>13</sup>

This arrangement for relief of the needy at the local parish level in medieval England was adequate to care for the working family who had a residence in times of want, or to care for the proverbial village idiot, or even to sustain a few homeless people who had no relatives or friends in the vicinity. It was based upon an idyllic conception of homogenous communities where family and communal obligations were strong, where all willingly worked when able, and where all maintained a stable domicile. If the family could not

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<sup>11</sup> Clapham, Concise Economic History, 94-95; and Sir George Nicholls, A History of the English Poor Law (1854. Reprint. London: P.S. King & Son, 1904), I:27.

<sup>12</sup> Tierney, Medieval Poor Law, 22-25, 64-66.

<sup>13</sup> Clapham, Concise Economic History, 294-95.

help, the lord of the manor might be able to. As a last resort, the Church could provide. In theory, no one would actually starve.<sup>14</sup>

Besides the local parish, another means of obtaining assistance was available. A network of thousands of monasteries was built throughout Western Europe. It was in the monasteries where the dialectic of Church canon was most evident. The Church encouraged all able-bodied persons to work and contributions collected by local parishes were to be the primary means of caring for the poor who were residents of the parish. Yet, while each monastery operated differently and had varying amounts of resources, in general the monks would open their doors to house any passing traveller regardless of the person's residency status. Food was almost always available upon asking and little distinction was made between the able-bodied or impotent poor. Most likely, the monasteries supported and protected numbers of able-bodied vagrants (persons with no permanent residence) against whom England, as we shall see, enacted a variety of punitive secular laws.<sup>15</sup>

Another means of relief was also available to the poor throughout Europe. By the middle of the fourteenth century, more than 600 "hospitals" were operating in England alone. The name "hospital" is somewhat misleading since the facilities more closely resembled alms-houses than medical institutions. Endowed by kings, feudal lords, wealthy merchants, guilds, or municipalities, these houses of charity had varying purposes ranging from providing a home to the elderly, to serving as laying-in hospitals for pregnant women, to housing lepers. Residency requirements

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<sup>14</sup> Clapham, Concise Economic History, 295.

<sup>15</sup> Tierney, Medieval Poor Law, 67-85; and Webb and Webb, Old Poor Law, VII:16-19.

varied from hospital to hospital. Some of the hospitals required persons to be a resident of the locality or members in a particular guild before they could be admitted, while other hospitals had no such requirements. Most of the hospitals, while not directly regulated by the Church, adhered to ecclesiastical canon and considered their benevolence to be divinely inspired.<sup>16</sup>

While the Church, in absence of relief from the family or the lords, had assumed responsibility for the poor, the state was attempting to deal with groups of people who did not fit into the concepts of an idealized society. There were literally thousands of people without lords, without land to till, without extended family, without domicile--thieves, beggars, vagrants, harlots, homeless poor--who, either by choice or by circumstance, roamed the countryside seeking their subsistence in any manner they could find.

#### Secular Law

##### Vagrants, Vagabonds, and Crime

Bands of the shiftless must have been a disheartening sight for the peasant struggling to eke out a survival tilling the soil. To the landed gentry, they must have represented a threat to the very survival of an ordered society. Packs of wandering marauders robbed, swindled, pillaged, and even murdered with little impunity and secular laws enacting criminal penalties were passed to deal with the problem. The extent of crime in medieval England can be implied from the wording of the Statute of Winchester, passed in 1285: "Forasmuch as Day to Day, Robberies, Murthers, Burnings, and Theft, be more often used that they

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<sup>16</sup> John Stow, The Survey of London (1598. Reprint. London: George Routledge and Sons, 1893), 438-40; and Tierney, Medieval Poor Law, 86-88.

have been heretofore<sup>17</sup>....that in great Towns, being walled, the Gates shall be closed from the Sun-setting until the Sun-rising."<sup>18</sup> The Statute further directed "That highways leading from one Market-Town to another shall be enlarged... so that there be neither Dyke, Tree, nor Bush, whereby a Man may lurk to do hurt, within Two hundred foot of the one Side, and two hundred foot on the other side of the Way."<sup>19</sup> In addition, people were to be appointed to "watch" the town at night and "if any Stranger do pass by them, he shall be arrested until Morning and if no Suspicion be found, he shall go quit." If the person was found to be suspicious, he was to be turned over to the sheriff for possible criminal prosecution.<sup>20</sup>

In 1328, again in response to uncontrolled violence, the Statute of Northampton declared "That no Man great nor small, of what Condition soever he be [except] upon a cry made for Arms to keep the Peace...be so hardy as to come before the King's Justices, or other of the King's Ministers. with force and Arms...nor to go nor ride armed by Night nor by Day in Fairs, [or] Markets...upon Pain to forfeit their Armour to the King, and their Bodies to Prison at the King's Pleasure."<sup>21</sup> By 1331, the Statute was expanded and any stranger riding in the country not only at night, but during the day as well, was to be arrested, "because there have been divers Man-slaughters, Felonies,

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<sup>17</sup> 13 Edw. 1, c. 1.

<sup>18</sup> 13 Edw. 1, c. 4.

<sup>19</sup> 13 Edw. 1, c. 5.

<sup>20</sup> 13 Edw. 1, c. 4.

<sup>21</sup> 2 Edw. 3, c. 3.

and Robberies done in Times past, by People that be called Roberdesmen, Wastors, and Draw-latches."<sup>22</sup>

These two laws illustrate the sharp division of responsibility between Church and secular law. Secular laws were not written with the intention of caring for the poor. That was a Church responsibility. Instead, secular laws were concerned with maintaining law and order, with protecting people from criminals. The criminals, in turn, were identified as being non-residents of the towns where they wreaked their havoc. Thus, vagrants, the shiftless, and vagabonds were singled out as being suspect of criminal acts or intentions. To repress vagrancy, it was then innocently reasoned, was to put an end to crime. While religious doctrine maintained that all persons should be provided for (while implying that these persons should have a local residence), secular law placed criminal sanctions upon persons having no domicile. Thus, because of the dual system of laws, distinctions between the impotent poor who might travel between towns seeking alms and the criminal rogue were not made.

As will be described in detail later in this chapter, criminal laws enacting punishments against vagrants, vagabonds, or rogues and laws for the relief of the poor were usually put forth in the same statute. However, distinctions between these two categories of people were often ill-defined. In 1597, a statute was enacted which attempted to differentiate the criminal class from the destitute who needed assistance in order to survive. The law identified ten types of these criminals: 1) wandering scholars; 2) shipwrecked seamen; 3) idle persons using subtle craft in games or in fortune telling; 4) pretended proctors or gatherers of alms for institutions; 5) fencers,

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<sup>22</sup> 5 Edw. 3, c. 14.

bearwards, common players, or minstrels; 6) jugglers, tinkers, peddlers, and petty chapmen; 7) able-bodied wandering persons and laborers without means who refuse to work for current rates of wages; 8) discharged prisoners; 9) wanderers pretending losses by fire; and 10) Egyptians or gypsies.<sup>23</sup> However, none of these persons was considered a criminal based upon the above characteristics alone; they also needed to be classified as having no permanent residence and to be engaged in the act of begging for money. Thus, the crime leading to charges of vagrancy was the act of begging and the statute identified ten classes of persons without domicile who were likely to be beggars. Following this rationale, some beggars might be vagrants, but certainly all vagrants would be beggars. Thus, if beggars were not impotent poor persons who had a residence in the local parish, they were criminals.

Without strict residency requirements, it was nearly impossible to distinguish the truly needy person from the criminal vagrant. The popular literature of the day provided those who could read with graphic descriptions of the criminal element in society which illustrated the difficulty found in discerning truly destitute persons from criminals. For example, an apparently popular book (four editions were issued in seven years) written by Thomas Harman in 1566, described the hordes of vagrants as a "ragged rabblement of rake-hells," who roamed the country "under the pretense of great misery, diseases and other

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<sup>23</sup> 39 Eliz. 1, c. 3.

innumerable calamities, which they feign through great hypocrisy."<sup>24</sup>

Harman classed male vagabonds into fifteen categories. For example, "Hookers or Anglers" were most "perilous and wicked knaves," who carried staffs five to six feet in length which they could use to hook valuables through windows of houses.<sup>25</sup> "Priggers or Prancers" were horse thieves<sup>26</sup> and an "Abraham Man" feigned insanity and claimed to have been kept in a prison where he was severely beaten.<sup>27</sup> A "Drummerer" "will never speak unless they have extreme punishment but will gape, and with marvellous force will hold down their tongues doubled, groaning for charity."<sup>28</sup>

Harman also classed female vagabonds into nine categories. A "Demander for Glimmer," for example, was a woman who travelled with a counterfeit begging license claiming that her house and possessions had been burnt in a fire [glimmer]. "They will most lamentably demand your charity and will quickly shed salt tears, they be so tender hearted. They will never beg in that shire where their losses (as they say) was."<sup>29</sup> "Autem Morts" [Church harlots] were women who were married in a church, but "they be as chaste as a cow." They travelled separately from their

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<sup>24</sup> Thomas Harman, A Caveat or Warning for Common Cursetors, Vulgarly called Vagabonds (1566). Reprinted in Charles Hindley, ed. The Old Book Collector's Miscellany; or, A Collection of Readable Reprints of Literary Rarities (London: Reeves and Turner, 1871), ii.

<sup>25</sup> Harman, Common Cursetors, 27-29.

<sup>26</sup> Harman, Common Cursetors, 41-43.

<sup>27</sup> Harman, Common Cursetors, 50-51.

<sup>28</sup> Harman, Common Cursetors, 67-69.

<sup>29</sup> Harman, Common Cursetors, 75.

husbands, often with small children who they would send through windows to steal and rob.<sup>30</sup> "Walking Morts" were unmarried women claiming to be widows of soldiers.<sup>31</sup>

"Kinchin Morts" were little girls, carried on their mothers backs, and brought "up savagely, till they grow to be ripe, and soon ripe, soon rotten."<sup>32</sup>

The vagabonds also developed their own slang language, which separated them from the rest of society. For example, "What stowe you bene cofe and cut benar whyddes and byng we to Rome vyle to nyp a bounge, so shall we have lowre for the bowsing ken, and when we byng back to the dewse a vyle, we will fylche some duddes of the Ruffmans or myll the ken for a lage of duddes." Translated, this means, "What hold your peace good fellow and speak better words, and go we to London to cut a purse, then shall we have money for the ale house, and when we come back again into the country, we will steal some linen clothes off some hedge, or rob some house for a buck of clothes."<sup>33</sup>

While the vagabond's crimes against property were widespread and deplorable, Harman, reflecting a humane concern for the truly destitute, identified perhaps a more tragic aspect of their criminality--their acts deprived the deserving poor of sustenance, especially those "both sick and sore, as neither can or may walk abroad for relief and comfort."<sup>34</sup> Such sentiments were repeatedly expressed in the secular statutes concerning the impotent poor enacted during the sixteenth century, as shall be seen later.

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<sup>30</sup> Harman, Common Cursetors, 86-87.

<sup>31</sup> Harman, Common Cursetors, 88-97.

<sup>32</sup> Harman, Common Cursetors, 102.

<sup>33</sup> Harman, Common Cursetors, 120.

<sup>34</sup> Harman, Common Cursetors, ii.

As distressing as dealing with petty crime and criminal disturbances must have been for sheriffs and law abiding citizens, gatherings of vagabonds, rogues, and other criminals also presented the potential for the eruption of indiscriminate violence. Most towns in England had small populations and were remote from their neighbors. Even small bands of armed men could ravage such towns. An example happened in 1576 when a "Rabble of lewd Fellows" pillaged a village where they "outrageously practiced their Robberies and Depredations." After burning the town, they "put the work-men to the sword."<sup>35</sup> Thus, criminal laws against vagrants were enacted not only to rid the country of petty thieves and irritating beggars, but also to prevent armed bands of men from forming who might slaughter innocents or even, perhaps, threaten the king or queen.

Vagabonds, then, were clearly criminals who roamed about, often in large packs. When they weren't stealing, they feigned illness, injury, or poverty while seeking alms. They even forged begging licenses and some were prone to violence. The benevolent public, in turn, could not distinguish between the truly needy person or the vagabond by appearance alone, giving rise to the formal enactment of residency laws.<sup>36</sup>

#### Fourteenth Century Secular Law

Criminal activity notwithstanding, a worse calamity ravaged England in 1348-1349--the Black Death (bubonic

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<sup>35</sup> William Camden, The History of the Most Renowned and Victorious Princess Elizabeth, Late Queen of England..., 4th ed. (London: M. Flesher, 1688), 211. Also see, 199, 218-19.

<sup>36</sup> As will be described in Chapter 4, the first formal residency law in North America was passed at Plymouth in 1642. In England, the first formal residency law was enacted in 1662.

plague) killed about one-quarter of the population. Even more devastating, the plague remained endemic for two generations and by 1400, the population of Britain was little more than one-half its pre-plague population. One of the immediate effects of the plague was a labor shortage. Freemen clamored for higher wages and serfs pressed for freedom from the lord's land to avail themselves of the favorable marketplace. Workers quickly learned that by refusing to work they might force the payment of higher wages. The landed gentry resisted these demands and the state passed laws regulating the labor force. The feudal system was beginning to break down.<sup>37</sup>

In 1349, the well known Statute of Labourers, which is sometimes considered the genesis of the poor laws since it was the first act of parliament to be passed concerning beggars, began by declaring: "Because a great Part of the People, and especially of Workmen and Servants, late died of the Pestilence, many seeing the Necessity of Masters, and great Scarcity of Servants, will not serve unless they may receive excessive Wages, and some rather willing to beg in Idleness, than by Labour to get their Living."<sup>38</sup> The Statute directed that all able-bodied must accept work when offered to them, that they must accept pay at pre-plague wage scales, that persons were forbidden to wander from their local parishes, and that no one should give alms to an able-bodied beggar since through want, they may be "compelled to labour for their necessary living."<sup>39</sup>

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<sup>37</sup> Clapham, Concise Economic History, 116-24; Tierney, Medieval Poor Law, 111-12; and Webb and Webb, Old Poor Law, VII:24-25.

<sup>38</sup> 23 Edw. 3, preamble.

<sup>39</sup> 23 Edw. 3, c. 7. Renewed in 1350 by 25 Edward 3.

The secular Statute of Laborers, attempting to maintain harmony and economic stability within the feudal system, based in part upon ancient mores that held that all who were capable should work, punished able-bodied idle men and classified them as vagrants, the criminal class that roamed the countryside. Because the demand for laborers far exceeded the supply, an able-bodied man could not, according to the philosophy of the Statute, be worthy of alms since employment was plentiful. Further, if the social order and economy of England was to be maintained at pre-plague standards, everyone had to be willing to work.

The Statute was designed solely to regulate the able-bodied work force, to keep the serfs tied to the land, to restore law and order, and to maintain a social and economic system which was dealt a near fatal blow by the devastating effects of the plague. Its intent was not to punish the truly needy. Since Church canon provided for the poor, the Statute did not distinguish between a person who could not work and the able-bodied idlers. However, by failing to specifically exempt the impotent poor from the punishments of the Statute, the able-bodied who stopped working in an attempt to gain higher wages or better living conditions, the rogues who roamed the country stealing and pillaging, and the truly destitute were technically classified as being the same type of person. At least by implication, then, needy beggars were classified as being vagrants, rogues, or able-bodied idlers, and as such, criminals.

Parliament was not unaware that distinctions between the truly needy beggars and able-bodied beggars had to be made. But, based on appearance alone, it was usually impossible to distinguish between the impotent poor and the faker.<sup>40</sup>

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<sup>40</sup> In 1360, parliament passed a law which certainly  
(continued...)

Nearly forty years later, with the enactment of a statute in 1388, parliament made it clear that persons who truly could not work were to be exempt from criminal punishment. The law, again reflecting concern over the exodus of peasants from the rural areas to the cities in search of better paying jobs and better living conditions, stated that any "servant or labourer, be he man or woman," shall not be permitted to travel without a letter of testimony from proper authorities stating the purpose of their travels. If such persons were found in another locale without a letter, they were to be placed in stocks until they could be returned to where they came from.<sup>41</sup>

The importance of this statute was, however, its official recognition, for the first time in secular legislative history, that "beggars impotent to serve" were a different class of person than criminal vagrants and, because parish resources were usually insufficient to provide for their needs, the impotent poor might need to beg for subsistence. But, by maintaining the distinction between the Church's responsibility to provide for the destitute and the state's responsibility to maintain law and order through enactment of criminal legislation against vagrants, the impotent beggars were not permitted to roam and were directed to remain in the town in which they now lived, or to return to their birth town. Since it was impossible for the stranger to distinguish between an impotent beggar and an able-bodied faker, it was reasoned that all persons should remain in their home parishes where

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<sup>40</sup>(...continued)

would make it easy to distinguish between the deserving poor and the able-bodied idlers. Any workers who left their jobs were to be branded on the forehead with "the letter F in token of falsity" (34 Edw. 3, c. 10).

<sup>41</sup> 12 Rich. 2, c. 7, translated in Nicholls, History of the Poor Law, I:55-59.

they were known. Thus, the deserving poor could be identified and provided for while the criminal vagrant could be identified and punished. By enacting this early form of residency law, the impotent poor were not allowed to become vagrants. If poor persons chose to travel about begging, they would then be classified as vagrants, and thus would be criminals. In this context, residency laws which required all persons to remain in their home counties where they were well known were rational, albeit ineffectual, responses to controlling crime while attempting to ensure that the truly poor might be cared for.

In 1391, another secular statute concerning the relief of the impotent poor was passed which directed the local parishes to collect and distribute money to poor parishioners, "in Aid of their Living and Sustenance for ever."<sup>42</sup> While neither the amounts of nor the methods to be used in distributing the monies were specified, secular law was clearly being enacted to supplement Church canon. Relief of the poor was now being defined as a public obligation as well as a divine responsibility and all aid was to be provided at the lowest level of government.

As Tierney correctly asserts, the statutes of 1388 and 1391, taken together, show that fourteenth century Parliament was very aware that systems of relief were necessary to care for impotent poor persons.<sup>43</sup> The state was not ready to take over the poor relief programs since the Church still maintained jurisdiction in this area, but the acts do reflect a growing awareness on the part of parliament that the Church function of providing for the poor was not always being carried out. Most significantly, these statutes show that the state was concerned with the

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<sup>42</sup> 15 Rich. 2, c. 6.

<sup>43</sup> Tierney, Medieval Poor Law, 129-30.

welfare of its citizens and that the often held assumption that the first interventions by the state in the field of poor laws were negative and repressive is, when the historical context of the era is considered, misleading.

#### Sixteenth Century Secular Law

During the fifteenth century, the state did not interfere with Church responsibility for the impotent poor. But, as Sidney and Beatrice Webb explain, during the first quarter of the sixteenth century, there was a growing realization across all of Europe that almsgiving as a religious duty, directed by Church canon and ancient social custom, was not abating poverty. The world of medieval Europe was rapidly changing and practices based upon centuries old customs were giving way to competition in the marketplace. The numbers of destitute people across Europe were also rising and relief measures, already insufficient, were becoming decidedly inadequate. Against these changes, the Church was no bulwark. A new system, regulated by secular statute and Church doctrine combined was needed and taxation, in place of donations, might be the best means of raising funds for the relief of the poor. Thus, England was not alone in addressing the problems of the poor through laws. Germany, Netherlands, Switzerland, and to a lesser extent, France and Scotland were all grappling with the problem.<sup>44</sup>

In 1531, "An Act directing how aged, poor, and impotent Persons, compelled to live by alms, shall be ordered, and how Vagabonds and Beggars shall be punished," the first statute pertaining to impotent poor since the act of 1391, might be considered the true genesis of the English Poor Laws. It again began by imposing severe punishments upon

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<sup>44</sup> Webb and Webb, Old Poor Law, VII:29-41; and Salter, Early Tracts, xvii-xviii.

vagrants and able-bodied beggars. It noted that despite the enactment of previous laws designed to curtail the numbers of vagabonds and beggars, their numbers actually "increased into great routs [assemblages of three or more persons committing unlawful acts] and companies." In regard to the poor, however, the Act provided some novel concepts. For example, the Act placed the important responsibility for administering a poor relief program on local justices of the peace who were to survey the local parishes in their counties and make lists of all the impotent persons that lived there. This provision further strengthened the concept that only residents of the local parish would be eligible for poor relief assistance. The justices of the peace were also empowered to give a "License under their seals to such poor, aged, and impotent persons to beg within a certain precinct." If persons violated their begging licenses by seeking alms outside of their designated area, they were to be "whipped, or else set in the Stocks three Days and three Nights, with bread and water only."<sup>45</sup>

By today's standards, such legislation may seem to be a severe and repressive act against the destitute, but parliament was attempting to deal with complex problems of how to accommodate the needy without encouraging idleness which could lead to criminal behavior. Reflecting the precedent set in 1388, the statute established a distinction between the impotent poor and the vagrant rogue; it recognized that the impotent poor might need to beg for sustenance and approved such action. Also, it again defined

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<sup>45</sup> 22 Hen. 8, c. 12; Nicholls, History of the Poor Law, I:124; and J.R. Tanner, Tudor Constitutional Documents, A.D. 1485-1603 (Cambridge: University Press, 1940), 475-79. A 1528 act gave of justices of peace authority over vagrants in that they were to make "a due and a diligent secret search for offenders" (19 Hen. 8, c. 12). The current Act expanded their power to include the poor.

local secular responsibility for the poor. However, no provision was made for the systematic relief of the poor who had no domicile or for helping the able-bodied unemployed to find work.

A 1536 act codified local secular responsibility for the poor in that it required the local parishes to obtain enough charitable contributions from their parishioners to keep every "aged, poor and impotent person, which was born or dwelt there for three years...so as none of them be compelled to go openly begging." All sturdy vagabonds, beggars, or "such as be lusty or having their limbs strong enough to labour," were to be put to work, "whereby every one of them may get their own substance and living with their own hands." The parish was to be the central collection agency of monies for poor relief, and "no person shall make any open or common Dole, nor shall give any money in Alms, but to the common Boxes, and common Gatherings in every parish, upon Pain to forfeit ten times so much as shall be given." But compulsory donations to parish relief efforts were not enacted. The act also provided that children, between the ages of five and thirteen, "that live in idleness, and be taken begging may be put to Service by the Governors of Cities, Towns, &c., to Husbandry, or other Crafts or Labours."<sup>46</sup> Thus, the local parish was now required by secular law to provide money for its poor, a responsibility Church canon had assumed for centuries.

It might be implied from the statutes of 1531 and 1536 that parliament was munificently concerned with ensuring that the impotent poor were provided for. Perhaps more pragmatically, it might conversely be implied that parliament recognized that unless the impotent poor were

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<sup>46</sup> 27 Hen. 8, c. 25; Nicholls, History of the Poor Law, I:124; and Tanner, Tudor Constitutional Documents, 479-81.

adequately provided for, they would continue to roam about seeking alms. Thus, by ensuring the poor had no reason to roam from their parish, only vagrants and other criminals would remain wanderers and they could then easily be identified, arrested, and punished. Regardless of parliament's motivation, it is evident that by now the state had recognized that it had to intervene in matters relating to the poor.

With the Reformation, the dual system of ecclesiastical and secular rule came to an end. In taking over the Church, the state assumed full legal responsibility for the poor but continued to follow ancient social customs, mores, and ecclesiastical precedent which directed that the poor were to be maintained by the local parish. Since serfage was now abolished, people were also free to move from one locale to another which, at times, put great numbers of persons on the road seeking to improve their lot in life. The Reformation also ended an era where travellers and, perhaps, vagabonds, drifters, and the wandering poor might be cared for by the Church in monasteries and many of these persons now turned to the public for sustenance. The emergence of all these persons must have enraged parliament, as is reflected by the harsh punishments they imposed through a statute in 1547.

The 1547 statute, reflecting sentiments in statutes passed two and one half centuries prior, began by stating that "idlenesse and vagabondage is the mother and roote of all thefts, robberies, and other evile Actes, and mischiefes...which the King of this Realm...hath often with great travail endeavoured to repress." Yet, the statute acknowledged, punishments of "death, whipping, imprisonment, and with other corporale paine" had failed to reduce the numbers of vagrants and crime was still rampant. The reason for this, it was felt, was that local authorities had only

sporadically enforced the law due to "foolish pitie and mercie."<sup>47</sup>

The new statute revoked all prior acts concerning the punishment of vagabonds and able-bodied beggars and new punishments were established. Any able-bodied person who refused to work was considered a vagabond and would be branded with the letter V on the chest and would be reduced to slavery for two years. These persons could be kept in chains and were to work at hard labor. A ring of iron could be placed around the person's neck, arm, or leg to help secure them. If the person escaped, they were to be branded "on the forehead or the ball of the cheek," and placed in perpetual slavery. A second escape could result in death. In 1549, Edward VI, attempting to make the justices of the peace enforce the statute, directed "certen speciall men in the Shires where tumultes and rysings have byn" to strictly apply the law against idle vagabonds and "all stirrers up of tumults [were] to be hanged without delay."<sup>48</sup>

To prevent the criminal class from spawning another generation of vagrants and rogues, idle children could also be taken from their parents by anyone who could provide them proper training. Care of the aged, impotent, or lame essentially followed the statutes of 1531 and 1536 where voluntary donations were to be solicited from parishioners every Sunday. Again reflecting the dominance that ancient social mores and ecclesiastical canon had on British society, the parish priest was to give "a brief exhortation to his parishioners moving and exciting them to remember the poor people and the duty of Christian charity in relieving

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<sup>47</sup> 1 Edw. 6, c. 3.

<sup>48</sup> State Papers, Domestic, Great Britain, 1547-1625 (Brighton: Harvester Press, 1977-81), Edw. 6, VIII:66; Calendar of State Papers, Domestic (London: Her Majesty's Public Record Office, 1865), Edw. 6, 1547-80, 23.

them which be their brethren in Christ, born in the same parish, and needing their help."<sup>49</sup> By 1550, this harsh statute was repealed and the act of 1531, with a few revisions, took its place.<sup>50</sup>

In 1552, a statute was enacted "for the provision and relief of the poor." Its intent was that "valiant beggars, idle and loitering persons, may be avoided, and the impotent, feeble, and lame provided for, which are poor in very deed." This act confirmed the act of 1531 regarding vagabonds, but its main purpose was to increase the pool of charitable funds which could be used to relieve the poor. Again, to differentiate the needy from the able-bodied idlers, a list of the impotent poor was to be kept in a book in every city, town, or parish. Each town and parish was to appoint two collectors who every Sunday, "when the people is at church and has heard God's holy word, shall gently ask and demand every man and woman what they of their charity will be contented to give weekly towards the relief of the poor." If anyone refused to give money for the poor, despite encouragement from the parson, vicar or curate, and the churchwardens of the parish, the "Bishop shall send for him or them to induce and persuade him or them by charitable means." Once the poor were registered, the collectors would distribute the monies weekly to them. If a person could perform some work, their receipt of charitable funds would be less than those who could perform no work. None of the

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<sup>49</sup> 1 Edw. 6, c. 3; Nicholls, History of the Poor Law, I:129-32; and Tanner, Tudor Constitutional Documents, 470.

<sup>50</sup> 3 & 4 Edw. 6, c. 16; and Nicholls, History of the Poor Law, I:132-33.

poor were permitted to beg.<sup>51</sup> Thus, a system for collecting and distributing alms was enacted.

In 1555, the statute was expanded and parishes that had more poor than they could support could issue begging licenses to some poor. These beggars had to confine their activities to a prescribed area and wear a badge on their outer clothing so that alms-givers could distinguish them from fakers.<sup>52</sup>

In 1559, less than six months into the reign of Elizabeth, vagabonds were still to be arrested and counties occasionally sent reports to the Queen regarding their efforts to enforce the law. In addition, it was found that many vagrants were entering England from Scotland and the Queen's lawyers were reviewing legal sanctions that might be taken against them.<sup>53</sup>

The pleas for voluntary contributions for relief of the poor apparently were not meeting the need. So in 1563, an act was passed demanding compulsory contributions. If anyone of "forward and willful mind" refused to give contributions for poor relief according to their ability, the Bishop should "charitably and gently persuade and move the said obstinate person to extend his charity towards the relief of the poor." That failing to produce the appropriate donation, the justices of the peace could tax or

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<sup>51</sup> 5 & 6 Edw. 6, c. 2; Nicholls, History of the Poor Law, I:133-34; and Tanner, Tudor Constitutional Documents, 471.

<sup>52</sup> 1 & 2 P. & M., c. 13; and Nicholls, History of the Poor Law, I:142. The idea of having the poor wear badges to identify who was "worthy" of alms was not a new concept. As early as 1518 Leicester was using tax money to procure badges for the poor. See, Mary Bateson, ed. Records of the Borough of Leicester... (Cambridge: University Press, 1908), III:9-10, 85.

<sup>53</sup> S.P. Dom., Eliz. 1, VI:31, 39, 50; VII:20; and Cal. S.P. Dom., Eliz. 1, 1547-80, 137-39, 141.

seize the obstinate person's property. That also failing, the person could be sent to prison until all arrearage was paid.<sup>54</sup> This is the first time mandatory contributions for relief of the poor were made. Also in 1563, an act was passed forcing employment upon everyone capable of work.<sup>55</sup>

Some towns were very concerned about providing relief for their poor. In 1568, Leicester passed a town act for the "universalle relieffe of the poore & impotent people," over and above the national poor law. Everyone getting married was to pay the collector for the poor a specified sum of money and alms boxes were placed in inns and other places where travellers might see them and donate money. In 1579, fines which were levied against ale houses were also to be used for poor relief.<sup>56</sup>

From 1569 through 1572, counties were directed to impose "watch and ward"<sup>57</sup> and routinely reported to the Queen their efforts to rid the countryside of vagrants, rogues, and other criminals.<sup>58</sup> Northampton reported that "all which were punyshed by stockinge, with sharpe and severe whippinge."<sup>59</sup> In another report, reflecting that

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<sup>54</sup> 5 Eliz. 1, c. 3; Nicholls, History of the Poor Law, I:151-53; and Tanner, Tudor Constitutional History, 471.

<sup>55</sup> 5 Eliz. 1, c. 4; and Nicholls, History of the Poor Law, I:153-56.

<sup>56</sup> Bateson, Leicester, III:121-23, 181.

<sup>57</sup> "Watch" implied standing armed sentry over a town, while "ward" implied performing internal police or constable functions.

<sup>58</sup> S.P. Dom., Eliz. 1, LI:11; LXXX:24-30, 32-33, 35-40, 42-47, 49, 51-53, 55-59; LXXXI:13-25, 27-28, 40, 43, 45-46, 49, 58; LXXXIII:36; LXXXVI:9, 12, 21-22, 27-28; and Cal. S.P. Dom., Eliz. 1, 1547-80, 334, 368, 418-26, 430, 440-42.

<sup>59</sup> S.P. Dom., Eliz. 1, LXXXI:42; and Cal. S.P. Dom., Eliz. 1, 1547-80, 425.

vagrancy wasn't limited to males only, Northampton stated that six out of seven persons whipped were women.<sup>60</sup> Oxford responded that "all things be well, thanks be to God."<sup>61</sup> In 1571, a bill was passed providing punishment for beggars who went about as "disguised priests."<sup>62</sup>

In 1572, an act, once again dealing with the crime of vagrancy and the relief of the poor in one statute, made the punishment for vagrancy more severe. For example, vagabonds, rogues, and sturdy beggars were to be "burnt through the gristle of the right ear with a hot iron of the compass of about an inch about." The laws regarding the poor were left the same as those of 1563, with the addition of appointing overseers of the poor. Also, provision was made to provide work for the unemployed able-bodied. However, the exact means of employing these people were left undefined until 1576.<sup>63</sup>

In 1576, a statute tackled a different problem, "Concerning Bastards begotten and born out of lawful Matrimony (an Offence against God's Law and Man's Law) the said Bastards being now left to be kept at the Charge of the Parish where they be born, to the great Burden of the same Parish, and in defrauding of the Relief of the impotent and aged true Poor of the same Parish, and to the evil Example and Encouragement of lewd Life." Mothers and the reputed

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<sup>60</sup> S.P. Dom., Eliz. 1, LXXXI:44; and Cal. S.P. Dom., Eliz. 1, 1547-80, 425.

<sup>61</sup> S.P. Dom., Eliz. 1, LXXXI:42; and Cal. S.P. Dom., Eliz. 1, 1547-80, 425.

<sup>62</sup> S.P. Dom., Eliz. 1, LXXVII:60; and Cal. S.P. Dom., Eliz. 1, 1547-80, 410.

<sup>63</sup> 14 Eliz. 1, c. 5; S.P. Dom., Eliz. I, LXXVII:75; Cal. S.P. Dom., Eliz. I, 1547-80, 411; Nicholls, History of the Poor Law, I:157-165; Tanner, Tudor Constitutional Documents, 471; and Webb and Webb, Old Poor Law, VII:54-55.

fathers of the children were to be punished and were to pay for the child's upkeep. The law also dealt with providing work for the able-bodied poor, including children who should be brought up in labor and work, thus not growing up to become idle rogues. Every town was to procure a supply of hemp, wool, flax, iron, or other items so the poor could be put to work to prevent their begging, idleness, and criminal behavior. The supplies were to be maintained in a suitable building, or "house of correction," and were to be purchased through a tax levied on all citizens.<sup>64</sup>

In 1597, this act was expanded and provisions for the whipping and expulsion from the community of sturdy rogues and vagabonds were implemented. In addition, "the parents or children of every poor, old blind, lame, and impotent person...shall at their own charge relieve and maintain every such poor person."<sup>65</sup>

Despite repeated secular intervention, the problem of poverty and the numbers of beggars and disorderly persons found on the streets did not abate. In 1582, Elizabeth again issued resolutions to the county justices of the peace directing the "correction and punishment" of rogues and vagabonds.<sup>66</sup> To the Master of the House of Correction at Winchester, she ordered that "due punyshment with the whyppe shall be ministered unto every rogue so sent."<sup>67</sup> In London,

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<sup>64</sup> 18 Eliz. 1, c. 3; Nicholls, History of the Poor Law, I:165-69; and Tanner, Tudor Constitutional Documents, 471.

<sup>65</sup> 39 Eliz. 1, c. 3; Nicholls, History of the Poor Law, I:179-80; and Tanner, Tudor Constitutional Documents, 471.

<sup>66</sup> S.P. Dom., Eliz. 1, CLIII:16; and Cal. S.P. Dom., Eliz. 1, 1581-90, 51.

<sup>67</sup> S.P. Dom., Eliz. 1, CLIII:24; and Cal. S.P. Dom., Eliz. 1, 1581-90, 52.

the Queen ordered that action be taken to rid the city of the vagrants and disorderly.<sup>68</sup>

That the government was concerned with the welfare of the truly needy was again evidenced in 1589 when the privy council, clarifying an earlier directive that they had sent to the lord mayor of London concerning the apprehension and punishment of vagabonds and idle beggars, stated: "Our meaning ys the poore and weake shuld be provided for and not suffered to goe upp and downe the streetes."<sup>69</sup>

The British were also now entering an era where they would become engaged in prolonged wars. As we shall see in the next chapter, the effects of discharging thousands of sick, maimed, and unpaid soldiers back into society would tax the ineffectual poor laws to their limits. For now, it is sufficient to mention that England was reeling under the burdens of controlling crime and abating poverty. A systematic method of dealing with both problems was needed.

The complexity of dealing with the relationship between poverty and crime is sharply illustrated by the report from the justices of Gloucestershire who wrote, in 1596, about a mob of common people who attacked a bark laden with malt: "The people declare they are driven to the last extremity by famine, and forced to feed their children with cats, dogs, and roots of nettles."<sup>70</sup> Times were desperate and conditions were not improving.

As already pointed out, crime and poverty were endemic throughout the Middle Ages. Reliance upon ancient customs and social mores where the disabled, the aged, and widows

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<sup>68</sup> S.P. Dom., Eliz. 1, CCV:5-6; and Cal. S.P. Dom., Eliz. 1, 1581-90, 435.

<sup>69</sup> J.R. Dasent, ed. Acts of the Privy Council of England (London: H.S.M.O., 1890-1906, 1922-), XVIII:266.

<sup>70</sup> S.P. Dom., Eliz. 1, CLXXXVIII:47; and Cal. S.P. Dom., Eliz. 1, 1581-90, 323.

and orphans were to be provided for by family and friends had proven ineffectual. Church canon, which emphasized the divine responsibility of all to care for the less fortunate, proved fallible. Secular laws against vagrant and able-bodied beggars failed to prevent crime. Settlement acts seldom prevented the desperate from wandering nor the criminal from ravaging. Collections of charitable alms by pastors, supposedly stirring their congregations into bountiful giving, often yielded sums far from sufficient to meet the needs of the poor. Secular statutes concerned with the relief of the poor were enacted, repealed, then reenacted as kings, queens and parliaments grappled time and again with the recurring problem. It is evident that there was no universal opinion on how to deal with the impoverished. A comprehensive and systematic method of dealing with England's domestic problems was sorely needed.

#### The Elizabethan Poor Law of 1601

All of the provisions included in Elizabeth's Poor Law of 1601 were but bits and pieces from two and one-half centuries of secular experimentation in dealing with the poor. In addition, provisions found in ancient customs, social mores, and Church doctrine dating back at least 150 decades, were carried forth into the seventeenth century. The Poor Law contained nothing new. What it did contain, however, was a unified philosophical approach toward the problem which acknowledged that relief of the poor was a public concern. It codified into one central law the ancient custom of families caring for their own, the nearly as ancient Church canon that directed that the poor should be cared for by their parish, and the more recent secular laws mandating work for the able-bodied.

The law firmly established the principle of local responsibility in caring for the needy as it established a

mandatory poor rate which was the basis of all local taxation. Poor taxes collected from every household in a parish were to be used for four purposes:

First. "For setting to work the children of all such whose parents shall not...be thought able to keep and maintain their children."

Second. "For setting to work all such persons, married or unmarried, having no means to maintain them, and use no ordinary and daily trade of life to get their living by."

Third. For providing "a convenient stock of flax, hemp, wool, thread, iron, and other necessary ware and stuff, to set the poor on work."

Fourth. For raising competent sums of money for and towards "the necessary relief of the lame, impotent, old, blind, and such other among them, being poor and not able on work."<sup>71</sup>

Thus, three categories of needy persons were identified and three methods of providing for them were developed: neglected children (to be placed in apprenticeships); able-bodied poor (to be provided with work); and impotent poor (to be provided sustenance either in their homes, in the homes of others, or in institutions). Overseers of the poor were also appointed to supervise all activities related to the poor. In addition, the mutual liability of parents to maintain their children, and of children to maintain their parents was extended to grandparents as well.

But there was another class of poor citizens for whom England would enact legislation for totally outside of the Poor Law--sick, disabled, and maimed soldiers and mariners. The next chapter describes their plight and parliament's provisions for them.

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<sup>71</sup> 43 Eliz. 1, c. 2.

## Chapter 3

### BRITISH MILITARY PENSIONS

#### Chronology

- 1181 Assize of Arms--All males to bear arms
- Middle Ages Maimed soldiers cared for according to ancient social mores, by family, friends, Church
- 1337-1453 Hundred Years' War--Some ex-soldiers become vagrants
- Sixteenth Century Some beggars claim to be maimed soldiers--Needy soldiers to be cared for under poor law by parish--Vagrants & fakers to be punished
- 1586 London churches, by order of privy council, to collect donations specifically for soldiers' relief
- 1588 War between England and Spain--Many soldiers return unpaid, maimed, & sick--They threaten civil disorder
- 1589 Former masters ordered to reemploy ex-soldiers--Martial law declared
- 1591 Disturbances by soldiers continue--Truly needy men to be relieved in home county
- 1592 Parliament discussing plight of poor soldiers
- 1593 Members of parliament donate money for relief of maimed soldiers--Other collections taken in London--Pensions granted to be paid weekly
- 1593 35 Eliz. 1, c. 4--First public pension law for soldiers--To be paid by county treasurer, not by parish--Many soldiers receive no pension--Civil disturbances continue
- 1597 39 Eliz. 1, c. 21--Pension law reenacted--National funds supplement local taxes--Martial law continues

1601

43 Eliz. 1, c. 3--Pension law for disabled soldiers reenacted alongside, but separate from, Poor Law--To be administered by county, not overseer of the poor--Several philosophical & operational differences from the Poor Law--Disabled soldiers treated differently than common poor citizen

### Introduction

The purpose of this chapter is to provide an overview of the British military pension system through the sixteenth century. Transported to America by British colonists, it is from these roots that the military pension system of the United States grew. For simplicity's sake, all military men, including sailors, will be referred to as "soldiers."

This chapter describes how, until the latter part of the sixteenth century, maimed and diseased soldiers were provided for, just as any other poor citizen, under the provisions of ancient social customs (mores), ecclesiastical law, or by the existing poor law. This chapter also describes how, at the urging of members of parliament, voluntary donations were solicited in London for the ex-soldiers. Further, this chapter describes laws which directed counties to provide pensions to the soldiers and culminated in a military pension law in 1601 which was enacted alongside but separate from the Elizabethan Poor Law. This law clearly classified the needy veteran as a different type of poor person than other indigent citizens and established a separate system which provided for the financial welfare of poor soldiers. Next, this chapter describes how national funds were occasionally used to pay soldiers' pensions. Finally, it is concluded that the legislation enacted for the relief of diseased and maimed soldiers may be classified as a type of income maintenance program, based upon demonstrated need, granted to those who sustained disabling injuries while in military service (invalid pension).

Assize of Arms Principle

Let each and every [freeman]...swear that...he will possess...arms and will bear allegiance to the lord king, Henry...and that he will bear these arms in his service according to his order and in allegiance to the lord king and his realm. And let none of those who hold these arms sell them or pledge them or offer them, or in any other way alienate them; neither let a lord in any way deprive his men of them either by forfeiture or gift, or as surety or in any other manner.

Assize of Arms (1181)<sup>1</sup>

The Assize of Arms principle required that every freeman in England own arms, swear allegiance to King Henry II, and periodically participate in military training. If any power, foreign or domestic, threatened the King, these citizen-soldiers would band together at his call into a militia, or "trainband" unit,<sup>2</sup> then lay their weapons aside and return to their domestic lives once the emergency abated. Thus, in concept, medieval England was an armed society at the ready to fend off any intruder and the

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<sup>1</sup> The Assize of Arms (1181), in David C. Douglas and Charles W. Greenaway, eds., English Historical Documents (London: Eyre and Spottiswoode, 1953), II:416.

<sup>2</sup> Jim Dan Hill, The Minute Man in Peace and War: A History of the National Guard (Harrisburg: Stackpole Company, 1964), 1-4 and 26-31, suggests that the term "militia" is loosely used by historians. For purposes of this dissertation, militia refers to a group of able-bodied males who temporarily serve in a military organization. Militiamen are not professional soldiers. Some historians prefer to use the more accurate term "trainband" for what will be classified as militia in this study. The term militia will be used for conformity's sake since later, as the military system in early America is discussed, militia is the more accurate term.

principle of Assize of Arms remained, for the most part, in effect well into the sixteenth century.<sup>3</sup>

In theory, the principle of Assize of Arms provided England with a manpower pool, consisting of all the able-bodied men in the country, from which to draw soldiers. In addition to being prepared to defend their lands in case of invasion, the men also acted as constables and guarded against bandits and even local thieves. By giving all men at least rudimentary training in the use of weapons, they could also be called upon in extreme emergencies to go on offensive campaigns. Through the Middle Ages, when lengthy military forays into foreign lands were infrequent, such a system worked fairly well.<sup>4</sup> But, by the mid-sixteenth century, with the feudal system in decay, as monarchies and countries became increasingly aggressive, as advances in technology increased the lethal effectiveness of weapons, and as men frequently needed to engage the enemy in battles far from home, the principle of Assize of Arms began faltering.

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<sup>3</sup> The Statute of Winchester in 1285 (13 Edw. 1), like the Assize of Arms, decreed that all men were to bear arms according to their wealth. This principle remained in effect until it was repealed by 4 & 5 P. & M., c. 2, in 1558.

<sup>4</sup> The following discussion on the principle of Assize of Arms is by design rather simplistic. Quite naturally, through the centuries, the effectiveness of the principle varied as different kings had varying needs for a strong military posture. In general, the principle remained effective for defensive purposes throughout the Middle Ages. Sometimes the principle would be used to supplement the king's soldiers or mercenaries in offensive operations outside of England. For more detailed accounts of England's military during the Middle Ages, see Michael Powicke, Military Obligation in Medieval England (Oxford: Clarendon Press, 1962); C. Warren Hollister, The Military Organization of England (Oxford: Clarendon Press, 1965); and John Beeler, Warfare in England, 1066-1189 (Ithaca, N.Y.: Cornell University Press, 1966).

By Elizabeth's reign, the principle of maintaining a feudal army ceased to exist. Advances in weapons technology made it logistically and economically unfeasible to arm and train all men. Besides, the Queen distrusted the peasantry. With war against Spain looming, it was decided to train only a portion of the male population in the latest military tactics and in modern weapons usage. Perhaps no more than ten per cent of the male population, those in the middling or upper classes, were to be regularly drilled. The rest of the male population, between the ages of sixteen and sixty, were to remain in a military reserve capacity where they would periodically be mustered and given rudimentary training. Since the trained men were obviously the best material for the army, they were also usually retained at home for defensive operations while the less trained men were pressed into foreign duty.<sup>5</sup>

Musters of all able-bodied men were periodically held throughout Elizabeth's reign and rolls, listing the numbers of men and the military stores maintained in each county, were routinely sent to the Queen.<sup>6</sup> England continued to remain an armed society well into the seventeenth century. In 1588, for example, it was reported that "no man

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<sup>5</sup> See, C.G. Cruickshank, Elizabeth's Army (Oxford: Clarendon Press, 1966), 24-25; and Lindsay Boynton, The Elizabethan Militia, 1558-1638 (London: Routledge & Kegan Paul, 1967), 13-50.

<sup>6</sup> Directives governing musters are numerous in English records. To obtain a sense of what such orders might direct, one may sample from the following: State Papers, Domestic, Great Britain, 1547-1625 (Brighton: Harvester Press, 1977-81), Edw. 6, I:36; II:2, 5, 8-21; IV:1, 6, 9-22; Mary, XI:30-34; XII:6-11, 16, 22, 24-27, 30, 33-34, 39-40; 43; Eliz. 1, CLXVII:26; CCXXI:97-98; CCLVI:26; CCLXXI:69; and Calendar of State Papers, Domestic (London: H.M. Public Record Office, 1865), Edw. 6, 1547-80, 3-4, 6-8; Mary, 1546-80, 93-94, 97-99; Eliz. 1, 1581-90, 26, 97-98; 1595-97, 26; 1598-1601, 69.

travelleth by the way, without his sword or some such weapon...except the Minister, who commonly weareth none at all, unless it be a dagger."<sup>7</sup>

#### Vagrant Ex-Soldiers

Little literature could be found describing the condition and care of disabled soldiers in medieval England. Owing to the lack of evidence to the contrary, it is assumed that few special provisions, outside of the ancient customs and Church canon as described in Chapter 2, were made for the care and relief of sick or maimed soldiers. Around 1349, the brotherhood of the Military Knights of Windsor, an adjunct of the Order of the Garter, was established. This fraternal organization probably assisted some soldiers as did some monasteries.<sup>8</sup> But most maimed soldiers who were unable to support themselves were probably provided for just as any other impotent poor person might have been. While secular law directed men to bear arms and face potential death and hardship in combat, ecclesiastical law, which had responsibility for the poor, most likely governed their care in the event they became maimed or disabled. If an ex-soldier was so disabled that he could not work, family members, friends, and the lord of the manor were morally obligated to assist him. That failing, assistance from the Church could be sought. If none of these measures proved satisfactory, seeking alms would almost surely provide him with sustenance as benevolent citizens could readily identify with his plight in light of the sacrifices he made

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<sup>7</sup> William Harrison, "Elizabeth Arms England, which Mary had left defenceless," (1588). Reprinted in A.F. Pollard, ed. Tudor Tracts, 1532-1588 (Westminster: Archibald Constable and Co., 1903), 400.

<sup>8</sup> C.G.T. Dean, The Royal Hospital Chelsea (London: Hutchinson & Co., 1950), 15.

while in military service. As long as England did not engage in extended warfare, this "system" of relief was probably adequate. At least maimed soldiers were no worse off than other impotent poor people.

However, on the heels of the Black Death, the Hundred Years' War (1337-1453) saw thousands of men released from military duties and many were not eager to return to mundane village life or to perpetual serfdom. As was shown in the last chapter, the mid-fourteenth century was a time of great social upheaval in England. Men were walking away from the lord's manor or their jobs in an effort to obtain higher wages and a better standard of living. Laws were being passed imposing harsh penalties on anyone refusing to settle and work. Some ex-soldiers joined the ranks of the idle workers and refused to return to their home counties or obtain work. Numbers of them took to wandering the countryside, often looting and stealing. Some even feigned war injuries or claimed to be aged soldiers as they took to begging.<sup>9</sup>

By the sixteenth century, such ploys were favorites of vagabonds and the profits made from alms seeking were substantial enough that these fakers were apparently prolific.<sup>10</sup> For example, Thomas Harman, in 1566, classified one category of vagabonds as "Rufflers." Rufflers went about begging, claiming they had been "maimed and bruised in the wars, and peradventure some will show you some outward

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<sup>9</sup> Brian Tierney, Medieval Poor Law: A Sketch of Canonical Theory and Its Application in England (Berkeley: University of California Press, 1959), 112.

<sup>10</sup> Sir John William Fortescue, A History of the British Army (London: Macmillan and Company, 1899-1930), I:139.

wound, which he got at some drunken fray."<sup>11</sup> Likewise, the "Upright Man" might feign a war wound as he approached cottages. His purpose was not to beg, but to survey homes and barns for valuables. He would then return at night to steal them.<sup>12</sup> Thomas Stow, in 1569, relates that marshals in London were appointed solely to clear the streets of "valiant and sturdy rogues, masterless men, vagrants, and maimed soldiers."<sup>13</sup> Thus, to the lists of able-bodied idlers, vagrants, rogues, and truly destitute persons who roamed the country must be added the ex-soldier. Just as in the case with the other classes, the public could not distinguish between the truly maimed soldier and the faker.

London and the surrounding counties were particularly besieged by beggars claiming to be maimed or diseased soldiers and in November, 1586, the lord mayor of London queried the privy council as to how he might rid his city of the fakers while caring for the truly needy. The council advised him to call the beggars before him and examine them. "Those which hadd received hurtes in her Majestie's warres" should be sent to their home counties, where they were known, with a recommendation from the mayor that they be provided with relief there. The "counterfeite beggars" were

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<sup>11</sup> Thomas Harman, A Caveat or Warning for Common Cursetors, Vulgarly called Vagabonds (1566). Reprinted in Charles Hindley, ed. The Old Book Collector's Miscellany; or, A Collection of Readable Reprints of Literary Rarities (London: Reeves and Turner, 1871), 14-15.

<sup>12</sup> Harman, Common Cursetors, 19-26.

<sup>13</sup> Quoted by Sir George Nicholls, A History of the Poor Law (1854. Reprint. London: P.S. King & Son, 1904), I:177. Also see, S.P. Dom., Eliz. 1, LI:11; LXXX:24-30, 32-33, 35-40, 42-47, 49, 51-53, 55-59; LXXXI:13-25, 27-28, 40, 42, 43, 44-46, 49, 58; LXXXIII:36; LXXXVI:9, 12, 21-22, 27-28; and Cal. S.P. Dom., Eliz. 1, 1547-80, 334, 368, 418-26, 425, 430, 440-42.

to be "severlie punished," in provision with the existing criminal law against vagrants.<sup>14</sup>

But in a marked departure from any precedent which concerned the ordinary poor citizen, the privy council wrote to the Bishop of London directing that churches take up separate collections for "those poor soldiers having lost their lymmes in the service of their Prince and Countrye." Monies collected were not to be turned over to the overseer of the poor, but were to be given directly to the lord mayor for distribution to soldiers who were from London or who were too sick or lame to travel home.<sup>15</sup> By initiating this action, the poor, disabled ex-soldier was to be provided for outside of existing poor law legislation, at least in London. However, this measure, like secular poor law legislation enacted as early as 1391 which directed parishes to collect voluntary donations for the relief of the poor, was stopgap at best and offered no permanent solution to the problem. But the measure does reveal that members of parliament were taking a personal interest in ensuring that maimed and diseased ex-soldiers were provided with some sort of relief.

#### War with Portugal and Spain

In 1588, England began raising an army for battle against Portugal and Spain. A call went out for men and levies and volunteers from across the country began arriving in Dover and Plymouth. A number of these men, as will be discussed in greater detail later, were vagrants, rogues, and unemployed. Although the desertion rate was high, by spring, 1589, the largest army and fleet of ships in

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<sup>14</sup> J.R. Dasent, Acts of the Privy Council of England (London: H.S.M.O., 1890-1906, 1922-), XIV:253.

<sup>15</sup> Dasent, Acts, XIV:253.

Britain's military history was assembled. About 150 vessels were to transport an estimated 18,000 men into battle.<sup>16</sup> Two and one-half months later the fleet returned to England. The ships suffered little damage, but there were tremendous losses of men.<sup>17</sup> On one ship that originally carried 300 men, 114 had died and but 18 of the remainder were fit for work as the ship entered the harbor. On another ship, but eight men remained fit enough to handle the sails on the return voyage.<sup>18</sup>

As each returning ship set anchor in port cities across England, soldiers were discharged from Her Majesty's service and were expected to return home. However, many of the discharged men had received little of the pay that had been promised to them by Queen Elizabeth and were suffering from the plague or other illnesses and injuries.<sup>19</sup> In addition, numbers of them were vagrants to begin with, so they had no home to return to. Even men who had held jobs before entering military service found themselves in a precarious situation now. Employers soon learned that men who returned from foreign campaigns were often physically afflicted with disease or hampered by wounds. Other physically healthy ex-

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<sup>16</sup> S.P. Dom., Eliz. 1, CCXXIII:55, 59, 74, 76; CCXXX:12; and Cal. S.P. Dom., Eliz. 1, 1581-90, 587-90, 642.

<sup>17</sup> S.P. Dom., Eliz. 1, CCXXIV:78; CCXXV:31, 39; and Cal. S.P. Dom., Eliz. 1, 1581-90, 603-04, 610-11.

<sup>18</sup> S.P. Dom., Eliz. 1, CCXXV:27, 31; Cal. S.P. Dom., Eliz. 1, 1581-90, 610; Edward P. Cheyney, A History of England: From the Defeat of the Spanish Armada to the Death of Elizabeth (New York: Longmans, Green, and Co., 1926), I:164-66; and William Camden, The History of the Most Renowned and Victorious Princess Elizabeth, Late Queen of England..., 4th ed. (London: M. Flesher, 1688), 402-18.

<sup>19</sup> S.P. Dom., Eliz. 1, CCXXV:30, 39; CCXXVIII:44; CCXXI:83; and Cal. S.P. Dom., Eliz. 1, 1581-90, 610-11, 635, 660.

soldiers returned with a coarse temperament. Employers were reluctant to rehire the ex-soldiers even if their former jobs had not been filled. As a result, many ex-soldiers could not procure employment. The privy council recognized this problem and on one occasion released all men who had jobs from service and substituted freeholders' sons in their stead. These young men would make excellent soldiers while not adding to the unemployment problem.<sup>20</sup> Further examples of parliament's and the privy council's concern for the employment of ex-soldiers will be provided later in this chapter.

Demoralized, perhaps maimed or sick, most likely destitute, some recently discharged soldiers formed into roving bands and were prone to rioting and theft. Experienced in the use of weapons and having endured the savagery of war, these men did not shrink at the sight of blood.<sup>21</sup> Thus, England was faced with a class of poor persons who were not afraid to turn to violence if needed. These ex-soldiers were perhaps potentially more dangerous to the English social order than all other classes of vagabonds combined.

In London, five hundred discharged soldiers gathered at Westminster and threatened to attack Bartholomew Fair. Through the autumn of 1588, disorderly bands of soldiers continued to roam the streets despite proclamations passed ordering them to disband and more than 2,000 city militia were called out in an attempt to scatter them. By November, Elizabeth ordered that all soldiers who did not depart for

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<sup>20</sup> Dasent, Acts, XV:99-100.

<sup>21</sup> In general, see Cheyney, History of England, I:156-89.

their homes within two days would be executed. But the disturbances continued.<sup>22</sup>

In Plymouth, bands of ex-soldiers formed and threatened to march to the Queen's Court demanding their pay. Military officers were ordered to guard the road to the Court to prevent the disgruntled soldiers from reaching it.<sup>23</sup> In London, the numbers of begging and disorderly ex-soldiers kept rising. By July, 1589, the lord mayor of the city appealed to the privy council for assistance in dealing with the problem. He had attempted to induce the ex-soldiers to return to their home counties by advancing them travelling money, only to find out that most of the men had failed to depart and, in fact, a number of them took on new names in an attempt to obtain further cash advances. The privy council advised him to seek the assistance of the justices of the peace and to use the criminal statutes regarding "masterless men and vagrant persons" to rid the city of these men. Since men could pretend to have served when, in fact, they had not, they were to be sent to the justices of the peace in their home counties, "by whom they are knowne," for settlement of their pay.<sup>24</sup> In July and August, Royal proclamations were again issued ordering the ex-soldiers to return to their home counties and apply for their pay or for local relief there.<sup>25</sup>

By November, 1589, the problem had worsened and disorders remained rampant. Elizabeth issued another proclamation giving "all vagrants and ill disposed persons

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<sup>22</sup> S.P. Dom., Eliz. 1, CCXXVIII:23; Cal. S.P. Dom., Eliz. 1, 1581-90, 630; and Cheyney, History of England, I:184-87.

<sup>23</sup> Cheyney, History of England, II:246.

<sup>24</sup> Dasent, Acts, XVII:453-54.

<sup>25</sup> Cheyney, History of England, II:246.

calling themselves soldiers" two days to secure passports from the nearest justice of the peace, and then to return to their home counties, travelling at twelve miles a day. To help ease the economic burden of ex-soldiers (and also, undoubtedly, to help rid London of these men), men who were pressed into service were ordered to be reemployed by their former masters. Those unable to work were to be relieved by their local parish under the provisions of the existing poor law.<sup>26</sup>

Elizabeth's proclamation was followed by the lord mayor of London and the lord lieutenants of seven southeastern shires being issued commissions to appoint provost marshals. Each provost marshal was then to hire ten mounted men to be paid by monies raised from local taxes. The duties of the marshals and their men were to apprehend and execute, by martial law, "loose, vagrant and masterless persons" who pretended to be ex-soldiers and who committed "many disorders and outrages upon her Majestie's loving subjects." Sheriffs and justices of the peace were also ordered to set watches on the highways from sunset to sunrise and to make searches late at night once a week in every town where disorderly persons might likely be.<sup>27</sup> Such measures were reminiscent of the Statutes of Winchester and Northampton, enacted more than two centuries prior, and were no more successful in their attempts to control crime and public disturbances.

Despite some early promising reports (Hertford County, for example, claimed to have cleared the area of most

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<sup>26</sup> S.P. Dom., Eliz. 1, CCXXVIII:9, 10, 17, 22-23; CCXXIX:8, 21, 44; Cal. S.P. Dom., Eliz. 1, 1581-90, 629-30, 632-33, 635; and Cheyney, History of England, II:246.

<sup>27</sup> Dasent, Acts, XVIII:221-24, 229, 236-38. Provisions enabling justices to search towns for vagrants had been previously enacted as early as 1528 (19 Hen. 8, c. 12).

vagrants),<sup>28</sup> disturbances continued and complaints were heard in the privy council of the "mysdemeanors, insolences and enormities that were dailie commytted...by soche as had ben employed in the warres in forraine partes and others that did pretend and bear a shewe to have served in the warre as souldiers, being the moste parte of them indeed ydle and vagrant persons and soche as lived by pilfering, stealling and wandred from place to place." Men continued to "royottislie and tumultuouslie" assemble despite martial law. Protests from the counties that the costs they bore in applying martial law were more than they could afford fell on deaf ears. The privy council ordered them to keep the provost marshal and his riders on the roads until directed otherwise.<sup>29</sup>

England by now was sending military expeditions to France and by 1591 the numbers of maimed soldiers and fakers begging in the streets or wandering the countryside had further increased. Elizabeth issued a new proclamation on how to deal with the criminals: "That there is a wandering abroad of a multitude of people, the most part pretending that they have served in the wars, though that many have not served at all, or have run away, and therefore ought to be punished instead of relieved." The proclamation again directed that martial law be imposed "for repressing the great number of mighty and able vagrants, wandering abroad

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<sup>28</sup> S.P. Dom., Eliz. 1, CCXXIX:21; and Cal. S.P. Dom., Eliz. 1, 1581-90, 629-30, 632.

<sup>29</sup> Dasent, Acts, XVIII:420-22; S.P. Dom., Eliz. 1, CCXXVIII:10, 17, 22-23; CCXXIX:8; and Cal. S.P. Dom., Eliz. 1, 1581-90, 629-30, 632.

under pretence of begging as soldiers, although known to commit open robberies by the way."<sup>30</sup>

At the same time, Elizabeth recognized that some ex-soldiers "have served and fallen into sickness...and deserve relief." Justices of the peace were then ordered "to use discretion between the unlawful vagrants and the soldiers lawfully dismissed." Thus, all vagrants were to be punished while soldiers "ought to be relieved by some charitable means." Discharged soldiers were to be given travelling money to reach their homes. If they were sick or disabled and unable to work, they were to be "particularly" relieved by their local parish. However, the exact method of relief was not specified, leaving the implementation up to the local parishes.<sup>31</sup>

By 1592, it appears that disturbances by disorderly soldiers were diminishing since parliament was not discussing that problem as frequently as they had been. Perhaps recently enacted reforms in the military pay system, which helped ensure soldiers received money due them, were partly responsible.<sup>32</sup> Or perhaps parliament had become so accustomed to the disturbances that they no longer took special notice of them. In any event, parliament was now discussing the rising numbers of poor, sick, and maimed soldiers found on the streets instead of the amount of crime being committed by vagrants. A number of these men came to the personal attention of the Queen or the privy council

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<sup>30</sup> S.P. Dom., Eliz. 1, CCXL:60; CCXLI:76; and Cal. S.P. Dom., Eliz. 1, 1591-94, 120, 132-33. For examples of how men were levied, see Dasent, Acts, XXIII:223-36, 249-51, 267, 278-79; XXV:9-10, 14-15, 30-31, 35-36, 141-42, 155-57, 302-05.

<sup>31</sup> S.P. Dom., Eliz. 1, CCXL:60; CCXLI:76; and Cal. S.P. Dom., Eliz. 1, 1591-94, 120, 132-33.

<sup>32</sup> S.P. Dom., Eliz. 1, CCXLIV:69-70; and Cal. S.P. Dom., Eliz. 1, 1591-94, 326-27.

members and were recommended to almsman's positions at various ecclesiastical institutions. When there was no vacancy, the privy council exerted pressures by writing letters on the man's behalf to persuade the institution to maintain him until space became available. However, the council had no authority to force the institutions to support the ex-soldiers and some men were issued begging permits, in contravention of laws against vagrants, in order to sustain themselves.<sup>33</sup>

Thus, through 1592, sick, maimed, and disabled veterans were to be provided for by their local parishes under the provisions of existing poor laws. But it is evident, by the privy council's directive in 1586 (where separate collections were to be taken in the churches of London for the relief of soldiers), by Elizabeth's proclamation of 1589 (where employers were ordered to rehire soldiers) and by the recognition that some soldiers were too maimed or ill to return to their homes, that these ex-soldiers were being viewed as a different class of poor person from the common destitute people. Increasingly, greater numbers of men were being called to serve in the army and navy and rising numbers were returning to England diseased and lame. As was pointed out in the last chapter, the system of poor relief, based upon voluntary contributions in the local parish, was decidedly inadequate. It can be speculated that an influx of veterans, unable to provide for themselves and having no family members to assist them, must have burdened the parish tremendously.

#### Voluntary Poor Relief for Ex-Soldiers

It was by now evident to parliament that the provisions for maimed, sick, and poor soldiers were ineffective. In

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<sup>33</sup> Dasent, Acts, XXIII:207; XXIV:46, 67-68, 88, 132-33, 149-50, 168, 181, 184, 200, 293; XXXII:92, 366.

addition, the Queen was aware that provisions for the maimed and sick soldiers were inadequate and she was greatly troubled by the continued sight of these poor soldiers laying about London as she took her daily "air."<sup>34</sup> Local parishes were often failing to provide for the men and local charities did not have the means to sustain the growing numbers of impotent ex-soldiers as the Queen continued her wars. In the spring of 1593, parliament was roused and frequently discussed the plight of sick and maimed soldiers. Members from outlying towns were especially taken aback, when they arrived in London, by the sight of hundreds of apparently destitute soldiers in the streets, and debates began as to how to alleviate the "Poverty of the Land." Quite insightfully, Sir Walter Raleigh pointed out that the soldiers were but one element of the poor. He went on to state that the men of the "broken Companies in Normandy and the Low Countries" remained in London since there was no work for them in their home counties.<sup>35</sup>

In an extraordinary chain of events, the House of Lords proposed that a voluntary "charitable relief and contribution [be] made towards the Aid and help of a number of Souldiers that are seen in the time of this Parliament maimed and sore hurt in the Wars."<sup>36</sup> As already noted, the philosophy of relieving the poor through voluntary donations had a long history in Church as well as in secular law. What made the current proposal so unique was that the Bishop of Worcester moved that every earl of the House donate 40 shillings for relief of the indigent soldiers, every bishop

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<sup>34</sup> S.P. Dom., Eliz. 1, CCXLIV:125; and Cal. S.P. Dom., Eliz. 1, 1591-94, 342.

<sup>35</sup> Sir Simonds D'Ewes, The Journals of All the Parliaments during the Reign of Queen Elizabeth (1682. Reprint. Shannon: Irish University Press, 1973), 492.

<sup>36</sup> D'Ewes, Journals of Parliaments, 463.

30 shillings, and every baron 20 shillings. Members of the House who were not present were to contribute double those sums since they did not have to defray the expenses of residing in London while parliament was in this session (this "penalty" was later deleted).<sup>37</sup> Likewise, in the House of Commons, it was voted that every member of the privy council contribute 30 shillings, every knight and serjeant at law was to give 10 shillings, and every burgess was to donate 5 shillings. When one burgess refused to pay more than 2 shillings, 5 pence, the Speaker threatened to place him in custody, "but most of the members of the same were against it, and so he escaped."<sup>38</sup>

This parliamentary charitable drive to aid ex-soldiers expanded and, in London, butchers were permitted to kill and sell meat during Lent if they bought a license for £10, the proceeds of the license fee to be turned over for the relief of the soldiers. Public subscriptions were also taken with mayors, aldermen, and heads of companies urged to contribute so that "the citie shall be eased of the clamour and trouble those lame, maymed and poor creatures do give goinge up and downe the streets abegginge." When the lord mayor of London only sent in part of the monies collected, the privy council was beside itself and brashly threatened the mayor that they would "sende a certaine number of the poore maymed soldiours with ticketts unto you to receive that money of you, and to be relieved by you until they shalbe satisfied of that somme which was intended for their comferte and helpe."<sup>39</sup>

Officials were appointed to survey and record the names

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<sup>37</sup> D'Ewes, Journals of Parliaments, 462, 463-64.

<sup>38</sup> D'Ewes, Journals of Parliaments, 503, 507.

<sup>39</sup> Dasent, Acts, XXIV:71-72, 167, 170-71; S.P. Dom., Eliz. 1, CCXLIV:118-19; and Cal. S.P. Dom., Eliz. 1, 1591-94, 350. Butchers were again authorized to sell meat during Lent in 1594 (Dasent, Acts, XXV:515).

of maimed and sick applicants in London, determine whether any were currently receiving aid from churches or colleges, and judge whether any were not so disabled that they could work. Within a week, nearly 100 ex-soldiers were authorized to receive 2 shillings every Saturday for twenty weeks, after which time it was expected that parliament would have enacted more permanent measures for their care. Since some poor soldiers, "especiallie soche as are maymed in their legges," would find it difficult to report to the distribution point each week to obtain their pension, some "worthy men" could collect the money for them. Those men who were able enough to travel were ordered to go to their home county where their weekly allotment would be dispensed to them. Provision was made to pay them a penny or two pence per mile, according the severity of their disability, for travel expenses. Those too ill or injured to travel were permitted to remain in London. Persons falsely claiming to be soldiers were to be whipped and returned to their parish as vagrants.<sup>40</sup>

A proclamation was then printed and posted throughout London ordering all vagabonds and beggars to return to their home counties where, if deemed eligible by local officials, they were to be provided for locally under provisions of the poor law. All maimed soldiers, able to travel, were also ordered to return to their home county where they would be supported by the parliamentary pension. Notice was further given, since means of sustenance were now to be provided to all truly needy persons in England within their home county, that anyone found begging in the streets of London could be deemed a vagrant and prosecuted as a felon.<sup>41</sup>

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<sup>40</sup> Dasent, Acts, XXIV: 178-80, 191-93; and Cheyney, History of England, II:251.

<sup>41</sup> Dasent, Acts, XXIV:193-96.

Clearly, parliament had recognized that the poor law could not adequately provide for the destitute soldier. However, these voluntary donations, like earlier measures, were a makeshift attempt to deal with a problem that would not abate easily. Parliament recognized this and in March, 1593, Sir Robert Cecil of the House of Commons, suggested that the whole problem of poverty needed to be considered as evidenced by "the great number of poor people pressing every where in the streets to beg." He stated that there were three classes of poor people who by "Christian Charity ought to be relieved though by sundry degrees." The maimed and lame soldiers were the "first and best kind of those people" and most deserving of relief. Next came the "poor Aged and Diseased honest people." Finally, there were the "stout, idle Rogues" who were to be "punished and set to work."<sup>42</sup>

The House agreed that laws and provisions for all three categories of poor persons needed to be dealt with. In terms of priority, the problems of the "most worthy" category of poor, the soldiers, were to be given attention during the current parliamentary session, while the problems of the honest poor and the criminal vagabonds were to be dealt with in a later session.<sup>43</sup> The resulting legislation, then, applied solely to sick, maimed, and indigent soldiers. Thus, a statute for poor and maimed soldiers was enacted totally outside of poor law legislation. The law was reenacted in 1597 and 1601.

#### First Public Relief Act for Ex-Soldiers

The statute for the relief of ex-soldiers was far more comprehensive than the Act of 1589, in that it provided

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<sup>42</sup> D'Ewes, Journals of Parliaments, 499.

<sup>43</sup> D'Ewes, Journals of Parliaments, 509, 513-14, 516, 518.

permanent pensions for the disabled soldier. The 1593 preamble stated that, "forasmuch as it is agreeable with Christian Charity Policy and the Honor of our nation, that such as have since the 25th day of March, 1588, adventured their lives and lost their limbs or disabled their bodies, in defence and service of Her Majesty and the State, should at their return be relieved and rewarded to the end that they may reap the fruit of their good deservings, and others may be encouraged to perform the like endeavors: Be it enacted."<sup>44</sup>

Three significant points need to be mentioned in regard to the wording of the preamble which illustrates how the provisions for soldiers were to be distinguishable from the provisions for other needy persons under the poor laws. First, the soldiers were not only to be relieved, but rewarded. Thus their pensions were a form of compensation for services rendered. Second, the soldiers were to "reap the fruit of their good deservings." In essence, the soldiers were being declared to be "worthy" men based solely upon their having served in the army. As such, their past lives did not matter in terms of eligibility for a pension. No matter if a man was a criminal, an idler, or a vagrant before he was pressed into service. He was now eligible to be rewarded with a pension without any moral judgement being made as to his worthiness. Finally, diseased and lame soldiers were to be rewarded with pensions so that "others may be encouraged to perform like endeavors." This was a very pragmatic element of the pension philosophy since, it can be imagined, few men would willingly serve in the army and chance injury if they saw maimed soldiers being uncared for.

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<sup>44</sup> 35 Eliz. 1, c. 4.

To support the pensioners, a weekly tax was to be assessed on every parish in England and Wales by the justice of the peace in each county. The tax was to be not less than 2 pence nor greater than 10 pence weekly, which was double the poor law tax. The local parish was then to collect the tax from parishioners weekly and turn it over to the county treasurer. Maimed, sick, and poor soldiers were then to apply to the justice of the peace of their county for a pension. The soldier was to present a testimonial from his former officer "containing the particulars of his hurts and services." According to the nature of the soldier's injuries, and based upon the commendation from the man's former officer, pensions were to be awarded not exceeding £10 a year for a private nor £20 for a lieutenant. Pensions for officers higher than the rank of lieutenant were not authorized. These pensions were generous enough in that a private's yearly pay was £12, out of which he had to pay for his arms and ammunition. Pensions were to be paid quarterly and last "as long as this act shall stand or endure." Anyone who begged or forged his testimonial "shall lose forever his annuity or pension, and shall be taken deemed and adjudged as a common rogue or vagabond person." Provisions were also made to provide monies to transport men from their discharge site to their home county.<sup>45</sup>

The privy council wrote letters to all sheriffs and justices of the peace in England and Wales informing them of the statute and urging their prompt compliance with its provisions.<sup>46</sup> But enforcement of the act was often lax. Operationally, the 1593 statute had problems and shortly after enactment it was reported that since the law read that

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<sup>45</sup> 43 Eliz. 1, c. 3. For simplicity, the provisions of the 1601 statute are cited here. Continued by 3 Car. 1, c. 4; 16 Car. 1, c. 4, and 14 Car. 2, c. 9.

<sup>46</sup> Dasent, Acts, XXIV:298-301.

soldiers were to be relieved either by their county of birth, the county where they resided for three years, or their county of impressment, justices of the peace often sent soldiers from their county of impressment to their county of birth, and vice versa, in attempts to avoid paying the pensions. A number of ex-soldiers who were denied pensions from the county appealed directly to the privy council for assistance. For example, Edmond Goldhurst of Hartford County, was denied a pension although he had spent most of his life in that county. The privy council commanded the justice of the peace to give him his pension since "we do not see how the same can be denied him, and in our opinions the same cane not be bestowed more charitably."<sup>47</sup> In another case, William James of Monmouth County had received a pension for one year, but it had now been stopped, despite "his maims being apparent." The privy council also noted that a Lt. Jones of the same county, who was not maimed, was receiving a pension. The council ordered the pension to James reinstated.<sup>48</sup> Bryan MacGranell, who was maimed in the leg and unable to work, was granted an almsman's room at Westminster, but eleven men were ahead of him on the waiting list. To tide him over until an opening became available, the council granted him a begging passport for one year.<sup>49</sup>

Some men even appealed directly to the Queen and were awarded pensions for life directly from the national treasury. For example, Oliver Randall, who was "utterly maimed and impotent by wounds in war," was granted a pension

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<sup>47</sup> Dasent, Acts, XXVI:74-75.

<sup>48</sup> Dasent, Ac XXV:249.

<sup>49</sup> Dasent, Acts, XXVI:24. For further examples, also see XXIV:468; XXV:9, 12, 16-17, 119-20, 142-43, 148, 182, 188, 199, 291, 386-87, 391-92; XXVII:5, 125-26, 147, 211, 289-90, 339-40, 364; XXXI:102; XXXII:45-46, 418.

of 3 shillings a day for life. Captain Nicholas Dawtrey was granted 5 shillings a day for life while George Watson and Fras. Clayton were given daily pensions of 2 shillings.<sup>50</sup> Likewise, the Queen and parliament continued to intervene on the behalf of maimed or aged soldiers by ordering that they be granted almsrooms at varying institutions.<sup>51</sup> In 1598, it was ordered that a military hospital be built in Buckingham with national funds.<sup>52</sup>

It is salient to note that in the documents reviewed for this research, not one instance of any other class of poor person appealing their case to the privy council or to the Queen was found.

The 1593 statute had problems partly because parishes, already reeling under escalating taxes imposed to care for the poor and to provide work for the able-bodied, often failed to collect the tax for the maimed soldiers;<sup>53</sup> partially because the numbers of ex-soldiers eligible for the pension far exceeded the number that could be provided for; and partially because parliament was unable to enforce compliance upon the parishes.<sup>54</sup> Thus, pensions were frequently denied for frivolous reasons.

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<sup>50</sup> S.P. Dom., Eliz. 1, XIII:35; XCII:42; XCIII:5; CCLXXI:40, 42-65; and Cal. S.P. Dom., Eliz. 1, 1547-80, 104, 468, 470; 1598-1601, 59, 63, 66, 70, 72, 73, 79, 80, 93, 94, 199, 215, 282, 388; and Dasent, Acts, XXVII:156.

<sup>51</sup> Cal. S.P. Dom., Eliz. 1, 1598-1601, 198, 199, 209, 210, 214.

<sup>52</sup> Cal. S.P. Dom., Eliz. 1, 1598-1601, 13.

<sup>53</sup> Dasent, Acts, XXVI:115, 168, 348, 375; XXX:175, 263, 267, 317, 330, 348, 403, 475, 605, 607; XXXI:102; XXXII:45-46, 366, 418; and Mary Bateson, ed. Records of the Borough of Leicester... (Cambridge: University Press, 1908), III:396-98, 403, 430-31.

<sup>54</sup> Dasent, Acts: XXV:9.

In 1597, the statute was reenacted<sup>55</sup> and better compliance from the counties was achieved when stiff fines were assessed for non-compliance. Yet, the problem of vagrancy and crime continued. Martial law in London had not solved the problem of vagrancy, but it did force the vagrants to relocate to areas where enforcement of the law was less strict. Much to the chagrin of parliament, many vagrants were congregating near the Queen's Court, "to the great annoyance of the Court, those bad people having lewd women that follow them, and divers robberyes, pilfryes and other disorders being daily committed by them." Parliament directed the marshals to immediately clear that area of the vagrants.<sup>56</sup>

In response to the continued unruliness of discharged soldiers, another statute was passed which stated that "divers lewd and licentious persons, contemning both Laws, Magistrates and Religion, have of late days wandered up and down in all Parts of the Realm, under the Name of Soldiers and Mariners, abusing the Title of that honourable Profession to countenance their wicked Behaviours, and do continually assemble themselves weaponed in the Highways, and elsewhere, in Troops, to the great Terror and Astonishment of her Majesty's true Subjects....And...many heinous Outrages, Robberies and horrible Murders are daily committed by these desolute Persons." It was ordered that all soldiers should "settle themselves in some service, Labour or other lawful Course of Life, without wandering, or return to their place of birth. Failing to do so would result in their being classified as felons and suffering criminal punishment, "without any Benefit of Clergy allowed." In addition, all ex-soldiers were to carry a

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<sup>55</sup> 39 Eliz. 1, c. 21.

<sup>56</sup> Dasent, Acts, XXV:330.

letter of testimonial from an officer detailing the date and place where they were discharged from military service and their place of birth. If the ex-soldiers were found to be away from their birth town "above fourteen days" from the date of the testimonial, or if their testimonial was forged, they could be placed in servitude for one year, or even executed. Again making a distinction between the truly maimed and the criminal, the statute excluded those who fell sick along their way home and could travel no further. Reflecting continued concern that the ex-soldiers were unable to secure employment even when they desired work, the statute provided that if a soldier returned home and could find no work, he could appeal to the justice of the peace in his county to be placed in work, being paid with tax money. The exact nature of the work to be supplied was unspecified, but by referring the men to the justice of the peace and not to the overseer of the poor, it can be implied that parliament did not intend for the unemployed soldier to labor in work houses with the criminal able-bodied vagrant. If the soldier needed to travel from his place of birth or residence to seek work, he could be issued a temporary license to beg.<sup>57</sup>

In 1598, the Queen, continuing to be disturbed during her walks by the sight of beggars on the streets of London, issued yet another proclamation against beggars claiming to be soldiers. "Whereas many did serve and those who did are provided for in their several counties," she wrote, "there have been unlawful assemblies of vagabonds, pretending to be soldiers, arming themselves, robbing and murdering the people, and the constables who came to their rescue."

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<sup>57</sup> 39 Eliz. 1, c. 17.

Therefore, provost marshals were ordered to "hang by martial law those who are not readily reformed."<sup>58</sup>

Counties outside of London periodically reported on their results of setting up watch and ward procedures in their locales. In Oxon County, a two day and one night watch turned up no beggars or vagabonds.<sup>59</sup> In Essex County, a two day watch turned up a number of vagrants who were then "punished by stocking, and sharp and severe whipping, without redemption or favour, and then conveyed from constable to constable until they came to their place of birth or last abode."<sup>60</sup> In another case, a posse of thirty-seven men broke in the doors at Gorman Abbey, "the chief receptacle of the most dangerous recusants, priests, and fugitives in these parts." However, after thoroughly searching the Abbey, no criminals were found.<sup>61</sup>

By now, parliament was using another method of ridding the country of vagrants that also helped fill the ranks of the army. In 1596, it was directed that men in the gaol of London who were condemned to death be granted a stay of execution and a pardon if they would serve in Her Majesty's service, "with hope of their good demeanour hereafter." A year later, when 700 men were needed for the army, an order went out to arrest and then press into military service any masterless men found in London with no means of support, "because yt wilbe a great ease and good to the country to be ridd of these kinde of people." In 1601, when England

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<sup>58</sup> S.P. Dom., Eliz. 1, CCLXVIII:54; and Cal. S.P. Dom., Eliz. 1, 1598-1601, 93.

<sup>59</sup> S.P. Dom., Eliz. 1, CCLXXV:129; and Cal. S.P. Dom., Eliz. 1, 1598-1601, 494.

<sup>60</sup> S.P. Dom., Eliz. 1, CCLXXII:96; and Cal. S.P. Dom., Eliz. 1, 1598-1601, 317-18.

<sup>61</sup> S.P. Dom., Eliz. 1, CCLXXI:72; and Cal. S.P. Dom., Eliz. 1, 1598-1601, 233.

needed another 1,000 soldiers, justices of the peace were ordered to make "searches in all ale houses, innes and suche places" where vagrants might frequent. In addition, watches were to be placed on "all waies and endes of the streetes toward the fields" until enough vagrants were captured to supply the military need.<sup>62</sup>

Distinctions between Soldiers' Pensions and the Poor Laws

In 1601, the statute for the relief of maimed or diseased soldiers of 1593 and 1597 was reenacted, alongside but separate from the infamous Poor Law of 1601. All the provisions of the 1593 statute were reinstated, but the amount of the pension to be paid and the amount of taxes to be collected weekly were both increased. The statute was to be obeyed with the same diligence as the Poor Law.

The statute for soldiers' pensions differed in a number of ways from the Poor Law. First, there was no requirement that family members support the disabled soldier. By custom, such practices undoubtedly occurred, but the absence of mention of family support in the law was a significant departure from poor law philosophy.

Second, the disabled soldier was to seek assistance from the county, not the local parish level of government. This provision was enacted to ensure no single parish was overburdened with the costs of providing for soldiers. For example, Sir Robert Cecil, in an address in the House of Commons, stated: "For the multitude pressed out of some little shire grows to be greater and the charge more than in some other three shires."<sup>63</sup> Thus, Poor Law precedent, based upon ancient custom and ecclesiastical law where relief was

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<sup>62</sup> Dasent, Acts, XXV:182-83; XXVII:290-91; XXXII:27-28, 145-46.

<sup>63</sup> Quoted in Cruickshank, Elizabeth's Army, 187.

to be provided at the lowest level of government, was not followed.

Third, monies were to be disbursed by the county treasurer, not the overseer of the poor. Thus, the maimed soldier was distinctly separated from being classified as an ordinary poor person. Having faithfully served in the army and having sustained an injury which precluded the soldier from working were the sole criteria for receiving a pension. In addition, his benefits were referred to as a pension which implied that the monies given him were a "benefit" or a "reward."

Fourth, the statute stated that a disabled soldier was to receive a pension either from his county of birth, his county of residence of three years, or his county of impressment. The first two instances (county of birth or residence) imply that the man had to have a place of domicile in a county to receive a pension. As we have seen in the last chapter, residency requirements were an intrinsic condition of British poor law philosophy. This residency requirement was naturally carried forth into soldiers' pension legislation. However, in a marked departure from poor law precedent, the soldiers' pension legislation directed that a man could collect his benefits from the county where he was impressed. Thus, a man did not necessarily have to have a legal residence in order to receive a pension.

The significance of this precedent setting provision can be seen when one remembers that a number of soldiers were recruited or forced into military service from the vagrant or criminal classes of society. Undoubtedly, some of these men returned to England maimed or sick. While surviving records do not indicate whether a pensioner was a former vagrant, it is reasonable to assume that some were. Thus, the county where they were pressed into service was

liable to provide for them. As we shall see in later chapters, this provision for being paid a pension whether a legal resident of a county or not would be transported to the colonies and would set the precedent for state financial aid to the poor.

Finally, funds from the national treasury were periodically used to supplement, or even replace county funds.

Thus, the precedent of using regional and national funds, totally outside of poor law legislation, for the relief of a poor class of citizens--disabled soldiers--had been enacted at the dawn of the seventeenth century.

#### Eighteenth Century Military Pensions

Between 1660 and 1690 England established a permanent standing army, based upon professional soldiers, and it became necessary to develop a new pension program. Since these men might serve twenty, forty, or more years in the military, a system had to be devised to care for aged as well as maimed soldiers. In 1681, Charles II authorized the building of Chelsea Hospital, a home for lame or infirm soldiers (officers were excluded). The hospital was intended to replace the 1601 pension system which had, by now, become quite costly. For example, in 1654 it was reported that more than 6000 pensioners and their dependents were being supported at an annual cost of over £40,000.<sup>64</sup> Again, relying upon the benevolence to the public, money for the hospital was to be raised through public contributions, but funds came in slowly. Charles contributed from his secret service money and deductions from soldiers pay were also taken. Finally, in 1692 the hospital was opened. It had a capacity for 500 persons, far fewer than the number of

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<sup>64</sup> Dean, Chelsea, 17.

soldiers in need. Those awaiting admittance, called out-pensioners, were given monetary pensions from hospital funds to help them subsist. Initially, there were about 100 out-pensioners. However this number increased rapidly and soon the revenue collected from soldier's pay and public contributions was inadequate to support them and it became necessary for Parliament to make periodic grants directly to the hospital. In 1776 there were 13,931 out-pensioners. By 1789 the number rose to 20,592.<sup>65</sup>

In 1697, disbanded officers of the British army were allowed half-pay for life, monies coming from the national treasury. A distinguishing feature of this benefit is that it was (and still is today) called retirement "pay." As such, these retired and disabled men were subject to be called back to duty in case of war. This happened during the Jacobite rebellion in 1715 when twenty-five companies of Chelsea pensioners were formed to take over garrison duties permitting the regular troops to go to the field. No pension plans for widows existed at this time, however, it was customary for fictitious men, or even children of fallen men, to be carried on the roll of each company whose pay was placed in a widow's fund.<sup>66</sup>

Chelsea Hospital was not entirely unique, as it was an elaboration upon hospitals operated in medieval Europe. In fact, Mary I, in 1558, left provisions in her will that a home in London be established to provide for poor, impotent, disabled soldiers.<sup>67</sup> However, it did mark the first

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<sup>65</sup> William H. Glasson, Federal Military Pensions in the United States (New York: Oxford University Press, 1918), 11-12.

<sup>66</sup> Fortescue, History of the British Army, I:385-89, 576-78; and II:6.

<sup>67</sup> The hospital was never opened. Fortescue, History of the British Army, I:126.

extended effort by England to deal with subsidized care and pensions for the disabled, and the philosophy behind Chelsea was easily transported to America and can be seen operating today in the Veterans Administration.

#### Classification of British Military Pensions

From the model outlined in Chapter 1, England's military pension programs in the late sixteenth century were forms of income maintenance programs based upon demonstrated financial needs. In addition, the pensions were based upon having a disabling injury or disease received while in military service (invalid pension). No deductions were withheld from soldiers' pay, the cost of the pension program being totally financed through taxation of all citizens. Funds from the national treasury were also used on occasion to pay pensions. Limited service pensions were also evidenced as being granted to aged soldiers. These might be considered a form of income maintenance pension based upon demonstrated financial need.

By the end of the sixteenth century, with the opening of Chelsea Hospital, a form of health care payment program was initiated to provide the invalid pensions based upon demonstrated financial need. While deductions from soldiers' pay partially financed the new pension system, it was largely supported by public contributions and funds from the national treasury. With the establishment of a professional standing army where soldiers might serve in the military for decades, Chelsea Hospital also provided limited service pensions to aged soldiers.

In 1697, when England instituted provisions to pay officers one-half their pay for life, a form of demogrant pension was established. These officers were to receive their pension regardless of financial need or injury.

Chapter 4  
THE COLONIAL MILITIA, POOR LAWS, AND MILITARY PENSIONS

Chronology

- 1620 Pilgrims land at Plymouth
- 1621 Peace pact with the Wampanoags
- 1623 Communal living in Plymouth ends
- 1632 Militia laws start to be enacted
- 1636 First pension law in North America enacted at Plymouth
- 1636 Rates of petty crime rising
- 1636 Early form of settlement law enacted
- 1637 Military expedition against Pequots
- 1642 First colonial poor law enacted at Plymouth--Other colonies soon follow suit
- 1643 United Colonies of New England formed

### Introduction

The purpose of this chapter is threefold. First, a description of the origins and operations of the colonial militia system is presented. Plymouth Colony is used as the main example. It is from these colonial precedents that the American military system evolved. Special attention is paid to the enactment of militia laws, many of which will be cited in later chapters as the history of the relationship between military and welfare institutions evolves. It is implied that because of the importance of militia duties, the social, religious, and military obligations of the colonists were tightly intertwined. As such, one cannot fully understand the significance of colonial social and religious obligations without also considering the role that military obligations had on society.

Second, an overview of colonial poor law philosophy is presented. Finally, the origins of a military pension system, which evolved outside of the colonial poor law, is discussed. Comparisons between the poor laws and the military pension system are made. It is concluded that the military pension legislation was the precursor of state, and later, federal financial assistance to the poor.

### Assize of Arms in Colonial America

As British immigrants arrived in North America, it would be quite natural for them to implant laws and customs from their home land into the New World. But the colonists did not always blindly copy what they had left behind. In forming a military force, the colonists chose not to follow the Elizabethan practice of training only a portion of the men in the use of the latest weapons and strategy. Instead, they relied upon the ancient principle of Assize of Arms where every able-bodied man was obligated to bear arms and partake in military training.

While extended wars in Europe were bringing countries nearer to the establishment of standing armies, the American colonies could ill-afford to detail able-bodied men as professional soldiers. The men were needed to work the fields, to hunt and trap game, to ship and trade, and to construct homes to shelter families from the elements. The natural environmental perils found in the New World were virulent and a professional army in the colonies was a luxury that could not be afforded. Besides, buffeted by the sea, threat of invasion from European nations was initially remote.

Yet, knowledge of the dangers in the New World had been known in Europe long before permanent settlers strode the North American coastline. Adventurers, traders, and fishermen who had ventured across the ocean returned to port with tales of the great resources to be found in the new lands. They also told tales about hordes of heathen savages roaming the woods; of people whose skin was a coppery red; of primitive men who went about naked, except for a breechclout and moccasins, in the summer; and of villages where people lived in temporary, dirty, dark, foul-smelling shelters made from tree limbs, bark, and reed mats.<sup>1</sup> A fatal error--indeed a fundamental sin--of many European colonists was the assumption that a people so different from the white Europeans could not be considered totally human. Different also implied a threat to safety, and armament was needed to ensure protection against the natives.<sup>2</sup>

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<sup>1</sup> Douglas Edward Leach, Flintlock and Tomahawk: New England in King Philip's War (New York: Macmillan Company, 1958), 2; and Douglas Edward Leach, The Northern Colonial Frontier, 1607-1763 (New York: Holt, Rhinehart and Winston, 1966), 8-10.

<sup>2</sup> See, for example, Russell F. Weigley, History of the United States Army (New York: Macmillan, 1967), 4-9; Herbert L. Osgood, The American Colonies in the Seventeenth Century  
(continued...)

So the colonists relied upon the principle of Assize of Arms. Ships that brought settlers to the New World also brought arsenals of cannon, musket, powder, and shot. All men were under obligation to bear arms and, if need be, to defend the colony from the Indians. All men were also expected to participate in militia training and help construct colonial fortifications.

As was implied in the last chapter, common links to military service have historically bonded men together. When all men share the hardships and perils, as well as the sociable joys and comradery of military service, it is reasonable to assume that they also develop a sense of common heritage with all other men. Such bonding had a profound impact upon how the colonies would care for their men disabled in combat in contrast to other needy classes in society.

#### The Colonial Militia System

To understand how the militia system functioned in colonial America and to see the impact the military had on every aspect of colonial life, it is perhaps best to isolate one colony for closer examination. While some minor local differences existed among the colonies, the records of the

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<sup>2</sup>(...continued)

(New York: Macmillan, 1904-07), I:496-526, II:375-400; Walter Millis, ed., American Military Thought (Indianapolis: Bobbs-Merrill, 1966), xvii-xix; Arthur A. Ekirch, Jr., The Civilian and the Military (New York: Oxford University Press, 1956), 5-7; Timothy H. Breen, "English Origins and New World Development: The Case of the Covenanted Militia in Seventeenth-Century Massachusetts," Past and Present 57 (November 1972): 74-96; Darrett B. Rutman, "The Virginia Company and Its Military Regime," in The Old Dominion: Essays for Thomas Perkins Abernathy, ed. Darrett B. Rutman (Charlottesville: University Press of Virginia, 1964), 1-20; and Morrison Sharp, "Leadership and Democracy in the Early New England System of Defense," American Historical Review 50 (January 1945): 244-60.

Plymouth Colony provide a fair representation of how the militia operated in colonial America.<sup>3</sup>

The Pilgrims, undoubtedly concerned that they might encounter hostile forces upon arrival in the unknown land, hired on a veteran soldier, Captain Miles Standish, to train and lead them in situations that might necessitate military force. After making landfall in November, 1620,<sup>4</sup> the immigrants sailed along the New England coast surveying the awesome expanse of land, occasionally setting anchor and sending ashore armed expeditions to probe the rivers and forests for a hospitable building site. On 6 December, William Bradford, who later became governor of the Plymouth Colony, recorded that one such party of ten men took to the shore with Standish in command. The men hastily built a small barricade, more to shelter them from the cold night air than for defensive purposes. In the morning, three or four of the men left their muskets on the beach while they ate breakfast in the barricade. It was at this moment that the expedition was attacked by a small band of Indians. While the men dashed to the beach for their weapons, Standish commanded the others not to shoot unless they had a target in sight and even then only half of them were to fire lest the Indians catch them all reloading their weapons together. The skirmish ended as quickly as it had started

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<sup>3</sup> Osgood, American Colonies, I:496-526 presents a very good synopsis of the differences between the militia operations of the colonies. For more detailed descriptions of civil and military life in early Plymouth, see Alexander Young, Chronicles of the Pilgrim Fathers of the Colony of Plymouth from 1602 to 1625 (Boston: Charles C. Little and John Brown, 1844); Osgood, I:290-300; and Douglas Edward Leach, "The Military System of Plymouth Colony," New England Quarterly 24 (September 1951): 342-64.

<sup>4</sup> New dates are used throughout.

and neither side suffered casualties.<sup>5</sup> This episode marked the Pilgrims first military encounter in the New World and underscored the importance that Standish and military operations were to play in the development of the colony.

The Pilgrims finally settled at Plymouth on 21 December 1620. The first winter in the New World was near catastrophic for the Pilgrims when exposure to the elements, scurvy, and disease ravaged the colony. As Bradford recollected, "that of 100. and odd persons, scarce 50. remained" by spring, and only six or seven persons suffered no illness.<sup>6</sup> As sickly as the immigrants were, one of their first tasks was to haul cannons from the Mayflower and hoist them onto a military platform they had built, under the direction of Standish, on a hill over Plymouth that commanded the surrounding area. For while disease ravaged them from within, an external threat also menaced them-- attack from Indians who had been seen lurking on the fringes of their encampment.

By spring, much to the surprise of the English, Indians from the Wampanoag tribe, whose territory lay about thirty miles southwest of Plymouth, approached them and a peace pact for mutual defense was established. The Pilgrims' fortune in establishing peaceful relations with the Indians was due, in good part, to the serendipitous efforts of Squanto, an Indian who had earlier been kidnapped by Englishmen, sold into slavery, escaped, and returned to North America. Squanto, who spoke English, was in Bradford's words, "a spetiall instrument sent of God for

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<sup>5</sup> William Bradford, Bradford's History of Plymouth Plantation, 1606-1646, ed. William T. Davis (New York: Charles Scribner's Sons, 1908), 100-103.

<sup>6</sup> Bradford, Of Plymouth Plantation, 108.

their good beyond their expectation."<sup>7</sup> This friendship was obviously of great benefit to the Pilgrims as the Native Americans taught the inexperienced pioneers techniques for wilderness survival, how to plant crops, where to fish, and how to obtain other provisions.<sup>8</sup> Being able to trek through the forests without fear of attack permitted the Pilgrims to obtain ample supplies of meat as they also became fair shots with their muskets. The treaty was also probably beneficial for the Wampanoags since they were at war with the Narragansett tribes and the big guns possessed by the Pilgrims must have offered them a sense of security.

The Pilgrims, undoubtedly, had many varied thoughts about the Indians that they encountered in the strange land. Indians, as Robert Cushman, a resident of Plymouth described them, "were wont to be the most cruellest and trecherousest people in all these parts, even like Lyons, but to us they have beene like Lambes, so kinde, so submissive, and trustie, as a man may truely say many Christians are not so kinde, nor sincere."<sup>9</sup> Thus, the Indians were feared for their treachery, liked for their kindness, and pitied for their inferiority.

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<sup>7</sup> Bradford, Of Plymouth Plantation, 111. Robert H. Bremner, American Philanthropy, 2nd ed. (Chicago: University of Chicago Press, 1988), 5-6, refers to Squanto as the first Indian philanthropist the Pilgrims encountered. Among the many other Indian philanthropists must also be included those of the Powhatan tribe who gave food to the colonists at Jamestown. Without the food, and other aid, the Virginia Colony may not have survived. See, for example, William L. Shea, The Virginia Militia in the Seventeenth Century (Baton Rouge: Louisiana State University Press, 1983), 9-10.

<sup>8</sup> Bradford, Of Plymouth Plantation, 115-16.

<sup>9</sup> Robert Cushman, A Sermon Preached at Plimmoth in New England, December 9. 1621 (London: 1622. Reprint. New York: J.E.D. Comstock, 1858).

Peace with the Wampanoags notwithstanding, the Pilgrims still lived in a hostile environment and by the spring of 1621 the colonists had held four meetings where military procedures mandating the responsibility of all men to bear arms in the defense of the settlement were clearly established.<sup>10</sup> In November, 1621, a messenger from the formidable Narragansett tribe delivered a challenge of war to the colonists, a snake skin filled with arrows. To the delight of the Wampanoags, the Pilgrims brashly sent the snakeskin back filled with powder and bullets. The message was clear--the colonists were ready for either war or peace.<sup>11</sup> Apprehensive of hostilities, in February, 1622, the Pilgrims impaled their town and kept watch and ward<sup>12</sup> around the clock. Enclosed within the fence line were enough gardens to supply the families. Standish also divided the settlers into four detachments, each with a separate military assignment. For example, in the event of a fire, one militia detachment of armed men was assigned to ring the burning building in case the Indians might try to take advantage of the situation with a surprise attack, while the other men fought the blaze. Thus, specialization

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<sup>10</sup> Young, Pilgrim Fathers, 169-70; and Leach, "Military System of Plymouth," 347.

<sup>11</sup> Bradford, Of Plymouth Plantation, 125-26; George Madison Bodge, 3rd ed. Soldiers in King Philip's War being a Critical Account of the War with a Concise History of the Indian Wars of New England from 1620-1677 (Boston: Rockwell and Churchill Press, 1906), 4; and Francis Baylies, An Historical Memoir of the Colony of New Plymouth (Boston: Hilliard, Gray, Little, and Wilkins, 1830), I:87.

<sup>12</sup> "Watch" implied standing armed sentry duty on the palisade or other defensive works in town; "ward" involved performing internal police or constable duties of a civil nature.

of military functions and discipline was evident early in the history of Plymouth.<sup>13</sup>

Around 1622, when John Pory visited Plymouth, he noted that a defensive fence line of 2,700 feet had been built around the settlement.<sup>14</sup> "It was a greater worke for them in this weakness of wants," Governor Bradford wrote, "but the danger of the time required it, and both the continuall rumors of the fears from the Indians hear, especially the Narigansets [Narragansetts], and also hearing of that great massacre in Virginia, made all hands willing to despatch same."<sup>15</sup> By 1627, the town was well fortified as evidenced when Isaack de Rasieres described what he saw:

The houses are constructed of hewn planks with gardens also enclosed behind and the sides with hewn planks, so that their houses and court-yards are arranged in very good order, with a stockade against sudden attack; and at the ends of the streets there are three wooden gates. In the center, on the cross street, stands the governor's house, before which is a square stockade, upon which four patereros are mounted, so as to enfilade the streets. Upon the hill they have a large square house, with a flat roof, made of thick sawn plank, stayed with oak beams, upon the top of which they have six cannon, which shoot iron balls of four and five pounds, and command the surrounding country. The lower part they use for their church, where they preach on Sundays and the usual holidays. They assemble by beat of drum, each with his musket or firelock, in front of the captains door; they have their cloaks on, and place themselves in order, three abreast, and are led by a sergeant without beat of drum. Behind comes the governor in a long robe; beside him, on the right hand, comes the preacher with his cloak on, and on the left hand the captain with his side-arms, and cloak on, and with a small care in his hand; and so they march in good order, and each sets

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<sup>13</sup> Leach, "Military System of Plymouth," 348; and Bradford, Of Plymouth Plantation, 126.

<sup>14</sup> Champlin Burrage, ed., John Pory's Lost Description of Plymouth Colony in the Earliest Days of the Pilgrim Fathers (Boston: Houghton Mifflin Company, 1918), 42.

<sup>15</sup> Bradford, Of Plymouth Plantation, 138-39.

his arms down near him. Thus they are constantly on their guard night and day.<sup>16</sup>

Thus, the Plymouth colonists lived in a small compact armed camp ready to defend themselves against intrusion from Indians.

The Pilgrims had no precedent to fall back upon in formulating their policies with the Indians and had to rely upon their day-by-day instincts. Simply stated, the settler's policy was based upon two tenets. First, they would offer friendship to all natives who agreed to submit to English law, at least while in the vicinity of the colony. Secondly, they would refuse to be intimidated. If they deemed force was needed to maintain their safety or uphold their laws, they so employed it. On several occasions Standish and bands of men were dispatched into the frontier on punitive expeditions and the Indians soon learned how ruthless the English could be.<sup>17</sup> Later, the informal Indian policy was expanded and included efforts to keep the different tribes separated out of fear that they might band together against the colonists. Moral questions aside, such a policy evidently served the settlers well since they lived in relative harmony with the Indians until

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<sup>16</sup> In, J. Franklin Jameson, Narratives of New Netherland, 1604-1664 (New York: C. Scribner's Sons, 1909), 107-08. For a description of the Massachusetts Bay Colony in 1633, see Alexander Young, Chronicles of the First Planters of the Colony of Massachusetts Bay, from 1623-1636 (Boston: Charles C. Little and James Brown, 1846), 391-415.

<sup>17</sup> For accounts of Standish's military forays, see Bradford, Of Plymouth Plantation, 119-20; Bodge, King Philip's War, 4-5; Baylies, Historical Memoir, I:80-81, 102-117; and Leach, Colonial Frontier, 18-19.

1675 and serious threats of attack from the natives were few and far between.<sup>18</sup>

As immigration into the colony continued over the years, the settlers expanded outward onto the frontier in search of suitable land and a number of towns sprang up, some being very remote to Plymouth. The establishment of Duxbury, Scituate, Sandwich, Yarmouth, Taunton, Marshfield, and Barnstable vastly complicated the settler's means of defense since these towns could not rely upon the main settlement for help in emergencies and each had to build its own fortifications and develop its own militia system. A flurry of laws governing the expanding Colony began to be enacted codifying procedures that already were standard practice in the main settlement. A 1632 law mandated that the principle of Assize of Arms be followed:

That each person...have peece powder & shott viz<sup>t</sup> a suffic musket or other serviceable peece for war w<sup>th</sup> bandeleroes sword & other appurtenances for himselfe & each man serv<sup>t</sup> he keepeth able to beare Armes. And that for himselfe & each such person under him he be at all times furnished w<sup>th</sup> two pounds of powder and ten pounds of bullets. & for each default forfeit ten shillings.<sup>19</sup>

By 1636, the law was expanded so that "no srv<sup>t</sup> coming out of his time or other single person be suffered to keepe howse or be for him or themeselues till such time as hee or

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<sup>18</sup> Conversely, it might be argued that the Indians were not a belligerent as commonly portrayed. If this was the case, then peace between the settlers and the Indians might have been maintained without the use of intimidation by the Whites.

<sup>19</sup> Records of the Colony of New Plymouth in New England (Boston: Press of William White, 1855-61), XI:14. Massachusetts enacted similar laws in 1630 and 1632. Records of the Court of Assistants of the Colony of Massachusetts Bay, 1630-1692 (Boston: Rockwell and Churchill Press, 1904), II:12, 21.

they be competently provided of Armes & munition."<sup>20</sup> In 1640 it was ordered that "the Inhabitants of eurey Towne w<sup>th</sup>in the Gouverment fitt & able to beare armes be trayned (at least) six tymes in the yeare," and a man possessing defective arms or failing to appear at training was subject to a fine.<sup>21</sup> Fortifications for the defense of each town were ordered built and every town was to provide a public store of bullets and powder "to be kept by some trusty man or men."<sup>22</sup> In addition, by 1644, all towns were directed to set up an armed watch and ward a "half an hower before The Sunn be set and to continue vntill half an hower after the Sunn is risen," with fines for those men who reported late to their watch.<sup>23</sup> During times of peace, this law was relaxed, or even withdrawn, only to be reinstated as new crisis situations developed. In 1653, when war between England and Holland was threatening, the watch and ward system was reestablished and it even directed that men over

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<sup>20</sup> Records of New Plymouth, XI:17. By 1639, Maryland had a similar law. William Hand Browne et al., eds. Archives of Maryland: Proceedings and Acts of the General Assembly of Maryland, January 1637/38-September 1664 (Baltimore: Maryland Historical Society, 1883), I:77-78, 253-55.

<sup>21</sup> Records of New Plymouth, XI:36, 38-39, 44. As early as 1631, Massachusetts ordered that men be trained weekly. Court of Massachusetts Bay, II:13, 29.

<sup>22</sup> Records of New Plymouth, XI:38.

<sup>23</sup> Records of New Plymouth, XI:43. Similar watches were established in the other colonies as well. See, for example, Court of Massachusetts Bay, II:13, 17, 20, 26, 79, 80, 84, 85, 90, 91, 95, 99, 100, 106, 126, 133, 135; The Colonial Laws of Massachusetts (1672. Reprint. Boston: Rockwell and Churchill, 1887), 111 §12, 112 §12, 114 §18, 154 §1, 155 §1-2, 242 §4.

the age sixty must serve their shift, or provide a substitute in their stead.<sup>24</sup>

Mandatory service in the militia was prescribed by a 1634 law where "all and every person within this Gou<sup>r</sup>ment shalbee Subject to such milletary orders for training and exercise of Armes," as the Governor or his Assistants may see fit.<sup>25</sup> Some were exempted from service, such as those under age sixteen or over age sixty, those deemed physically unfit for duty, those who had three or more sons in the militia, or those who supplied and kept a horse solely for militia use, but the majority of men did serve.<sup>26</sup> As will be discussed in detail later, the first pension law in the New World was passed at Plymouth in 1636, whereby any man disabled in militia service was to be maintained by the colony for life.<sup>27</sup> Thus, the importance of military operations was established early in the colony's history and the obligations of men to serve in defense of their settlement was clearly defined with the colonial treasury supplementing the towns for the expense of maintaining weapons, and even providing fiscal relief for men injured in combat.

Occasionally men were needed for military operations beyond the boundaries of the colony and a conscription law was enacted in 1636 in case too few men volunteered: "That in case of necessity to send forces abroade & there be not volunteers suffic offered for the service then it be lawfull

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<sup>24</sup> Records of New Plymouth, III:24.

<sup>25</sup> Records of New Plymouth, XI:104; and I:22, part 1. Both Massachusetts and Maryland enacted similar legislation. Laws of Massachusetts, 109 §9; and Browne, Archives of Maryland, I:347.

<sup>26</sup> Records of New Plymouth, XI:68, 223.

<sup>27</sup> Records of New Plymouth, XI:106.

for the gouno<sup>r</sup> & Assistants to presse in his Ma<sup>t</sup>ies name their warrant directed to the Constables."<sup>28</sup>

Such an instance where men were needed for military service outside of Plymouth occurred in 1637 when several of the colonies joined forces to go against the Pequot Indians in Connecticut. Plymouth certainly was not eager to send men to fight a war outside of the colony against Indians who had done them no harm. Nor were they eager to fight in a war that Plymouth had previously advised Massachusetts against pursuing. But, as the Governor of the Bay Colony pointed out, if the Pequots won the war they would undoubtedly attack Plymouth as well. Besides, if Plymouth did not agree to help they could not depend on Massachusetts to assist them in the future if such need were to arise.<sup>29</sup> Plymouth consented to help and the General Court asked volunteer militiamen to come forward. Forty men agreed to go, and three others volunteered if they be conscripted.<sup>30</sup> However, before Plymouth could send the men, the other colonies' soldiers defeated the Indians. As numerous historians have well documented, the expedition against the Pequots was not so much a war as it was a punitive massacre. In the one day battle, fewer that 200 colonists killed an estimated 600 to 700 Indians.<sup>31</sup>

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<sup>28</sup> Records of New Plymouth, XI:13. For conscription laws in Massachusetts and Mary<sup>l</sup>and, see Laws of Massachusetts, 73 §1, 111 §11; and Browne, Archives of Maryland, II:196-98.

<sup>29</sup> Bradford, Of Plymouth Plantation, 336-37; and John Winthrop, Winthrop's Journal: "History of New England," 1630-1649, ed. James Kendall Hosmer (New York: Charles Scribner's Sons, 1908), I:213-14.

<sup>30</sup> Records of New Plymouth, I:60-61, part 1.

<sup>31</sup> See, for example, Benjamin Church, Diary of King Philip's War, 1675-76, eds. Alan Simpson and Mary Simpson, (Chester, Conn.: Pequot Press, 1975), 20-21.

Plymouth's militia system was now undergoing a profound transformation. In the seventeen years since the Pilgrims landed, their military operations had progressed beyond the defense of one town, beyond the defense of one colony, into a regional strategy where several colonies might band together. The colony's military functions were now so enlarged that some men were needed for potentially lengthy offensive campaigns. Instead of merely a defensive force that made occasional punitive forays into Indian territory, Plymouth's militia was evolving into the rudiments of a regional army where volunteers were sought to forsake domestic pleasure in the pursuit of military objectives. The principle of Assize of Arms had served the colony well and, by the militia training to which all men were obligated, a pool of potential soldiers had been established from which the colony might draw to conduct military operations distant from their home territory. If not enough men volunteered for such expeditions, the colony was empowered to involuntarily draft them.

The necessity for a regional military alliance was rapidly becoming evident in the colonists' minds as the Indian tribes across the New England frontier grew more aggressive. The creeping westward encroachment of the Europeans was met with increased resentment by the Indians as woods were felled, as lands were fenced, and as snug cabins and outbuildings were erected on pristine land. The Indians had little concept of private ownership of land. All lands communally belonged to the tribe. They didn't understand that what they were selling to the colonists, under English law, was not a right to cohabitation but a right to exclusive ownership. "For a copper kettle and a

few toys, [such] as beads and hatchets," as John Smith put it, "they will sell you a whole Countrey."<sup>32</sup>

Most of the agitation against the colonies was exhibited to the north of Plymouth, particularly in Connecticut. But the Pilgrims were not isolated from the potential of an Indian war and the affairs of Plymouth were increasingly becoming interdependent upon the other colonies, economically and politically as well as militarily.<sup>33</sup>

In 1643, Plymouth and the three other New England colonies took a significant step in providing for a regional defense and in creating the rudiments of a regional army by forming the loose confederation of the United Colonies of New England where each colony mutually agreed to supply militia in the event of territorial threats. Such a confederation had first been proposed in 1637 and again in 1638 after the Pequots had been defeated.<sup>34</sup> Plymouth was to provide thirty men from its eight towns, "to be in continuall readynes to go forth w<sup>th</sup> the confederates when they shall be called."<sup>35</sup> These men were to be paid monthly wages from the town treasury for their services, were to be provided with food, and were allowed to keep any pillage.<sup>36</sup> The confederation of colonies also provided that no individual colony should declare war without the consent of

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<sup>32</sup> John Smith, Advertisements for the Planters of New England (London: 1631. Reprint. Amsterdam: Theatrum Orbis Terrarum, 1971), 10.

<sup>33</sup> Leach, Colonial Frontier, 1-52, presents a very good description of the expansion of the colonies.

<sup>34</sup> Winthrop, Winthrop's Journal, I:231-32; and Records of New Plymouth, VI:ix.

<sup>35</sup> Records of New Plymouth, I:63-64, part 2.

<sup>36</sup> Records of New Plymouth, XI:102, 178; and I:64-65, part 2.

the other colonies.<sup>37</sup> However, "in tyme of feare & danger or suddaine assault of an enemie," the commander of a town militia still had authority to call out his local men.<sup>38</sup>

Each town in Plymouth Colony nominated two or three men to be the general officers of the town militia. These men were then presented to the General Court for review and final selection.<sup>39</sup> The officers, once appointed, could not resign without the permission of the Court.<sup>40</sup> All other officers were chosen by a popular election within the militia. This process introduced politics into the militia and was detrimental to establishing a well trained and well disciplined military force since any officer who insisted upon stringent training and discipline could be quickly voted into the ranks.<sup>41</sup>

By 1643, the colony had established a "Councell of Warr" consisting of the Governor and four men who had the power to call out militia from every town.<sup>42</sup> The militia laws now excluded indentured servants from service and provided that only men who "are of honest and good report" and who are approved by the whole company will be admitted into the militia. Also, "all talking, not keeping sylence,

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<sup>37</sup> Leach, "The Military System of Plymouth," 350-51; and Laws of Massachusetts, 73 §2, 111 §11. For a complete text of all of the acts of the commissioners of the United Colonies of New England, see the entire Volume IX of Records of New Plymouth.

<sup>38</sup> Records of New Plymouth, XI:39.

<sup>39</sup> Records of New Plymouth, XI:39. Massachusetts had a similar procedure. Laws of Massachusetts, 108 §3-4, 116 §21.

<sup>40</sup> Records of New Plymouth, XI:50.

<sup>41</sup> Osgood, American Colonies, I:524-26.

<sup>42</sup> Records of New Plymouth, I:64, part 1; and XI:102, 178.

during the tyme of the exercise, jereing, quarrelling, [and] fighting" was subject to a fine. Whenever a militiaman died, the company was to come together, with arms, "and interr his corps as a soldier." The men were also required to pay a small sum into the malitia treasury annually to help defray militia expenses.<sup>43</sup> In all, there were about 612 men eligible to bear arms in the colony in 1643.<sup>44</sup> Thus, the colony provided guidelines for the military preparedness of the towns, could mobilize all of the militia in towns in the event of a threat on the colony, and men could be called out for defensive or offensive operations prescribed by the United Colonies, but the day-to-day training of the militia was left to the local militia officers who could also call out their force without colonial approval in the event of a local threat. The isolation of many towns and the peril of a surprise attack on a community necessitated local operational control of the militia.

Laws notwithstanding, the Protestant ethic was also a driving force in ensuring all served in the militia. The ethic demanded that the will of the individual be subordinate to that of the community and militia service was an inherent responsibility just as religious piety was an inherent duty. Perhaps the Massachusetts Colonial General Court voiced the relationship between religion and military most succinctly in the preamble to its militia law of 1643: "As piety cannot be maintained without church ordinances & officers, nor justice without lawes & magistracy, no more can our safety & peace be preserved without military orders & officers."<sup>45</sup> In Plymouth, it was ordered in 1643 that all

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<sup>43</sup> Records of New Plymouth, I:61-62, part 2.

<sup>44</sup> Records of New Plymouth, X:187-96.

<sup>45</sup> In, Osgood, American Colonies, I:497.

militia training open and close with prayer and that a sermon be preached to them once yearly.<sup>46</sup>

Military duty, civic and family responsibilities, and religious obligations were equally important in Plymouth. In fact, the several activities could be performed simultaneously since every town in the colony erected a public meeting house, which also functioned as the prayer house, and a military practice field was maintained next to the public house. Attendance at public worship was mandatory, as this 1651 law reveals: "It is ordered That if any lazey slothfull or prophane way doth neglect to com to the publick worshipp of God shall forfeit for every such default ten shillings or bee publickly whipte."<sup>47</sup> Likewise, public law mandated that, "a forthe parte of each milletary Companie in this Jurisdiction shall euery Lords day carry theire armes to the publicke meeting in the Township where they dwell viz: some serviceable peece and sword and three charges of powder and bulletts on paine of the forfeiture of 2 shillings and six pence for each daies neglect; and this to be observed from the first of March to the last of Nouember yearly."<sup>48</sup> Thus, militiamen would exercise every Sunday in full view of their neighbors and family fostering the colonial ties between religion, civic spirit, family relationships, and military obligations.

During the first thirty or forty years of colonization, the mandates regulating church attendance and militia obligation were so sacred that they often took precedence over all other colonial laws. For example, since attendance at church and military practice was mandatory on the Sabbath, sheriffs often used that day to locate men for whom

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<sup>46</sup> Records of New Plymouth, I:61, part 2.

<sup>47</sup> Records of New Plymouth, XI:58.

<sup>48</sup> Records of New Plymouth, XI:106-07, 67-68.

they had a warrant to arrest. In 1664, the Maryland court ordered sheriffs to stop such practices since "men in danger of Arrests haue been deterred from the service of God & the Lord Proprietary of this Province."<sup>49</sup>

Through the years, as the colonists became more secure in their immediate environment, the number of required training days in Plymouth was reduced to four times a year and the quality of militia training began to falter. In addition, some of the new settlers lacked the Protestant idealism and discipline of the original Pilgrims (in 1650, but thirty of the original Pilgrims were alive and only twelve remained in 1679)<sup>50</sup> and resisted the regimentation of martial life. Officers and common militiamen alike were private citizens--farmers, lumbermen, merchants, fishermen, artisans--and military duty took them away from activities necessary for daily survival.

The militia system was still functioning, but by now it had taken on characteristics of a fraternal organization. Officers were elected by popular vote, only freemen and those in good report were accepted as members, monthly dues were paid, militiamen were buried with great ceremony, pensions were guaranteed to men injured in service, and training days had often become an opportunity for great frivolity and socializing. Attention to military discipline and maintenance of arms was often lacking.<sup>51</sup>

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<sup>49</sup> Browne, Archives of Maryland, I:485.

<sup>50</sup> Bradford, Of Plymouth Plantation, 414.

<sup>51</sup> The mounted, or calvary, unit in Plymouth was even a more exclusive fraternity than the common militia. Founded in 1658, only men of some means who could afford to own and maintain a personal horse could join. As an incentive, these men were exempted from performing foot duty and from watch and ward duty. Their horses were also exempt from colonial tax. The first mounted unit consisted of thirty-three men. In 1675, when war with the Indians was

(continued...)

When the Pilgrims sailed from England in 1620, they left behind a culture based upon familial lineage and social standing where economic mobility was nearly impossible to achieve. In its place, the colonists developed a new social order based, in large part, upon military standing. From the earliest colonial records on, men who were officers or sergeants in the militia are referred to by their military rank. Such martial regimentation of colonial society probably fit nicely with the colonist's rigid Protestant ethic. While military discipline waned with passing years, adherence to military protocol and custom did not, perhaps reflecting the scarcity in Plymouth of other fraternal organizations. In any event, a fascination for martial life was ingrained into the very roots of colonial America and would subtly affect how the colonies provided for their wounded soldiers in times of war.<sup>52</sup>

The General Court continued to be concerned about potential hostilities from Indians plus the increasing threats of interference from foreign powers and recognized the need to keep a strong militia force at the ready. In April, 1667, the Council of War issued strict military orders requiring sentinels to remain alert and awake on duty, that the password was not to be revealed or changed without proper order, that at the sound of alarm all militia

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<sup>51</sup>(...continued)

imminent and the men refused to purchase carbines and serve as dragoons as ordered by the Court, the mounted troop was disbanded. Records of Plymouth, XI:107, 183, 240; Osgood, American Colonies, I:505; and Bodge, King Philip's War, 457. Both Massachusetts and Maryland had laws ordering militia units to exercise at least six times a year. As tensions with the Indians eased, training was reduced to four times yearly. Laws of Massachusetts, 108 §5, 266 §2; and Browne, Archives of Maryland, I:412-13.

<sup>52</sup> Virginia (and likely the other colonies as well) developed similar social orders based upon military regimen. See, Shea, Virginia Militia, 15.

were to immediately respond, that no man was to flee from battle unless a proper retreat had been ordered, that all arms were to be kept clean and in good working order, and that all should make themselves known to and obey a posted sentinel or face possible death.<sup>53</sup> In 1675, colonial fears of an Indian war became a reality as one of the bloodiest conflicts in North American history erupted.

### Colonial Poor Laws

#### The Early Years in Plymouth--Communal Living

Life in the early years of Plymouth did not require the establishment of, nor were there the means to provide for, an elaborate welfare system. The colonists had arrived in New England with few worldly possessions and all faced the same perils of wilderness survival where a harsh winter might ravish them with disease, a dry spring might plunge them into starvation by fall, or a late arriving supply ship might leave them near unclothed. The Pilgrims were concerned with the harsh realities of day-to-day survival, and death, which had already relentlessly taken many a strong person, would most certainly grab the non-industrious or imprudent. For example, in 1623 Governor William Bradford of Plymouth wrote of a group of brazen adventurers who left the main settlement and attempted to resettle in Massachusetts. They squandered their supplies,

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<sup>53</sup> Records of New Plymouth, III:146-47.

And after they begane to come into wants, many sould away their cloathes and bed coverings; others (so base were they) became servants to the Indeans, and would cutt them woode and fetch them water, for a cap full of corne; others fell to plaine stealing, both night and day, from the Indeans, of which they greevosly complained. In the end, they came to that misery, that some starved and dyed with cold and hunger. One in gathering shell-fish was so weake as he stuck fast in the mudd, and was found dead in the place.<sup>54</sup>

Those who judiciously chose to stay in Plymouth and work hard could rely upon communal cooperation, the epitome of ancient European mores, for assistance in time of need. Land was communally farmed and if anyone fell ill or lame, all settlers were obliged to assist, no matter how scant the colony surplus might be.<sup>55</sup>

Widespread destitution, in the British sense, was not evident in the colony. There were no beggars roaming the town and crime, at least among the English themselves, was rare. During the first few years of the settlement, when the population was small, few persons were better off than their neighbor. Yet, poverty is relative to both historical time and environment. That is, what is considered to be destitution or poverty by one culture or at one time in history might not be considered as such by another culture or at a different time in history. Bradford's remarkable journal on the early years at Plymouth certainly reflects that the Pilgrims were aware of their hard life and, at times, dire circumstances. But they generally did not consider themselves to be impoverished or destitute. To the outsider, however, they must have appeared more destitute than the most depraved, bug-laden, foul-smelling tramp in

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<sup>54</sup> Bradford, Of Plymouth Plantation, 142.

<sup>55</sup> Bradford, Of Plymouth Plantation, 105, 108, 139, 158; and Osgood, American Colonies, I:109-17.

all of Britain. For example, in 1623 Bradford writes of the reaction a new group of settlers had upon landing at Plymouth and seeing the Pilgrims:

These passeangers, when they saw their low and poore condition a shore, were much danted and dismayed, and according to their diverse humores were diversly affected; some wished them selves in England againe; others a fell weeping, fancying their own miserie in what they saw now in others; other some pitying the distress they saw their friends had been long in, and still were under; in a word, all were full of sadnes.<sup>56</sup>

The correlations between the first couple of years in Plymouth and life in medieval England, as described in an earlier chapter, are striking. In both societies, concern with daily survival was of paramount importance and people were at the mercy of their physical environment for the physical necessities of food and shelter. Spiritually, there was but one church in both societies to which all were obliged to belong. Since people were essentially isolated from outside influence, except from their immediate environment, town regulations and church rules were usually intertwined. In Plymouth, both the Protestant ethic and civic obligation inherently required that persons work for the mutual benefit of all. In times of sickness or personal suffering, all colonials were divinely (and pragmatically) obliged to help. In the early records of the colony, there is no reference to "charity" or "alms-giving." Helping a needy settler was simply considered both a moral and civic obligation. During these first couple of years, there was no need to enact rigid secular law as millennia old social customs could be relied upon.

However, by 1623, the communal organization of the colony was faltering as personal ambitions began to override communal custom.

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<sup>56</sup> Bradford, Of Plymouth Plantation, 156.

### The End of Communal Living

A profound change in the social structure of Plymouth occurred in 1623. For over two years the colony had been relying upon communal cooperation for their existence. All were to tend the fields and hunt game to fill the community store. In times of surplus, all would share equally. In times of want, all would feel the pains of hunger. However, as Bradford recorded, communal living "breed much confusion and discontent." The strong, young men complained that they put in more work than "he that was weake and not able to doe a quarter the other could." That the aged or weaker were to receive the same communal benefits as the young and industrious "was thought injuestice." Wives complained that "to be commanded to doe servise for other men, as dresing their meate, washing thier cloaths" was unfair and "they deemed it a kind of slaverie."<sup>57</sup>

Thus, Plymouth's communal society was replaced by a system based upon competition and all families were assigned a private piece of land which they were to till for their own benefit. Bradford recorded that this change met with immediate economic success, "for it made all hands very industrious, so as much more corne was planted then other waise would have bene....The women now wente willingly into the field, and tooke their litle-ons with them to set corne, which before would aledg weaknes, and inabilityie."<sup>58</sup>

With an end to communal living also came a reemphasis on the importance of the family as the cornerstone of society and every person had to be a member of a family to ensure survival. The family was to plant and harvest their own food, make their own clothes, build their own houses, and care for their own sick and elderly. The head of the

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<sup>57</sup> Bradford, Of Plymouth Plantation, 147.

<sup>58</sup> Bradford, Of Plymouth Plantation, 146.

house was expected to support his family and in his old age, his children were expected to support him. The father usually owned his land until he died and his sons, bound to him out of economic necessity, often built their houses on and farmed his land, thus offering the aged some security in old age.<sup>59</sup> Widows often did not fare quite as well in their old age as men did. For example, a widow would usually be granted only one-third of her late husband's estate, the remainder of the estate going to her children.<sup>60</sup>

The system of family responsibility for the welfare of its own members evolved naturally, just as it did in England, from ancient social customs. This system did not require the enactment of colonial laws to regulate it until the colony began to grow with the influx of new settlers in the mid 1630's. In fact, as we shall see later, it wasn't until 1642 that Plymouth enacted its first poor law.

However, since the family was to be responsible for the welfare of all its members, by 1636 the colonial courts were enacting legislation regulating the family. For example, the all important choice of marriage partners could not always be left to young, naive, impulsive lovers. In 1636, Plymouth enacted a law whereby no marriage was to be performed without the consent of the parents of the couple or, in their absence, without the approval of the Governor or his Assistants.<sup>61</sup> Just as important to the welfare of the colonies was the care and provision for children. All children, to prevent them from becoming idlers, were to be

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<sup>59</sup> John Adams and Alice Kasakoff, "Migration and the Family in Colonial New England," Journal of Family History 9 (Spring 1984): 24-42.

<sup>60</sup> Records of New Plymouth, XI:12; and Laws of Massachusetts, 42 §1.

<sup>61</sup> Records of New Plymouth, XI:12. Massachusetts enacted a similar law. Laws of Massachusetts, 101 §3.

taught to read, given lectures on the laws of the colony, given religious education, brought up in some calling or trade, and punished when they misbehaved.<sup>62</sup>

If parents would not or could not provide for their children, the court could remove the children from the parental home and place them with a family who would provide for them. The first record of a child being placed out in Plymouth occurred in 1636 when Benjamin Eaton, son of the late Francis Eaton, was indentured, with the approval of his natural mother, to "Bridgette Fuller, widow, for 14 years, she being to keep him at school 12 years, & to imploy him after in such seruice as she saw good & should be fitt for."<sup>63</sup> Thus, the colonists had established a form of child protective services complete with a form of foster care. This example also highlights the interrelationship between the "fiscal" and "personal social service" welfare structure in early colonial society. While this research focuses on fiscal welfare, it is apparent that the origins of personal welfare services (i.e., rudimentary casework) can also be traced through colonial America.

Living alone without family to provide moral guidance and financial support most certainly would lead one astray, it was thought. This was the case in 1634 when it was ordered that Tho. Higgens, perhaps a teenager or young adult, "having lived an extravagant life, was placed w<sup>th</sup> John Jenny for eight yeares, to serue him as an apprentice, during w<sup>ch</sup> time the said John competently to provide for

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<sup>62</sup> See, for example, Laws of Massachusetts, 26 §1, 27 §2, 28 §6, 92 §1, 141 §1, 233 §1, 236 §9.

<sup>63</sup> Records of New Plymouth, I:36-37, part 1. In 1672, Robert Marshall was warned to support his two children. A year later, when he still failed to do so, they were removed from his home and indentured to learn "some trade or manufactory for thiere future good." Records of New Plymouth, V:85, 116.

him, & at theend thereof to giue him double apparell, 12 bushels of corne, & 20 acres of land."<sup>64</sup> Likewise, in 1638, Web Abney was sentenced by the court to sit in the stocks "for disorderly liueinge in idleness & nastyness." Further, it was ordered that he find a master or the court would find one for him.<sup>65</sup>

Being placed out was not limited to children or single persons. In 1653, Thomas Brayman and his wife were out of work. To avoid public expense in supporting them, it was ordered that "his wife bee putt forth to seruice, being younge and fitt for the same, and haueing noe other way soe likely to procure her mayntenance."<sup>66</sup>

Thus, with the end of communal living in Plymouth came a social system based upon competition with the family unit being the primary social institution. It was expected that everyone belong to a family and that the family provide support to all of its members. Until the early 1640's, poor relief was usually handled informally and at the local level. Relief, following the millennia old custom of the family taking care of its own, morally obligated relatives, neighbors, and friends--the persons closest to the unfortunate person--to be present and provide whatever support was needed. In the absence of family or friends, the local community might provide for the poor, either by custom or by town ordinance. There was little need in the

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<sup>64</sup> Records of New Plymouth, I:21, part 1.

<sup>65</sup> John Wakefield was also ordered to find a master in 1638. Records of new Plymouth, I:87, 106, part 1. Also see XI:22. In addition, see Laws of Massachusetts, 26 §1, 27 §7, 149 §7.

<sup>66</sup> Records of New Plymouth, III:37-38.

first ten or twenty years of colonial existence to sanction these informal practices by rigid laws.<sup>67</sup>

Problems of Crime and Poverty Recognized

By the mid 1630's, as immigration into the colonies increased, problems with both crime and poverty increased. A rising number of immigrants were adventurers and criminal vagrants plucked from the streets of London and forced to immigrate to colonial America. These persons frequently lacked both the industry and the skills necessary for frontier survival and, upon arriving in New England, were either unable or unwilling to provide for themselves.<sup>68</sup> As can be easily imagined, some new arrivals who were bound into involuntary servitude probably took to the roadways in the dark of night hoping to obtain freedom. But, having no family or friends in the New World to help them, these people frequently could not find work and resorted to beggary and theft as they roamed searching for sustenance. The need for a systematic poor relief system and a means of controlling the indiscriminate influx of people into the colonies was becoming evident.

The colonies, unlike England, had no poor houses, hospitals, or fraternal organizations which could provide for the poor or the aged or the infirm. Neither did they have any prisons in which to confine criminals. There is no evidence to indicate that either beggars or roaming bands of

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<sup>67</sup> There is some evidence in court records that colonial governments were aware early that there were poor people in the colonies and that they needed assistance outside of the family to survive. For example, in 1632, Massachusetts ordered that the "strong water" of Mr. Allen, about two gallons, be delivered to the deacons of Dorchester to be sold for the relief of the poor. Court of Massachusetts Bay, II:26.

<sup>68</sup> Osgood, American Colonies, I:112-15.

criminal vagabonds were as prolific in the colonies as they were in England during the first half of the seventeenth century. However, as the court records of Plymouth reveal, by 1636 petty crime was increasing and there was a concern about the number of indigent outsiders who were entering the colony and becoming a personal nuisance as well as a public burden. In response, the General Court of Plymouth ordered that stocks and a whipping post be built in every town in 1636.<sup>69</sup> In 1639, Plymouth also authorized the building of their first prison.<sup>70</sup>

In 1636, Plymouth recognized that newly arrived settlers were seldom rich. In an attempt to stave off the influx of strangers, the colony enacted its first residency law, where "noe person or persons hereafter shalbe admitted to liue and inhabite w<sup>th</sup>in the Gouverment of New Plymouth w<sup>th</sup>out the leaue and likeing of the Gourner or two of the Assistants at least."<sup>71</sup> In addition, the Assistants were granted authority to "examine any suspicious persons for evill against the colony."<sup>72</sup> By 1639, the court, attempting to prevent "Idleness and other euells," required any persons who were suspected of having meager means of subsistence to account for how they got their living.<sup>73</sup> Towns seldom had much excess and were struggling to provide for the rising

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<sup>69</sup> Records of New Plymouth, XI:11.

<sup>70</sup> Records of New Plymouth, XI:12, 35. Massachusetts and Maryland also faced rising problems with crime. Laws of Massachusetts, 127 §2; and Browne, Archives of Maryland, II:17-18, 23-24, 46-55, 70-74.

<sup>71</sup> Records of New Plymouth, XI:26. Massachusetts enacted similar laws. Laws of Massachusetts, 143 §1, 226 §7-8.

<sup>72</sup> Records of New Plymouth, XI:7.

<sup>73</sup> Records of New Plymouth, XI:32. Also see Laws of Massachusetts, 66 §1-2.

numbers of poor who had no families to support them. It must be remembered that the majority of people in early colonial New England were living at bare subsistence levels. A poor fall harvest could throw even the most industrious colonial into destitution. Even when towns could provide assistance to the poor, it was usually only enough to prevent outright starvation.

To ensure that idle and impotent persons did not settle in a town and become a burden on the local residents, a 1642 Plymouth law, cited by many historians as being the first residency law in the colonies, required that all newcomers had to reside in a town for three months before they could be considered residents. Since non-residents were ineligible for local public relief assistance, idle or impotent persons could be discovered and removed from the community before they became legal residents.<sup>74</sup> In 1644, the three month requirement to establish residency in a town was withdrawn for all except those suspected of being poor.<sup>75</sup>

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<sup>74</sup> Records of New Plymouth, XI:40, 111-12. Massachusetts enacted similar laws. Laws of Massachusetts, 123 §1-2, 153 §1, 238 §16.

<sup>75</sup> Records of New Plymouth, XI:111-12, 40-41. To help eliminate the growing problem of "outside" poor coming into a town, the following law concerning vagrants was enacted in 1661:

It is enacted by the Court and the Autoritie therof that if any person or persons shall come into this Gou'ment That according to the law of England may Justly bee accounted vagabonds; the Marshall or the Constable of the Towne wherevnto they come; shall apprehend him or them; and vpon examination soe appeering; hee shall whip them or cause them to be whipt with rodde; so as it exceed not fifteen stripes; and to giue him or them a passe to depart the Gou'ment and if any such person or persons shalbee found without theire passe; or not acteing according thervnto they shalbee punished againe as formerly; and incase any

(continued...)

These residency laws also established statutory precedent in the colony for determining who was responsible for the public relief of the poor. For over thirty years, towns had been informally taking on the responsibility of providing for the poor in the absence of families. Now, by law, once a person or family established residency in a town, that town was legally responsible for their welfare. However, some towns might have a larger number of poor persons than other towns. To even out the distribution of the poor, Massachusetts, which was besieged by numbers of newly arrived poor in 1639, ordered that the magistrates of every county court were to "have power to dispose of all unsettled persons into such Towns as they shall judge to be most fit for the maintenance and employment of such Persons and Families, and the ease of this Country."<sup>76</sup> If a town did not provide for a legal poor resident, the colonial General Court might step and order the town to do so.<sup>77</sup>

Plymouth Colony was also trying to regulate the influx of settlers for another reason; intolerance of religious beliefs. For example, in 1639, the town of Sandwich

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<sup>75</sup>(...continued)

Constable of this Jurisdiction shalbee vnwilling or can not procure any to Inflict the punishment aforesaid; that then they shall bringe such persons to Plymouth to the vnder Marshall and hee shll Inflict it (Records of New Plymouth, XI:206).

<sup>76</sup> Laws of Massachusetts, 123 §1.

<sup>77</sup> In 1642, the Massachusetts General Court ordered that the town of Hingham was to provide for Mrs. Strainge and her child "according to their necessity that they may bee comfortable maintained by the help of such worke, as she shall be able to doe." Court of Massachusetts Bay, II:119-20. In Plymouth, when two towns disputed which was responsible for the provision of John Harmon, "an impotent man," the General Court, in 1683, ordered that the towns take turns supporting him in successive years. Records of New Plymouth, VI:113.

declared that "many inhabit<sup>s</sup>...are not fitt for church societie." To prevent more of these types of persons from entering the town, it was ruled that no newcomers were to be admitted to the town without the approval of the church, even if they could afford to buy a house and land and support themselves.<sup>78</sup>

#### The Colonial Poor Law

It can be speculated that during the first fifteen or so years of the colony's existence, Plymouth (and probably the other colonies as well) did not face a significant problem in caring for their poor and informal systems of caring for family and neighbors worked fairly well. Most people were fairly healthy and able to support themselves and their relatives. However, as already discussed, the rising numbers of indigent persons arriving in the colony was a growing concern. In addition, a more formalized system for the relief of the poor was needed. Plymouth was now faced with its first generation of elderly citizens as the original Pilgrims and other early settlers were advancing in age.<sup>79</sup>

Plymouth passed its first official poor law in 1642: "That euery Towneship shall make competent prouision for the mayntenance of their poore according as they shall fynd most convenyent & sutable for themselues by an order & generall agreement in a publike Towne meeting."<sup>80</sup> This law, reflecting ancient European social mores and more recent English poor law precedent, squarely directed that the administration of poor relief was a local, not a colonial, responsibility.

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<sup>78</sup> Records of New Plymouth, I:134, part 1.

<sup>79</sup> Bradford, Of Plymouth Plantation, 210, 212.

<sup>80</sup> Records of New Plymouth, XI:41, 111.

While the residency laws prescribed who was to be considered a resident of the town and thus eligible for poor relief assistance, the law did not prescribe uniform means of providing for the needy. In practice, the poor were often provided with assistance in the form of food or other provisions.<sup>81</sup> For example, in 1644 the town of Yarmouth, in Plymouth, received a donation of a heifer from a Mr. Andrew Hellot, "for the benefitt of the poore." The heifer was then given to Thomas Payne for a period of three years, he being able to keep any offspring. After the three years, the heifer was to be given to another poor family for their benefit.<sup>82</sup>

The poor law also failed to specify how towns were to determine who was to be provided for. Such a determination was left to each local community since every person's condition and need could best be judged at the local level. Most certainly, assistance was only given to those who had no family available capable of helping them. While the local towns usually took their obligation of providing for their poor quite seriously, the failure of colonial law to specify criteria to be used in determining who was to be eligible for poor relief resulted in the poor having no legal right to public assistance. As we shall see later, this absence of a legal right to public assistance for the ordinary poor citizen would be in marked contrast to the explicit legal right to public assistance that military veterans and their families would have.

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<sup>81</sup> See, for example, Court of Massachusetts Bay, II:92, 97, 102, 107.

<sup>82</sup> Records of New Plymouth, I:70, part 2. The first cattle shipped from London arrived in Plymouth in 1624 to aid the poor Pilgrims. Bradford, Of Plymouth Plantation, 166, 204, 205, 217; and Records of New Plymouth, XII:9.

While the 1642 poor law codified each local community's responsibility to care for its own destitute citizens, it should not be taken as the first evidence of colonial concern for the poor. Local towns had been providing for their poor, either by informal custom or by local town ordinance, before the colonial poor law was enacted. For example, in 1641 the General Court ordered that parents who were already being relieved by towns and who had children who were not working were to put their children into profitable employment. If they failed to do so, the town could remove the children and place them with a family who would employ them.<sup>83</sup>

All of Plymouth's laws concerning the welfare of its people (e.g., laws concerning the care of children,<sup>84</sup> laws

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<sup>83</sup> Records of New Plymouth, XI:38.

<sup>84</sup> In 1658, the law concerning the welfare of children was expanded and bears striking similarity to modern child protective service programs, which again highlights that the origins of social casework can be traced to colonial America:

Whereas it is obserued that diuers persons in this Gou'ment are not able to prouide Competent and convenient food and raiment for their Children wherby it is that poor children are exposed vnto great want and extremitie;

It is enacted by the Court and the Authoritie therof that two or three men shalbee chosen in euery township of this Gou'ment that all such as are not able to prouide nessesary and convenient food and clothing for their Children and will not dispose of them themselues soe as they may bee better prouided for; such said children shalbee desposed of by the said men soe appointed as they shall see meet soe as they may bee comfortably prouided for in the p'mises and the seuerall townes shall returne the names of such men as shalbee deputed and chosen vnto the Court (Records of New Plymouth, XI:111).

concerning servants who fell ill,<sup>85</sup> or laws concerning children or elderly sent from another town to be cared for or educated<sup>86</sup>), placed the responsibility of providing for the poor directly on the town, not the Colonial government. However, not generally recognized by historians is the fact that colonial military pension laws, like the English military pension laws already discussed in a previous chapter, placed the burden of relief for a distinct category of poor persons--disabled and indigent soldiers--directly upon the colonial treasury.

#### Colonial Military Pensions

In the American colonies, as early as 1624, nearly twenty years before any colonial poor law was enacted, the general assembly of Virginia passed a military pension law and sent it to England for ratification. It read: "That at the begininge of July next the Inhabitants of every Corporation shall falle upon their adjoyning Salvages as we did last yeere, those that shalbe hurte vppon service to be cured at publique Charge, in case any be lamed to be mantayned by the Country accordinge to his persone and

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<sup>85</sup> Servants who fell ill were to be maintained by their masters during their time of service, and when such service expired, "to be releaved by the Township where he is" (Law of 1642, Records of New Plymouth, XI:40).

<sup>86</sup> This 1642 law directed that any children or elderly sent from another town "to be nursed or schooled or otherwise educated or to a Phisition or Chirurgeon to be cured of any disease or wound &c yf they come to stand in need of releefe they shall be releued and mayntained by the Townships whence they came or were sent from and not by that Township where they are so nursed educated or at cure" (Records of New Plymouth, XI:40).

qualitie."<sup>87</sup> However, the law arrived in England too late for ratification by the Virginia Company. Therefore, the first legal colonial pension law passed in North America came from the Pilgrims at Plymouth in 1636, six years before the colony poor law was codified, when they enacted in their court that "if any man shalbee sent forth as a souldier and shall returne maimed hee shalbee majntained competently by the Collonie during his life."<sup>88</sup> This law was enacted in anticipation of a war against the Pequot. However, as we have seen, Plymouth did not send any soldiers into battle and maintained relative peace with the Indians until 1675. Thus, the provisions of the pension law were not applied until King Philip's War, which will be discussed in detail in the next chapter.

In 1642, Maryland passed a pension act which went beyond the provisions of the Plymouth law in that it specifically included relief to a maimed soldier's family as well as the payment of any medical expense incurred in treating the soldier:

And if any person pressed to goe vpon any publique Service or expedition by authority of any Law of the Province, receive any corporall harme in such servuce whereby he shalbe disabled to follow his labour or calling, he shalbe cured, and he his wife & children (if he have any and not otherwise meinteinable) shalbe meinteined till he be able to work, at the charge of the Province or County, in such manner & according to such rates & proportions as the Court shall assesse.<sup>89</sup>

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<sup>87</sup> The Records of the Virginia Company of London (Washington, D.C.: United States Government Printing Office, 1906-35), IV:584.

<sup>88</sup> Records of New Plymouth, XI:106.

<sup>89</sup> Browne, Archives of Maryland, I:198. Reenacted in 1661 and confirmed in Lord Baltimore's name in 1662 (I:402, 403, 408, 436).

In 1678, the Maryland pension law was expanded and not only provided a yearly pension to men injured in defending the province, but also provided a pension to widows and orphans:

That every person that shall adventure as a Soldier in any warr in defence of this Province and shall therein happen to be maimed or Receive hurt soe as he therby be rendered vncapable of getting a Livelyhood as aforesaid shall according to his disability receive a yearely pension to be rayed out of the Public Leavy of this Province for the time of such his disability & every person Slaine in the service of this Province & leaveing behind him a wife and Children such wife and Children shall alsoe be allowed a Competent pension the wife dureing her widdowhood and the Children till they be of yeares able to gett their Liveings or be putt out apprentices And that this pension shall be yearely Rated and allowed out of the Publick Levy as aforesaid by a Generall assembly.<sup>90</sup>

After the Queen Anne's War, in 1718, Rhode Island passed a pension law which contained the major provisions from all of the other colonial laws and would set the standard for United States pension laws 150 years later. Every soldier who had wounds that disabled him from providing for himself, his family, and other dependent relatives would have his wounds carefully looked after and healed at the colony's expense. In addition, he would be granted an annual pension out of the general treasury to maintain himself, his family, and other dependent relatives in such amount as deemed sufficient by the general assembly. If the soldier was slain, his family would likewise receive an annual pension "until such Wife, Children, Parents or

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<sup>90</sup> Browne, Archives of Maryland, VII:58.

other Relations shall happen to Die or be able to Subsist or Maintain themselves."<sup>91</sup>

Comparison: Poor Laws and Military Pensions

There are several significant features of these colonial military pension laws, like the British military pension laws already discussed, which clearly differentiate them from other types of poor law legislation. First, no moral judgment was made concerning the worthiness of the recipients. All soldiers who were maimed in defence of the colony were automatically deemed morally fit to receive a pension, as were their immediate family members.

Second, the provisions of the pension laws also extended to cover a soldier's dependent relatives. Thus, if a soldier was providing support to his elderly parents, as was the custom of the day, the amount of his pension could be larger than a maimed soldier who had no parents to support. This provision precluded dependent relatives of the maimed soldier from becoming a financial burden upon the local town. Hence, eligibility for the pensions was universally open to all who belonged to a distinct category of "worthy poor"--disabled soldiers, their immediate families, and other dependent relatives.

Third, carrying this concept a step further, the maimed soldier, his family, and his dependent relatives had a legal right to a pension, a concept that was never incorporated into a poor law. Since the laws usually required it, pensions had to be petitioned for to the colonial court. Thus, the very act of applying for a pension initiated a legal process. In addition, unlike determining who was eligible for other poor relief, determining those

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<sup>91</sup> Acts and Laws of His Majesty's Colony of Rhode Island and Providence-Plantations in New-England, in America (Newport: 1745), I:234.

potentially eligible for a military pension was a relatively easy procedure since the laws were specific. First, a man had to be a soldier. This could be easily verified by the court by examining muster rolls or by obtaining testimony from his militia officers or fellow soldiers. Next, he had to be maimed and unable to work (or killed in combat). This was usually self-evident by observing the man. Finally, the soldier, his family, and his dependent relatives had to be indigent. This could be easily be determined by examining the man's or family's property holdings or personal estate.

Fourth, the pensions were to be paid out of the colonial, not the town, treasury. This practice probably served two purposes. First, it ensured that adequate monies would be available to provide all eligible men with a pension. In times of war against the Indians, as we shall see in the next chapter, frontier towns usually suffered higher casualty rates and endured more destruction than coastal settlements. Thus, directing that the pensions be paid from the colonial treasury (through taxation on local towns) ensured that all towns shared equally in the costs of providing pensions. Supporting this concept, Maryland's 1642 soldiers' pension law also incorporated a clause where anyone losing a house or property in times of war would have the property replaced or repaired by a public contribution from the whole county.<sup>92</sup> Second, the colonial pension assured towns that wars were a colony and not a local function. As such, towns might be more willing to send forth their militiamen knowing that their injury or death would not result in an additional financial burden to the town. Likewise, men might more willingly volunteer to go into battle knowing that they or their families would be provided for in case of injury or death to themselves.

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<sup>92</sup> This law was reenacted in 1649. Browne, Archives of Maryland, I:198, 253-55.

Fifth, the pensions were granted for life unless one's financial circumstances improved dramatically. Lastly, since colonial funds were used to pay the pension, a maimed soldier did not have to prove residency in a town to be eligible for the pension. Since the pensions were granted for life, the town did not have to worry about the poor soldier or his family becoming a burden upon the local community. This is probably the reason why no case was found, in the colony or town records reviewed for this study, of a maimed soldier or his family being "warned out" of a town.

However, these pension acts did carry forth Elizabethan and colonial poor law principles in that they required the disabled soldier, widow, or dependent relatives to be indigent, thus meeting a crude means test. The pensions were not a right based solely upon a disability or even death, then, but had to be petitioned for and were granted based upon financial need. In addition, rates of the pensions were not fixed by law, but rather left to be fixed by the court based upon their determination of the needs of the persons.

The enactment of these pension laws reflect that a system of regional fiscal welfare programs was initiated utilizing public monies beginning with the early colonization of America by European immigrants. The 1636 pension law passed at Plymouth clearly established that it was the colony's, not the local town's responsibility to care for a distinct group of "worthy" poor--men disabled in military combat--at colonial, not at the town level of government. While the poor and indigent of the general population in both England and colonial America were to be cared for by their families, churches, or local communities, disabled soldiers, their widows, and other indigent relatives were to be cared for utilizing colonial funds.

Indeed, these pension laws and the ones to follow during the Revolutionary War, may be considered the first explicit evidence of a distinct welfare system being formed by both state and national governments.

To see how provisions of these colonial pensions were applied, the next chapter will describe the King Philip's War, the first major military conflict in colonial history.

Chapter 5  
KING PHILIP'S WAR

Chronology

- June 1675      Outbreak of King Philip's War--Militia poorly trained for an offensive war---volunteer units consisting of boys, recent immigrants, unemployed men, and criminals formed
- 1675            Refugees fleeing battle torn frontier flood the coastal cities--Residency (settlement) laws are waived--Refugees given status of residents
- 1676            First regional charity drive conducted
- 1675-76        Men refuse to serve in war--Militia ranks increasingly composed of the poor
- 1677            In aftermath of war, colonies near ruin  
Colonial treasuries near empty
- 1677-          Pensions granted to disabled veterans and their families--Medical expenses paid--widows receive pensions
- 1685            First informal veterans' association formed to petition for bounty lands
- 1731-35        Bounty lands granted to veterans and decedents of King Philip's War

### Introduction

This chapter provides an overview of the King Philip's War, the first prolonged war in colonial history. Like the British army, militia units in the colonies were sometimes composed of driftless men, recent immigrants who owned no property, and even criminals. This chapter points out that war refugees were often provided assistance from colonial treasuries regardless of their residency (settlement) status. This set a precedent for state and federal aid (versus local relief) for the poor. In addition, the first regional charity drive in the colonies was initiated as a result of the war. In the aftermath of the war, the first veterans' association in North America was formed. The purpose of the association was to press for benefits for veterans. Finally, a description of the military pensions granted after the war is presented. These pensions were awarded to disabled men, their widows, and other relatives from colonial treasuries. As such, they may be viewed as a beginning of state, and later, federal financial welfare for a distinct group of needy citizens.

### Militia Mobilization

The King Philip's War, so named after the leader of the Wampanoags whom the colonists called Philip, began in June, 1675, and was the ultimate test of the colonial militia system.<sup>1</sup> The militia system, based upon the principle of Assize of Arms and mandatory training for all able-bodied

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<sup>1</sup> The best accounts of King Philip's War are to be found in and Douglas E. Leach, Flintlock and Tomahawk: New England in King Philip's War (New York: Macmillan Company, 1958); George Madison Bodge, 3rd ed. Soldiers in King Philip's War being a Critical Account of the War with a Concise History of the Indian Wars of New England from 1620-1677 (Boston: Rockwell and Churchill Press, 1906); and Herbert L. Osgood, The American Colonies in the Seventeenth Century (New York: Macmillan Company, 1904-07), I:527-78.

men, had proved itself effective for fifty-five years. However, the system had never been tested in a prolonged war. Prior to 1675, portions of different colonies militia had been mobilized several times, but even during the conflict with the Pequots in 1637 and an expedition against the Narragansetts in 1645, the forces never had to stay in the field longer than a couple of weeks.<sup>2</sup> In addition, as already discussed, the militia system had by now lost much of its military character and a great deal of its military discipline.

By the last quarter of the seventeenth century, another problem faced the effectiveness of the colonial militia. The second generation colonials, especially those living in the older communities, had not developed their shooting skills, had not acquired their forefathers' lore of the forest, and knew little of the methods of Indian fighting. For the most part, the colonists now relied upon military training manuals imported from Europe for their military strategy. Military tactics in these manuals were based upon large armies facing one another in open field. Fighting on the North American frontier would prove much different.

By 1675, Massachusetts was by far the largest colony in New England with its population estimated to be around 17,000. Connecticut was the next most populous colony with about 10,000 people, followed by Plymouth with 5,000, and Rhode Island with about 3,000 or 4,000. In all, the total white population of New England was probably between 36,000 and 45,000. Some historians estimated, perhaps a little highly, that there were as many as 16,000 males of militia

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<sup>2</sup> For lists of Plymouth men, their supplies, and their pay for the 1645 expedition against the Narragansetts, see Records of the Colony of New Plymouth in New England (Boston: Press of William White, 1855-61), I:90-93, part 2; and Bodge, King Philip's War, 457-58.

age in New England in 1675.<sup>3</sup> There were about 110 towns or plantations dotting the New England coast line or spreading inland along rivers when the war broke out: 64 in Plymouth and Massachusetts, 23 in Connecticut, 13 in Maine, 6 in Rhode Island, and 4 in New Hampshire.<sup>4</sup>

Massachusetts was also the best prepared colony for war. Militarily, the colony maintained more than seventy companies of militia, each comprised of seventy or more men. In all the colonies, men were inspected and drilled in their local militia unit by the officers they had elected. However, these officers did not lead the men in combat. As calls to arms were sent out by the Council of the United Colonies, each colony's Council of War issued quotas to towns directing that a prescribed number of men from local militia units be mustered up for colonial service. The local units then asked for volunteers from their ranks and, there not being enough volunteers, pressed men into service. The Council of War was not interested in how local towns raised their quota as long as the required men were sent forth. If a town could not obtain enough volunteers to fill their quota, the selectmen might hold a meeting to decide

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<sup>3</sup> Statistics on the population of the colonies have been a matter of speculation. Earlier historians, such as Osgood, Colonial America, I:543, placed the total white population in New England at about 80,000. Thomas Church, rev. ed. The History of the Great Indian War of 1675 and 1676, Commonly called Philip's War, ed. Samuel G. Drake (Hartford, Conn.: Silas Andrus & Son, 1845), 20-21, estimated the population at 120,000. More recent historians believe the population was much smaller. I have relied upon Leach, Flintlock and Tomahawk, 10-11; Richard LeBaron Bowen, Early Rehoboth: Documented Historical Studies of Families and Events in this Plymouth Colony Township (Rehoboth, Mass.: Privately printed, 1945-48), I:ix, 2, 16, 20-22; and Benjamin Church, Diary of King Philip's War, 1675-76, eds. Alan Simpson and Mary Simpson (Chester, Conn.: Pequot Press, 1975), 2.

<sup>4</sup> Church, Diary of King Philip's War, 2.

who could best be spared by their families. The selectmen were probably prone to impressing single men before husbands and fathers. They may also have satisfied grudges held against some men who had proved less than cooperative in civic affairs by placing their names at the top of the impressment list. Indentured servants as well as freemen were liable for militia service and men of means were permitted to send "substitutes" in their stead.<sup>5</sup>

The volunteers and impressed men from the different towns would then assemble on a specified date and at a specified location where they would be placed under the control of officers commissioned by the Council of War or the General Court of the colony. A mobilized company of soldiers, then, might contain men representing many different militia companies who arrived on the designated day in varying states of readiness, physically as well as militarily. Most of the men had never trained together under the auspices of a colonial company. The troops, being militia, would disband after each expedition and new troops would then have to be pressed into service. Thus, inexperienced soldiers were continually brought into action for each new expedition. Each expedition was also usually accompanied by a surgeon, a chaplain, servants for the

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<sup>5</sup> Leach, Flintlock and Tomahawk, 103-04; and The Public Records of the Colony of Connecticut, from 1665 to 1678; with the Journal of the Council of War, 1675 to 1678 (Hartford: F.A. Brown, 1852), II:346-47, 384-86, 392.

officers, teamsters hauling supplies, and a cadre of friendly Indians.<sup>6</sup>

#### Outbreak of War

Indian animosity toward the settlers had been simmering for years and erupted in violence when the Wampanoags, once friends to the Pilgrims, attacked settlers at Swansea on the Plymouth Colony frontier. Several colonists were killed and Plymouth immediately mobilized two companies of militia and sent them to Swansea. Two days later, the Massachusetts Bay Colony sent out three companies.

The Wampanoags were neither the largest nor strongest of the Indian groups. Recent estimates place the population of the tribe at about 1,200 with only about 300 warriors dedicated to following Philip. But Philip hoped that the Narragansetts, Nipmucks, and other smaller tribes would join forces with him. The Narragansetts had a population of about 4,000 and occupied lands that the English had long been interested in obtaining. The Nipmucks had about 3,000 people scattered over about 1,500 square miles. In total, the Indian population of southern New England was probably around 20,000, about one-half of that of the white population. But a portion of the Indian population, no one knows for sure how many, either sided with the colonists in the war or remained neutral.<sup>7</sup>

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<sup>6</sup> Osgood, American Colonies, I:496-526, presents a very good description of the organization of the militia forces. Also see, Bodge, King Philip's War, 45; and Morrison Sharp, "Leadership and Democracy in the Early New England System of Defense," American Historical Review 50 (January 1945): 244-45. Plymouth authorized the different towns to train their men together, but this was seldom done. See, Records of New Plymouth, III:138.

<sup>7</sup> Church, Diary of King Philip's War, 2-11; and Leach, Flintlock and Tomahawk, 1-2. Early historians usually reported inflated populations for both colonial and Indian  
(continued...)

Fortunately for the colonists, other tribes did not join the Wampanoags in the early days of the war. But the colonists, undoubtedly remembering the terrible losses Virginia suffered to Indian attacks in 1622 and 1644, were fearful that the Narragansetts, with their hundreds of fierce warriors, would unite with the Wampanoags. Continuing to hold the military strategy that peace could be enforced through intimidation, the United Colonies sent a powerful punitive expedition into Narragansett territory in December, 1675. Massachusetts supplied 527 soldiers for the 1,000 man expedition and promised "that if they played the man, took the Fort, & Drove the Enemy out of the Narragansett Country, which was their great Seat, they should have a gratuity in land besides wages."<sup>8</sup> This is the first recorded instance of a land bounty being offered to soldiers for their military services in North America. Such land bounties, as we shall see later, might be considered a form of fiscal "in-kind" welfare for the soldiers.

Quite naturally, the sending of troops into Narragansett territory enraged the Indians and they openly declared allegiance with the Wampanoags. Other tribes soon followed suit and the colonists now found themselves fighting for their literal survival across all of New England as the Indians desperately tried to drive the white man back into the sea from which he had come.

The Indians fought the war using tactics not found in any European military training manual; they were masters at using hit and run tactics. Grouped into small roving bands

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<sup>7</sup>(...continued)

populations. For example, Church, Great Indian War, 20-21, estimated that the Indians had 10,000 warriors. The actual number is now thought to be much smaller.

<sup>8</sup> In, Bodge, King Philip's War, 179-80. Plymouth supplied 158 men and Connecticut 315 men. Records of Connecticut, I:368.

of warriors, they would attack and kill the colonials then sack and burn houses, barns, or whole towns before melting back into the swamps or forests. The colonials, initially relying on military tactics that had proved successful for Cromwell in England, sent cumbersome columns of men into the wilderness only to be cut apart in devastating Indian ambushes. The English had everything to learn about this type of fighting. Militia training had only taught them skills in defending a fortress or for other types of static combat, but the Indians weren't about to fight that kind of war. It wasn't until 1676, when the colonials began to rely upon friendly Indians to teach them how to fight in the forests that the tide of the war was turned.

All of the colonies had groups of Indians living around them whom they had converted to Christianity. These "praying Indians" lived on small reservations adjacent to the colony and were subject to colonial law.<sup>9</sup> In 1675, there were about fourteen praying villages containing about 1,150 Indians in Massachusetts. Plymouth contained nearly 500 Christian Indians. In all, there were perhaps 4,000 Indians, many residing on coastal islands, who had been converted to Christianity and taught to follow British social customs.<sup>10</sup> "They go clothed like the English," one colonial visitor wrote, "live in framed houses, have flocks of hogs and cattle about them, which, when they are fat, they bring to the English markets."<sup>11</sup> However, reliance upon friendly Indians as scouts, guides, or even soldiers came slowly. Many colonists did not trust any Indian, even

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<sup>9</sup> Osgood, American Colonies, I:536-40.

<sup>10</sup> Church, Diary of King Philip's War, 14-16.

<sup>11</sup> John Josselyn, "An Account of Two Voyages to New England," in Massachusetts Historical Society Collection, 3rd Series (Boston: 1833), III:310.

those who lived among them. Early in the war, Indian scouting reports were often ignored, the militia officers fearing they were being set up for ambush. But as the war progressed, hundreds of friendly Indians helped the colonists and untold numbers gave their lives.<sup>12</sup>

#### Volunteer Units

With the outbreak of war, an interesting phenomenon occurred with the militia forces--the formation of entire companies made up of volunteer soldiers. One of the first military forces to respond to Massachusetts' call for troops consisted of "volunteers" from "all sorts of adventurers, seafaring men and strangers, with a number of prisoners who had been convicted of piracy and condemned to death, but were now released to engage in fighting Indians." The more than seventy-five men who belonged to this company were also described as being "apprentices and servants, and probably many boys not yet enrolled in the militia, and therefore not subject to impressment."<sup>13</sup> Forming a company out of volunteers was not totally out of character for Massachusetts since, in 1638, in contrast to Plymouth's total reliance upon town militia forces at that time, the Bay Colony formed "The Military Company of Massachusetts." This was a totally independent and quite exclusive military company organized in Boston, but with the blessing of the Court. The company exists today as the "Ancient and Honorable Artillery Company."<sup>14</sup>

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<sup>12</sup> In October 1675, Connecticut was using Indians and paying them "foure coates of tradeing cloath" for every head or prisoner they returned with. Records of Connecticut, II:374, 408.

<sup>13</sup> Bodge, King Philip's War, 27, 63.

<sup>14</sup> Bodge, King Philip's War, 472.

During the war, Massachusetts raised several other volunteer companies. The volunteers' pay came from public subscription and the men also kept profits from plunder or from the sale of captives into slavery. The ranks of such companies were often composed of recent immigrants, young boys, servants, criminals, vagabonds, or other unsettled men.<sup>15</sup> Likewise, when Connecticut could not muster militia soldiers quickly, authorization was given to raise volunteer units who were to be compensated for service with "all such plunder as they shall seize, both of persons and corn or other estate."<sup>16</sup>

In 1677, Massachusetts, following British precedent of filling the military ranks with vagrants, ordered that young, single men "out of employment, & not capeable to prouide for themselues...to the end they may be the better prouided for, & improved for the publicque safety, it is heereby ordered, that they be forthuith impressed into the countrys service." As the young men were involuntarily impressed, the same numbers of older, married soldiers were to be discharged from the army.<sup>17</sup>

While hard evidence could not be found, it might be postulated that recent immigrants into the colonies, unemployed, and landless men might have willingly volunteered their services in the militia in hopes of improving their lot in life. The pillage of war plus monies earned in salaries might have offered these men the hope of improving their living standard. The additional promise of receiving land bounties for faithful service might also have

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<sup>15</sup> Bodge, King Philip's War, 77.

<sup>16</sup> Records of Connecticut, II:407, 418.

<sup>17</sup> Records of the Governor and Company of the Massachusetts Bay in New England (Boston: William White, 1854), V:144-45.

provided them with hope they could obtain a legal place of settlement at war's end.

#### War Refugees

As the war progressed, streams of colonial war refugees flowed eastward seeking safety in the larger towns. Having abandoned their possessions, they carried with them little more than the torrid stories of the savagery of the Indians, of how town after town was mercilessly attacked, and of how women and children were brutally butchered. In general, the war refugees were not welcomed in these towns. Under ordinary circumstances, as we have seen, towns in colonial America functioned as closed corporations and settlement laws required that new residents could be admitted only after being scrutinized and accepted by the citizens during a town meeting. The refugees often had neither a place to live nor a means of subsistence. Local towns, already laden with war debt, could ill-afford to support strangers. Thus, the influx of refugees was threatening to destroy the moral and social fabric of the towns.<sup>18</sup>

The colonial governments were in a precarious situation as to how to deal with the refugees. On the one hand, they were concerned with the safety of citizens in frontier towns and even occasionally ordered the evacuation of specific towns. On the other hand, they could not condone a wholesale exodus of the people from frontier towns.<sup>19</sup> In part to keep the frontier populated and thus to offer some semblance of opposition against the Indians, and also in

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<sup>18</sup> Leach, Flintlock and Tomahawk, 187.

<sup>19</sup> Records of Massachusetts Bay, V:48. Massachusetts made provisions for women and children to be evacuated from frontier towns while men were to remain to fight. The Colonial Laws of Massachusetts (1672. Reprint. Boston: Rockwell and Churchill, 1887), 227 §4; and Records of Massachusetts Bay, V:79.

part to ease the economic burden of refugee laden eastern towns, laws were passed prohibiting citizens from abandoning their homes. A Plymouth law, which threatened the loss of personal estates for all who fled a town, was frequently ignored if the threat of Indian attack appeared remotely imminent.<sup>20</sup> In Connecticut, not only was the frontier town of Hadley ordered not to be abandoned, free land was offered to any settler who would move into the town and help in its defense.<sup>21</sup> In Massachusetts, those fleeing frontier towns without colonial approval were to be fined £20 in addition to losing their estates.<sup>22</sup>

However, at times towns had to be abandoned and in 1675, Massachusetts enacted a law entitled "Relief for the Distressed." Under its provisions, any persons forced to abandon their home due to the war would not, by lack of residency alone, carry the "title Poore." Each town was to investigate the circumstances of their war refugees and those who could not be employed were to be "suppljed out of the publicke treasury."<sup>23</sup> In May, 1676, Massachusetts further directed that all refugees should be granted the same legal status accorded the other residents of the town where they fled to.<sup>24</sup>

The 1675 law was only intended to be a temporary measure to relieve towns of the economic burden of caring

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<sup>20</sup> Records of New Plymouth, V:185-86; Leach, Flintlock and Tomahawk, 187-88; and Douglas Edward Leach, The Northern Colonial Frontier, 1607-1763 (New York: Holt, Rhinehart and Winston, 1966), 58.

<sup>21</sup> Records of Connecticut, II:438.

<sup>22</sup> Records of Massachusetts Bay, V:81; and Laws of Massachusetts, 248 §10.

<sup>23</sup> Records of Massachusetts Bay, V:64; and Laws of Massachusetts, 238 §16.

<sup>24</sup> Records of Massachusetts Bay, V:79.

for war refugees, but the law was never repealed. As we have seen, in 1639 Massachusetts, like the other colonies, had clearly directed that local communities were to provide for the poor. But aid did not have to be provided to those who were not residents of the town. However, this 1675 and 1676 legislation set the precedent for state aid to persons without a legal residence. In essence, it struck down the necessity for local residency laws since towns could now obtain colonial reimbursement for expenses incurred in providing for the unsettled poor. In 1701, Massachusetts was reimbursing towns for the care of unsettled persons who had dangerous, infectious, or contagious diseases. By 1720, the Town Records of Boston reveal that a distinct class of "Province Poor" had emerged--wanderers, vagabonds, foreigners, mariners, people without legal settlement--and towns were reimbursed for their provision by the Province. Thus, towns in Massachusetts eased their enforcement of residency requirements since they would be reimbursed for the expenses incurred in providing for these people. In fact, some towns actually made a profit by housing strangers. In addition, since this was a colonial (and later, provincial and state) law, as the Massachusetts State Legislature reported in 1833 after investigating this system of relief, the wandering poor tended to "pass from town to town demanding their portion of the State's allowance for them as their right."<sup>25</sup>

#### Public Charity Drives

On 5 May 1676, John Kingsley of Plymouth Colony petitioned the Connecticut Council of War for assistance after his town was destroyed by an Indian raid: "I can say

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<sup>25</sup> In, Robert W. Kelso, The History of Poor Relief in Massachusetts, 1620-1920 (Boston: Houghton Mifflin Company, 1922), 117-23.

truly that since ovr wares begun my flesh is so gon with feare, care & grife & now this sickness, my skin is redey to cleave to my bones....Thay burnt our milles, brake the stones, ye, our grinding stones; & what was hid in the erth they found, corne & fowles, kild catel & tooke the hind quarters & left the rest, yea, all that day that the Lord gave lisonnes [license,] they burnt cartes wheles, drive away our catel, shipe, horses, in a word had not the Lord restrayned thay had not left won to have tould of our woful day." He would not be asking for assistance now, but since the attack "nobodye comes to say, how doe ye."

In response, the council issued a public plea to "all Christian friends." "God, and man calls for of us, to extend o<sup>r</sup> compassion and charity for the supply of o<sup>r</sup> distressed friends' necessities, whose lowd cryes of their misery doth answerably call for o<sup>r</sup> liberallity and mercy, least the Lord should justly turn his hand from them to vs." The Council requested that every congregation collect donations and send them to two men appointed to distribute the money in Plymouth and Massachusetts.<sup>26</sup> In Connecticut, there are numerous recordings of the colony donating bushels of corn for the use of war refugees in their colony as well as in others. For example, in June, 1676, £8 was raised as a "contribution for the poor distressed people in o<sup>r</sup> neighbour colonys."<sup>27</sup> These were some of the first regional public charity drives in North America which transcended local charity.

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<sup>26</sup> Records of Connecticut, II:445-47. Also in Bowen, Early Rehoboth, III:20-23.

<sup>27</sup> Records of Connecticut, II:426, 430-31, 454-55, 458.

Problems Obtaining Soldiers

Across the frontier garrisons were built and selected homes were fortified into "block-houses" where whole communities might huddle in terror under Indian assault. If they were lucky, enough militiamen and arms would be in the house to fend off attacks. If they were not lucky, the garrison or house might be torched and the inhabitants slain or taken captive as they fled. In either case, houses and property hastily abandoned in favor of the relative safety of the garrison or block-house would be destroyed and looted.<sup>28</sup>

Repeated orders for militia to come forth to strike down the Indians were issued throughout the war. However, the bitter losses suffered in the early months of battle quickly demoralized the settlers and gloom and discouragement swept through the colonies. The fraternal militiaman was ill-prepared for the sights encountered in a savage war: towns where relatives lived or where he, perhaps, had helped in a house raising, now burned; scalped and dismembered bodies of friends roasting in the fields; children and women lying with skulls crushed from tomahawk blows; or the severed heads of militiamen poked onto poles.<sup>29</sup> As the secretary of the Massachusetts Court noted in a letter to Major Pynchon on 30 September 1675: "The slaughter in your parts has much dampened many spirits for

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<sup>28</sup> Bodge, King Philip's War, 189. For an interesting account of a white woman's captivity by the Indians, see Mary Rowlandson, The Narrative of the Captivity and Restoration of Mrs. Mary Rowlandson (Cambridge, Mass.: 1682. Reprint. Boston: Houghton Mifflin Company, 1930).

<sup>29</sup> See, for example, Church, Great Indian War, 34-35, 313.

the war. Some men escape away from the press, and others hide away after they are impressed."<sup>30</sup>

The war inflamed every prejudice that existed. No English account was too vile a description of Indian barbarity. Certainly, the English were as brutal as the Indians, but unfortunately there were few Indian chroniclers to tell us how they felt. What little was recorded about the Indians was put down second hand by their enemies and consists largely of anecdotes. "This is my father's wigwam," said a friendly Indian as he and colonial troops stormed a village. "Am I to kill my father?"<sup>31</sup> What we don't know are what emotions must have ravaged this poor man as his British masters gutted his family home. We don't know what Indian braves talked about at their pow wows.

As the war progressed, men were understandably hesitant to volunteer their services and some who did volunteer were not long to stay. In Plymouth, Lieutenant Robert Barker not only deserted, but he persuaded a number of men to join him. He was imprisoned and fined £15 plus the costs of his imprisonment.<sup>32</sup> On 2 November 1675 Major David HENCHMAN wrote to the Governor of Massachusetts complaining that after leaving Boston with but twenty men, he expected to quickly fill his ranks with volunteers as he passed through towns on the way to the frontier. However, few men came forward and of those who did he found "some men and the armes of others not fit for service."<sup>33</sup>

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<sup>30</sup> In, Bodge, King Philip's War, 143.

<sup>31</sup> William Hubbard, ed. The History of the Indian Wars... (Roxbury, Mass.: W.E. Woodward, 1865), II:276.

<sup>32</sup> Records of New Plymouth, V:189-191. Also see, Laws of Massachusetts, 230 §6.

<sup>33</sup> In, Bodge, King Philip's War, 54.

While desertion and the failure of men to report once impressed were problems, it must be assumed that most men did serve credibly and took their militia duties seriously. This certainly was the case with a Mr. Chauncy of Connecticut who wrote a letter to the Council of War stating that he had just received word that his wife had given birth to a child, but the baby had died, and now his wife was also in danger of death. If granted leave to visit his "dear wife, if living," his brother would take his place in the militia. Mr. Chauncy's request was granted.<sup>34</sup>

But wars cannot be won without men to fight. On 4 October 1675, Plymouth called for 182 men to be pressed into service, with quotas assigned proportionally to every town.<sup>35</sup> On 6 December, the General Court issued an order to the "Gentlemen Soldiers" of the Colony directing that the towns send forth their "ablest and most suitable men." To encourage volunteering, the Court promised that lands captured in the war would be held as security for militia pay. Towns were also to clothe the men and ensure all had ample weapons and bullets.<sup>36</sup>

On Christmas Day, 1675, the commissioners of the United Colonies issued an order to raise 1,000 additional men. Plymouth's quota was 122 and any man that refused to serve was subject to a fine of £10 or, if he could not pay, imprisonment for no longer than six months.<sup>37</sup> In 1676, the Massachusetts General Court expressed "the great disappointment the country hath suffered by reason of non

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<sup>34</sup> Records of Connecticut, II:424.

<sup>35</sup> Records of New Plymouth, V:176.

<sup>36</sup> Records of New Plymouth, V:182-883.

<sup>37</sup> Records of New Plymouth, V:184-85.

appearance of soljers" and ordered that these men be fined £4 if a foot soldier or £6 if a trooper.<sup>38</sup>

The Plymouth fine of £10 (20 shillings equalled £1, and 12 pence equalled 1 shilling) was quite severe considering the monetary value of goods and services at that time. A common cow cost about 45 shillings,<sup>39</sup> barley and Indian corn sold for 3 shillings a bushel, wheat cost 4 shillings, and a pound of butter went for 5 pence.<sup>40</sup> Waistcoats and shirts sold for 6 shillings each, stockings for 2, and shoes for 4.<sup>41</sup> Salaries in the Plymouth militia ranged from 6 shillings a day for a captain to 1 shilling and 6 pence daily for a common soldier.<sup>42</sup> However, the actual penalties paid by men who refused to be pressed into service appears to be less than the legislated £10, as the fines tended to be tempered by extenuating circumstances. A list of twenty-two men from Plymouth who refused to serve reveals their actual fines ranged from £8 to £1.<sup>43</sup>

The costs of financing the war were staggering. On 29 February 1676, the Court at Plymouth recognized that families were especially hard hit economically and ordered that towns make some payment to their soldiers, "especially to the poorer sort, whoe need some supply for their families."<sup>44</sup> Towns usually paid the soldiers' salaries directly to family members left at home affording them

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<sup>38</sup> Records of Massachusetts Bay, V:78-79; and Laws of Massachusetts, 246 §2.

<sup>39</sup> Records of New Plymouth, V:191.

<sup>40</sup> Records of New Plymouth, V:243.

<sup>41</sup> Bodge, King Philip's War, 45.

<sup>42</sup> Records of New Plymouth, V:243.

<sup>43</sup> Records of New Plymouth, V:190.

<sup>44</sup> Records of New Plymouth, V:187.

immediate relief.<sup>45</sup> On 10 March, with town and colony treasuries nearly barren, the Court ordered that tracts of lands be set aside in lieu of monetary payment for the soldiers. However, men who were in immediate need of provisions for their families could be paid in clothing, cattle, or other goods.<sup>46</sup> In Massachusetts, since there was little money left in the treasury (on 3 May 1676, the balance in the treasury was just over £424),<sup>47</sup> promissory notes were issued which all were ordered to honor.<sup>48</sup>

On the 29th of March, Plymouth called for 300 men and 100 Indians to be ready to march within two weeks. The war, however, had taken its toll on the citizen-soldiers and on 11 April, when the troops were to assemble, many men refused to come forth, "which caused," as the General Court recorded, "a frustration of the whole designe," and the expedition was disbanded.<sup>49</sup> Such open defiance of the Court was not surprising in light of the fact that just three days earlier Plymouth lost about fifty-two men and eleven friendly Indians in a single battle: fifteen from Scituate, nine from Marshfield, four from Duxbury, five from Sandwich, six from Barnstable, five from Yarmouth, three from Eastham, two from Rehoboth, and several others whose residence was not recorded.<sup>50</sup> In addition, it was nearly planting season and the men were needed in the fields to prevent their families from going hungry. To ease this situation, Massachusetts ordered that men who were not engaged in

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<sup>45</sup> Bodge, King Philip's War, 367.

<sup>46</sup> Records of New Plymouth, V:191-92.

<sup>47</sup> Records of Massachusetts Bay, V:129.

<sup>48</sup> Records of Massachusetts Bay, V:71.

<sup>49</sup> Records of New Plymouth, V:192-93.

<sup>50</sup> Bodge, King Philip's War, 349-50.

battles could be released from duty for one week to plant and, later, ordered that men who remained at home to protect their community were to harvest the crops for those soldiers who were on the frontier.<sup>51</sup>

By July, 1676, as the war was nearing an end, Plymouth's militia system was near collapse. The citizen-soldiers who had valiantly served earlier in the war were now openly refusing to return to action. They were not cowards, they simply had their fill of killing. Besides, if they were sent forth again, who would be left behind to protect their families and property? Yet, men were needed to round up straggling Indians from the broken tribes and to deal a final blow to the enemy. Taking note of the success Massachusetts had in forming volunteer companies made up of misfits and adventurers, Plymouth turned to Benjamin Church, a militia officer who had seen combat in the expedition against the Narragansetts' fort.

Church was commissioned by the General Court to raise a volunteer company of 200 men and Indians, "English not exceeding the number of sixty." For pay, the English volunteers were to keep one-half of all prisoners for personal sale into slavery, and the friendly Indians were to have any plunder they could take.<sup>52</sup> Church's force met with such great success that the Governor quickly expanded his commission permitting him to raise and dismiss men and officers as he saw fit and also permitting him to roam all the United Colonies. It was his force that eventually killed Philip. As Church time and again raised men and set

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<sup>51</sup> Records of Massachusetts Bay, V:84; and Laws of Massachusetts, 238 §18, 245 §1.

<sup>52</sup> Church, Great Indian War, 93-95; and Records of New Plymouth, V:207

out in pursuit of the enemy, his army increasingly was composed of friendly Indians.<sup>53</sup>

The taking of servants, criminals, vagabonds, and now even Indians into the forces of the colonies was a marked departure from the early days of Plymouth when only freemen who swore an oath of fidelity were allowed to bear arms.

#### Aftermath of the War

The war had broken the Indian confederation and climaxed forty years of Indian degradation. Cultures which had evolved through untold generations lay in ruin. Belligerent Indians were immediately put to death after the war and many of the women and children of the warriors were sold into slavery in the West Indies, Spain, and along the Mediterranean. Others were pressed into servitude by the colonies.<sup>54</sup> The thousands of Indians who had remained friendly to the colonists were relegated to reservation life and subject to strict colonial rule.<sup>55</sup> Although not consciously planned, the colonials had nearly exterminated a race of people.

In 1682, Plymouth developed a very comprehensive law regulating the Indians who lived within the borders of the colony. They hoped such strict measures would preclude the use of military force against the Indians in the future. The law appointed a man as overseer of the Indians in each town of the colony. This white man had judicial powers over the Indians and could appoint constables and other assistants, freemen or Indian, to help him enforce the laws.

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<sup>53</sup> Church, Great Indian War, 96, 109, 118, 126-27, 143, 147.

<sup>54</sup> Records of New Plymouth, V:207, 210; and Records of Massachusetts Bay, V:115.

<sup>55</sup> Records of Massachusetts Bay, V:136-37; Bodge, King Philip's War, 416; and Leach, Colonial Frontier, 59-60.

All Indians were required to assemble once a year to have the colony's laws read to them. The overseer was to appoint one trustworthy Indian out of ten "whoe shall take the Inspection care and ouersight of his nine men and present theire faults [and] Midsemeanors to the ourseer." The Indians were not to relocate within the colony without written permission and all were subject to taxation.<sup>56</sup>

The colonies, in the aftermath of the war, were in near ruin. Half of the hamlets in New England were severely damaged. Twelve towns lay in total ash. The colonial economy was near bankrupt. Several thousand people, including women and children, lay dead. Perhaps as many as one out every sixteen men of military age had been killed. In proportion to the colonial population, the King Philip's War was perhaps the costliest in lives of any American war. Hundreds of families were homeless and destitute.<sup>57</sup> In January, 1677, Massachusetts surveyed its towns and classified 660 families consisting of 2,265 persons as being in need of public assistance due to the war. The returns from thirteen towns were not in at the time the report was given, so the total number of persons needing assistance was larger--certainly well over 10% of the colony was in need.<sup>58</sup> Governor Hutchinson of Massachusetts wrote: "Every person, almost, in the two colonies [Plymouth and Massachusetts] had lost a relation or near friend, and the people in general

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<sup>56</sup> Records of New Plymouth, XI:252-55.

<sup>57</sup> See, Richard Slotkin and James K. Folsom, So Dreadful a Judgement: Puritan Responses to King Philip's War, 1676-1677 (Middletown, Conn.: Wesleyan University Press, 1978), 3-4; Leach, Colonial Frontier, 59-60; Leach, Flintlock and Tomahawk, 243-44; Osgood, American Colonies, I:543; and Church, Diary of King Philip's War, 35.

<sup>58</sup> In, Records of Connecticut, II:483n.

were exasperated."<sup>59</sup> So great was the destitution that churches in Ireland raised and sent donations to the colonists.<sup>60</sup>

After the war, colonial development on the western frontier of New England started anew, albeit slowly. Colonists, quite understandably, were hesitant to expose themselves again to the perils of frontier life. Yet, the lure of open land was great and westward migration crept along.

#### The First Veterans' Association

Promises of land in lieu of or in addition to the pay for soldiers was kept in part,<sup>61</sup> but many a man received little, if any, acreage. The first veterans' association in North America was informally formed in 1685 when forty-one men who had served in the war petitioned the Massachusetts General Court that the lands promised them during the expedition of 1675 into Narragansett territory be granted. The Court acknowledged its promise and offered the men a tract of land eight miles square. However, the designated acreage was so far removed from settled land that the petitioners did not take possession of it.

In 1727, another petition was placed before the General Court of the Province. By now, Plymouth had been absorbed by Massachusetts making many more men eligible for the promised land. In 1731, the House of Representatives of the Province urged the "reward" of the soldiers by granting a tract of land six miles square for each 120 persons

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<sup>59</sup> Church, Great Indian War, 146n.

<sup>60</sup> Records of New Plymouth, V:222-23; and Records of Connecticut, II:304, 483, 488, 496-97.

<sup>61</sup> The Records of New Plymouth, V:191, 206, 214, lists some of the men who received land.

eligible. The House cited European and even ancient Roman precedence for granting spoils of war to soldiers. They further argued, "what greatly adds to their merit that they were not Vagabonds & Beggars & Outcasts, of which Armies are considerably made up, who run the Hasards of War to Avoid the Danger of Starving: so far from this that these were some of the best of Our men, the Fathers & Sons of some of the greatest & best of Our families." The House had obviously forgotten that many volunteer militia units were made up of poor, unsettled men. In addition, the legislature reasoned, if the lands were not granted, "there is reason to fear that Publick Guilt would ly upon the Country." By 1735, land had thus been granted to over 1,000 soldiers and their heirs, whether they be officer or soldier, whether they had volunteered their services or been conscripted, whether they were freemen, servants, convicts, or homeless immigrants. Connecticut did likewise for their soldiers.<sup>62</sup>

This granting of bounty lands to soldiers established a precedent which would be followed through the Civil War. As will become more clearly evident in a later chapter when a discussion is presented concerning land bounties granted to Revolutionary War soldiers, the bounty system might be considered a form of fiscal "in-kind" welfare benefit system for soldiers (demogrant pension). This is especially evident once it is recognized that large numbers of soldiers were recruited or conscripted from the poorer social classes in colonial society and many of these men owned no property or had no legal place or residency.

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<sup>62</sup> Bodge, King Philip's War, 406-07, 410-11, 441. See pp. 406-46 for an excellent discussion of the land grants plus lists of the names of those receiving land.

The Militia System in Decay

The King Philip's war had brought forth serious questions as to the effectiveness of a militia system. Yet, the colonies, still lacking internal resources and a charter from their corporation or country to establish a professional army, had little alternative than to try to shore up the faltering militia system. In 1677, a law was enacted at Plymouth which required that the officers "not onely traine their souldiers in their postures and motions but alsoe att shooting att Markes."<sup>63</sup> By 1680, there was concern "that all the Milletarye Companies in this Gou<sup>r</sup>ment be made compleat in their officers of as able and fit men as they may be."<sup>64</sup>

Laws governing the military were now often only laxly enforced by the local officials. Between 1679 and 1689, for the first time in Plymouth's history, the records of the General Court were almost devoid of military orders. That the Governor and Assistants were concerned about the military readiness of the colony was apparent by the few scattered references they made to the neglect of maintenance of arms<sup>65</sup> and by a threat to the towns that if they did not fill their officer quotas themselves, the Court would do so for them.<sup>66</sup> It appears that during the decade the militia system was in decay. Reinforcing this concept is the fact that in 1689, when the colony was faced with the prospect of sending men on an expedition to Quebec, a flurry of militia laws were passed. In August, military pay was again approved for volunteers wishing to enlist their services.

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<sup>63</sup> Records of New Plymouth, XI:246.

<sup>64</sup> Records of New Plymouth, XI:251.

<sup>65</sup> Records of New Plymouth, VI:59.

<sup>66</sup> Records of New Plymouth, VI:109.

In addition, the men would be given money for each enemy scalp or prisoner they returned with. It was also guaranteed that if a soldier would become crippled, the colony would maintain him for life. If not enough volunteers would come forth, a public draft was to be conducted. However, a drafted man could avoid service by payment of a fine of £4.<sup>67</sup> That the militia was in sad shape is heard in this plea from the Court four months later: "It doth much concern us to take some most speedy and effectually course to defend ourselves by putting the militia into good order."<sup>68</sup> Any man who had been an officer in the militia prior to 1687 was now ordered recommissioned and any town failing to fill all of its officer quotas was to be fined £50.<sup>69</sup>

But, perhaps as happens after all wars, military service and training had lost its luster. The camaraderie of the fraternal militia had broken down under the stark reality of the torment of war. Men were no longer eager to demonstrate their prowess in military drill or in fighting mock battles. The colonial militia had lost its innocence.

#### Military Pensions after the War

There is ample evidence to indicate that the colonies held to their promises of pensions for disabled men and their widows. However, the amount of the aid awarded for the provision of the dependent relatives of soldiers could not be determined since surviving records do not specify how the amount of each pension was determined. It can only be speculated that awards of higher pensions were

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<sup>67</sup> Records of New Plymouth, VI:212-16.

<sup>68</sup> Records of New Plymouth, VI:223.

<sup>69</sup> Records of New Plymouth, VI:223-24.

granted to men who had more relatives to support than pensioners receiving lesser amounts.

#### Pensions for Disabled Men

In Plymouth, it appears that in order to receive a pension the injuries sustained must have had to have been very severe indeed. Only nine men are identified in the records of the General Court as having received public pension relief from the colonial treasury following King Philip's War.

The reason so few men were granted pensions probably reflects two factors. First, since medical care was very primitive at best, the most seriously wounded men likely did not survive. Second, pensions were usually means tested (e.g., a soldier had to demonstrate indigence and an inability to support himself, or absence of family members capable of supporting him). In contrast to Massachusetts, Plymouth was still a relatively small (about 5,000 inhabitants), close knit community where the majority of citizens owned property. It can then be speculated that most soldiers had families they could depend upon for support, if needed. Thus, if a man was severely wounded, his chances for survival were slim, and if he did survive, family and friends were likely to help support him. It is not surprising, then, that so few men actually received pensions.

It is likely that most of the men awarded pensions were incapable of fully sustaining themselves due to their war wounds. For example, in 1677, Thomas Baxter was allowed £20 in compensation for the loss of the use of one arm while in the war.<sup>70</sup> In 1678, Theophilus Witherill, "being disabled in the late warr soe hee is likely to be a cripple all his

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<sup>70</sup> Records of New Plymouth, V:239-40.

dayes," was awarded £60.<sup>71</sup> In 1678, William Perry was released from attending militia training since "hee is very muche disabled in body," from a wound received in the war.<sup>72</sup> But it wasn't until the next year, when Perry reappeared in Court and was described as "a poor named souldier...whoe receiued great wounds in the late wars with the Indians," that he was granted £10.<sup>73</sup> In 1683, he again petitioned the Court, "his wounds haueing lately broken out, and hath putt to much paine & charge," and was granted 50 shillings.<sup>74</sup> In 1680, Job Randall was given £10 for relief for his wounds.<sup>75</sup>

In 1681, Nathaniel Hall, "a decriped souldier," was awarded £15. In addition, he was to be granted the proceeds from the fines for all liquor violations which he could uncover in Yarmouth, a job that probably won him few friends.<sup>76</sup> Two years later, Hall was back in court where he was awarded another £5.<sup>77</sup> By 1684, it was evident that his disability was permanent and the court granted him £5 as an annual pension.<sup>78</sup> This evidently was not enough money to sustain him and a year later he was back in court. This time he was granted £30 in cash with another £6 to be paid annually, "as full satisfaction of all demands from the

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<sup>71</sup> Records of New Plymouth, V:271.

<sup>72</sup> Records of New Plymouth, V:261.

<sup>73</sup> Records of New Plymouth, VI:18.

<sup>74</sup> Records of New Plymouth, VI:109.

<sup>75</sup> Records of New Plymouth, VI:40.

<sup>76</sup> Records of New Plymouth, VI:65.

<sup>77</sup> Records of New Plymouth, VI:112.

<sup>78</sup> REcords of New Plymouth, VI:130-31, 132.

Country, in reference to his wounds & damage receiued in the warrs."<sup>79</sup>

One of the first colonial pensions based upon old age was awarded to the elderly William Hoskins in 1680, when he was granted £4 "in regard to his low condition, haueing lost all hee had in the warr, and being growne old and vnable to labour."<sup>80</sup> John Paysley, who evidently was not wounded during the war but had "since become a cripple," was given £3, "prouided that hee trouble the Court noe more on that accoumpt."<sup>81</sup>

Two men were given money apparently not because they were disabled, but more in compensation or reward for duties performed or extraordinary hardships encountered while they served in the war. For example, William Bradford, son of the first governor of Plymouth Colony and a large property holder, certainly was not destitute. Nevertheless, in 1676, he was granted a "gratuity" of £15 due to the great losses he "hath sustained in the late warrs, and the faithful seruice hee hath performed for the country."<sup>82</sup> In the same year, Nathaniel Cooper, former constable at Rehoboth, was granted unspecified relief and reward for "the more then ordenary paines, faithfulness, and dilligence" which he showed during the war.<sup>83</sup>

In Massachusetts, so many men were making application for pensions that the General Court appointed a special

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<sup>79</sup> Records of New Plymouth, VI:169.

<sup>80</sup> Records of New Plymouth, VI:32.

<sup>81</sup> Records of New Plymouth, VI:52.

<sup>82</sup> Records of New Plymouth, V:210.

<sup>83</sup> Records of New Plymouth, V:215.

committee to review each case personally.<sup>84</sup> Records of those cases could not be located for this study, so few examples of how Massachusetts awarded pensions can be provided. In 1677, John Parks was referred to the committee by the court for review of his petition for a pension. A year later, when his father appeared in court on his behalf, he was granted £8 in addition to what he already had received.<sup>85</sup> Jeremiah Bumsteed, who was a wounded soldier, was granted his pension as an in-kind land grant of 200 acres of land. In addition, since he could still perform some work, he was granted permission to sell ale, beer, and cider in Boston.<sup>86</sup>

#### Pensions for Widows

Several war widows also received relief monies from the colonial treasury. In October, 1675, the Plymouth "Court, being informed of the low condition of Apthya, the relict of John Knowles whoe was lately slayne in the collonies service, toward the relief and support of the said widdow and her children, haue ordered to receiue ten pounds out of the proffitts of the fishing att Cape Codd, whereof fiue pounds to be payed to her this year the other fiue the next year."<sup>87</sup> On the same day, Ester Sampson, widow of Samuell who was slain in the war, was awarded £10 to be paid over two years "towards the support of herselfe and children."<sup>88</sup> Also on the same day, Desire Sherman, whose husband William

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<sup>84</sup> Records of Massachusetts Bay, V:80; and Laws of Massachusetts, 247 §7.

<sup>85</sup> Records of Massachusetts Bay, V:173, 207.

<sup>86</sup> Records of Massachusetts Bay, V:484.

<sup>87</sup> Records of New Plymouth, V:177.

<sup>88</sup> Records of New Plymouth, V: 2.

Sherman, Jr. "fell distracted in the service of the country," was given £20 "towards the releiffe of them and theire familie, being by reason of great charges and nessesites in great straightes."<sup>89</sup> In 1677, £20 was allowed the widow and children of Nathaniel Cooper, who had previously been granted unspecified relief in 1676, "as a gratification for his great paines and care taken for and concerning our soldiers when in the office of a constable in the time of the late warrs."<sup>90</sup>

On 12 October 1676, Mary Kimball of Massachusetts was granted £4 "having lost her husband at Bradford in the Spring, w<sup>th</sup> great part of her estate carried away by the Indian enemy, & much impouerished thereby."<sup>91</sup> In Connecticut, widows and their families were being given 40 or 50 bushels of corn in lieu of monetary pensions since the treasury was nearly empty.<sup>92</sup>

In Massachusetts, petitions were filed in Court by wives and widows trying to secure the back pay owed to their husbands. For example, in 1676, Mary Turner, wife of Captain William Turner, laid her case before the Court:

Whereas your poor petitioners husband Voluntarily & freely offered him selfe unto & now Is In your Service far from home together with his son & servants leaving only one servant with me which God by his Providence hath bereaved me off so that I Am at present wholly Almost left destitute of maintenance for myselfe which calls uppon me to crave your honors Consideration of my present Condition And order the payment to me of the whole or whatt part your honours think fitt of wages due for the time my husband son & servants have bene In the Service of the Country which shall further Ingage your poor petitioner to pray for As In duty Am Bound:

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<sup>89</sup> Records of New Plymouth, V:178.

<sup>90</sup> Records of New Plymouth, V:240.

<sup>91</sup> Records of Massachusetts Bay, V:122.

<sup>92</sup> Records of Connecticut, II:416.

the future peace & prosperity of your honors & All the people of God In this poor Country.

The Court ordered that she be paid £7.<sup>93</sup>

In 1679, Sarah Hathorne petitioned the Massachusetts Court that the military pay of her late husband, Captain William Hathorne was £5 in arrears and that this "hath left your peticoner in a meane condition." The Court made good on the pay.<sup>94</sup>

Ruth Upham, widow of Lieutenant Phineas Upham who died in October, 1676 from wounds suffered in January, 1676, was granted monies to cover "the bills and charges to chirurgeons, docto<sup>rs</sup>, & diet." She was granted another £10 "in consideration of the long and good service hir husband did for the country, & the great losse the widdow susteynes in his death, being left with seven smale children, & not able to carry on their affaires for the support of hirselle & family."<sup>95</sup>

#### Benefits for Children

The Court also exhibited concern for the well-being of the children of soldiers who died in battle. When James Bell of Plymouth was killed, Richard and Esther Marshall were to take his children and have his estate.<sup>96</sup>

However, the Plymouth Court also made distinctions between relief for the general poor and benefits for families of militia who were killed. For example, in 1680,

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<sup>93</sup> Bodge, King Philip's War, 237.

<sup>94</sup> Bodge, King Philip's War, 323; and Records of Massachusetts Bay, V:232-33.

<sup>95</sup> Records of Massachusetts Bay, V:122; and Bodge, King Philip's War, 289.

<sup>96</sup> Records of New Plymouth, V:235.

the Court found that petitioners Trustrum and Anne Hedgis were at "considerable charge and trouble," in keeping Sarah Nesfeild whose father had been killed in the war. Mr. and Mrs. Hedgis apparently appealed to the court on the grounds that Sarah was a war orphan and they, therefore, were entitled to colonial monies for her upkeep. The Court, citing poor law precedent, ruled that "although they are well satisfied that of right it belongs to each towne in this gourment to relieue theire owne poor," the Hedgis' were to be granted £5 in relief. Since the village of Mannamoiett, where the family resided, was "in its infancy, and therefore not soe able to doe as others," only £3 was to be paid from the village treasury, the colony paying the other £2. In making this ruling, the Court apparently felt that since the child had been taken in some years earlier, the family's now impoverished condition was not directly attributable to their providing for the war orphan.<sup>97</sup>

#### Payment of Medical Expenses

The colonies also apparently made good on at least some of the promises to pay the medical bills of wounded soldiers. For example, in Connecticut, John Brunson was granted £5 compensation for the treatment of his wounds and housing while recovering.<sup>98</sup> Obadiah Wood was given £4 for his cure and a Mrs. Allyn was paid £20 "for what cures she hath don and paynes taken for the wounded souldiers and those sick."<sup>99</sup> John Stoe and Jonathan Steven were granted one month's pay to cover their medical expenses, while Daniel Alexander was given 40 shillings and Roger Orvis was to be cured by his mother. In addition, it was ordered that

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<sup>97</sup> Records of New Plymouth, VI:54.

<sup>98</sup> Records of Connecticut, II:482.

<sup>99</sup> Records of Connecticut, II:484.

if any of these four men needed further care of a "chirurgion, . . . they are to haue it upon the country acco<sup>t</sup>."<sup>100</sup> Abigail Lay of Connecticut petitioned the court on behalf of her wounded son who was cured by Captain Cranston in Rhode Island and now wished to return home, but had no money to pay for his board and expenses. The court ordered that one barrel of oatmeal and forty bushels of Indian corn be sent to Captain Cranston in partial payment for his charges so Mr. Lay could be released to return home.<sup>101</sup>

In Massachusetts, a military hospital, probably the first in North America, was ordered to be built in 1676.<sup>102</sup> Samuel Porter of Hadley, who had expended nearly £200 of his own money caring for the wounded soldiers of that town, was to be reimbursed £25 immediately with the remainder to be paid when the colony had more money available.<sup>103</sup> Jonathan Wells must have been severely wounded as the court records reveal that Jonathan Gilberts was paid over £8 for providing his diet for thirty-three and one-half weeks, Samuel Steele was paid £21 for providing his diet for twenty-one months, and Gordon Burkley was to be paid another £25 for caring for him.<sup>104</sup> In Connecticut, one finds the colony sending 300 bushels of grain to Rhode Island and Plymouth, Rhode Island having exhausted their food supply while relieving wounded soldiers from Connecticut.<sup>105</sup>

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<sup>100</sup> Records of Connecticut, II:485.

<sup>101</sup> Records of Connecticut, II:276, 276n.

<sup>102</sup> Records of Massachusetts Bay, V:75.

<sup>103</sup> Records of Massachusetts Bay, V:116-17.

<sup>104</sup> Records of Massachusetts Bay, V:282.

<sup>105</sup> Records of Connecticut, II:414.

Conclusion

The colonial militia system was founded upon the long standing British tradition of Assize of Arms. All men were required to bear arms and assemble in training or battle at the call of the government. Such a unified show of strength, aided by occasional punitive forays into Indian villages, intimidated the Indians of New England into benign submissiveness for fifty-five years.<sup>106</sup> As the colonies expanded, militia laws were codified. However, attention to military duty was also a moral responsibility and obligations to church, family, community, and militia were inseparable.

By the middle of the seventeenth century, military duties had been expanded to include regional defense and a potential need arose for men to serve far from home. However, as peace with the Indians continued and as second generation colonials became established, the military functions of the militia were increasingly eroded. The militia was taking on the characteristics of a fraternal organization full of pomp and ceremony and a system of distinct public benefits, such as disability pay, became established.

The first test of the militia systems ability to perform extended military functions came in 1675 with King Philip's War. While militiamen initially responded to the call to arms with great alacrity, they suffered devastating casualties and the moral and civic spirit upon which the militia was based soon waned. Volunteer militia units were formed, often consisting of servants, criminals, boys, or even Indians. Near the end of the war, in Plymouth, it was

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<sup>106</sup> Again, an alternative view might be that the Indians were not as belligerent as commonly believed. As such, punitive forays by the settlers might have been unnecessary to maintain peace with the Indians.

a volunteer unit made up almost entirely of Indians that saw the most action. Clearly, the existing militia system was not reliable or effective in a prolonged war.

To induce men to serve, colonies began offering promises of land in lieu of or in addition to military pay. By the end of the war, colonies were offering men in volunteer units payment based upon the number of Indians they killed or captured. As will be discussed in detail in later chapters, the beginnings of an army of the poor and landless was being formed.

#### Classification of Colonial Military Pensions

From the model outlined in Chapter 1, the first colonial American military pensions awarded following the King Philip's War fall into five categories. The largest number of pensions awarded were a form of income maintenance based upon demonstrated financial need. In addition, the pensions were based upon having a disabling injury or disease received while in military service (invalid pension).

A second type of pension was awarded to a few men without regard to injury or financial need. The sole criteria for obtaining these pensions was successful military service (demogrant pension) and the pensions were regarded as a "gratuity" for performing faithful service.

Soldiers were also awarded a form of health care payment where their medical care and the costs involved in their recuperation were to be reimbursed (invalid pension). Financial need did not have to be proven since the benefits were a form of compensation for services rendered and compensation for injuries sustained.

There were also two documented cases where limited service pensions were awarded. One pension went to an aged soldier and the other to a soldier who sustained injuries

after discharge from the military. Both of these income maintenance type pensions were based upon demonstrated financial need.

Finally, income maintenance pensions were provided to war refugees based upon demonstrated financial need (demogrant pensions).

Chapter 6  
REVOLUTIONARY WAR

Chronology

- 1772 Poverty widespread in colonies
- 1775 Militia functions much like a fraternal organization
- 10 May 1775 Continental Congress convenes--Becomes central government for the United Colonies of America--Militia forces around Boston become the Continental Army
- 14 June 1775 Call for troops issued--State militia untrained, undisciplined, not ready for war--Troops not willing to stay in service long, desert--Military pay will not support family at home
- 1775-83 Bounties of money, land, or goods promised to induce enlistment--Conscription laws passed--An army of the poor emerges--Bounties take on characteristics of welfare for the poor

Introduction

The purpose of this chapter is to provide a brief social history overview of the Revolutionary War. From the beginning days of the Revolution, the Continental Army was plagued by the inability to recruit high quality soldiers. States were reluctant to send their best militia forces to General Washington since these men were needed at home to protect their local community and to support their families. In addition, men of means could hire "substitutes" to serve in the army in their stead. Thus, recruits for the Continental Army often came from the lowest social classes in society--unemployed and landless men, slaves, criminals. Laws were also passed conscripting these categories of men. Local residency laws were relaxed in hopes of attracting strangers who could then be used to fill town recruitment quotas. Bounties, which were offered to induce recruitment, in many respects became a form of welfare payment or relief program for poor soldiers who hoped to improve their lot in life following the war.

The Revolutionary War

It is a very improbable supposition, that any people can long remain free, with a strong military power in the very heart of their country: Unless that military power is under the direction of the people, and even then it is dangerous.--History, both ancient and modern, affords many instances of the overthrow of states and kingdoms by the power of soldiers, who were rais'd and maintain'd at first, under the plausible pretence of defending those very liberties which they afterwards destroyed. Even where there is a necessity of the military power....a wise and prudent people will always have a watchful & jealous eye over it; for the maxims and rules of the army, are essentially different from the genius of a free people, and the laws of a free government.

Samuel Adams<sup>1</sup>

This 1768 excerpt from the Boston Gazette suggests that Samuel Adams, like many other colonial Americans, had developed a political philosophy that standing armies were a threat to the freedom and liberties of a nation's citizens.<sup>2</sup> As such, the colonies maintained the militia system as their primary means of defense. While the militia was in near decay following King Philip's War, the system did survive and was carried forth into the eighteenth century. However, just as before the King Philip's War, the militia functioned

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<sup>1</sup> Samuel Adams, Boston Gazette, 12 December 1768, signed "Vindex," in The Writings of Samuel Adams, Harry Alonzo Cushing, ed. (New York: G.P. Putnam's Sons, 1904-08), I:264-65.

<sup>2</sup> See, James L. Abrahamson, The American Home Front: Revolutionary War, Civil War, World War I, and World War II (Washington, D.C.: National Defense University Press, 1983), 1-2. For a summary of the philosophy against standing armies, see Richard C. Stuart, "'Engines of Tyranny': Recent Historiography on Standing Armies During the Era of the American Revolution," Canadian Journal of History 19 (August 1984): 183-99.

at times more as a social or fraternal association than as a military organization.

Until the Revolutionary War, eighteenth century towns had little difficulty in filling and maintaining a fairly stable militia force of citizen-soldiers where military obligations and social functions were intertwined. In Concord for instance, when the militia exercised it was almost like a family reunion and by 1775, nearly every man between the ages of 16 and 60 had served in the militia; only students attending Harvard and slaves had not served.<sup>3</sup> In Salem, the public took great pride in their militia and muster days were often social gatherings where civic leadership could be exhibited. After a day of training, for example, "the officers prepared an elegant dinner at Mr. Goodhue's Tavern...[and] they spent the Evening together at the same House, when they made a Collection and released a Debtor from Prison."<sup>4</sup> As environmental dangers continued to subside, the militia sometimes disbanded much of their military function and became, in essence, a social fraternity or lodge.<sup>5</sup> Muster days, when all of the militia from surrounding towns gathered for a mass training

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<sup>3</sup> Robert A. Gross, The Minutemen and Their World (New York: Hill and Wang, 1976), 22. An empirical study utilizing descriptive data compiled on militiamen from six Massachusetts regiments in 1756 confirms that these men were representative of the towns they came from. See, Fred Anderson, "A People's Army: Provincial Military Service during the Seven Years' War," William and Mary Quarterly 40 (October 1983): 499-527.

<sup>4</sup> Quoted by Ronald L. Boucher, "The Colonial Militia as a Social Institution: Salem Massachusetts, 1764-1775," Military Affairs 37 (December 1973): 125, taken from Salem Gazette, no further citation provided.

<sup>5</sup> Marvin A. Kreidberg and Merton G. Henry, History of Military Mobilization in the United States Army, 1775-1945 (Washington, D.C.: Department of the Army Pamphlet No. 20-212, 1955), 7.

exercise, were times for great gaiety and booths and shacks were sometimes erected around the training field where vendors hawked their wares, magicians dazzled the crowd with tricks, and sideshows charged the townspeople to view bears, rattlesnakes, or other exotic creatures. Throughout the day, grog often flowed freely and in the evening some communities held balls or dances in a barn. By the time of the Revolutionary War, due to lack of training and discipline, many militia were unfit for service in battle.<sup>6</sup>

#### Outbreak of the Revolution

The state and local militia, and to a lesser extent the independent volunteer regiments, were the only military systems available to the colonies when, on 10 May 1775, just three weeks after the Revolutionary War opened with the battle of Lexington, the Second Continental Congress convened in Philadelphia.<sup>7</sup> The delegates, realizing the consequences of taking up arms against the British, established the Congress as the central government for the "United Colonies of America" and proclaimed all militia forces around Boston to be the Continental Army with General George Washington as its commander-in-chief. The Congress assumed both executive and legislative functions for the colonies, but it had no authority to levy taxes, raise revenue, or enforce its will on the colonies. Thus, the Congress had to rely upon the good-will of the colonies for concurrence in raising and supporting a centralized army.

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<sup>6</sup> H. Tefler Mook, "Training Days in New England," New England Quarterly 11 (December 1938): 675-97.

<sup>7</sup> Numerous generalized American history texts and encyclopedias can be used to obtain a brief history of the American Revolution. For the discussion that follows, unless otherwise noted, I have relied upon John A. Garraty, The American Nation: A History of the United States (New York: Harper & Row, Publishers, 1966), 63-149.

The first public call for militia forces to join the Continental Army was made by the Congress on 14 June 1775 when it requested that Pennsylvania, Virginia, and Maryland supply ten companies of riflemen. The response to the call was so great that twelve companies were raised, several marching 800 miles to join.<sup>8</sup> However, many of the citizen-soldiers that responded were ill-trained, undisciplined, and poorly equipped. The men were neither prepared for the hardships of military life nor for a protracted war and patriotic enthusiasm soon waned. General Schuyler, for example, complained that nothing could "surpass the impatience of the troops from the New England colonies to get to their firesides. Near three hundred of them arrived a few days ago, unable to do any duty; but as soon as I administered that grand specific, a discharge, they instantly acquired health, and rather than be detained a few days to cross Lake George, they undertook a march from here of two hundred miles with the greatest alacrity."<sup>9</sup>

While it was immediately evident to the Congress that reliance upon the states to select, supply, and train the militia that they sent to the Continental Army was inefficient, the Congress had no other options available. The militia forces generally volunteered their services for very short periods of time, often no more than three months, which precluded the Continental Army from adequately training them before they would depart for home. Such was

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<sup>8</sup> Emory Upton, The Military Policy of the United States (Washington, D.C.: Government Printing Office, 1917), 4.

<sup>9</sup> Major General Schuyler to Washington, n.d., in Jared Sparks, ed., The Writings of George Washington Being His Correspondence, Addresses, Messages, and other Papers, Official and Private, Selected and Published from the Original Manuscripts (New York: Harper & Brothers, 1847), III:191n.

the case in 1776 when Captain Ebenezer Huntington complained that "the Militia Who have been sent for our Assistance, leave us the minute their times are out & would not stay tho' their eternal Salvation was to be forfeited."<sup>10</sup> But the militia system had to be used since the Congress had neither the financial nor logistical capabilities of sustaining a permanent army of its own. Even if the Congress could physically support a large army, few men would enlist for long periods of time, as John Adams realized when he estimated that not more than one regiment "of the meanest, idlest, most intemperate and worthless" men in Massachusetts would enlist for the duration of the war.<sup>11</sup>

In October, 1775, Congress authorized the Continental Army to strengthen to 20,372 men. Twenty-six regiments were to be organized, consisting of 728 officers and men each, to serve for the whole year of 1776. When, on 19 November 1775 only 966 men had agreed to serve, Washington lamented to the Congress that "there must be some other stimulus, besides love for their country, to make men fond of the service." Stressing that pay was a factor in recruiting men he added: "It would be a great encouragement, and no additional expense to the continent, were they to receive pay for the months of October and November; also a months pay in advance."<sup>12</sup> By 28 November, recruiting had improved slightly, but Washington continued to be despondent: "The

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<sup>10</sup> Ebenezer Huntington to Jabez Huntington, 25 November 1776, in, Chas. Fred. Heartman, ed., Letters Written by Ebenezer Huntington During the American Revolution (N.p., n.d.), 53.

<sup>11</sup> Charles F. Adams, ed., The Works of John Adams (Boston: Little, Brown and Company, 1850-56), III:48.

<sup>12</sup> Washington to the President of Congress, 19 November 1775, in Sparks, Writings of Washington, III:165.

number enlisted since my last is two thousand five hundred and forty men. I am sorry to be necessitated to mention to you the egregious want of public spirit, which reigns here."<sup>13</sup>

The reasons for the difficulty in recruiting troops to serve a year or longer in the Continental Army are not hard to envision. Militiamen returning home in the early days of the war discouraged their friends and neighbors from enlisting by telling tales of the hardships of military life and the horrors of war. As Ebenezer Huntington related: "As to filling up the new Army, it is carried on as well as could be expected considering how disgusted the Old Soldiers went home."<sup>14</sup> Besides, the farmer's son was needed to plant and harvest crops, tasks which might not get done in his absence; the young apprentice needed to continue his training if he was to afford himself prosperity in the future; and the young father could hardly expect his wife and children to survive long in his absence, for the hardships of life in the mid-eighteenth century were extremely severe.

Gary Nash documents that poverty in pre-Revolutionary America was widespread. For example, in 1772, twenty-five percent of the free men of Philadelphia could be "classified as having been poor or near poor by the standards of that time."<sup>15</sup> Walter I. Trattner reports that anywhere from ten to thirty-five percent of all municipal funds, the largest single public outlay, was spent for poor relief before the

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<sup>13</sup> Washington to the President of Congress, 28 November 1775, in Sparks, Writings of Washington, III:176.

<sup>14</sup> Ebenezer Huntington to Jabez Huntington, 12 January 1776, in Heartman, Letters by Ebenezer Huntington, 26.

<sup>15</sup> Gary Nash, "Poverty and Poor Relief in Pre-Revolutionary Philadelphia," William and Mary Quarterly 33 (January 1976): 28.

Revolution. Trattner goes on to highlight how environmental catastrophes such as fires, high immigration rates of unskilled laborers, deaths and injuries from occupational hazards, and seasonal employment, among other reasons, contributed to the number of orphans, widows, cripples, and unemployed who required public assistance to survive. War compounded these hardships and a greater need for assistance arose as citizens were displaced from their homes and families of men killed or crippled in the fighting needed to be supported. Private forms of philanthropy from churches, fraternities, and lodges often complemented public aid, but the needs of people were sometimes so great that local communities could not always respond to them and regional or state relief systems had to be developed to assist. For example, in New York a state body was formed--the Committee on Superintendence of the Poor--to administer emergency relief to those persons displaced by the war.<sup>16</sup>

Plagued by economic hardship, coupled with the lack of military training and discipline, many of the citizen-soldiers deserted. On 7 August 1775 General Washington wrote to the council of Massachusetts Bay:

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<sup>16</sup> Walter I. Trattner, From Poor Law to Welfare State: A History of Social Welfare in America, 3rd ed. (New York: The Free Press, 1984), 31-46. Also see, John K. Alexander, Render Them Submissive: Responses to Poverty in Philadelphia, 1760-1800 (Amherst: University of Massachusetts Press, 1980); Blanche D. Coll, Perspectives in Public Welfare: A History, third printing (Washington, D.C.: U.S. Government Printing Office, 1973); J. Franklin Jameson, The American Revolution Considered as a Social Movement (Princeton: Princeton University Press, 1940); Jackson Turner Main, The Social Structure of Revolutionary America (Princeton: Princeton University Press, 1965); and Peter Virgadamo, "Charity for a City in Crisis: Boston, 1740-1775," Historical Journal of Western Massachusetts 10 (January 1982): 22-33.

By the general return made to me for last week, I find there are great numbers of soldiers and non-commissioned officers, who absent themselves from duty, the greater part of whom, I have reason to believe, are at their respective homes in different parts of the country; some employed by their officers on their farms, and others drawing pay from the public, while they are working on their own plantations or for hire....I must, therefore, beg the assistance of the General Court to cooperate with me in such measures, as may remedy this mischief.<sup>17</sup>

In November, the Congress responded by recommending that the colonies enact laws inflicting punishment of not less than \$30 nor more than \$50 for anyone harboring deserters, and if unable to pay the fine, "to be punished by whipping, not exceeding 30 lashes for each offense."<sup>18</sup> But punishment was only sporadically enforced and men often openly left the forces to return home, either with permission or without.

Accounts of men leaving the army to take care of family hardships are plentiful. In 1776, one writer stated, "nostalgia--or homesickness was a frequent disease among the army more especially among the soldiers of the New England states."<sup>19</sup> Nostalgia was certainly evident when Doctor Albigeance Waldo wrote in his diary on 18 December 1777:

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<sup>17</sup> Washington to the President of the Council of Massachusetts Bay, 7 August 1775, in Sparks, Writings of Washington, III:55-56. Washington made similar pleas to other states. See, for example, Washington to the Legislature of New Jersey, 31 January 1777, in Selections from the Correspondence of the Executive of New Jersey, from 1776 to 1786 (Newark: Newark Daily Advertiser Office, 1848), 23-24.

<sup>18</sup> Upton, Military Policy, 7.

<sup>19</sup> Quoted by Lee Nathaniel Newcomer, The Embattled Farmers: A Massachusetts Countryside in the American Revolution (New York: King's Crown Press, 1953), 105, exact source of quote not provided.

"How much better should I feel, were I assured my family were in health--But the same good Being who graciously preserves me--is able to preserve them--& bring me to the ardently wish'd for enjoyment of them again." On 28 December, he continues, "Yesterday upwards of fifty officers in Gen. Green's Division resigned their commissions--Six or Seven of our Regiment are doing the like to-day. All of this is occasion'd by Officers' Families being so much neglected at home on account of Provisions." He also writes of a soldier receiving a letter from his wife telling him of weeds in the corn, of fences falling down, and "fill'd with the most heart aching tender Complaints a Woman is capable of writing...acquainting him with the incredible difficulty with which she procures a little Bread for herself & Children...begs him to consider that Charity begins at home."<sup>20</sup> In another situation, Colonel Cortland wrote the following: "The bearer hereof, William Foster, a soldier in General Wynkoop's regiment, having lately buried his wife, has with him now at this place five small children, and no way to provide provision for them unless he can be discharged to go to a small farm at some distance from here, and begs me to write in his favor to procure his discharge."<sup>21</sup> Lt. Joseph Hodgkins complained because of his "necessary expenditures in the army & to subsist his family [he] became impoverished & embarrassed by debts, as is well known to the people of his County."<sup>22</sup>

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<sup>20</sup> Albigeance Waldo, "Diary," The Historical Magazine 5 (May-June 1861), as recorded by Ben Ames Williams, ed., Amateurs at War (Boston: Houghton Mifflin Company, 1943), 63 and 65.

<sup>21</sup> Quoted by Dixon Wecter, When Johnny Comes Marching Home (Cambridge, Mass.: Houghton Mifflin Company, 1944), 41, exact source of quote not provided.

<sup>22</sup> Herbert T. Wade, This Glorious Cause (Princeton: Princeton University Press, 1958), 52-53.

Local communities and regional or state societies could not, or did not, always provide assistance to the needy families of soldiers. For example, shortly before Christmas, 1778, Ebenezer Huntington wrote to his grandfather, a general, that the troops were threatening to resign for want of pay and subsistence. He pleads that promises have been made to help soldier's families,

but it is not done--Not a Day Passes my head, but some soldier with Tears in his Eyes, hands me a letter to read from his Wife Painting forth the distress of his Family in such strains as these 'I am without bread, & Cannot get any, the Committee will not Supply me, my Children will Starve, or if they do not, they must freeze, we have no wood, neither Can we get any--Pray Come Home'--These Applications Affect me, My Ears are not, neither shall they be shut to such Complaints, they are Injurious they wound my feeling....Don't drive us to despair we are now on the Brink--Depend upon it we cannot put up with such treatment any Longer--Spare yourselves, by Rewarding the Brave.<sup>23</sup>

Neither were generals exempt from suffering financial and family hardships while they served. In 1777, General Philemon Dickinson requested to be released from his command since "the situation of my family affairs require my utmost attention." His wife was ill, his effects scattered through several states, and his loss was "very considerable, and without my attention will be greatly increased."<sup>24</sup>

To get quality men to serve in the Continental Army, to curb the high desertion rate, and to ease the economic burden on families at home, General Washington continually urged the states and Congress to pay soldiers better wages and, out of necessity, to offer them bounties for enlisting.

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<sup>23</sup> Ebenezer Huntington to Jabez Huntington, 21 December 1778, in Heartman, Letters by Ebenezer Huntington, 77-78.

<sup>24</sup> General Dickinson to Governor Livingston, 12 February 1777, in Correspondence of the Executive, 30-31.

### The Bounty System

A bounty was a subsidy or premium paid or promised to prospective recruits. The bounty could be in cash or in land certificates. As we have seen, the first bounty system for soldiers was established during the King Philip's War. The chief purpose of bounties was to get men to enlist, to stimulate recruiting, by assuring recruits that they would receive adequate compensation for their services. Money, goods, and public land were appropriated specifically for that purpose. Sometimes bounties were paid in cash at the time of enlistment. Other times, they were paid in installments or at the end of the enlistment, which was usually the case for land bounties. While bounties were clearly designed to induce recruitment, they also allowed men to assist their families while they served in the army. The actual relief a soldier's dependents received from the bounties is a matter of speculation, but the bounties certainly did provide the poor and the landless the hope of improving their lot by joining the army. In fact, as we shall see, the bounties actually turned into a form of public welfare assistance for these needy soldiers.

Funds to pay bounties came from many sources. Public money was appropriated by Continental, state, and local governments. Private bounties were paid by civic organizations, patriotic clubs, and individual citizens. Continental bounties were offered to induce men to volunteer for service in the Continental Army, although the funds were taken from state coffers. Such a case happened in January, 1776, when the Continental Congress requested that the states "give a bounty of six dollars and two-thirds of a dollar, to every able bodied effective man, properly clothed for service, and having a good firelock, with bayonet, and other accoutrements and four dollars to every soldier not having the like arms and accoutrements; the arms

to be supplied by the colony, and the cost to be deducted out of the soldiers' pay." On 26 June 1776, the Congress raised the bounty to \$10 to be paid to all men who would enlist for three years. The amount was also to be paid to those already in the army who stayed for three years.<sup>25</sup>

However, the individual states and towns preferred to fill their own militia needs before those of the Continental Army and usually paid higher bounties, often supplemented by private donations, than those offered for service in the Continental Army. The states and communities desired to keep enough men near home not only to ensure themselves of an adequate work force and to prevent economic hardship, but also to enable the state or community to defend its territory in the event of a British attack. A bidding war over bounties soon developed between not only the states and the Continental Army for soldiers, but also among the states and the local towns themselves.

The bounty system failed to stop the desertion problem. In fact, some dishonest men took advantage of the bounty bidding war between local communities and states by going to a strange town, enlisting, collecting the bounty, deserting, then going to another town and repeating the process.<sup>26</sup> In September, 1776, Washington wrote to the Congress that great numbers of the militia "have gone off; in some instances, by whole regiments." Later, he complained that the small Continental bounty could not compete with the larger

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<sup>25</sup> Worthington Chauncey Ford, et al., eds. Journals of the Continental Congress, 1774-1789 (Washington, D.C.: U.S. Government Printing Office, 1904-37), IV:71 and V:483.

<sup>26</sup> For the majority of this discussion, I have relied upon Virgil A. Hampton, "Provision For Soldiers' Dependents Before World War I", Social Service Review 17, (December, 1942): 612-29. Also see Newcomer, Embattled Farmers, 106-07. Upton, Military Policy, also provides a very detailed account of the bounty system throughout his book.

bounties offered by states and communities: "I cannot find that the bounty of ten dollars is likely to produce the desired effect. When men can get double that sum to engage for a month or two in the militia....The addition of land might have a considerable influence on permanent enlistment."<sup>27</sup> Three weeks later, to "induce gentlemen of character to engage," Washington urged Congress to pay soldiers higher wages. "They ought to have such allowances, as will enable them to live like and support the character of gentlemen, and not be driven by a scanty pittance to the low and dirty arts, which many of them practise, to filch from the public more than the difference of pay would amount to, upon an ample allowance. Besides, something is due to the man, who puts his life in your hands, hazards his health, and forsakes the sweets of domestic enjoyment." Later, expressing concern for the well-being of soldiers' families, he writes "that a good bounty should be immediately offered, aided by the proffer of at least a hundred or a hundred and fifty acres of land, and a suit of clothes and blanket to each non-commissioned officer and soldier; as I have good authority for saying, that, however high men's pay may appear, it is barely sufficient, in the present scarcity and dearness of all kinds of goods, to keep him in clothes, much less afford support to their families."<sup>28</sup>

In response to Washington's pleas for increased bounties, Congress raised the bounty for those who would enlist to serve "during the war" to \$20 plus a bounty in land based upon rank: 500 acres for a colonel, 450 acres

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<sup>27</sup> Washington to the President of Congress, 2 September 1776, in Sparks, Writings of Washington, IV:72-73.

<sup>28</sup> Washington to the President of Congress, 4 September 1776, in Sparks, Writings of Washington, IV:111-13.

for a Lieutenant Colonel, down to 100 acres for non-commissioned officers and privates. On 8 October 1776 Congress enacted, in further attempts to spur recruiting, that soldiers be given a suit of clothes valued at \$20. In addition, officers were authorized a reimbursement of \$1.33 for every man they enlisted.<sup>29</sup>

Yet, the Continental Army still could not get enough men into the ranks. On 24 July 1777 Congress recommended that the states divide into districts and appoint district recruiting officers who would be allowed "for each able bodied recruit so raised, who shall enlist for 3 years, or during the war, the sum of eight dollars, in full for his trouble and expense."<sup>30</sup> Like today, the recruiters offered promises of adventure and travel "of this beautiful continent, in the honourable and truly respectable character of a soldier, after which, he may, if he pleases return home to his friends, with his pockets full of money and his head covered with laurels." It was not uncommon for the recruiter to use "a skillful combination of political persuasion and rum" to get a man to join.<sup>31</sup>

As the war progressed, it became evident that long term enlistments were needed so that the troops could be properly trained and disciplined. To achieve this, the Continental Army had to take precedence over the local

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<sup>29</sup> Upton, Military Policy, 17 and 21-22. Also see, President of the Continental Congress to the Assembly of New Jersey, 9 October 1776, in Correspondence of the Executive, 14-15.

<sup>30</sup> Ford, Journals of the Continental Congress, VIII:593-94.

<sup>31</sup> Don Higginbotham, The War of American Independence: Military Attitudes, Policies, and Practice, 1763-1789 (New York: Macmillan Company, 1971), 392. Also see, Allen Bowman, The Morale of the American Revolutionary Army (Washington, D.C.: American Council on Public Affairs, 1943), 14.

militia and the Congress began to discuss the need for a draft system. Local communities were generally opposed to the involuntary conscription of their citizens into the Continental Army and some states now began to supplement the national bounties to encourage men who wished to serve to enlist in state volunteer regiments which would then be sent to the Continental Army. Early in 1777, the New England delegates met in Providence and voted that their states would supplement the national bounty of \$20.00 with an additional bounty of \$33.33. Massachusetts and New Hampshire went further by offering a bounty of \$86.66, plus the national bounty of \$20.00, plus 100 acres of land.<sup>32</sup>

On 14 April 1777, to further stimulate recruiting, Congress recommended that each state "enact laws exempting from actual service any two of the militia who should, within the time limited by such laws, furnish one able-bodied recruit to serve in any battalion of the Continental Army for three years or during the war; said exemption to continue during the term of enlistment, the recruit to have the Continental bounty and other allowances." Congress further recommended that "state legislatures enact laws compelling all such persons as are exempted from bearing arms or performing military duties, other than such as specified in the forgoing resolution, to furnish such number of able-bodied soldiers as such legislatures shall deem a proper equivalent for such exemption."<sup>33</sup>

Yet, conscription, which had precedent dating to the Plymouth Colony law of 1636, was inevitable and Massachusetts and Virginia were the first states to pass conscription laws in 1777.<sup>34</sup> To prevent the drafting of men

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<sup>32</sup> Upton, Military Policy, 28.

<sup>33</sup> Upton, Military Policy, 27-28.

<sup>34</sup> Hampton, "Provision for Soldiers' Dependents," 615.

from their local communities, the hiring of substitutes was encouraged. Some communities even tried to meet their entire quota by hiring outside volunteers to serve for them, regardless of their qualifications. For example, in March, 1778, Washington wrote to the President of the Massachusetts Council: "It gives me inexpressible concern to have repeated information from the best authorities that the committees of the different towns and districts in your State hire deserters from General Burgoyne's army and employ them as substitutes to excuse the personal service of the inhabitants."<sup>35</sup> British deserters who enlisted in the Continental Army were, not surprisingly, likely to desert again.<sup>36</sup> Monies to pay for the substitutes were raised by popular subscription, tax levy, private donations, or by fines from drafted men who refused to serve.

With these provisions, the national government took a step towards legitimizing an army of the poor since states could stratify their militia and send only those men not deemed essential to their state defense and economy to the Continental Army. In addition, the legislation opened the door for men of means to hire substitutes for themselves.

States, now desperate to fill their quotas in the Continental Army, continued to increase their bounty payments to those willing to enlist. In 1777, New York offered privates eighty pounds plus 500 acres.<sup>37</sup> In March 1779, North Carolina and Virginia offered a bounty of \$200 for a one year enlistment. By May, Virginia upped the bounty to \$750, plus a suit of clothes yearly, plus 100

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<sup>35</sup> Washington to the President of the Massachusetts Council, March 1778, in Sparks, Writings of Washington, V:287-88.

<sup>36</sup> Sparks, Writings of Washington, V:288n.

<sup>37</sup> Hampton, "Provision for Soldiers' Dependents," 615.

acres of land.<sup>38</sup> In Chelsea Massachusetts, \$2,000 was offered to any man willing to enlist which still did not secure the needed men, and thirty-nine men subsequently drafted paid a fine rather than serve. An example of this is found in a draft notice sent to John Sail:

To Dea. John Sail, Sir:

This is to inform you are this evening drafted as one of the Continental men to go to General Washington's headquarters, and you must go or find an able bodied man in your Room, or pay a fine of twenty pounds in law, money in twenty-four hours.

Samuel Clark, Capt.

(Endorsed) Chelsea May 21st 1778  
then received of Deacon Sail twenty pounds law. money  
in full of the within. Received by me  
Edward Wait Clerk<sup>39</sup>

However, the exorbitant increase in the amounts of monies paid in the form of bounties is only partially attributable to states' desperation to find soldiers to fill their Continental quotas. Inflation was rampant during war. Wages during the war soared to a dollar a day or more, while a private's pay was \$6.66 per month, when he could get it.<sup>40</sup> As the war progressed, inflation continued to spiral and all salaried workers were severely hurt. The Continental soldier was hit particularly hard since it was

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<sup>38</sup> Upton, Military Policy, 41.

<sup>39</sup> In, Jonathan Smith, "How Massachusetts Raised her Troops in the Revolution", Massachusetts Historical Society, Proceedings, October, 1921--June, 1922, (Norwood MA: The Plimpton Press, 1923), LV:351-70.

<sup>40</sup> Bulletin of the U.S. Bureau of Labor Statistics, No. 604, History of Wages in the U.S. from Colonial Times to 1928 (Washington, D.C.: U.S. Government printing Office, 1934), 18.

not uncommon for him to serve a year or longer before receiving his pay, which by then was much devalued.<sup>41</sup> The Continental government began printing paper money in 1775, but without a treasury, these bills were merely promissory notes. Initially, one Continental dollar was to equal one silver dollar, but by 1780, it took forty Continental dollars to equal one silver dollar. Beef, which cost \$0.04 a pound in 1777 was selling for \$1.69 a pound in 1780. By 1779, potatoes were selling for \$24 a bushel, eggs cost \$18 a dozen, and a year's pay of a captain would not buy a single pair of shoes. In addition, states began issuing their own currency. Virginia's currency was perhaps the worst when, by 1781, it took \$1,000 in currency to equal one silver dollar.<sup>42</sup>

In 1778, Ebenezer Huntington lamented, "our Wages are not made at least so good as to Support us, the bare Idea of Fifty Dollars per Month is nothing & my Wages is not more, it will Scarcely support me a Week, in addition to the Ration I draw--Notwithstanding the Money is so much Depreciated."<sup>43</sup> In 1779, he again writes: "Notwithstanding the Currency is as bad or worse than nothing, the whole

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<sup>41</sup> Charles Royster, A Revolutionary People at War: The Continental Army and American Character, 1775-1783 (Chapel Hill: University of North Carolina Press, 1979), 295-304.

<sup>42</sup> See Upton, Military Policy, 50-52; Ebenezer Huntington to Joshua Huntington, 3 May 1779, in Heartman, Letters by Ebenezer Huntington, 80; Gross, Minutemen and Their World, 141; and Minor Myers, Jr., Liberty Without Anarchy: A History of the Society of the Cincinnati (Charlottesville: University Press Of Virginia, 1983), 2.

<sup>43</sup> Ebenezer Huntington to Jabez Huntington, 21 December 1778, in Heartman, Letters by Ebenezer Huntington, 77.

department, are in Arrears for Six Months, & one Brigade for Seven."<sup>44</sup> By 1780, his anger was boiling over:

The Insults & Neglects which the Army have met with from the Country, Beggars all description, it must Go no further they can endure it no longer....I am in Rags, have lain in the Rain on the Ground for 40 hours past, & only a Junk of fresh Beef & that without Salt to dine on this day, rec'd no pay since last December. Constituents complaining, & all this for my Cowardly Countrymen who flinch at the very time when their Exertions are wanted, & hold their Purse Strings as tho they would Damn the World, rather than part with a Dollar to their Army.<sup>45</sup>

A year later, Huntington was in utter despair and his troops were threatening to desert: "They have served you from the 1st of Jan'y 77 & have rec'd but just their Wages for 77, the rest is due....you must pay us in Gold, or find other Servants, & those who ask no Wages....Cloath feed & Pay us & you may have any Services you wish, but you must not expect nor should you receive but little more without."<sup>46</sup> In 1782, he writes, "I have ever had an Idea of Poverty, but never experienced it more."<sup>47</sup>

States now began offering more practical bounties reflecting the general economic hardships of the times. Georgia called on men to enroll for three months and resolved, "each man so enrolled shall be entitled to one good Milk Cow, & calf, as a bounty, exclusive of their pay....And that proper care shall be taken during their

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<sup>44</sup> Ebenezer Huntington to Joshua Huntington, 3 May 1779, in Heartman, Letters by Ebenezer Huntington, 81.

<sup>45</sup> Ebenezer Huntington to Andrew Huntington, 7 July 1780, in Heartman, Letters by Ebenezer Huntington, 88.

<sup>46</sup> Ebenezer Huntington to Andrew Huntington, 2 August 1781, in Heartman, Letters by Ebenezer Huntington, 94.

<sup>47</sup> Ebenezer Huntington to Andrew Huntington, 16 March 1882, in Heartman, Letters by Ebenezer Huntington, 97.

absence to supply their families with necessary provisions."<sup>48</sup> Harvard, Massachusetts, offered "eighteen calves, ten to be heifers and eighteen steers, to be delivered to him within six weeks after his discharge."<sup>49</sup> Virginia offered privates a sound Negro between ten and thirty years of age plus 300 acres of land.<sup>50</sup>

#### An Army of the Poor

It becomes clear that in the early months of the war when the Continental Army was composed of the local militia, it was a fairly representative sample of the population from the states, but once Congress and the states recognized the need for long term service, they had no qualms of turning to the poor to fill their needs. Transient laborers, the landless, newly freed indentured servants, convicts, free Negroes, British deserters, and even slaves were now urged to enlist.

Despite laws barring Negroes from serving in the militia, some had always served. Even in the early stages of the Revolutionary War, blacks were members of the militia at Concord and later at Boston.<sup>51</sup> Washington initially was against the use of Negroes in the Continental Army, but after the British started to offer freedom to slaves who joined their ranks, the Continental's began recruiting free

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<sup>48</sup> 4 April 1782, Allen D. Chandler, ed. The Revolutionary Records of the State of Georgia (Atlanta: Franklin-Turner Company, 1908), II:326.

<sup>49</sup> Smith, "How Massachusetts Raised her Troops," 362.

<sup>50</sup> Hampton, "Provision for Soldiers' Dependents," 615.

<sup>51</sup> Philip S. Foner, Blacks in the American Revolution (Westport, Conn.: Greenwood Press, 1976), 41-44; Benjamin Quarles, The Negro in the American Revolution (Chapel Hill: University of North Carolina Press, 1961), 8-11.

blacks. As the war progressed, and the recruitment of able bodied whites remained low, more attention was paid to recruiting Negroes. Recruiting officers, who were paid \$10 for each man enlisted, often found the enlistment of Negroes an easy way to collect their commission. States also set up committees to hire men to fill their quotas at the lowest possible cost to the community. Since Negroes could be purchased relatively cheaply and had no legal rights, they sometimes became easy prey. In addition, it was not uncommon for slaves to be sent to the army as substitutes for their masters. Hundreds of slaves were more than willing to enlist in exchange for freedom and the names chosen by some of them reflect their hopes: Jeffrey Liberty, Sharp Liberty, Dick Freedom, Cuff Freedom, and Jupertter Free. In all, perhaps 5,000 Negroes served in the war.<sup>52</sup> In Concord, eight percent of the Continental quotas were filled by blacks.<sup>53</sup> In 1778, Rhode Island proposed to raise two battalions of Negroes. The governor wrote Washington: "Liberty is given to every effective slave to enter into the service during the war; and upon his passing muster he is absolutely made free, and entitled to all the wages, bounties, and encouragements given by Congress to any soldier enlisting into their service. The masters are allowed at the rate of one hundred and twenty pounds for the most valuable slave, and in proportion for those of less value. The number of slaves in the State is not great, but it is generally thought that three hundred and upwards will

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<sup>52</sup> Quarles, Negro in the Revolution, 13-19, 51-59, 102-03; and Jack D. Foner, Blacks and the Military in American History: A New Perspective (New York: Praeger, 1974), 10-14.

<sup>53</sup> Gross, Minutemen and Their World, 151.

be enlisted."<sup>54</sup> In 1777, Massachusetts included Negroes in the draft.<sup>55</sup> In 1779, the Continental Congress recommended that since "great numbers of citizens [are] necessary to remain at home, to prevent insurrections among the negroes, and to prevent desertion of them to the enemy...Resolved, That it be recommended to the states of South Carolina and Georgia, if they think the same expedient, to take measures immediately for raising three thousand able-bodied negroes."<sup>56</sup> Indeed, in the Carolinas, nearly every man of any substance was exempt from service: Episcopal ministers, members of the legislature, court officers, public millers, ferrymen, Presbyterian clergy, warehouse inspectors, overseers with 6 slaves or more, school-masters with a minimum of ten pupils, constables, public road supervisors, river pilots, and Quakers.<sup>57</sup>

All of the states encouraged the landless to enlist with promises of land and monetary bounties which ranged from outright grants of money and acreage, to tax exemptions and debt deferment, to livestock, and even slaves. Many states also granted immunity from civil judicial proceedings while they served, exempting any property they owned from

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<sup>54</sup> Governor Cooke to Washington, 23 February 1778, in Sparks, Writings of Washington, 245-46n.

<sup>55</sup> Higginbotham, War of American Independence, 395; and Quarles, Negro in the Revolution, 54.

<sup>56</sup> Secret Journals of the Acts and Proceedings of Congress... (Boston: Thomas Waite, 1821), I:108-09. There is no evidence that these Negroes were raised. In fact, while the northern states did not hesitate to send Negroes into the army as substitutes for local white men, the southern states were opposed to this practice since they feared an armed rebellion against them by the slaves. See Higginbotham, War of American Independence, 395.

<sup>57</sup> Talcott Powell, Tattered Banners (New York: Harcourt, Brace and Company, 1933), 68.

being impounded for delinquent debts.<sup>58</sup> In New Jersey, for example, an ordinance was passed in 1776 exempting persons who enlisted from arrest for indebtedness, and releasing debtors from prison who agreed to enlist.<sup>59</sup> By 1780, Concord had relaxed its residency laws and generally welcomed the transient poor into its town (the same class of people they would have "warned out" several years earlier) since they drew upon them to fill their army quotas.<sup>60</sup> In Maryland, the muster rolls from 1782 reveal that poverty was endemic to the native-born soldier. A large proportion of the recruits were members of the lowest social and economic class of whites in the state. Most of the native-born recruits were sons of tenant farmers or poor landowners. The foreign born soldiers were largely recently freed indentured or convict servants and free laborers.<sup>61</sup> Nearly all the recruits from Deerfield and Greenfield, Massachusetts, in 1780 were either under seventeen or over thirty-four.<sup>62</sup>

States also began passing legislation calling for the poor to serve. In South Carolina, "all idle, lewd, disorderly men, who have no battalions or settled place of abode, or no visible lawful way or means of maintaining

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<sup>58</sup> Lawrence Delbert Cress, Citizens in Arms: The Army and the Militia in American Society to the War of 1812 (Chapel Hill: University of North Carolina Press, 1982), 59-60.

<sup>59</sup> Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey (Trenton: Naar, Day & Naar, 1879), 411-12.

<sup>60</sup> Gross, Minutemen and Their World, 151-52.

<sup>61</sup> Edward C. Papenfuse and Gregory A. Stiverson, "General Smallwood's Recruits: The Peacetime Career of the Revolutionary War Private", William and Mary Quarterly 30, (January 1973): 117-32.

<sup>62</sup> Newcomer, Embattled Farmers, 106.

themselves and their families, all sturdy beggars, and all strolling or straggling persons...[are] liable and obliged to serve in one of the Continental regiments of this state." In Maryland, "every vagrant or man above 18 years of age, able bodied, and having no family, fixed battalion, or visible means of subsistence" was subject to Continental service.<sup>63</sup> Such legislation bears resemblance to the English Poor Laws of 1536 and 1601 where public officials could furnish work for those in need.<sup>64</sup> More recently, such legislation is reminiscent of work incentive programs in the New Deal era.

Convicts in a number of states were offered pardons for successful service.<sup>65</sup> In New Jersey, for example, a convict who had been sentenced to death was pardoned on condition that he enlist. He later deserted.<sup>66</sup> A number of other states, especially in the south, felt that the enlistment of convicts into the Continental Army could solve their problems of filling enlistment quotas. Generals Washington and Greene protested such actions, but to little avail.<sup>67</sup>

That the army was disproportionately made up of the unemployed, malcontents, ruffians, drunkards, and other

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<sup>63</sup> Cress, Citizens in Arms, 59; and Higginbotham, War of American Independence, 393-98.

<sup>64</sup> 27 Hen. 8, c. 25; and 43 Eliz. 1, c. 2.

<sup>65</sup> Higginbotham, War of American Independence, 394.

<sup>66</sup> Minutes of the Council of Safety of the State of New Jersey (Jersey City: John H. Lyon, 1872), 268.

<sup>67</sup> Washington to the President of Congress, 13 May 1777 and Washington to Governor Patrick Henry, 17 May 1777, in John C. Fitzpatrick, ed., The Writings of George Washington from the Original Manuscripts, 1745-1799 (Washington, D.C.: U.S. Government Printing Office, 1931-44), VIII:56-57 and 77-79; and Greene to Washington, 16 February 1778, in George W. Greene, The Life of Nathanael Greene (New York: G.P. Putnam and Son, 1867-1871), I:559.

classes of shiftless men is further illustrated by the comments some commanders had about their soldiers: Henry Knox remarked that "as the army now stands, it is only a receptacle for ragamuffins;"<sup>68</sup> Colonel Johnson called the recruits "Food for Worms--miserable sharp looking Caitiffs, hungry lean fac'd Villans;"<sup>69</sup> and Nathanael Greene thought they were "the worst in the world...of no more use than if they were in the moon."<sup>70</sup>

Thus, as the war progressed, the military increasingly drew their men from the lowest classes of society and the bounty system, which was initially devised to spur recruiting, took on the characteristics of a state and federal public welfare system in the form of a work relief program for the landless, the poor, the freed slaves, the freed indentured servants, and the vagrants who agreed to enlist. The bounties held out the hope that these persons would be rewarded with money, land, and other goods which would permit them a chance for economic survival in America. At the same time, local communities hoped to ease their tax burdens by removing these men from the public rolls while placing them in the productive service of their country.

While some persons tried to take advantage of the bounties by frequently deserting and then reenlisting,

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<sup>68</sup> Knox to William Knox, 23 September 1776, in Noah Brooks, Henry Knox, A Soldier of the Revolution (New York: G.P. Putnam's Sons, 1900), 70-71.

<sup>69</sup> Colonel Johnson to Wayne, 17 November 1776, in Charles J. Stille, Major General Anthony Wayne and the Pennsylvania Line in the Continental Army (Philadelphia: J.B. Lippincott Company, 1893), 44.

<sup>70</sup> Nathanael Greene to Thomas Jefferson, 15 February 1781, in Bowman, Morale of the Revolutionary Army, 14.

thousands faithfully served in the war.<sup>71</sup> When the war ended, most of the promises made to the soldiers were not kept. Some had not been paid in years. Upon discharge, they were given three months pay to be used for travelling money, but even this was merely in the form of promissory notes due payable in six months. Many of the land bounties were paid, but often times these parcels of land were not in the state from which the man enlisted, leading to a large migration and resettlement of ex-soldiers after the war.<sup>72</sup>

The next chapter will discuss the enactment of the first federal pension system in the United States.

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<sup>71</sup> One should not lose sight of the fact that despite all of the problems faced by the army, they still won the war. For some insights into what motivated the soldiers to continue fighting, see, Robert Middlekauff, "Why Men Fought in the American Revolution", The Huntington Quarterly 43, (Spring 1980): 135-48; and James Kirby Martin and Mark Edward Lender, A Respectable Army: The Military Origins of the Republic, 1783-1789 (Arlington Heights, Ill.: Harlan Davidson, Inc., 1982).

<sup>72</sup> Papenfuse and Stiverson, "General Smallwood's Recruits," found few men who had served with General Smallwood on the Massachusetts state census rolls of 1790. They speculate that most left the state in search of a better life. The ex-soldiers sought to escape the labels of their past life and moved west where no one would know that a man used to be a vagabond or a convict.

Chapter 7  
REVOLUTIONARY WAR PENSIONS

Chronology

- 1776 First national pension law in the United States of America enacted--Pension based upon a disability (invalid pension) sustained in military service--Pension could last for life--States to pay the pension
- 1778 First service (demogrant) pension granted to officers regardless of disability or financial need--Noncommissioned officers and soldiers excluded
- 1780 First national pension law for widows and children of officers--Widows of noncommissioned officers and soldiers excluded
- 1790 Pension payments made from federal treasury
- 1805 Pension eligibility expanded to those who became debilitated by war wounds after leaving military service
- 1818 Service (demogrant) pension granted to all Revolutionary War veterans, regardless of rank, regardless of disability, if indigent
- 1829 Service (demogrant) pension for life granted to all Revolutionary war veterans regardless of rank, regardless of disability, regardless of financial need
- 1836 Widows of all Revolutionary War veterans eligible for pensions--Over the years these benefits were expanded

### Introduction

The purpose of this chapter is to describe the first military pension benefits granted in the formal United States of America to Revolutionary War veterans and their families. These benefits fall into two distinct categories: benefits based upon a disability (invalid pension) and benefits based solely upon military service (demogrant pension). Initially, the benefits were means tested, but by the nineteenth century this requirement had been removed.

### Revolutionary War Pensions

Revolutionary War pensions can be broken into two types. First, invalid or disability pensions were designed to provide financial assistance to maimed soldiers who, due to their war injuries, were unlikely to be able to support themselves. The second type of pension was strictly a reward for faithful service. No injury had to be sustained to receive a service pension.

### Invalid Pensions

As has been pointed out, each colony had been providing pensions to its maimed and disabled soldiers since at least the King Philip's War. With the approach of the Revolution, states again enacted legislation to care for their invalid or disabled soldiers. However, the provisions of each state pension were not uniform and often times the amounts of money to be awarded were nebulously stated. For example, the New Jersey law stated that "provisions" would be made for the families of all militia killed or wounded in service; "the convention pledge the faith of this State."<sup>1</sup> Maryland passed the following resolution: "That if any

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<sup>1</sup> Ordinance passed, 11 August 1776, in Minutes of the Provincial Congress and the Council of Safety of the State of New Jersey (Trenton: Naar, Day & Naar, 1879), 571.

officer or soldier of the regular forces, minute men, or militia, in the service of this province, shall lose a limb, or be otherwise maimed or hurt, so as to be rendered incapable of earning a livelihood, this province will make provision for the comfortable support of such officer or soldier."<sup>2</sup> Following state precedent, it was not surprising that the Continental Congress took action to provide uniform pensions for soldiers, regardless of their state of residence.

Almost immediately upon the outbreak of fighting, the need for a national military pension system was evident as wounded soldiers began petitioning the Continental Congress for relief.<sup>3</sup> On 20 June 1776, before the Declaration of Independence was issued, the Congress appointed a committee of five men to consider what type of Continental pension program would be most appropriate. The committee considered establishing a hospital system to care for pensioners, similar to England's Chelsea Hospital, but chose instead to

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<sup>2</sup> Enacted 14 January 1776, in Proceedings of the Conventions of the Province of Maryland (Baltimore: James Lucas & E.K. Deaver, 1836), 97.

<sup>3</sup> On 26 June 1776, Abraham Mills was given nearly \$34 for "nursing and boarding six soldiers in the small pox." Worthington Chauncey Ford, et al., eds. Journals of the Continental Congress (Washington, D.C.: U.S. Government Printing Office, 1904-37), V:469. On 26 June 1776, William Whiting, a Continental soldier wounded in Quebec, was granted \$20 "to enable him to return to his family at Norfolk, in Connecticut" (V:484), and a day later William Poole was referred by Congress to the committee appointed to make provisions for disabled soldiers (V:484). On 9 July 1776, Poole was granted \$20 "for his present support, till regulations are made for the relief of disabled soldiers" (V:530). On 23 July 1776, \$20 was granted to Isaac Manes, "a wounded soldier in Captain Cheeseman's company, and that he be sent to the general hospital" (V:601).

issue pensions directly to the men.<sup>4</sup> As a result, the first pension law of the United States of America was passed on 26 August 1776. The 1776 pension law provided that every officer, noncommissioned officer, or soldier of the Continental Army (state militiamen and volunteers were not included as they were to be provided for by their respective states)<sup>5</sup> who lost a limb or otherwise became so disabled that he could not work was to be granted one-half of his military pay for life or as long as the disability lasted. Anyone with lesser injuries would be granted a proportionately smaller sum based upon the severity of their disability. In the case of sailors, if the disability was sustained while taking a prize (capturing an enemy ship), the amount of the prize was to be accounted as part of the pension. The disabled men were to obtain certificates from their commanding officer and the surgeon who attended them detailing the nature of their wound and certifying that the injury was sustained while in military service. States were to appoint men to examine the certificates and enter the names of disabled men into books and send quarterly reports to Congress.<sup>6</sup>

Following British precedent, pensioners capable of performing recruiting duty or standing guard or garrison duty were to be formed into an invalid corps and were subject to be called for military duty if the need arose.

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<sup>4</sup> Members were Robert Treat Paine, Francis Lightfoot Lee, Raymond Hall, William Ellery, and Francis Lewis. Ford, Journals of the Continental Congress, V:469.

<sup>5</sup> See, for example, American State Papers, Claims (Washington, D.C.: Gales and Seaton, 1832-61), 1789-1823, 22-23.

<sup>6</sup> Ford, Journals of the Continental Congress, V:702-05. On 25 September 1778, the law was expanded to include all men injured since the beginning of fighting on 19 April 1775 (XII:953-54).

An invalid corps of eight companies containing a total of about 960 men was formally authorized on 22 April 1777, with Colonel Lewis Nicola in command. During the Revolution, companies of invalids were occasionally called out and the pensioners received full pay while on duty. Surgeons were to consider whether wounded men were fit for the invalid corps in lieu of discharge. The Congress felt that "men having only one leg or one arm each, if otherwise capable of doing garrison duty, are to be deemed proper recruits for the corps." Notice was published in several newspapers advising all pensioned soldiers in and around Philadelphia that they were to report to Colonel Nicola to be examined for suitability for service in the invalid corps. All men outside of Philadelphia were to report to the nearest Continental officer or surgeon who would examine them.<sup>7</sup> On 23 April 1782, provisions were made to pay wounded soldiers who did not want to be placed in the invalid corps \$5 per month as full satisfaction for their injuries.<sup>8</sup>

Since the Continental treasury was bare, states were to implement and pay the pensions. Undoubtedly, variations among states resulted in how efficient each was in providing the pensions. It was not until after the war, on 7 June 1785 that the Congress passed a resolution which provided detailed instructions to states regarding the manner in which the pensions were to be provided. Each state was to appoint an officer who would examine all claims and dispense the payments. While the states retained administration over the pension program, detailed reports were to be sent to the Secretary of War. States were then to deduct the amount of money paid for the pensions from the federal tax levy that

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<sup>7</sup> Ford, Journals of the Continental Congress, V:705; VII:288-89; VIII:485, 554-56, 584, 690.

<sup>8</sup> Ford, Journals of the Continental Congress, XXII:210.

they owed. Fully disabled officers were to receive one-half of their military pay for life, while noncommissioned officers and soldiers were to receive \$5 a month. Those who had injuries less than fully disabling would receive proportionately smaller pensions.<sup>9</sup>

States, however, were not always implementing the provisions of the Revolutionary War pension legislation and many maimed men went unpaid. In 1789, after the establishment of a formal federal government, the invalid pension legislation was extended by Congress<sup>10</sup> and in 1790, payment was made in arrears directly from the federal treasury to the invalid pensioners.<sup>11</sup> In March 1792, there were 1,472 pensioners on the rolls of whom 1,358 were noncommissioned officers or soldiers receiving \$5 a month.<sup>12</sup>

While the numbers of federal pensioners was not large, debates raged in Congress over the provisions of the legislation. Only men who had filed their applications before 11 December 1788 were eligible to receive a pension.

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<sup>9</sup> Ford, Journals of the Continental Congress, XXII:435-37.

<sup>10</sup> Act of 29 September 1789. United States Statutes at Large.... (Boston [etc.]: Little, Brown, and Company [etc.], 1850-), I:95. The Act was extended for one year on 16 July 1790 (I:129) and again on 3 March 1791 (I:218).

<sup>11</sup> Statutes at Large, VI:4.

<sup>12</sup> American State Papers, Claims, 1789-1823, 56-57. For lists of pensioners citing their disabilities and amount awarded, see pp. 58-67, 83-128, 134-46, 148-82. For a more detailed discussion of the pension issue, see Lawrence Delbert Cress, Citizens in Arms: The Army and the Militia in American Society to the War of 1812 (Chapel Hill: University of North Carolina Press, 1982), 67-73; Minor Myers, Jr., Liberty Without Anarchy: A History of the Society of the Cincinnati (Charlottesville: University Press of Virginia, 1983), 2-15; and William H. Glasson, Federal Military Pensions in the United States (New York: Oxford University Press, 1918), 19-97.

Yet, men were petitioning Congress after that date for pensions. Secretary of War Henry Knox was against extending pensions to these men. For example, on 25 February 1791, he told the House of Representatives that many pension petitioners claimed "colds, rheumatism, or other disorders, caught ten or fifteen years ago, as the causes of a pension." Others, "who received flesh wounds," many years ago now felt themselves deserving of pensions. "Utter incapacity for labor or for obtaining a livelihood," he thought, "seems to be the criterion of highest desirability" for granting a pension. But Congress frequently yielded to the pressure of the applicants and granted pensions.<sup>13</sup>

On 23 March 1792 Congress enacted a statute by which circuit courts were to hear petitions from Revolutionary War veterans and recommend the amount of pension to be granted. However, the Secretary of War could modify the courts' decisions.<sup>14</sup> The courts vehemently protested this interference in their jurisdiction by the Secretary of War and argued that they were constitutionally independent of both the legislative and executive branches of government. In fact, the Pennsylvania court refused to hear pension cases, in essence declaring the pension act of 1792 unconstitutional. This is the first instance in American history of a federal court nullifying an act of Congress.<sup>15</sup>

On 28 February 1793, the Congress yielded to the courts and passed a new invalid pension statute for Revolutionary War veterans. This time the courts were directed simply to take testimony from pension applicants in their jurisdiction as to the man's dates of service and nature of injuries.

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<sup>13</sup> American State Papers, Claims, 1789-1823, 28-29.

<sup>14</sup> Statutes at Large, I:243-45.

<sup>15</sup> American State Papers, Miscellaneous, I:49-53, 78; and Glasson, Federal Military Pensions, 56-60.

The courts were then to send the applications to the Secretary of War who would confirm eligibility and then forward the lists to Congress for final disposition. Thus, the courts were not asked to make judgments whether a petitioner was eligible for a pension.<sup>16</sup> However, confirming that a man had actually served in the army sometimes proved difficult since a number of muster lists had been lost. The monetary amounts of full pensions were to follow earlier legislation where officers could receive one-half of their military pay for life and noncommissioned officers might be allowed a maximum of \$5 monthly. These men had to be so disabled that they were not capable of performing manual labor.<sup>17</sup> Agents were appointed in each state to dispense the pensions. Annual costs of the pension program was under \$100,000.<sup>18</sup>

The next modification of the Revolutionary War pension legislation occurred in 1803. Most of the provisions of the 1793 legislation remained in effect, except that the Secretary of War was now authorized to make the final

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<sup>16</sup> Only persons on the roll as of 23 March 1792 were entitled to a pension. Statutes at Large, I:324-25. On 21 February 1795, this Act was amended and petitioners could only receive pensions from the date of their petition onward (payments of arrears were not granted) and any officer who had received commutation pay was ineligible for an invalid pension unless he returned his commutation pay to the treasury (I:418). Examples of lists of petitioners sent by the courts to the Secretary of War are found in American State Papers, Claims, 1789-1823, 85-128.

<sup>17</sup> For examples of pensions awarded, see Statutes at Large, I:392-93, 454-58.

<sup>18</sup> The costs of invalid pensions were \$175,813 in 1791; \$109,243 in 1792; \$80,087 in 1793; \$81,399 in 1794; \$68,673 in 1795; \$100,843 in 1796; \$92,256 in 1797; \$104,845 in 1798; and \$95,444 in 1799. American State Papers, Finance, I:662; and American State Papers, Miscellaneous, I:305.

decision as to the allowance of claims.<sup>19</sup> In 1805, the pension legislation was expanded to cover men who had been wounded in the war, but whose disabilities had not become permanently debilitating until later years.<sup>20</sup>

On 10 April 1806, Congress passed a more comprehensive invalid pension statute for Revolutionary War veterans. The law provided pensions not only to Continental soldiers, but to state militia and volunteers as well. The maximum amounts of the pensions remained the same, but if a soldier's disability worsened with the passage of time, his pension could be adjusted up to the maximum allowed. Congress also returned the final authority for granting pensions to itself. The law was to remain in effect for six years.<sup>21</sup> Subsequent laws were passed by Congress pensioning long lists of men at varying rates per month. On 25 April 1808 Congress assumed payment of pensions for all remaining men on the pension rolls of individual states.<sup>22</sup> On 25 April 1812, the act of 1806 was renewed for another six years.<sup>23</sup>

Following the War of 1812, the federal treasury had a substantial surplus of money and it was decided to use some of the surplus to ensure that Revolutionary War invalid pensioners were able to support themselves "plentifully and

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<sup>19</sup> Statutes at Large, II:242-43.

<sup>20</sup> Statutes at Large, II:345-46.

<sup>21</sup> Statutes at Large, II:376-78.

<sup>22</sup> Statutes at Large, II:496. For lists of pensioners and the amounts granted, see II:491-96.

<sup>23</sup> Statutes at Large, II:718-19. The Act was revived on 15 May 1820 for one year (III:596-97), and again for six years on 4 February 1822 (III:650), and for another six years on 24 May 1828 (IV:307-08).

comfortably."<sup>24</sup> In 1815, a committee on pensions and Revolutionary claims was appointed to consider modifications of the pension system and to hear individual petitions.<sup>25</sup> On 24 April 1816, Congress authorized the first pay increase for these pensioners. Noncommissioned officers and soldiers were allowed a maximum of \$8 monthly and commissioned officers received increases of \$2 to \$3 monthly (a first lieutenant could receive a maximum of \$17 monthly, a second lieutenant \$15, a third lieutenant \$14, and an ensign \$13; the pensions of higher ranking officers remained unchanged since their present rates permitted them to "live free from actual want"--a captain could receive a maximum of \$20 monthly, a major \$25, and a colonel \$30). The annual expenditure for pensions before this act was \$119,624 and it was estimated that the increased pensions would raise this sum to about \$200,000, which included pensioners from the War of 1812.<sup>26</sup> Payments were going to about 2,200 men: 185 officers and 1,572 soldiers who were on the rolls since shortly after the war and 52 officers and 391 soldiers whose disabilities had broken out after the war.<sup>27</sup>

#### Service (Demogrant) Pensions

In 1778, Washington pressed congress for legislation to pay Continental Army officers one-half of their pay for life upon termination of the war regardless of any disability or

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<sup>24</sup> American State Papers, Claims, 1789-1823, 473-74.

<sup>25</sup> Journal of the House of Representatives of the United States (Washington, D.C.: William A. Davis, 1815), 14th Cong., 1st sess., X:24.

<sup>26</sup> Statutes at Large, III:296-97.

<sup>27</sup> American State Papers, Claims, 1789-1823, 473-74.

financial need.<sup>28</sup> This request followed the tradition established by the British army and was asked for partly out of concern for the financial resources of the officers (due to the drastic depreciation of currency), but perhaps more so because the officers were demoralized and threatened to desert. On 15 May 1778, after much debate, Congress modified the request and resolved to pay officers who served the duration one-half pay for seven years, and noncommissioned officers and soldiers a lump sum of \$80 which was equal to about one year's pay for a private.<sup>29</sup> This was the first official service (demogrant) pension legislation passed in the United States of America and was enacted as a form of deferred compensation for services rendered by the officers.

In 1779, following continued reports from Washington that the officers could not support themselves and were threatening to resign unless awarded one-half pay for life, and since some states were granting their militia officers one-half pay for life, congress relented. But since Congress had no money to pay for the pensions, it could only recommend to the states that they pay the officers one-half pay for life and "proper rewards to soldiers as well." It was also recommended that states pay the one-half pay

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<sup>28</sup> Washington to the President of Congress, 10 April 1778, in Jared Sparks, ed., The Writings of George Washington Being His Correspondence, Addresses, Messages, and other Papers, Official and Private, Selected and Published from the Original Manuscripts (New York: Harper & Brothers, 1847), V:311-14; and in John C. Fitzpatrick, The Writings of George Washington from the Original Manuscripts, 1745-1799 (Washington, D.C.: U.S. Government Printing Office, 1931-44), VI:465-68.

<sup>29</sup> Ford, Journals of the Continental Congress, XI:502.

pensions to the widows of officers who were killed.<sup>30</sup> In July, 1780, the Continental generals threatened to resign en masse unless they were given additional pay, provided increased living expenses, and pensions be offered by the Congress for widows.<sup>31</sup> Thus, on 24 August 1780 Congress passed the first national pension law on behalf of widows and orphans of Revolutionary War officers whereby widows were to receive one-half of their late husband's pay for seven years, commencing from the time of the officer's death. If there was no surviving widow (in the case of her death or remarriage), the pension was to go to the children of the officer. The wives and children of noncommissioned officers and soldiers were not included in this legislation. States were to determine eligibility and make the necessary payments, but the federal treasury was to reimburse them.<sup>32</sup>

Occasionally, a widow who was denied a pension by the state court would petition the Secretary of War for special consideration. This was the case on 25 January 1790 when Ruth Roberts claimed her husband had become sick in the war and never recovered. Since he could not continue his occupation as a farmer following the war, he had to sell much the couple's holdings to pay for his remedies and support his family. In December, 1789, Mr. Roberts fell down some stairs, as a result of his infirmities, and died. Mrs. Roberts now was requesting the Secretary of War to grant her the invalid pension she felt her late husband had

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<sup>30</sup> Washington to Committee of Congress, 20 January 1779, in Sparks, Writings of Washington, V:311-14 and 321-22; and VI:170; and Ford, Journals of the Continental Congress, XIV:638-40, 908-09, 946-49, 952, 971, 973-74, 976-78; XV:1276, 1335-37.

<sup>31</sup> Myers, Liberty Without Anarchy, 4.

<sup>32</sup> Ford, Journals of the Continental Congress, XVII:770-73.

been entitled to. The Secretary of War ruled that since her husband had been denied eligibility for a pension by the state court, and no new evidence was now presented, she was ineligible for a pension. Thus, the Secretary of War established a precedent not to overrule the decisions of state courts who should have more knowledge of the particulars of a case than he would.<sup>33</sup>

The widows' pension legislation lapsed in 1785 but was extended for two years in 1792, and then lapsed again.<sup>34</sup> As we shall see later, it was not until 1836 that pensions for the widows and children of Revolutionary War officers (and for the first time, pensions to widows of noncommissioned officers and soldiers) were renewed.<sup>35</sup> However, on 16 March 1802, in legislation not affecting Revolutionary War pensions, the widows and orphans (under the age of 16) of officers in the regular army or navy (i.e., not state militiamen or volunteers) were allowed one-half of their late husband's or father's pay for five years.<sup>36</sup>

On 21 October 1780, with no prospect of being able to fund it, Congress adopted a resolution which expanded the provision to pay Continental Army officers, whether disabled or not, one-half of their pay for seven years. The new resolution granted the officers one-half of their pay for life and noncommissioned officers and soldiers full pay for

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<sup>33</sup> American State Papers, Claims, 1789-1823, 5-6; also see p. 18.

<sup>34</sup> Statutes at Large, I:243-45.

<sup>35</sup> For lists of widows and orphans granted pensions, see, American State Papers, Claims, 1789-1823, 30-31, 70-72.

<sup>36</sup> Statutes at Large, II:135.

four months to induce men to stay in the army until war's end.<sup>37</sup>

At the close of the war, the one-half pay for life pension provision for unwounded Continental officers was hotly contested. Many legislators felt that this provision threatened to demoralize the local militia and would undermine the internal security of the states by increasing the potential for a Continental military establishment.<sup>38</sup> New Jersey argued that the pension act was forced upon them and was considered to be "a measure contrary to the genius and political ideas of the new England States."<sup>39</sup> In any event, Congress had no power to levy taxes, thus it was unable to pay the pensions.<sup>40</sup>

On 22 March 1783, relenting to the continued pressure from the states, Congress commuted the half-pay for life of officers to a lump sum of five years' full pay. Soldiers were to receive a lump sum of four months' pay. Since there was no money in the treasury to pay this, the Continental officers and men were issued certificates bearing six percent interest.<sup>41</sup> In 1791, the officers were given new

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<sup>37</sup> Ford, Journals of the Continental Congress, XVIII:958; Washington to the President of Congress, 11 October 1780, in Fitzpatrick, Writings of George Washington, VIII:481-93; Emory Upton, The Military Policy of the United States (Washington, D.C.: Government Printing Office, 1917), 48.

<sup>38</sup> Cress, Citizens in Arms, 68-69.

<sup>39</sup> Selections from the Correspondence of the Executive of New Jersey, from 1776-1786 (Newark: Newark Daily Advertiser Office, 1848), 267-69.

<sup>40</sup> For an in depth analysis of the opposition to a strong national government, see, Jackson Turner Main, The Antifederalists: Critics of the Constitution, 1781-1785 (Chapel Hill: The University of North Carolina Press, 1961).

<sup>41</sup> Ford, Journals of the Continental Congress, XXIV:206-10.

securities bearing interest in lieu of their commutation certificates,<sup>42</sup> but most of the officers and soldiers had long ago departed with their certificates, selling them to speculators for rates as low as twelve and one-half cents on the dollar.<sup>43</sup> It was not until 15 May 1828, after the officers had repeatedly pressed Congress, that they were granted full pay for life. Likewise, noncommissioned officers and soldiers who were included in the commutation act were granted full pay for life.<sup>44</sup>

In selling their commutation certificates, some men ran into problems later when they applied for invalid pensions. For example, in a petition of 5 February 1790, Ezra Smith claimed that at Monmouth on 28 June 1778, "his health was extremely injured by the heat of the said day," and that he was left sick on the field and had to pay a considerable sum to support himself and his son, and for doctor and medicine bills. He continued to remain sick after the war and could not work. The Connecticut court had earlier declared him an invalid and granted him a certificate to receive a United States invalid pension. However, after the war, due to his destitute circumstances, he sold his commutation certificate for \$1,600. Since the invalid pension law required all men to surrender their commutation certificates before they could receive an invalid pension, he was unable to claim his benefit. He now asked the Secretary of War to grant him his invalid pension. The Secretary was sympathetic to his

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<sup>42</sup> Act of 4 August 1790, Statutes at Large, I:141-42. The Act was to go into effect 1 January 1791.

<sup>43</sup> See Glasson, Federal Military Pensions, 49-50; Upton, Military Policy, 62-63; Lee Nathaniel Newcomer, The Embattled Farmers: A Massachusetts Countryside in the American Revolution (New York: King's Crown Press, 1953), 101; and Dixon Wecter, When Johnny Comes Marching Home (Cambridge, Mass.: Houghton Mifflin Company, 1944), 53-54.

<sup>44</sup> Statutes at Large, IV:269-70.

request, but could not abridge the law. The Secretary did, however, request that Congress amend the provisions of the law since few men who had sold their commutation certificates could afford to buy them back in order to receive invalid pensions that they were otherwise eligible for. However, Congress did not respond.<sup>45</sup>

Customs revenues from increased imports swelled the federal treasury after the War of 1812 and President Monroe, in 1817, proposed to pay a service pension to all surviving Revolutionary War veterans, regardless if they were invalid or not. He suspected that many veterans were "reduced to indigence, and even to real distress." It was time, he reasoned, for the country to show its gratitude to the Revolutionary War veterans before "the opportunity will be lost forever." Besides, he continued, there could not be many Revolutionary War veterans alive thirty-four years after the war, so the costs of the pensions would not be great.<sup>46</sup> Proponents of the legislation urged passage based upon patriotic ideals: "Will you suffer the gray hairs of these veterans of the Revolution to come down with sorrow to the grave?" asked one congressman. He requested his fellow senators to envision "the war worn soldier of the Revolution hovering round their dwellings, round this Capitol, asking for a pittance." It was up to Congress, he continued, "to supply the cravings of nature and repair their tattered garments." Focusing on the hardships faced by veterans, another speaker appealed, "permit not him, who in the pride of vigor and youth, wasted his health and shed his blood in freedom's cause, with desponding heart and palsied limbs to

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<sup>45</sup> American State Papers. Claims, 1789-1823, 6, 75.

<sup>46</sup> Annals of the Congress of the United States, (Washington, D.C.: Gales and Seaton, 1834-56), 15th Cong., 1st sess., 19, part 1.

totter from door to door, bowing his yet untamed soul to melt the frozen bosom of reluctant charity."<sup>47</sup>

However, not all were in favor of such legislation. Senator William Smith of South Carolina argued against passing a bill based on sentimentality. He pointed out that such service pensions would set a precedent for all veterans of future wars: "This will be the beginning of a military pension system that posterity may regret."<sup>48</sup> "There are thousands of poor who are unable to work that demand your attention in an equal degree. And are you prepared to put all your poor on the pension list?" he wanted to know.<sup>49</sup>

Nevertheless, most members of Congress were in favor of such legislation, but debates broke out as to how to establish eligibility criteria for the service pensions. Some wanted eligibility based upon service in the military only, while others wanted eligibility based upon "service and poverty."<sup>50</sup>

In 1818, legislation was passed granting every Revolutionary veteran who had served at least nine months, regardless of disability, a pension for life. While no proof was required other than an oath from the man, the veteran was to be "in need of assistance from his country for support." Officers would receive \$20 monthly and noncommissioned officers and soldiers would receive \$8

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<sup>47</sup> Annals of Congress, 15th Cong., 1st sess., 152, part 1.

<sup>48</sup> Annals of Congress, 15th Cong., 1st sess., 150, part 1.

<sup>49</sup> Annals of Congress, 15th Cong., 1st sess., 141, part 1.

<sup>50</sup> Glasson, Federal Military Pensions, 65.

monthly. Invalid pensioners had to relinquish their claims to those pensions in order to receive the service pension.<sup>51</sup>

Neither the President nor Congress had predicted the numbers of men who would flock forth to claim pensions. The cost of providing pensions which had been less than \$200,000 annually three years prior now climbed to nearly \$3,000,000. In fact, the cost of financing the entire military pension program from the organization of the United States government until 1818 had been only \$2,662,525, while the expenditures for pensions in 1820 alone were appropriated at \$2,766,440.<sup>52</sup> In addition, some men who were not indigent were applying for and receiving the pensions which outraged the public.<sup>53</sup> Senator Hayne, reflecting back twelve years later, pointed out that the number of applicants for pensions "considerably exceeded thirty thousand! A number greater than General Washington's army, at any period of the

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<sup>51</sup> Statutes at Large, III:410-11. Also see, American State Papers, Claims, 1789-1823, 682-684. For a social history discussion of these pensions, see, John P. Resch, "Federal Welfare for Revolutionary War Veterans", Social Service Review 56 (June 1982): 171-95.

<sup>52</sup> House Document, "Receipts and Expenditures of the United States, 1789-1819," 16th Cong., 1st sess., no. 75, ser. 35; House Document, "Receipts and Expenditures of the United States, 1789-1829," 21st Cong., 1st sess., no. 90, ser. 198, 6-7. Contradictory evidence regarding the proportion of men eligible for pensions in relation to the numbers of those actually applying cloud the issue. For example, Edward C. Papenfuse and Gregory A. Stiverson, "General Smallwood's Recruits: The Peacetime Career of the Revolutionary War Private," William and Mary Quarterly 30 (January 1973): 129, found relatively few men who were eligible for pensions had actually applied for them.

<sup>53</sup> See excerpts from newspaper accounts in Niles' Weekly Register, XV:63; XVII:99.

war; exceeding the whole number of soldiers that could be supposed to be alive in 1818."<sup>54</sup>

On 1 May 1820, the Congress tried to rectify the problem by eliminating fraudulent pension applications. The resulting legislation required all who had filed for pensions under the provisions of the 1818 act to refile their petitions. This time a man had to submit sworn statements listing his "whole estate and income, (his necessary clothing and bedding excepted)." The Secretary of War was also authorized to strike from the list any man whom he did not deem to be in "such indigent circumstances as to be unable to support himself without the assistance of his country."<sup>55</sup> As a result, thousands of men lost their pensions. Before the remedial law of 1820, there were 18,880 service pensioners on the rolls. On 4 September 1820, that number had been sliced to 12,331; 2,328 men were dropped from the roll as a direct result of the 1820 legislation, and the remaining 4,221 men had either died or failed to produce sworn statements listing their assets. The costs of the service pensions were \$104,900 in 1818 and \$1,811,328 in 1819. In 1820, the expenditures for the pensions had been reduced to \$1,373,849.<sup>56</sup>

Quite naturally, some men who had lost their pensions under the 1820 act appealed their cases to the Secretary of War. The Secretary was prone to restore pensions to men when it was evident that a mistake had been made, but he refused, upon the advise of the Attorney General, to restore pensions based upon petitioners' claims that their financial

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<sup>54</sup> 29 April 1830. Thomas H. Benton, ed. Abridgement of the Debates of Congress, from 1789 to 1856 (New York [etc.]: D. Appleton and Company [etc.], 1857-61), X:549.

<sup>55</sup> Statutes at Large, III:569-70.

<sup>56</sup> American State Papers, Claims, 1789-1823, 885.

circumstances had changed.<sup>57</sup> However, by 1823 the national deficit had eased and Congress was inclined to restore pensions to men who had been dropped in 1820.<sup>58</sup> In November, 1823, there were 17,439 men collecting invalid and service pensions at a cost of \$1,649,187.<sup>59</sup>

In 1829, President Jackson proposed paying additional pensions to Revolutionary War veterans, regardless of their financial situation or disability, and Congressional debates began anew. On 29 April 1830 Senator Hayne of South Carolina graphically claimed many surviving veterans were "mere sunshine and holiday soldiers, the hangers-on of the camp, men of straw, substitutes, who never enlisted until after the preliminaries of peace were signed." He was vehemently opposed to "squandering away the public treasury among a class of persons," who he believed, "never served in the revolution at all." Until 1818, he insightfully continued, pension benefits had been based upon a principle of disability, "a measure deemed necessary to hold out those inducements to gallantry and deeds daring." This was "a wise and safe principle limited in its extent, and almost incapable of abuse." However, the law of 1818 had changed that principle and made mere service in the military and poverty the basis for pensions. Now Congress was even considering granting pensions to men who had served but a few months in the army. Was the pension system coming to resemble that of England's where a "favored few" were

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<sup>57</sup> Glasson, Federal Military Pensions, 74.

<sup>58</sup> Act of 1 March 1823. Statutes at Large, III:782-83.

<sup>59</sup> House Document, "Report of the Secretary of War," 18th Cong., 1st sess., no. 1, ser. 93, Appendix I.

provided for "at the expense of the many?" he wanted to know.<sup>60</sup>

Despite Mr. Hayne's arguments, in the next congress extended pension bills were introduced in both Houses, but the debates continued. Mr. Hubbard of New Hampshire argued that pensions should be a reward for "pure patriotism" and not based upon proof of indigence, which discriminated against frugal men who saved their money while it rewarded those who squandered their money.<sup>61</sup> Opposition to the bill was again strongest among congressmen from Southern and Western states where the numbers of pensioners were substantially smaller than those from the Northern states. "This system is worse than a general tax on industry and property for the relief of the indigent," claimed Mr. Davis of South Carolina. "A poor rate was a tax imposed on the laboring and wealthy for the support of the poor, who are destitute of employment; but this scheme reversed the order of things, for the effect would be to tax the poor for the support of those who were much wealthier than themselves." "Are we not pensioning the rich, commencing a system of privileges and laying the foundation of an aristocratical and privileged order among us?" he asked. Would not "the rich as well as the poor...be living upon the bounty of the government?" When another congressman proposed pensions be granted to every Revolutionary War veteran, regardless of financial need, regardless of disability, who had served at least three months, Mr. Davis could barely restrain himself: "What! reward and pension for life a man who had served three months in a seven years' war!--three months out of

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<sup>60</sup> Benton, Abridgement of the Debates of Congress X:547-55.

<sup>61</sup> U. S. Congress. Register of Debates in Congress (Washington, D.C.: Gales and Seaton, 1824-37), 22d Cong., 1st sess., VIII:1925-26, part 2.

eighty-four months, during the whole of which time the country was bleeding at every pore, and every patriot heart was breathing aspirations for her very existence! Why, sir, instead of reward, punishment ought to be meted out."<sup>62</sup>

Despite such opposition, the bill passed handily and was signed by the President on 7 June 1832. Pensions of full military pay for life, without regard to disability or indigence, were granted to all Revolutionary War veterans according to one's former rank, but not to exceed the pay of a captain. All men who had served at least two years in the Continental Army, as state militia or volunteers, or in the navy were eligible for the pensions upon proof of service. Those who had served more than six months but less than two years were to be granted a proportion of their full-pay salary based upon their actual length of service. Widows and orphans were not provided for.<sup>63</sup> By an amendment on 19 February 1833, all those receiving disability pensions could collect both pensions.<sup>64</sup>

Applications for the pensions were to be made to the Secretary of War where the names of Continental soldiers could be compared against the muster lists of the War Department. However, no such lists were kept for the state militia or volunteers. Thus, the Secretary often had to accept a sworn statement from the man that he was a veteran. These loose eligibility provisions, perhaps, resulted in a surprising number of men applying for the pensions. By January 1823, 24,260 men had filed their petitions.<sup>65</sup> On 7 April 1834, John Quincy Adams penned in his memoirs: "Uriah

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<sup>62</sup> Register of Debates, 22d Cong., 1st sess., VIII:2492-93, part 2.

<sup>63</sup> Statutes at Large, IV:529-30.

<sup>64</sup> Statutes at Large, IV:612.

<sup>65</sup> Glasson, Federal Military Pensions, 83.

Tracy, thirty years ago, used to say that the soldiers of the Revolution claimants never died--that they were immortal. Had he lived to this time, he would have seen that they multiply with the lapse of time. As petitioners they are more numerous at every session of Congress than ever before. And of late, as some of them have died, their widows have begun to petition; and this day there was a petition from the son of a deceased pensioner praying that the pension may be continued to him."<sup>66</sup>

As a result of the increasing numbers of pensioners, a formal Pension Office was established in 1833 as a branch of the War Department.<sup>67</sup> With staff now assigned specifically to administer the pension system, time could be devoted to flushing out fraudulent pension applicants. Much to the chagrin of the country, many men of high civic and social standing were found to be falsifying applications, sometimes using dead mens' names, in order to collect pensions illegally.<sup>68</sup>

Not surprisingly, veterans of other wars now began clamoring for service pensions. In 1833, a proposal was made to include veterans of the Indian Wars under the pension legislation of 1832. On 27 December 1833, Mr. Bouldin of Virginia adeptly argued that "the practical effects of the system had been to discourage private industry, and lead a large portion of the people of the United States to look to the treasury as the unfailing

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<sup>66</sup> John Quincy Adams, Memoirs of John Quincy Adams, comprising a portion of his diary from 1795 to 1848 (Philadelphia: J.B. Lippincott & Co., 1874-77), IX:124.

<sup>67</sup> Statutes at Large, IV:622. In 1849, the Pension Office was transferred to the newly created Department of the Interior. Also see, Glasson, Federal Military Pensions, 85-86.

<sup>68</sup> Glasson, Federal Military Pensions, 87-91.

spring from which they were to receive every good. The poor, instead of being relieved in their own neighborhoods, were pensioned on the United States." Mr. Williams argued that "if the pension system was once carried beyond the revolutionary period, there would be no end to it."<sup>69</sup> The proposal to extend service pensions to veterans of the Indian Wars was defeated.

As we have seen, pension legislation for the widows and orphans of Revolutionary War officers was first enacted in 1780, then discontinued in 1785, only to be renewed in 1792 and left to expire again two years later.<sup>70</sup> Also, as we have seen, legislation in 1802 provided pensions for widows or orphans of officers who died while in the regular army or navy of the United States (Revolutionary War widows and orphans were not included).<sup>71</sup> No pension legislation had ever been passed for the widows of noncommissioned officers or soldiers. On 4 July 1836, when the federal coffers were full, another military pension act was enacted that provided benefits for all widows of Revolutionary War veterans, regardless of their late husband's military rank. The act provided that any widow of a veteran who was eligible for a pension under the act of 1832 would be eligible to continue receiving her husband's pension after his death. Other qualifying conditions held that the couple had to have been married before her husband left service, that her husband had to have been living when the act of 1832 was passed, and

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<sup>69</sup> Register of Debates, 23d Cong., 1st sess., X:2245, part 2.

<sup>70</sup> Ford, Journals of the Continental Congress, XVII:770-73; and Statutes at Large, I:243-45.

<sup>71</sup> Statutes at Large, II:135.

that the widow had not remarried.<sup>72</sup> Nearly 5,000 widows were eligible for pensions under this legislation.<sup>73</sup>

Over the years, the benefits of the widows' pension were expanded. Restrictions on the date the woman married the veteran were lifted, and all widows were guaranteed a minimum of \$8 monthly in 1878 and \$12 in 1886. In addition, the veteran need only have served a total of fourteen days or been present during any engagement with the British to make his widow eligible for the pension.<sup>74</sup>

By 30 June 1867, all Revolutionary War soldiers on the pension rolls had died. On 5 April 1869, the last veteran of the war, Daniel F. Bakeman, died at the age of 109 years, 6 months, and 8 days. However, the names of 887 Revolutionary War widows remained on the rolls on 30 June 1869. Undoubtedly, some of these women had died, but their names were still carried. Since some veterans married (or remarried) women much younger than themselves long after the war had ended, the widows' pension system remained active into the twentieth century. On 11 November 1906, 123 years after the close of the Revolution, the last widow, Esther S. Damon of Vermont, died at 92 years of age.<sup>75</sup>

#### Pensions for the Regular Army

At the close of the Revolutionary War, Congress disbanded the Continental Army and established a regular army consisting of but eighty soldiers and a handful of

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<sup>72</sup> Statutes at Large, V:127-28.

<sup>73</sup> Glasson, Federal Military Pensions, 92.

<sup>74</sup> Statutes at Large, XX:27-29; XXIV:5-6; and Glasson, Federal Military Pensions, 92-93.

<sup>75</sup> Glasson, Federal Military Pensions, 93-94; and Wecter, When Johnny Comes Marching Home, 53.

officers.<sup>76</sup> On 30 April 1790, "An Act for regulating the Military Establishment of the United States" was passed by Congress calling for a regular army of 1,273 officers and men to serve for three years. The Act also provided for invalid pensions for officers, not to exceed one-half of their monthly pay, and for noncommissioned officers and soldiers, not to exceed \$5 monthly.<sup>77</sup> Disability or death had to occur while in the military service. No provisions were made for surviving relatives in the event of a man's death until 16 March 1802 when widows or orphans (in case the widow died or remarried) of commissioned officers of the regular army who had died of wounds received while in the service were granted one-half of the officer's pay for five years.<sup>78</sup> The widows and orphans of noncommissioned officers and soldiers of the regular army who died of wounds sustained while serving in the army were included in pension legislation in 1836 which provided them one-half of their late husbands' pay for five years.<sup>79</sup>

One final aspect of military pensions relating to benefits for military men and their families needs to be mentioned. After the Revolution, in response to the lack of pay and the commutation of pensions, a group of officers banded together to form a military fraternal organization, the Society of the Cincinnati. State chapters soon sprang forward, all with one general purpose--to provide charity for officers, widows, and orphans in need. As we have seen, such an organization was not entirely new in American

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<sup>76</sup> 2 June 1784. Ford, Journals of the Continental Congress, XXVII:524.

<sup>77</sup> Statutes at Large, I:119-21.

<sup>78</sup> Statutes at Large, II:135.

<sup>79</sup> 19 March 1836, Statutes at Large, V:7; and 4 July 1836, V:127.

history, as an informal fraternity of soldiers and relatives formed after the King Philip's War to press for benefits. However, the Society of the Cincinnati was probably the first formal organization of this type to form. Still in existence, the society has helped focus legislative attention through the years on the needs of veterans and their families.<sup>80</sup>

#### Conclusion

The pension provisions of the Revolutionary war were initially enacted solely to enhance recruitment. The invalid pensions were in total harmony with early colonial precedent, but the legislation concerning service (demogrant) pensions which provided half-pay for all officers was hotly contested by the states. The half-pay legislation was modeled after provisions made for British officers and had never been enacted in the colonies.

Thus, a precedent was set that carried forth into the twentieth century--invalid pensions for officers and soldiers and surviving relatives would be paid if a disability or death occurred while a man was on active duty in the armed forces of the United States; but non-invalid (service or demogrant) pensions were only granted by special acts of Congress to men who participated in certain wars. In addition, men who served a specified number of years in the regular army were entitled to retirement pay. However, this was not generally regarded as a pension since the men were eligible to be recalled to active duty against their will in times of national emergencies and payments were made by the War and Navy Departments, not by the Pension Office.

When one accepts the fact that the Revolutionary War militia and the Continental Army were disproportionately

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<sup>80</sup> See Myers, Liberty Without Anarchy, for an in depth discussion of the Society.

made up of indigent men, one may also then begin to realize that the military pension laws, like the bounty system, were essentially systems of state and federal welfare benefits paid to the "worthy" poor.

#### Classification of Revolutionary War Pensions

From the model outlined in Chapter 1, Revolutionary War pensions were a form of income maintenance program. Initially, the pensions were based upon having a disabling injury received while in military service (invalid pension). However, the pension was also means tested in that the veteran had to demonstrate financial need and prove that he was incapable of manual labor.

The service pensions (demogrant pensions), initially were based upon a demogrant. That is, the main criterion for receiving a service pension was membership in a specific group (the Continental Army, or later, state or volunteer militia, or a widow or orphaned child of the soldier). While the service pension was initially means tested, that stipulation was removed in later years. The service pensions were viewed by military officers and the Congress as a form of deferred compensation for serving in the army for wages that barely sustained the man, let alone his family. As such, these service pensions may be classified as demogrant income maintenance programs based upon contributions paid in (a form of social insurance program).

After the Constitution was ratified, funds from the national treasury were used to pay the pensions.

## Chapter 8

### SUMMARY AND CONCLUSIONS

#### Purpose of Research

The purpose of this research was to provide an interpretation of historical documents concerning the evolution of federal financial welfare services to military men, their dependents, and their widows in sixteenth century England and colonial and Revolutionary War America. The research then compared such legislation against a model of an income maintenance program to determine whether military pension programs might be considered a form of federal financial assistance for soldiers. Two basic research questions were asked. First, "What were the origins of federal financial welfare programs for the military?" Second, "How did these programs differ from other programs enacted to provide for the financial welfare of the general population?"

#### Major Findings

This research has found that there were definitive and comprehensive systems of colonial/state/federal income maintenance programs, in the form of military pensions for military members and their families from the late sixteenth century (in England) through colonial and Revolutionary War America. As such, this legislation might be viewed as the first evidence of a regional and, later, national system of financial public welfare that evolved in both Great Britain and the United States alongside, but totally separate from, the local poor relief system.

The research findings presented here dispute the assumption that the colonial and federal governments were dormant in providing systematic benefits to citizens until relatively recently. The findings suggest that a complex system of colonial and federal financial aid to at least one

group of citizens--soldiers and their families--traces its origins to colonial America. In addition, the precedent of this system of national relief for soldiers can be traced back to sixteenth century England.

The underlying conclusion of this research is that there were two parallel governmental systems for dealing with the fiscal welfare of people in both sixteenth century England and in colonial America: a system for the general population based upon English Poor Law philosophy and principles; and a separate system of distinct benefits for needy soldiers and their families based upon direct county and parliamentary financial assistance in England and upon colonial and federal financial assistance in America. Further, the soldiers' financial welfare legislation was categorically distinct from financial welfare legislation enacted for the general population in that monies from county and national treasuries in England and from colonial or federal treasuries in America were used to fund the former, while local town monies were used to fund the latter. These military pension programs might be considered the first instance of direct colonial and, later, federal involvement in the welfare of citizens in America.

In addition, the military pensions may be classified as invalid, limited service, or service (demogrant) pensions. Benefits for pensions were based upon contributions paid in (usually in the form of deferred compensation) or demonstrated financial need. It is significant to note that this provides evidence that the United States did develop a system of demogrant financial welfare programs, a fact that many scholars fail to recognize.

#### Conclusions

The results of this study indicate that the origins of American federal financial welfare programs might be

expanded beyond the commonly recognized poor law precedent. Military invalid, limited service, and demogrant pensions were in effect in sixteenth century England and colonial America. As such, this research expands our understanding of social welfare history.

#### Areas for Further Research

Since the relationship between military and civilian financial welfare programs has been little studied, the most obvious area for further research is a need to trace the military pension programs chronologically forward in time. Also, while conducting the current research, substantial evidence was uncovered suggesting that the origins of personal service programs (social casework) might also be directly linked to programs developed to fulfill military needs (i.e., providing for the physical and emotional needs of soldiers). As such, it may be possible to extend the origins of social casework, most commonly believed to emanate from charity organization societies, to the work of the United States Sanitary Commission in the Civil War, or even to the work of voluntary ladies' aid societies in the Revolutionary War. Lastly, the relationship the military has to providing employment and training for underprivileged classes might be further studied. If the military historically has been composed of a disproportionate number of persons from lower social classes, might not the military be considered a form of a federal "job works" program?

## Bibliographic Essay

### English Poor Law and Military History

In researching British history, several guides are indispensable for locating sources within the vast amount of documents preserved: John E. Pemberton, British Official Publications, 2nd rev. ed. (Oxford & New York: Pergamon Press, 1973); Frank Rogers, A Guide to British Government Publications (New York: H.W. Wilson, 1980); and Guide to the Contents of the Public Records Office, 3 vols. (London: H.M. Stationery Office, 1963-68).

Perhaps most relevant to this study were the parliamentary records, the statutes, and the privy council transcripts. The State Papers, Domestic, Great Britain, 1547-1625, 227 microfilm reels (Brighton: Harvester Press, 1977-81), contain a massive amount of documents. To locate specific documents, one should utilize the Calendar of State Papers, Domestic, 42 vols. (London: H.M. Public Record Office, 1865), which contains abstracts of the items in the State Papers. In many cases, the entries in the Calendar are complete and referencing the State Papers would be repetitious. I have relied most heavily upon the Calendar for this research, but references to both of these sources are provided to the reader.

Equally indispensable was J.R. Dasent's, ed. Acts of the Privy Council of England (London: H.S.M.O., 1890-1906, 1922-). The Acts provided insight into the daily operations of the council. Also, Sir Simonds D'Ewes provides a rare glimpse into the operations of parliament in the Journals of All the Parliaments during the Reign of Queen Elizabeth (1682. Reprint. Shannon: Irish University Press, 1973). The different British statutes cited in this study are taken from The Statutes at Large...., 32 vols. (London: J. Baskett and others, 1706, 1735-59).

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Press, 1899-) details the workings of a local unit of government.

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A most useful secondary analysis of the history of English poor law legislation is presented by Sir George Nicholls in, A History of the English Poor Law, in Connection with the State of the Condition of the People (1854. Reprint. London: P.S. King & Son, 1904). His interpretations of various statutes present enjoyable reading. Considered a classic, J.R. Tanner's Tudor Constitutional Documents, A.D. 1485-1603, with an historical commentary (Cambridge: University Press, 1940), selectively presents legislation outside of the poor laws which helps one to gain a broader perspective of the problems confronting the government and parliamentary procedures.

For a generalized history of sixteenth century England, one might start with Edward P. Cheyney's 2 volume classic, A History of England: From the Defeat of the Armada to the Death of Elizabeth (New York: Longmans, Green and Co., 1914). Another classic, this time dealing with the history of the British military, is found in J.W. Fortescue's A History of the British Army, 13 vols. (London: Macmillan and Co., 1899-1930). For a well documented studies of early British military history, see Michael Powicke, Military Obligation in Medieval England (Oxford: Clarendon Press, 1962); C. Warren Hollister, The Military Organization of England (Oxford: Clarendon Press, 1965); and John Beeler,

Warfare in England, 1066-1189 (Ithaca, N.Y.: Cornell University Press, 1966). For accounts of sixteenth century British military organization and operation, see the following two well documented works: C.G. Cruickshank, Elizabeth's Army (Oxford: Clarendon Press, 1966); and Lindsay Boynton, The Elizabethan Militia, 1558-1638 (London: Routledge & Kegan Paul, 1967).

F.R. Salter, Some Early Tracts on Poor Relief (London: Methuen & Co. Ltd., 1926) provides translations of French, German, and Dutch poor laws from 1523-36, highlighting that English poor laws were but reflections of a concern for the care of the poor throughout Europe. Also included are transcripts of Britain's legislation of 1531 (22 Hen. 8, c. 12) and 1536 (27 Hen. 8, c. 25).

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### Colonial New England

For contemporary accounts of the colonial era, mandatory readings are the two books by the governors of the Plymouth and the Massachusetts Colonies: William Bradford, Bradford's History of Plymouth Plantation, 1606-1646, ed. William T. Davis (New York: Charles Scribner's Sons, 1908); and John Winthrop, Winthrop's Journal: "History of New England," 1630-1649, ed. James Kendall Hosmer, 2 vols. (New York: Charles Scribner's Sons, 1908).

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Mary Rowlandson left us with an unforgettable account of her life while being held captive by Indians. The Narrative of the Captivity and Restoration of Mrs. Mary Rowlandson (Cambridge, Mass.: 1682. Reprint. Boston: Houghton Mifflin Company, 1930).

### Indians of New England

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Early historians were generally quite harsh in their interpretation of Indian motives and actions in war. For an example of the narratives told by colonials, upon which much of the history was based, see Charles Orr, ed., History of the Pequot War... (Cleveland: Helman-Taylor Co., 1897).

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George Washington Being His Correspondence, Addresses, Messages, and other Papers, Official and Private, Selected and Published from the Original Manuscripts, 12 vols. (New York: Harper & Brothers, 1847 [and an earlier edition]); and John C. Fitzpatrick, ed., The Writings of George Washington from the Original Manuscripts, 1745-1799, 39 vols. (Washington, D.C.: U.S. Government Printing Office, 1931-44).

The Journals of the Continental Congress, 34 vols. (Washington, D.C.: U.S. Government Printing Office, 1904-37), edited by Worthington Chauncy Ford, et al., were indispensable for this research. Likewise, the American State Papers, 38 vols. (Washington, D.C.: 1832-61); the Annals of the Congress of the United States, 42 vols. (Washington, D.C.: Gales and Seaton, 1789-1824); the Secret Journals of the Acts and Proceedings of Congress..., 4 vols. (Boston: Thomas Waite, 1820-21); and Thomas H. Benton, ed. Abridgement of the Debates of Congress, from 1789 to 1856, 16 vols. (New York [etc.]: D. Appleton and Company [etc.], 1857-61), provided wonderful insight into the operations of Congress, as well as being enjoyable reading. Also heavily relied upon as a source for first person accounts of a soldier was, Chas. Fred. Heartman, ed., Letters Written by Ebenezer Huntington During the American Revolution (N.p., n.d.).

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For sources dealing specifically with the military, not necessarily limited to the Revolution, one should start with the classic which was used by military strategists for decades, Emory Upton, The Military Policy of the United States (Washington, D.C.: Government Printing Office, 1917). Equally as authoritative and thoroughly documented, is Marvin A. Kreidberg and Merton G. Henry, History of Military Mobilization in the United States Army, 1775-1945 (Washington, D.C.: Department of the Army Pamphlet No. 20-212, 1955).

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